

By Senator Richter

37-00570-12

2012938

1 A bill to be entitled
2 An act relating to insurance agents and adjusters;
3 amending s. 624.501, F.S.; deleting the title insurer
4 administrative surcharge for a licensed title
5 insurance agency; amending s. 624.505, F.S.; deleting
6 a requirement that an insurer pay an agent tax for
7 each county in which an agent represents the insurer
8 and has a place of business; amending s. 626.015,
9 F.S.; revising the definitions of "adjuster" and "home
10 state"; amending s. 626.0428, F.S.; revising
11 provisions relating to who may bind insurance
12 coverage; amending s. 626.171, F.S.; providing that an
13 applicant is responsible for the information in an
14 application even if completed by a third party;
15 requiring an application to include a statement about
16 the method used to meet certain requirements; amending
17 s. 626.191, F.S.; revising provisions relating to when
18 an applicant may apply for a license after an initial
19 application is denied by the Department of Financial
20 Services; amending s. 626.221, F.S.; revising
21 provisions relating to license examinations;
22 conforming provisions relating to all-lines adjusters;
23 deleting an exemption from examination for certain
24 adjusters; amending s. 626.231, F.S.; providing for
25 submitting an application for examination on a
26 designee's website; amending s. 626.241, F.S.;
27 revising the scope of the examination for an all-lines
28 adjuster; amending s. 626.251, F.S.; providing for e-
29 mailing notices of examinations; amending s. 626.281,

37-00570-12

2012938

30 F.S.; specifying how many times an applicant may take
31 an examination during a year; amending s. 626.2815,
32 F.S.; revising provisions relating to continuing
33 education requirements; providing that persons on
34 active military duty may seek a waiver; providing for
35 an update course and the contents of such course;
36 deleting requirements relating specifically to certain
37 types of insurance; providing education requirements
38 for bail bond agents and public adjusters; eliminating
39 the continuing education advisory board; amending s.
40 626.292, F.S.; conforming provisions to changes made
41 by the act relating to all-lines adjusters; amending
42 s. 626.311, F.S.; conforming provisions to changes
43 made by the act relating to limited licenses; amending
44 s. 626.321, F.S.; revising provisions relating to
45 limited licenses; prohibiting the future issuance of
46 new limited licenses for motor vehicle physical damage
47 and mechanical breakdown insurance; combining limited
48 licenses relating to credit insurance; specifying
49 events covered by crop hail and multiple-peril crop
50 insurance; revising in-transit and storage personal
51 property insurance to create a limited license for
52 portable electronics insurance; amending s. 626.342,
53 F.S.; clarifying that the prohibition relating to the
54 furnishing of supplies to unlicensed agents applies to
55 all unlicensed agents; amending s. 626.381, F.S.;
56 revising provisions relating to the reporting of
57 administrative actions; amending s. 626.536, F.S.;
58 clarifying requirements for reporting administrative

37-00570-12

2012938

59 actions taken against a licensee; amending s. 626.551,
60 F.S.; shortening the time within which a licensee must
61 report to the department a change in certain
62 information; authorizing the Department of Financial
63 Services to adopt rules relating to notification of a
64 change of address; amending s. 626.621, F.S.; adding
65 failure to comply with child support requirements as
66 grounds for action against a license; amending s.
67 626.641, F.S.; clarifying provisions relating to the
68 suspension or revocation of a license or appointment;
69 amending s. 626.651, F.S.; revising provisions
70 relating to the suspension or revocation of licenses;
71 amending ss. 626.730 and 626.732, F.S.; revising
72 provisions relating to the purpose of the general
73 lines and personal lines license and certain
74 requirements related to general lines and personal
75 lines agents; conforming provisions to changes made by
76 the act relating to limited licenses; amending s.
77 626.8411, F.S.; revising requirements and exemptions
78 relating to title insurance agents or agencies;
79 amending s. 626.8418, F.S.; deleting the requirement
80 that a title insurance agency deposit certain
81 securities with the department; creating s. 626.8548,
82 F.S.; defining the term "all-lines adjuster"; amending
83 s. 626.855, F.S.; revising the definition of
84 "independent adjuster"; amending s. 626.856, F.S.;
85 revising the definition of "company employee
86 adjuster"; repealing s. 626.858, F.S., relating to
87 defining "nonresident company employee adjuster";

