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CHAMBER ACTION

Senate

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House

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1 Senator Deutch moved the following **amendment**:

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

4 Delete everything after the enacting clause
5 and insert:

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

9 626.221 Examination requirement; exemptions.--

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

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



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

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

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

45 (2) Except as otherwise provided in this section, the
46 provisions of this section apply to persons licensed to engage in
47 the sale of insurance in this state for all lines of insurance



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48 | for which an examination is required for licensing and to each
49 | insurer, employer, or appointing entity, including, but not
50 | limited to, those created or existing pursuant to s. 627.351. The
51 | provisions of this section shall not apply to any person holding
52 | a license for the sale of any line of insurance for which an
53 | examination is not required by the laws of this state, nor shall
54 | the provisions of this section apply to any limited license as
55 | the department may exempt by rule.

56 | (3)

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

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

68 | b. Any entity created or existing pursuant to s. 627.351
69 | may require employees to take training of any type relevant to
70 | their employment but may not require appointees who are not
71 | employees to take any approved course or program unless the
72 | course or program deals solely with the appointing entity's
73 | internal procedures or products or with subjects substantially
74 | unique to the appointing entity.

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



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

92 2. An independent study program of instruction presented on
93 paper or in printed material that imposes a final closed book
94 examination that meets the requirements of the department's rule
95 for self-study courses. The examination may be taken without a
96 proctor provided the student presents to the provider a sworn
97 affidavit certifying that the student did not consult any written
98 materials or receive outside assistance of any kind or from any
99 person, directly or indirectly, while taking the examination. If
100 the student is an employee of an agency or corporate entity, the
101 student's supervisor or a manager or owner of the agency or
102 corporate entity must also sign the sworn affidavit. If the
103 student is self-employed, a sole proprietor, or a partner, or if
104 the examination is administered online, the sworn affidavit must
105 also be signed by a disinterested third party. The sworn



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106 affidavit must be received by the approved provider prior to
107 reporting continuing education credits to the department.

108 Section 3. Effective January 1, 2009, subsection (7) is
109 added to section 626.311, Florida Statutes, to read:

110 626.311 Scope of license.--

111 (7) Subject to the limitations of paragraph (b) and
112 notwithstanding any other provisions of this chapter, an agent
113 who qualifies as an unaffiliated insurance consultant under
114 paragraph (a) shall be authorized to transact insurance within
115 the scope of his or her agent's license.

116 (a) For purposes of this subsection, the term "unaffiliated
117 insurance consultant" means a person who is not affiliated with
118 any insurer and chooses to practice as an independent insurance
119 consultant providing objective advice to the buyers of insurance
120 and who:

121 1. Is licensed as an agent with respect to the type of
122 insurance for which he or she transacts the business of
123 insurance.

124 2. Is not appointed or registered by an insurer or other
125 authorized appointing entity.

126 3. Does not sell or service insurance on behalf of any
127 insurer, or sell or service insurance on behalf of any insurance
128 agent or insurance agency, in connection with the sale or service
129 on behalf of an insurer or by the insurance agent or insurance
130 agency.

131 4. Does not receive any commission or any other form of
132 direct or indirect compensation from any insurer for the sale or
133 servicing of insurance on behalf of such insurer, or receive any
134 commission or any other form of direct or indirect compensation
135 from any insurance agent or insurance agency, in connection with



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136 the sale or servicing of insurance on behalf of an insurer or by
137 the insurance agent or insurance agency.

138 5. Is appointed by himself or herself with the department
139 and has paid the applicable fees pursuant to s. 624.501.

140 (b) An unaffiliated insurance consultant may not:

141 1. Hold himself or herself out as acting as the agent for
142 an insurer;

143 2. Act as a countersigning agent for an insurer; or

144 3. Hold himself or herself out as replacing the need for an
145 appointed agent in the placement or sale of insurance.

146 Section 4. Subsections (2) and (3) of section 626.331,
147 Florida Statutes, are amended to read:

148 626.331 Number of appointments permitted or required.--

149 (2) An agent shall be required to have a separate
150 appointment as to each insurer by whom he or she is appointed as
151 an agent. An insurance holding company may act as the appointing
152 entity for all insurer members of the holding company system and
153 may appoint an agent to transact insurance or adjust claims on
154 behalf of two or more such insurers in a single appointment.

155 However, the insurance holding company shall pay the appointment
156 fee, pursuant to s. 624.501(6) as if each individual insurer had
157 appointed each agent. An agent must appoint himself or herself
158 before performing the functions of a viatical settlement broker.

159 (3) The department may issue a single appointment to an
160 agent covering:

161 (a) Both life and health insurances to an individual
162 licensed as to both such kinds of insurance and appointed as
163 agent as to both such kinds by the same insurer; or

164 (b) Appointments by an insurance holding company to
165 transact insurance or adjust claims on behalf of two or more



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166 insurers and each insurer must maintain records of such
167 appointments.

168 Section 5. Subsections (6) and (7) of section 626.381,
169 Florida Statutes, are renumbered as subsections (8) and (9),
170 respectively, and new subsections (6) and (7) are added to that
171 section to read:

172 626.381 Renewal, continuation, reinstatement, or
173 termination of appointment.--

174 (6) An appointing entity may require an appointee to attend
175 training and education programs of the appointing entity in order
176 for the appointee to receive a new appointment or maintain an
177 existing appointment. However, an appointing entity may not
178 require, directly or indirectly, any appointee to attend any
179 training programs that are wholly or partially approved for
180 general continuing education credit as provided in s. 626.2815.

181 (7) Each appointing entity may appoint only those persons
182 who have met the continuing education requirements of the license
183 necessary for such appointment as provided in s. 626.2815.
184 However, an appointing entity may not make or allow, directly or
185 indirectly, the appointment of any appointee or potential
186 appointee to be contingent, in whole or in part, on any
187 appointee's attendance at any course that is approved, in whole
188 or in part, for continuing education credit pursuant to s.
189 626.2815.

190 Section 6. Except as otherwise expressly provided in this
191 act, this act shall take effect upon becoming a law.

192
193 ===== T I T L E A M E N D M E N T =====

194 And the title is amended as follows:

195 Delete everything before the enacting clause



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196 and insert:

197 A bill to be entitled
198 An act relating to insurance representatives; amending s.
199 626.221, F.S.; expanding the list of applicants eligible
200 for exemption from certain examination requirements;
201 amending s. 626.2815, F.S.; expanding application of
202 certain continuing education requirements; providing
203 limited exceptions to compliance with continuing education
204 requirements as a condition precedent to certain
205 appointments; providing an exception to certain
206 examination monitoring requirements; providing exception
207 requirements; amending s. 626.311, F.S.; authorizing
208 agents qualifying as unaffiliated insurance consultants to
209 transact insurance business within the scope of the
210 agent's license; providing a definition; specifying
211 prohibited activities for unaffiliated insurance
212 consultants; amending s. 626.331, F.S.; revising
213 requirements for number of appointments permitted or
214 required; amending s. 626.681, F.S.; authorizing
215 appointing entities to require appointees to attend
216 certain training and education programs for certain
217 purposes; providing an exception; limiting an appointing
218 entity's appointment authority; prohibiting appointments
219 to be contingent upon an appointee's attendance at certain
220 courses; providing an effective date.

221