

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.; expanding application of
6 certain continuing education requirements; providing
7 limited exceptions to compliance with continuing education
8 requirements as a condition precedent to certain
9 appointments; providing an exception to certain
10 examination monitoring requirements; providing exception
11 requirements; amending s. 626.311, F.S.; authorizing
12 agents qualifying as unaffiliated insurance consultants to
13 transact insurance business within the scope of the
14 agent's license; providing a definition; specifying
15 prohibited activities for unaffiliated insurance
16 consultants; amending s. 626.331, F.S.; revising
17 requirements for number of appointments permitted or
18 required; amending s. 626.681, F.S.; authorizing
19 appointing entities to require appointees to attend
20 certain training and education programs for certain
21 purposes; providing an exception; limiting an appointing
22 entity's appointment authority; prohibiting appointments
23 to be contingent upon an appointee's attendance at certain
24 courses; providing 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
36 Insurance (AAI) from the Insurance Institute of America, the
37 designation of Certified Insurance Counselor (CIC) from the
38 Society of Certified Insurance Service Counselors, the
39 designation of Accredited Customer Service Representative (ACSR)
40 from the Independent Insurance Agents of America, the
41 designation of Certified Professional Service Representative
42 (CPSR) from the National Foundation for Certified Professional
43 Service Representatives, the designation of Certified Insurance
44 Service Representative (CISR) from the Society of Certified
45 Insurance Service Representatives. Also, an applicant for
46 license as a customer representative who has earned an
47 associate's degree or bachelor's degree from an accredited
48 college or university with at least 9 academic hours of property
49 and casualty insurance curriculum, or the equivalent, or has
50 earned the designation of Certified Customer Service
51 Representative (CCSR) from the Florida Association of Insurance
52 Agents, or the designation of Registered Customer Service
53 Representative (RCSR) from a regionally accredited postsecondary
54 institution in this state, or the designation of Professional
55 Customer Service Representative (PCSR) from the Professional

56 Career Institute, whose curriculum has been approved by the
57 department and whose curriculum includes comprehensive analysis
58 of basic property and casualty lines of insurance and testing at
59 least equal to that of standard department testing for the
60 customer representative license. The department shall adopt
61 rules establishing standards for the approval of curriculum.

62 Section 2. Subsection (2), paragraph (f) of subsection
63 (3), and paragraph (j) of subsection (4) of section 626.2815,
64 Florida 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
69 in the sale of insurance in this state for all lines of
70 insurance for which an examination is required for licensing and
71 to each insurer, employer, or appointing entity, including, but
72 not limited to, those created or existing pursuant to s.

73 627.351. The provisions of this section shall not apply to any
74 person holding a license for the sale of any line of insurance
75 for which an examination is not required by the laws of this
76 state, nor shall the provisions of this section apply to any
77 limited license as the department may exempt by rule.

78 (3)

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

83 2.a. An appointing entity, except one that appoints

84 individuals who are employees or exclusive independent
85 contractors of the appointing entity, may not require, directly
86 or indirectly, as a condition of such appointment or the
87 continuation of such appointment, the taking of an approved
88 course or program by any appointee or potential appointee that
89 is not of the appointee's choosing.

90 b. Any entity created or existing pursuant to s. 627.351
91 may require employees to take training of any type relevant to
92 their employment but may not require appointees who are not
93 employees to take any approved course or program unless the
94 course or program deals solely with the appointing entity's
95 internal procedures or products or with subjects substantially
96 unique to the appointing entity.

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

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

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

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

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

135 626.311 Scope of license.--

136 (7) Subject to the limitations of paragraph (b) and
137 notwithstanding any other provisions of this chapter, an agent
138 who qualifies as an unaffiliated insurance consultant under

139 paragraph (a) shall be authorized to transact insurance within
140 the scope of his or her agent's license.

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

146 1. Is licensed as an agent with respect to the type of
147 insurance for which he or she transacts the business of
148 insurance.

149 2. Is not appointed or registered by an insurer or other
150 authorized appointing entity.

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

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

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

165 (b) An unaffiliated insurance consultant may not:

166 1. Hold himself or herself out as acting as the agent for
 167 an insurer;

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

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

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

173 626.331 Number of appointments permitted or required.--

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

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

184 (3) The department may issue a single appointment to an
 185 agent covering:

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

189 (b) Appointments by an insurance holding company to
 190 transact insurance or adjust claims on behalf of two or more
 191 insurers and each insurer must maintain records of such
 192 appointments.

193 Section 5. Subsections (6) and (7) of section 626.381,

194 Florida Statutes, are renumbered as subsections (8) and (9),
195 respectively, and new subsections (6) and (7) are added to that
196 section to read:

197 626.381 Renewal, continuation, reinstatement, or
198 termination of appointment.--

199 (6) An appointing entity may require an appointee to
200 attend training and education programs of the appointing entity
201 in order for the appointee to receive a new appointment or
202 maintain an existing appointment. However, an appointing entity
203 may not require, directly or indirectly, any appointee to attend
204 any training programs that are wholly or partially approved for
205 general continuing education credit as provided in s. 626.2815.

206 (7) Each appointing entity may appoint only those persons
207 who have met the continuing education requirements of the
208 license necessary for such appointment as provided in s.
209 626.2815. However, an appointing entity may not make or allow,
210 directly or indirectly, the appointment of any appointee or
211 potential appointee to be contingent, in whole or in part, on
212 any appointee's attendance at any course that is approved, in
213 whole or in part, for continuing education credit pursuant to s.
214 626.2815.

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