37-00570-12

2012938

88 amending s. 626.8584, F.S.; revising the definition of
89 "nonresident all-lines adjuster"; amending s. 626.863,
90 F.S.; conforming provisions to changes made by the act
91 relating to all-lines adjusters; amending s. 626.864,
92 F.S.; revising provisions relating to adjuster license
93 types; amending s. 626.865, F.S.; requiring an
94 applicant for public adjuster to be licensed as a
95 public adjuster apprentice; amending s. 626.866, F.S.;
96 conforming provisions to changes made by the act
97 relating to all-lines adjusters; repealing s. 626.867,
98 F.S., relating to qualifications for company employee
99 adjusters; amending s. 626.869, F.S.; revising
100 provisions relating to an all-lines adjuster license;
101 ceasing the issuance of certain adjuster licenses;
102 revising continuing education requirements; amending
103 s. 626.8697, F.S.; revising provisions relating to the
104 violation of rules resulting in the suspension or
105 revocation of an adjuster's license; amending s.
106 626.872, F.S.; conforming provisions to changes made
107 by the act relating to all-lines adjusters; repealing
108 s. 626.873, F.S., relating to licensure for
109 nonresident company employee adjusters; amending s.
110 626.8734, F.S.; amending provisions relating to
111 nonresident all-lines adjusters; providing for
112 verifying an applicant's status through the National
113 Association of Insurance Commissioners' Producer
114 Database; amending ss. 626.8736, 626.874, 626.875, and
115 626.876, F.S.; conforming provisions to changes made
116 by the act relating to all-lines adjusters; amending

37-00570-12

2012938

117 s. 626.927, F.S.; deleting a requirement that a
118 licensed surplus lines agent maintain a bond;
119 repealing s. 626.928, F.S., relating to a surplus
120 lines agent's bond; amending ss. 626.933, 626.935, and
121 627.952, F.S.; conforming cross-references; amending
122 s. 635.051, F.S.; requiring persons transacting
123 mortgage guaranty insurance to be licensed and
124 appointed as a credit insurance agent; amending s.
125 648.38, F.S.; revising the notice of examination
126 requirements for bail bond agents; amending s.
127 648.385, F.S.; revising continuing education courses
128 for bail bond agents, to conform to changes made by
129 the act; amending s. 903.27, F.S.; revising provisions
130 relating to the provision of forfeiture documents and
131 notification of certain actions; providing effective
132 dates.

133

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

135

136 Section 1. Paragraph (e) of subsection (27) of section
137 624.501, Florida Statutes, is amended to read:

138 624.501 Filing, license, appointment, and miscellaneous
139 fees.—The department, commission, or office, as appropriate,
140 shall collect in advance, and persons so served shall pay to it
141 in advance, fees, licenses, and miscellaneous charges as
142 follows:

143 (27) Title insurance agents:

144 (e) Title insurer ~~and title insurance agency~~ administrative
145 surcharge:

37-00570-12

2012938

146 ~~1.~~ On or before January 30 of each calendar year, each
147 title insurer shall pay an administrative surcharge of \$200.00
148 to the office for each licensed title insurance agency ~~appointed~~
149 ~~by the title insurer~~ and for each title insurer's retail office
150 that has been appointed by the title ~~of the insurer as of~~ on
151 January 1 of that calendar year ~~an administrative surcharge of~~
152 ~~\$200.00.~~

153 ~~2.~~ ~~On or before January 30 of each calendar year, each~~
154 ~~licensed title insurance agency shall remit to the department an~~
155 ~~administrative surcharge of \$200.00. The administrative~~
156 ~~surcharge may be used solely to defray the costs to the~~
157 ~~department and office~~ for gathering and evaluating in their
158 ~~examination or audit of title insurance agencies and retail~~
159 ~~offices of title insurers and to gather title insurance data~~
160 from title insurance agencies and insurers for statistical
161 purposes, which shall ~~to~~ be furnished to and used by the office
162 in its regulation of title insurance.

163 Section 2. Subsection (1) of section 624.505, Florida
164 Statutes, is amended to read:

165 624.505 County tax; determination; ~~additional offices;~~
166 nonresident agents.-

167 (1) The county tax imposed ~~provided for~~ under s. 624.501
168 for ~~as to~~ an agent shall be paid by each insurer for each agent
169 only for the county where the agent resides, or if the such
170 agent's place of business is not located in the a county where
171 the agent resides ~~other than that of her or his residence, then~~
172 for the county in which the agent's wherein is located such
173 place of business is located. ~~If an agent maintains an office or~~
174 ~~place of business in more than one county, the tax shall be paid~~

37-00570-12

2012938

175 ~~for her or him by each such insurer for each county wherein the~~
176 ~~agent represents such insurer and has a place of business. If~~
177 ~~When under this subsection an insurer is paying the ~~required to~~~~
178 ~~pay county tax for an agent for a county ~~or counties~~ other than~~
179 ~~the agent's county of residence, the insurer must ~~shall~~~~
180 ~~designate the county ~~or counties~~ for which the taxes are paid.~~

181 Section 3. Subsections (1) and (7) of section 626.015,
182 Florida Statutes, are amended to read:

183 626.015 Definitions.—As used in this part:

184 (1) "Adjuster" means a public adjuster as defined in s.
185 626.854, a public adjuster apprentice as defined in s. 626.8541,
186 or an all-lines adjuster as defined in s. 626.8548 ~~independent~~
187 ~~adjuster as defined in s. 626.855, or company employee adjuster~~
188 ~~as defined in s. 626.856.~~

189 (7) "Home state" means the District of Columbia and any
190 state or territory of the United States in which an ~~insuranc~~
191 ~~agent~~ or adjuster maintains his or her principal place of
192 residence or principal place of business and is licensed to act
193 as an insurance agent or adjuster.

