

By Senator Deutch

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1 A bill to be entitled

2 An act relating to insurance agents; amending s. 626.221,  
3 F.S.; expanding the list of applicants eligible for  
4 exemption from certain examination requirements; amending  
5 s. 626.2815, F.S.; revising certain continuing education  
6 applicability requirements; prohibiting certain entities  
7 from imposing certain continuing education requirements;  
8 providing exceptions and limitations; providing an  
9 exception to certain examination monitoring requirements;  
10 providing requirements for exceptions; amending s.  
11 626.311, F.S.; authorizing agents qualifying as  
12 unaffiliated insurance consultants to transact insurance  
13 business within the scope of the agent's license;  
14 providing a definition; providing requirements for  
15 qualifying or continuing to qualify as an unaffiliated  
16 insurance consultant; specifying prohibited activities for  
17 unaffiliated insurance consultants; amending s. 626.381,  
18 F.S.; authorizing appointing entities to impose certain  
19 training program requirements; providing a limitation;  
20 limiting appointment authority of appointing entities to  
21 persons meeting continuing education requirements;  
22 prohibiting appointments contingent upon certain  
23 continuing education course attendance; providing  
24 effective dates.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28 Section 1. Effective January 1, 2009, paragraph (j) of  
29 subsection (2) of section 626.221, Florida Statutes, is amended  
30 to read:

31 626.221 Examination requirement; exemptions.--

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

34 (j) An applicant for license as a customer representative  
35 who has earned the designation of Accredited Advisor in Insurance  
36 (AAI) from the Insurance Institute of America, the designation of  
37 Certified Insurance Counselor (CIC) from the Society of Certified  
38 Insurance Service Counselors, the designation of Accredited  
39 Customer Service Representative (ACSR) from the Independent  
40 Insurance Agents of America, the designation of Certified  
41 Professional Service Representative (CPSR) from the National  
42 Foundation for Certified Professional Service Representatives,  
43 the designation of Certified Insurance Service Representative  
44 (CISR) from the Society of Certified Insurance Service  
45 Representatives. Also, an applicant for license as a customer  
46 representative who has earned an associate degree or bachelor's  
47 degree from an accredited college or university with at least  
48 nine academic hours or the equivalent of property and casualty  
49 insurance curriculum, or has earned the designation of Certified  
50 Customer Service Representative (CCSR) from the Florida  
51 Association of Insurance Agents, or the designation of Registered  
52 Customer Service Representative (RCSR) from a regionally  
53 accredited postsecondary institution in this state, or the  
54 designation of Professional Customer Service Representative  
55 (PCSR) from the Professional Career Institute, whose curriculum  
56 has been approved by the department and whose curriculum includes

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57 | comprehensive analysis of basic property and casualty lines of  
58 | insurance and testing at least equal to that of standard  
59 | department testing for the customer representative license. The  
60 | department shall adopt rules establishing standards for the  
61 | approval of curriculum.

62 | Section 2. Subsection (2), paragraph (f) of subsection (3),  
63 | and paragraph (j) of subsection (4) of section 626.2815, Florida  
64 | Statutes, are amended to read:

65 | 626.2815 Continuing education required; application;  
66 | exceptions; requirements; penalties.--

67 | (2) Except as otherwise provided in this section, the  
68 | provisions of this section apply to persons licensed to engage in  
69 | the sale of insurance in this state for all lines of insurance  
70 | for which an examination is required for licensing and to any  
71 | insurer, employer, or appointing entity, including those created  
72 | or existing pursuant to s. 627.351. The provisions of this  
73 | section shall not apply to any person holding a license for the  
74 | sale of any line of insurance for which an examination is not  
75 | required by the laws of this state, nor shall the provisions of  
76 | this section apply to any limited license as the department may  
77 | exempt by rule.

78 | (3)

79 | (f) Compliance with continuing education requirements is a  
80 | condition precedent to the issuance, continuation, reinstatement,  
81 | or renewal of any appointment subject to this section.

82 | 1. An appointing entity, except those entities appointing  
83 | individuals who are employees or exclusive independent  
84 | contractors of the appointing entity, may not require, directly  
85 | or indirectly, as a condition of such appointment or the

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86 continuation of such appointment, the taking of an approved  
87 course or program by any appointee or potential appointee that is  
88 not of the appointee's choosing.

