

1 A bill to be entitled
 2 An act relating to insurance representatives; amending s.
 3 626.221, F.S.; expanding the list of applicants eligible
 4 for exemption from certain examination requirements;
 5 amending s. 626.2815, F.S.; providing an exception to
 6 certain examination monitoring requirements; providing
 7 exception requirements; amending s. 626.311, F.S.;
 8 authorizing agents qualifying as unaffiliated insurance
 9 consultants to transact insurance business within the
 10 scope of the agent's license; providing a definition;
 11 specifying prohibited activities for unaffiliated
 12 insurance consultants; providing effective dates.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Effective January 1, 2009, paragraph (j) of
 17 subsection (2) of section 626.221, Florida Statutes, is amended
 18 to read:

19 626.221 Examination requirement; exemptions.--

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

22 (j) An applicant for license as a customer representative
 23 who has earned the designation of Accredited Advisor in
 24 Insurance (AAI) from the Insurance Institute of America, the
 25 designation of Certified Insurance Counselor (CIC) from the
 26 Society of Certified Insurance Service Counselors, the
 27 designation of Accredited Customer Service Representative (ACSR)
 28 from the Independent Insurance Agents of America, the

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

50 Section 2. Paragraph (j) of subsection (4) of section
 51 626.2815, Florida Statutes, is amended to read:

52 626.2815 Continuing education required; application;
 53 exceptions; requirements; penalties.--

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

56 (j) Any course, including courses relating to agency
57 management or errors and omissions, developed or sponsored by
58 any authorized insurer or recognized agents' association or
59 insurance trade association or any independent study program of
60 instruction, subject to approval by the department, qualifies
61 for the equivalency of the number of classroom hours assigned
62 thereto by the department. However, unless otherwise provided in
63 this section, continuing education hours may not be credited
64 toward meeting the requirements of this section unless the
65 course is provided by classroom instruction or results in a
66 monitored examination. A monitored examination is not required
67 for:

68 1. An independent study program of instruction ~~that is~~
69 presented through interactive, online technology that the
70 department determines has sufficient internal testing to
71 validate the student's full comprehension of the materials
72 presented; or

73 2. An independent study program of instruction presented
74 on paper or in printed material that imposes a final closed book
75 examination that meets the requirements of the department's rule
76 for self-study courses. The examination may be taken without a
77 proctor provided the student presents to the provider a sworn
78 affidavit certifying that the student did not consult any
79 written materials or receive outside assistance of any kind or
80 from any person, directly or indirectly, while taking the
81 examination. If the student is an employee of an agency or
82 corporate entity, the student's supervisor or a manager or owner
83 of the agency or corporate entity must also sign the sworn

84 affidavit. If the student is self-employed, a sole proprietor,
85 or a partner, or if the examination is administered online, the
86 sworn affidavit must also be signed by a disinterested third
87 party. The sworn affidavit must be received by the approved
88 provider prior to reporting continuing education credits to the
89 department.

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

92 626.311 Scope of license.--

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

98 (a) For purposes of this subsection, the term
99 "unaffiliated insurance consultant" means a person who is not
100 affiliated with any insurer and chooses to practice as an
101 independent insurance consultant providing objective advice to
102 the buyers of insurance and who:

103 1. Is licensed as an agent with respect to the type of
104 insurance for which he or she transacts the business of
105 insurance.

106 2. Is not appointed or registered by an insurer or other
107 authorized appointing entity.

108 3. Does not sell or service insurance on behalf of any
109 insurer, or sell or service insurance on behalf of any insurance
110 agent or insurance agency, in connection with the sale or

111 service on behalf of an insurer or by the insurance agent or
 112 insurance agency.

113 4. Does not receive any commission or any other form of
 114 direct or indirect compensation from any insurer for the sale or
 115 servicing of insurance on behalf of such insurer, or receive any
 116 commission or any other form of direct or indirect compensation
 117 from any insurance agent or insurance agency, in connection with
 118 the sale or servicing of insurance on behalf of an insurer or by
 119 the insurance agent or insurance agency.

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

122 (b) An unaffiliated insurance consultant may not:

123 1. Hold himself or herself out as acting as the agent for
 124 an insurer;

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

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

128 Section 4. Except as otherwise expressly provided in this
 129 act, this act shall take effect upon becoming a law.