194 Section 4. Subsections (2) and (3) of section 626.0428,
195 Florida Statutes, are amended to read:

196 626.0428 Agency personnel powers, duties, and limitations.—

197 (2) An ~~No~~ employee of an agent or agency may not bind
198 insurance coverage unless licensed and appointed as an ~~a general~~
199 ~~lines~~ agent or customer representative.

200 (3) An ~~No~~ employee of an agent or agency may not initiate
201 contact with any person for the purpose of soliciting insurance
202 unless licensed and appointed as an ~~a general lines~~ agent or
203 customer representative.

37-00570-12

2012938

204 Section 5. Subsection (1) and paragraph (b) of subsection
205 (2) of section 626.171, Florida Statutes, are amended to read:

206 626.171 Application for license as an agent, customer
207 representative, adjuster, service representative, managing
208 general agent, or reinsurance intermediary.-

209 (1) The department may ~~shall~~ not issue a license as agent,
210 customer representative, adjuster, service representative,
211 managing general agent, or reinsurance intermediary to any
212 person except upon written application ~~therefor~~ filed with the
213 department ~~it~~, meeting the qualifications for the license
214 applied for as determined by the department ~~qualification~~
215 ~~therefor~~, and payment in advance of all applicable fees. The ~~Any~~
216 ~~such~~ application must ~~shall~~ be made under the oath of the
217 applicant and be signed by the applicant. An applicant may
218 permit a third party to complete, submit, and sign an
219 application on the applicant's behalf, but is responsible for
220 ensuring that the information on the application is true and
221 correct and is accountable for any misstatements or
222 misrepresentations. The department shall accept the uniform
223 application for nonresident agent licensing. ~~The department may~~
224 ~~adopt revised versions of the uniform application by rule.~~

225 (2) In the application, the applicant shall set forth:

226 (b) A statement indicating the method the applicant used or
227 is using to meet any required prelicensing education, knowledge,
228 experience, or instructional requirements for the type of
229 license applied for. ~~Proof that he or she has completed or is in~~
230 ~~the process of completing any required prelicensing course.~~

231

232 However, the application must contain a statement that an

37-00570-12

2012938

233 applicant is not required to disclose his or her race or
234 ethnicity, gender, or native language, that he or she will not
235 be penalized for not doing so, and that the department will use
236 this information exclusively for research and statistical
237 purposes and to improve the quality and fairness of the
238 examinations.

239 Section 6. Section 626.191, Florida Statutes, is amended to
240 read:

241 626.191 Repeated applications.—The failure of an applicant
242 to secure a license upon ~~an~~ application does ~~shall~~ not preclude
243 the applicant from applying again. However ~~as many times as~~
244 ~~desired, but~~ the department may ~~shall~~ not consider ~~give~~
245 ~~consideration to~~ or accept any further application by the same
246 applicant individual for a similar license dated or filed within
247 30 days after ~~subsequent to~~ the date the department denied the
248 last application, except as provided under ~~in~~ s. 626.281.

249 Section 7. Subsection (2) of section 626.221, Florida
250 Statutes, is amended to read:

251 626.221 Examination requirement; exemptions.—

252 (2) However, an ~~no such~~ examination is not ~~shall be~~
253 necessary for ~~in~~ any of the following ~~cases~~:

254 (a) An applicant for renewal of appointment as an agent,
255 customer representative, or adjuster, unless the department
256 determines that an examination is necessary to establish the
257 competence or trustworthiness of the ~~such~~ applicant.

258 (b) An applicant for a limited license as agent for travel
259 insurance, motor vehicle rental personal accident insurance,
260 ~~baggage and motor vehicle excess liability insurance, credit~~
261 ~~life or disability~~ insurance, credit insurance, ~~credit property~~

37-00570-12

2012938

262 ~~insurance, in-transit and storage personal property insurance,~~
263 ~~or portable electronics ~~communications equipment property~~~~
264 ~~insurance or communication equipment inland marine insurance~~
265 ~~under s. 326.321.~~

266 (c) In the discretion of the department, an applicant for
267 reinstatement of license or appointment as an agent, customer
268 representative, ~~company employee adjuster,~~ or independent
269 adjuster whose license has been suspended within the 4 years
270 ~~before~~ ~~prior to~~ the date of application or written request for
271 reinstatement.

