

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nelson offered the following:

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

4 Remove line 544 and insert:

5 Section 12. Paragraph (j) of subsection (2) of section
6 626.221, Florida Statutes, is amended to read:

7 626.221 Examination requirement; exemptions.--

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

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

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

38 Section 13. Effective upon this act becoming law,
39 subsection (2), paragraph (f) of subsection (3), and paragraph
40 (j) of subsection (4) of section 626.2815, Florida Statutes, are
41 amended to read:

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

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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 also
70 employees to take any approved course or program unless the
71 course or program deals solely with the appointing entity's

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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

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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 14. Effective upon this act becoming law,
111 subsections (6) and (7) of section 626.381, Florida Statutes,
112 are renumbered as subsections (8) and (9), respectively, and new
113 subsections (6) and (7) are added to that 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 described in s.
126 626.2815. However, an appointing entity may not make or allow,
127 directly or indirectly, any appointment of any appointee or

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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 Section 15. Except as otherwise expressly provided in this
133 act, this act shall take effect on January 1, 2009.

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

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Remove line 57 and insert:

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applicability of such rules; amending s. 626.221, F.S.; revising

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requirements for an examination exemption for an applicant for

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licensure as a customer representative; amending s. 626.2815,

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F.S., relating to continuing education requirements; revising

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applicability of certain requirements; revising provisions

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relating to employee choice of courses to meet requirements;

144

revising provisions relating to requirements for self-study

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courses; amending s. 626.381, F.S.; providing for appointing

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entities to have training and education requirements for

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appointments; providing limitations on such requirements;

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providing effective dates.