

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Nelson offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 117-118 insert:

5 Section 3. Effective January 1, 2009, paragraph (j) of  
6 subsection (2) of section 626.221, Florida Statutes, is amended  
7 to read:

8 626.221 Examination requirement; exemptions.--

9 (2) However, no such examination shall be necessary in any  
10 of the following cases:

11 (j) An applicant for license as a customer representative  
12 who has earned the designation of Accredited Advisor in  
13 Insurance (AAI) from the Insurance Institute of America, the  
14 designation of Certified Insurance Counselor (CIC) from the  
15 Society of Certified Insurance Service Counselors, the  
16 designation of Accredited Customer Service Representative (ACSR)

927839

4/29/2008 10:18 AM

Amendment No.

17 from the Independent Insurance Agents of America, the  
18 designation of Certified Professional Service Representative  
19 (CPSR) from the National Foundation for Certified Professional  
20 Service Representatives, the designation of Certified Insurance  
21 Service Representative (CISR) from the Society of Certified  
22 Insurance Service Representatives. Also, an applicant for  
23 license as a customer representative who has earned an  
24 associate's degree or bachelor's degree from an accredited  
25 college or university with at least 9 academic hours of property  
26 and casualty insurance curriculum, or the equivalent, or has  
27 earned the designation of Certified Customer Service  
28 Representative (CCSR) from the Florida Association of Insurance  
29 Agents, or the designation of Registered Customer Service  
30 Representative (RCSR) from a regionally accredited postsecondary  
31 institution in this state, or the designation of Professional  
32 Customer Service Representative (PCSR) from the Professional  
33 Career Institute, whose curriculum has been approved by the  
34 department and whose curriculum includes comprehensive analysis  
35 of basic property and casualty lines of insurance and testing at  
36 least equal to that of standard department testing for the  
37 customer representative license. The department shall adopt  
38 rules establishing standards for the approval of curriculum.

39 Section 4. Subsection (2), paragraph (f) of subsection  
40 (3), and paragraph (j) of subsection (4) of section 626.2815,  
41 Florida Statutes, are amended to read:

42 626.2815 Continuing education required; application;  
43 exceptions; requirements; penalties.--

927839

4/29/2008 10:18 AM

Amendment No.

44           (2) Except as otherwise provided in this section, the  
45 provisions of this section apply to persons licensed to engage  
46 in the sale of insurance in this state for all lines of  
47 insurance for which an examination is required for licensing and  
48 to each insurer, employer, or appointing entity, including, but  
49 not limited to, those created or existing pursuant to s.  
50 627.351. The provisions of this section shall not apply to any  
51 person holding a license for the sale of any line of insurance  
52 for which an examination is not required by the laws of this  
53 state, nor shall the provisions of this section apply to any  
54 limited license as the department may exempt by rule.

55           (3)

56           (f)1. Except as provided in subparagraph 2., compliance  
57 with continuing education requirements is a condition precedent  
58 to the issuance, continuation, reinstatement, or renewal of any  
59 appointment subject to this section.

60           2.a. An appointing entity, except one that appoints  
61 individuals who are employees or exclusive independent  
62 contractors of the appointing entity, may not require, directly  
63 or indirectly, as a condition of such appointment or the  
64 continuation of such appointment, the taking of an approved  
65 course or program by any appointee or potential appointee that  
66 is not of the appointee's choosing.

67           b. Any entity created or existing pursuant to s. 627.351  
68 may require employees to take training of any type relevant to  
69 their employment but may not require appointees who are not  
70 employees to take any approved course or program unless the  
71 course or program deals solely with the appointing entity's

927839

4/29/2008 10:18 AM

Amendment No.

72 internal procedures or products or with subjects substantially  
73 unique to the appointing entity.

74 (4) The following courses may be completed in order to  
75 meet the continuing education course requirements:

76 (j) Any course, including courses relating to agency  
77 management or errors and omissions, developed or sponsored by  
78 any authorized insurer or recognized agents' association or  
79 insurance trade association or any independent study program of  
80 instruction, subject to approval by the department, qualifies  
81 for the equivalency of the number of classroom hours assigned  
82 thereto by the department. However, unless otherwise provided in  
83 this section, continuing education hours may not be credited  
84 toward meeting the requirements of this section unless the  
85 course is provided by classroom instruction or results in a  
86 monitored examination. A monitored examination is not required  
87 for:

88 1. An independent study program of instruction that is  
89 presented through interactive, online technology that the  
90 department determines has sufficient internal testing to  
91 validate the student's full comprehension of the materials  
92 presented; or

93 2. An independent study program of instruction presented  
94 on paper or in printed material that imposes a final closed book  
95 examination that meets the requirements of the department's rule  
96 for self-study courses. The examination may be taken without a  
97 proctor provided the student presents to the provider a sworn  
98 affidavit certifying that the student did not consult any  
99 written materials or receive outside assistance of any kind or

927839

4/29/2008 10:18 AM

Amendment No.

100 from any person, directly or indirectly, while taking the  
101 examination. If the student is an employee of an agency or  
102 corporate entity, the student's supervisor or a manager or owner  
103 of the agency or corporate entity must also sign the sworn  
104 affidavit. If the student is self-employed, a sole proprietor,  
105 or a partner, or if the examination is administered online, the  
106 sworn affidavit must also be signed by a disinterested third  
107 party. The sworn affidavit must be received by the approved  
108 provider prior to reporting continuing education credits to the  
109 department.

110 Section 5. Subsections (6) and (7) of section 626.381,  
111 Florida Statutes, are renumbered as subsections (8) and (9),  
112 respectively, and new subsections (6) and (7) are added to that  
113 section to read:

114 626.381 Renewal, continuation, reinstatement, or  
115 termination of appointment.--

116 (6) An appointing entity may require an appointee to  
117 attend training and education programs of the appointing entity  
118 in order for the appointee to receive a new appointment or  
119 maintain an existing appointment. However, an appointing entity  
120 may not require, directly or indirectly, any appointee to attend  
121 any training programs that are wholly or partially approved for  
122 general continuing education credit as provided in s. 626.2815.

123 (7) Each appointing entity may appoint only those persons  
124 who have met the continuing education requirements of the  
125 license necessary for such appointment as provided in s.  
126 626.2815. However, an appointing entity may not make or allow,  
127 directly or indirectly, the appointment of any appointee or

927839

4/29/2008 10:18 AM

Amendment No.

128 potential appointee to be contingent, in whole or in part, on  
129 any appointee's attendance at any course that is approved, in  
130 whole or in part, for continuing education credit pursuant to s.  
131 626.2815.  
132  
133  
134  
135  
136

137 -----

138 **T I T L E A M E N D M E N T**

139 Remove line 17 and insert:

140 dismissed; amending s. 626.221, F.S.; expanding the list of  
141 applicants eligible for exemption from certain examination  
142 requirements; amending s. 626.2815, F.S.; expanding application  
143 of certain continuing education requirements; providing limited  
144 exceptions to compliance with continuing education requirements  
145 as a condition precedent to certain appointments; providing an  
146 exception to certain examination monitoring requirements;  
147 providing exception requirements; amending s. 626.381, F.S.;  
148 authorizing appointing entities to require appointees to attend  
149 certain training and education programs for certain purposes;  
150 providing an exception; limiting an appointing entity's  
151 appointment authority; prohibiting appointments to be contingent  
152 upon an appointee's attendance at certain courses; providing  
153 effective dates.  
154

927839

4/29/2008 10:18 AM