272 (d) An applicant who, within the 4 years ~~before~~ ~~prior to~~
273 application for license and appointment as an agent, customer
274 representative, or adjuster, was a full-time salaried employee
275 of the department who ~~and had continuously been such an employee~~
276 ~~with~~ responsible insurance duties for at least ~~not less than 2~~
277 continuous years and who had been a licensee within the 4 years
278 ~~before~~ ~~prior to~~ employment by the department with the same class
279 of license as that being applied for.

280 (e) An applicant ~~A person~~ who has been licensed as an all-
281 lines adjuster and appointed as an independent adjuster or
282 company employee adjuster ~~as to all property, casualty, and~~
283 ~~surety insurances may be licensed and appointed as a company~~
284 ~~employee adjuster or independent adjuster, as to these kinds of~~
285 ~~insurance, without additional written examination if an~~
286 application for licensure is filed with the department within 48
287 months following the date of cancellation or expiration of the
288 prior appointment.

289 ~~(f) A person who has been licensed as a company employee~~
290 ~~adjuster or independent adjuster for motor vehicle, property and~~

37-00570-12

2012938

291 ~~casualty, workers' compensation, and health insurance may be~~
292 ~~licensed as such an adjuster without additional written~~
293 ~~examination if his or her application for licensure is filed~~
294 ~~with the department within 48 months after cancellation or~~
295 ~~expiration of the prior license.~~

296 (f) ~~(g)~~ An applicant for a a temporary license, except as
297 otherwise provided in this code.

298 (g) ~~(h)~~ An applicant for a license as a life or health agent
299 ~~license~~ who has received the designation of chartered life
300 underwriter (CLU) from the American College of Life Underwriters
301 and ~~who~~ has been engaged in the insurance business within the
302 past 4 years, except that the applicant ~~such an individual~~ may
303 be examined on pertinent provisions of this code.

304 (h) ~~(i)~~ An applicant for license as a general lines agent,
305 customer representative, or adjuster who has received the
306 designation of chartered property and casualty underwriter
307 (CPCU) from the American Institute for Property and Liability
308 Underwriters and ~~who~~ has been engaged in the insurance business
309 within the past 4 years, except that the applicant ~~such an~~
310 ~~individual~~ may be examined on pertinent provisions of this code.

311 (i) ~~(j)~~ An applicant for license as a customer
312 representative who has earned the designation of Accredited
313 Advisor in Insurance (AAI) from the Insurance Institute of
314 America, the designation of Certified Insurance Counselor (CIC)
315 from the Society of Certified Insurance Service Counselors, the
316 designation of Accredited Customer Service Representative (ACSR)
317 from the Independent Insurance Agents of America, the
318 designation of Certified Professional Service Representative
319 (CPSR) from the National Foundation for Certified Professional

37-00570-12

2012938

320 Service Representatives, the designation of Certified Insurance
321 Service Representative (CISR) from the Society of Certified
322 Insurance Service Representatives, or the designation of
323 Certified Insurance Representative (CIR) from the National
324 Association of Christian Catastrophe Insurance Adjusters. Also,
325 an applicant for license as a customer representative who has
326 earned an associate degree or bachelor's degree from an
327 accredited college or university and has completed ~~with~~ at least
328 9 academic hours of property and casualty insurance curriculum,
329 or the equivalent, or has earned the designation of Certified
330 Customer Service Representative (CCSR) from the Florida
331 Association of Insurance Agents, or the designation of
332 Registered Customer Service Representative (RCSR) from a
333 regionally accredited postsecondary institution in this state,
334 or the designation of Professional Customer Service
335 Representative (PCSR) from the Professional Career Institute,
336 whose curriculum has been approved by the department and which
337 ~~whose curriculum~~ includes comprehensive analysis of basic
338 property and casualty lines of insurance and testing at least
339 equal to that of standard department testing for the customer
340 representative license. The department shall adopt rules
341 establishing standards for the approval of curriculum.

342 (j) ~~(*)~~ An applicant for license as a resident or
343 nonresident all-lines ~~an independent or company employee~~
344 adjuster who has the designation of Accredited Claims Adjuster
345 (ACA) from a regionally accredited postsecondary institution in
346 this state, Professional Claims Adjuster (PCA) from the
347 Professional Career Institute, Professional Property Insurance
348 Adjuster (PPIA) from the HurriClaim Training Academy, Certified

37-00570-12

2012938

349 Adjuster (CA) from ALL LINES Training, or Certified Claims
350 Adjuster (CCA) from the Association of Property and Casualty
351 Claims Professionals whose curriculum has been approved by the
352 department and which ~~whose curriculum~~ includes comprehensive
353 analysis of basic property and casualty lines of insurance and
354 testing at least equal to that of standard department testing
355 for the all-lines adjuster license. The department shall adopt
356 rules establishing standards for the approval of curriculum.