89 2. Any entity created or existing pursuant to s. 627.351  
90 may require an employee to take training of any type that is  
91 relevant to his or her employment, but may not require an  
92 appointee who is not also an employee to take any approved course  
93 or program unless such course or program deals solely with the  
94 appointing entity's internal procedures or products or subjects  
95 that are substantially unique to the appointing entity.

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

98 (j) Any course, including courses relating to agency  
99 management or errors and omissions, developed or sponsored by any  
100 authorized insurer or recognized agents' association or insurance  
101 trade association or any independent study program of  
102 instruction, subject to approval by the department, qualifies for  
103 the equivalency of the number of classroom hours assigned thereto  
104 by the department. However, unless otherwise provided in this  
105 section, continuing education hours may not be credited toward  
106 meeting the requirements of this section unless the course is  
107 provided by classroom instruction or results in a monitored  
108 examination. A monitored examination is not required for:

109 1. An independent study program of instruction that is  
110 presented through interactive, online technology that the  
111 department determines has sufficient internal testing to validate  
112 the student's full comprehension of the materials presented; or-

113 2. An independent study program of instruction presented on  
114 paper or in printed material for insurance agents and adjusters

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115 imposing a final closed-book examination meeting the requirements  
116 of the department's rule for self-study courses. The examination  
117 may be taken without a proctor if the student presents to the  
118 provider a sworn affidavit certifying that the student did not  
119 consult any written materials or receive outside assistance of  
120 any kind or from any person, directly or indirectly, while taking  
121 the examination. If the student is an employee of an agency or  
122 corporate entity, the student's supervisor or a manager or owner  
123 of the agency or corporate entity must also sign the sworn  
124 affidavit. If the student is self-employed, a sole proprietor, or  
125 a partner, or if the examination is administered online, the  
126 sworn affidavit must also be signed by a disinterested third  
127 party. The sworn affidavit must be received by the approved  
128 provider before reporting continuing education credits to the  
129 department.

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

132 626.311 Scope of license.--

133 (7) Subject to the limitations of paragraph (b) and  
134 notwithstanding any other provisions of this chapter, an agent  
135 who qualifies as an unaffiliated insurance consultant pursuant to  
136 paragraph (a) is authorized to transact insurance within the  
137 scope of his or her agent's license.

138 (a) For purposes of this subsection, the term "unaffiliated  
139 insurance consultant" means a person who is not affiliated with  
140 any insurer and chooses to practice as an independent insurance  
141 consultant providing objective advice to the buyers of insurance  
142 and who:

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143       1. Is licensed as an agent with respect to the type of  
144 insurance for which he or she transacts the business of  
145 insurance.

146       2. Is not appointed or registered by an insurer or other  
147 authorized appointing entity.

148       3. Does not sell or service insurance on behalf of any  
149 insurer, or sell or service insurance on behalf of any insurance  
150 agent or insurance agency, in connection with the sale or service  
151 on behalf of an insurer or by the insurance agent or insurance  
152 agency.

153       4. Does not receive any commission or any other form of  
154 direct or indirect compensation from any insurer for the sale or  
155 servicing of insurance on behalf of such insurer, or receive any  
156 commission or any other form of direct or indirect compensation  
157 from any insurance agent or insurance agency, in connection with  
158 the sale or servicing of insurance on behalf of an insurer or by  
159 the insurance agent or insurance agency.

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

162       (b) An unaffiliated insurance consultant may not:

163       1. Hold himself or herself out as acting as the agent for  
164 an insurer;

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

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

168       Section 4. Present subsections (6) and (7) of section  
169 626.381, Florida Statutes, are renumbered as subsections (8) and  
170 (9), respectively, and new subsections (6) and (7) are added to  
171 that section, to read:

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

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

183           (7) Each appointing entity may appoint only those persons  
184 who have met the continuing education requirements of the license  
185 necessary for such appointment as described in s. 626.2815.  
186 However, an appointing entity may not make or allow, directly or  
187 indirectly, any appointment of any appointee or potential  
188 appointee to be contingent, in whole or in part, on any  
189 appointee's attendance at any course that is approved, in whole  
190 or in part, for continuing education credit pursuant to s.  
191 626.2815.

192           Section 5. Except as otherwise expressly provided in this  
193 act, this act shall take effect upon becoming a law.