357 (k) ~~(l)~~ An applicant qualifying for a license transfer under
358 s. 626.292~~7~~ if the applicant:

359 1. Has successfully completed the prelicensing examination
360 requirements in the applicant's previous home state which are
361 substantially equivalent to the examination requirements in this
362 state, as determined by the department;

363 2. Has received the designation of chartered property and
364 casualty underwriter (CPCU) from the American Institute for
365 Property and Liability Underwriters and ~~has~~ been engaged in the
366 insurance business within the past 4 years if applying to
367 transfer a general lines agent license; or

368 3. Has received the designation of chartered life
369 underwriter (CLU) from the American College of Life Underwriters
370 and ~~has~~ been engaged in the insurance business within the past 4
371 years~~7~~ if applying to transfer a life or health agent license.

372 (l) ~~(m)~~ An applicant for a license as a nonresident agent
373 license~~7~~ if the applicant:

374 1. Has successfully completed prelicensing examination
375 requirements in the applicant's home state which are
376 substantially equivalent to the examination requirements in this
377 state, as determined by the department, as a requirement for

37-00570-12

2012938

378 obtaining a resident license in his or her home state;

379 2. Held a general lines agent license, life agent license,
380 or health agent license before ~~prior to the time~~ a written
381 examination was required;

382 3. Has received the designation of chartered property and
383 casualty underwriter (CPCU) from the American Institute for
384 Property and Liability Underwriters and has been engaged in the
385 insurance business within the past 4 years, if an applicant for
386 a nonresident license as a general lines agent; or

387 4. Has received the designation of chartered life
388 underwriter (CLU) from the American College of Life Underwriters
389 and ~~has~~ been in the insurance business within the past 4 years,
390 if an applicant for a nonresident license as a life agent or
391 health agent.

392 Section 8. Subsection (2) of section 626.231, Florida
393 Statutes, is amended to read:

394 626.231 Eligibility; application for examination.—

395 (2) A person required to take an examination for a license
396 may ~~be permitted to~~ take an examination before ~~prior to~~
397 submitting an application for licensure pursuant to s. 626.171
398 by submitting an application for examination through the
399 department's Internet website or the website of a person
400 designated by the department to administer the examination. The
401 department may require ~~In the application,~~ the applicant to
402 provide the following information as part of the application
403 ~~shall set forth:~~

404 (a) His or her full name, date of birth ~~age~~, social
405 security number, residence address, business address, and
406 mailing address.

37-00570-12

2012938__

407 (b) The type of license which ~~that~~ the applicant intends to
408 apply for.

409 (c) The name of any required prelicensing course he or she
410 has completed or is in the process of completing.

411 (d) The method by which the applicant intends to qualify
412 for the type of license if other than by completing a
413 prelicensing course.

414 (e) The applicant's gender ~~(male or female)~~.

415 (f) The applicant's native language.

416 (g) The highest level of education achieved by the
417 applicant.

418 (h) The applicant's race or ethnicity ~~(African American,
419 white, American Indian, Asian, Hispanic, or other)~~.

420
421 However, the application form must contain a statement that an
422 applicant is not required to disclose his or her race or
423 ethnicity, gender, or native language, that he or she will not
424 be penalized for not doing so, and that the department will use
425 this information exclusively for research and statistical
426 purposes and to improve the quality and fairness of the
427 examinations.

428 Section 9. Subsection (6) of section 626.241, Florida
429 Statutes, is amended to read:

430 626.241 Scope of examination.—

431 (6) In order to reflect the differences between adjusting
432 claims for an insurer and adjusting claims for an insured, the
433 department shall create an examination for applicants seeking
434 licensure as a public adjuster and a separate examination for
435 applicants seeking licensure as an all-lines ~~a company employee~~

37-00570-12

2012938

436 ~~adjuster or independent~~ adjuster.

437 (a) Examinations ~~given applicants~~ for a license as an all-
 438 lines adjuster must ~~shall~~ cover adjusting in all lines of
 439 insurance, other than life and annuity; ~~or, in accordance with~~
 440 ~~the application for the license, the examination may be limited~~
 441 ~~to adjusting in:~~

442 ~~(a) Automobile physical damage insurance;~~

443 ~~(b) Property and casualty insurance;~~

444 ~~(c) Workers' compensation insurance; or~~

445 ~~(d) Health insurance.~~

446 (b) ~~An~~ examination for workers' or worker's compensation
 447 insurance or health insurance is not ~~shall~~ be required for
 448 public adjusters.

449 Section 10. Subsection (1) of section 626.251, Florida
 450 Statutes, is amended to read:

451 626.251 Time and place of examination; notice.—

452 (1) The department, or a person designated by the
 453 department, shall provide ~~mail-written~~ notice of the time and
 454 place of the examination to each applicant for examination and
 455 each applicant for license required to take an examination who
 456 will be eligible to take the examination as of the examination
 457 date. The notice shall be e-mailed ~~so mailed, postage prepaid,~~
 458 ~~and addressed~~ to the applicant at the e-mail ~~his or her~~ address
 459 shown on the application for license or examination ~~at such~~
 460 ~~other address as requested by the applicant in writing filed~~
 461 ~~with the department prior to the mailing of the notice.~~ Notice
 462 is ~~shall~~ be deemed given when so mailed.

463 Section 11. Section 626.281, Florida Statutes, is amended
 464 to read:

37-00570-12

2012938

465 626.281 Reexamination.—

466 (1) An ~~Any~~ applicant for license or ~~applicant for~~
467 examination who has ~~either~~:

468 (a) Taken an examination and failed to make a passing
469 grade, or

470 (b) Failed to appear for the examination or to take or
471 complete the examination at the time and place specified in the
472 notice of the department,

473

474 may take additional examinations, after filing with the
475 department or its designee an application for reexamination
476 together with applicable fees. The failure of an applicant to
477 pass an examination, ~~or the failure~~ to appear for the
478 examination, or to take or complete the examination does not
479 preclude the applicant from taking subsequent examinations.

480 (2) Applicants may take an examination for a license type
481 up to three times in a 12-month period.

482 (3) ~~(2)~~ The department may require an ~~any~~ individual whose
483 license as an agent, customer representative, or adjuster has
484 expired or ~~has~~ been suspended to pass an examination before
485 ~~prior to~~ reinstating or relicensing the individual as to any
486 class of license. The examination fee must ~~shall~~ be paid for ~~as~~
487 ~~to~~ each examination.

488 Section 12. Section 626.2815, Florida Statutes, is amended
489 to read:

490 626.2815 Continuing education ~~required; application;~~
491 ~~exceptions; requirements; penalties.~~—

492 (1) The purpose of this section is to establish
493 requirements and standards for continuing education courses for

37-00570-12

2012938

494 individuals ~~persons~~ licensed to solicit, ~~or~~ sell, or adjust
495 insurance in the state.

496 (2) Except as otherwise provided in this section, ~~the~~
497 ~~provisions of this section~~ applies ~~apply~~ to individuals ~~persons~~
498 licensed to engage in the sale of insurance or adjustment of
499 insurance claims in this state for all lines of insurance for
500 which an examination is required for licensing and to each
501 insurer, employer, or appointing entity, including, but not
502 limited to, those created or existing pursuant to s. 627.351.
503 ~~The provisions of~~ This section does ~~shall~~ not apply to an ~~any~~
504 individual who holds ~~person holding~~ a license for the sale of
505 any line of insurance for which an examination is not required
506 by the laws of this state or who holds a, ~~nor shall the~~
507 ~~provisions of this section apply to any~~ limited license as ~~the~~
508 ~~department may exempt by rule.~~ Licensees who are unable to
509 comply with the continuing education requirements due to active
510 duty in the military may submit a written request for a waiver
511 to the department.

512 (3)(a) Each licensee ~~person~~ subject to ~~the provisions of~~
513 this section must, except as set forth in paragraphs (b), (c),
514 and (d), complete a minimum of 24 hours of continuing education
515 courses every 2 years in basic or higher-level courses
516 prescribed by this section or in other courses approved by the
517 department.

518 (a) Each licensee ~~person~~ subject to ~~the provisions of this~~
519 ~~section~~ must complete, ~~as part of his or her required number of~~
520 ~~continuing education hours,~~ 3 hours of continuing education,
521 approved by the department, every 2 years on the subject matter
522 of ethics. Each licensed general lines agent and customer

37-00570-12

2012938

523 representative ~~subject to this section~~ must complete, ~~as part of~~
524 ~~his or her required number of continuing education hours~~, 1 hour
525 of continuing education, approved by the department, every 2
526 years on the subject matter of premium discounts available on
527 property insurance policies based on various hurricane
528 mitigation options and the means for obtaining the discounts.

529 (b) A licensee ~~person~~ who has been licensed for a ~~period of~~
530 6 or more years must complete 20 hours of continuing education
531 every 2 years in intermediate or advanced-level courses
532 prescribed by this section or in other courses approved by the
533 department.

534 (c) A licensee who has been licensed for 25 years or more
535 and is a CLU or a CPCU or has a Bachelor of Science degree in
536 risk management or insurance with evidence of 18 or more
537 semester hours in upper-level insurance-related courses must
538 complete 10 hours of continuing education courses every 2 years
539 in courses prescribed by this section or in other courses
540 approved by the department.

541 (d) An individual ~~Any person~~ who holds a license as a
542 customer representative, limited customer representative, title
543 agent, motor vehicle physical damage and mechanical breakdown
544 insurance agent, crop or hail and multiple-peril crop insurance
545 agent, or ~~as~~ an industrial fire insurance or burglary insurance
546 agent and who is not a licensed life or health ~~insurance~~ agent,
547 must ~~shall be required to~~ complete 10 hours of continuing
548 education courses every 2 years.

549 (e) An individual ~~Any person~~ who holds a license to solicit
550 or sell life or health insurance and a license to solicit or
551 sell property, casualty, surety, or surplus lines insurance must

37-00570-12

2012938

552 complete ~~the continuing education requirements by completing~~
553 courses in life or health insurance for one-half of the total
554 hours required and courses in property, casualty, surety, or
555 surplus lines insurance for one-half of the total hours
556 required. However, a licensee who holds an industrial fire or
557 burglary insurance license and who is a licensed life or health
558 agent must ~~shall be required to~~ complete 4 hours of continuing
559 education courses every 2 years related to industrial fire or
560 burglary insurance and the remaining number of hours of
561 continuing education courses ~~required~~ related to life or health
562 insurance.

563 (f) Excess hours accumulated during any 2-year compliance
564 period may be carried forward to the next compliance period.

565 (g) An individual teaching an approved course of
566 instruction or lecturing at an any approved seminar and
567 attending the entire course or seminar qualifies for the same
568 number of classroom hours as would be granted to a person taking
569 and successfully completing such course or seminar. Credit is
570 limited to the number of hours actually taught unless a person
571 attends the entire course or seminar. An individual who is an
572 official of or employed by a governmental entity in this state
573 and serves as a professor, instructor, or other position or
574 office, the duties and responsibilities of which are determined
575 by the department to require monitoring and review of insurance
576 laws or insurance regulations and practices, is exempt from this
577 section.

578 (4) (f) 1. Except as provided in subparagraph 2., Compliance
579 with continuing education requirements is a condition precedent
580 to the issuance, continuation, reinstatement, or renewal of any

37-00570-12

2012938

581 appointment subject to this section. However:

582 (a)2.a. An appointing entity, except one that appoints
583 individuals who are employees or exclusive independent
584 contractors of the appointing entity, may not require, directly
585 or indirectly, as a condition of such appointment or the
586 continuation of such appointment, the taking of an approved
587 course or program by any appointee or potential appointee which
588 ~~that~~ is not of the appointee's choosing.

589 (b)b. Any entity created or existing pursuant to s. 627.351
590 may require employees to take training of any type relevant to
591 their employment but may not require appointees who are not
592 employees to take any approved course or program unless the
593 course or program deals solely with the appointing entity's
594 internal procedures or products or with subjects substantially
595 unique to the appointing entity.

596 ~~(g) A person teaching any approved course of instruction or~~
597 ~~lecturing at any approved seminar and attending the entire~~
598 ~~course or seminar shall qualify for the same number of classroom~~
599 ~~hours as would be granted to a person taking and successfully~~
600 ~~completing such course, seminar, or program. Credit shall be~~
601 ~~limited to the number of hours actually taught unless a person~~
602 ~~attends the entire course or seminar. Any person who is an~~
603 ~~official of or employed by any governmental entity in this state~~
604 ~~and serves as a professor, instructor, or in any other position~~
605 ~~or office the duties and responsibilities of which are~~
606 ~~determined by the department to require monitoring and review of~~
607 ~~insurance laws or insurance regulations and practices shall be~~
608 ~~exempt from this section.~~

609 ~~(h) Excess classroom hours accumulated during any~~

37-00570-12

2012938

610 ~~compliance period may be carried forward to the next compliance~~
611 ~~period.~~

612 (5) ~~(i)~~ For good cause shown, the department may grant an
613 extension of time during which the requirements of ~~imposed by~~
614 this section may be completed, but such extension ~~of time~~ may
615 not exceed 1 year.

616 (6) ~~(j)~~ A nonresident licensee who must complete continuing
617 education requirements in his or her home state may use the home
618 state requirements to also meet this state's continuing
619 education requirements ~~as well,~~ if the licensee's ~~resident's~~
620 home state recognizes reciprocity with this state's continuing
621 education requirements. A nonresident licensee whose home state
622 does not have a continuing education requirement but is licensed
623 for the same class of business in another state that has ~~which~~
624 ~~does have~~ a continuing education requirement may comply with
625 this section by furnishing proof of compliance with the other
626 state's requirement if that state has a reciprocal agreement
627 with this state relative to continuing education. A nonresident
628 licensee whose home state does not have such continuing
629 education requirements, and who is not licensed as a nonresident
630 licensee agent in a state that has continuing education
631 requirements and reciprocates with this state, must meet the
632 continuing education requirements of this state.

633 ~~(k) Any person who holds a license to solicit or sell life~~
634 ~~insurance in this state must complete a minimum of 3 hours in~~
635 ~~continuing education, approved by the department, on the subject~~
636 ~~of suitability in annuity and life insurance transactions. This~~
637 ~~requirement does not apply to an agent who does not have any~~
638 ~~active life insurance or annuity contracts. In applying this~~

37-00570-12

2012938

639 ~~exemption, the department may require the filing of a~~
640 ~~certification attesting that the agent has not sold life~~
641 ~~insurance or annuities during the continuing education~~
642 ~~compliance cycle in question and does not have any active life~~
643 ~~insurance or annuity contracts. A licensee may use the hours~~
644 ~~obtained under this paragraph to satisfy the requirement for~~
645 ~~continuing education in ethics under paragraph (a).~~

646 (7)~~(4)~~ The following courses may be completed in order to
647 meet the elective continuing education course requirements:

648 (a) Any part of the Life Underwriter Training Council Life
649 Course Curriculum: 24 hours; Health Course: 12 hours.

650 (b) Any part of the American College "CLU" diploma
651 curriculum: 24 hours.

652 (c) Any part of the Insurance Institute of America's
653 program in general insurance: 12 hours.

654 (d) Any part of the American Institute for Property and
655 Liability Underwriters' Chartered Property Casualty Underwriter
656 (CPCU) professional designation program: 24 hours.

657 (e) Any part of the Certified Insurance Counselor program:
658 21 hours.

659 (f) Any part of the Accredited Advisor in Insurance: 21
660 hours.

661 (g) In the case of title agents, completion of the
662 Certified Land Closer (CLC) professional designation program and
663 receipt of the designation: 24 hours.

664 (h) In the case of title agents, completion of the
665 Certified Land Searcher (CLS) professional designation program
666 and receipt of the designation: 24 hours.

667 (i) Any insurance-related course that ~~which~~ is approved by

37-00570-12

2012938__

668 the department and taught by an accredited college or university
669 per credit hour granted: 12 hours.

670 (j) Any course, including courses relating to agency
671 management or errors and omissions, developed or sponsored by an
672 ~~any~~ authorized insurer or recognized agents' association or
673 insurance trade association or an ~~any~~ independent study program
674 of instruction, subject to approval by the department, qualifies
675 for the equivalency of the number of classroom hours assigned
676 ~~thereto~~ by the department. However, unless otherwise provided in
677 this section, continuing education hours may not be credited
678 toward meeting the requirements of this section unless the
679 course is provided by classroom instruction or results in a
680 monitored examination. A monitored examination is not required
681 for:

682 1. An independent study program of instruction presented
683 through interactive, online technology that the department
684 determines has sufficient internal testing to validate the
685 student's full comprehension of the materials presented; or

686 2. An independent study program of instruction presented on
687 paper or in printed material which ~~that~~ imposes a final closed
688 book examination that meets the requirements of the department's
689 rule for self-study courses. The examination may be taken
690 without a proctor if ~~provided~~ the student presents to the
691 provider a sworn affidavit certifying that the student did not
692 consult any written materials or receive outside assistance of
693 any kind or from any person, directly or indirectly, while
694 taking the examination. If the student is an employee of an
695 agency or corporate entity, the student's supervisor or a
696 manager or owner of the agency or corporate entity must also

37-00570-12

2012938

697 sign the sworn affidavit. If the student is self-employed, a
698 sole proprietor, or a partner, or if the examination is
699 administered online, the sworn affidavit must also be signed by
700 a disinterested third party. The sworn affidavit must be
701 received by the approved provider before ~~prior to~~ reporting
702 continuing education credits to the department.

703 (8) ~~(*)~~ Each person or entity sponsoring a course for
704 continuing education credit must furnish, within 15 ~~30~~ days
705 after completion of the course, in a form satisfactory to the
706 department or its designee, a ~~written and certified~~ roster
707 showing the name and license number of all persons successfully
708 completing such course and requesting credit, ~~accompanied by the~~
709 ~~required fee.~~

710 (9) ~~(5)~~ The department may immediately terminate or shall
711 refuse to renew the appointment of an ~~any~~ agent or adjuster who
712 has been notified by the department that ~~who has not had~~ his or
713 her continuing education requirements have not been certified,
714 unless the agent or adjuster has been granted an extension or
715 waiver by the department. The department may not issue a new
716 appointment of the same or similar type, ~~with any insurer,~~ to a
717 licensee ~~an agent~~ who was denied a renewal appointment for
718 failing ~~failure~~ to complete continuing education as required
719 until the licensee ~~agent~~ completes his or her continuing
720 education requirement.

721 ~~(6) (a) There is created an 11-member continuing education~~
722 ~~advisory board to be appointed by the Chief Financial Officer.~~
723 ~~Appointments shall be for terms of 4 years. The purpose of the~~
724 ~~board is to advise the department in determining standards by~~
725 ~~which courses may be evaluated and categorized as basic,~~

37-00570-12

2012938

726 ~~intermediate, or advanced. The board shall submit~~
727 ~~recommendations to the department of changes needed in such~~
728 ~~criteria not less frequently than every 2 years. The department~~
729 ~~shall require all approved course providers to submit courses~~
730 ~~for approval to the department using the criteria. All~~
731 ~~materials, brochures, and advertisements related to the approved~~
732 ~~courses must specify the level assigned to the course.~~

733 ~~(b) The board members shall be appointed as follows:~~

734 ~~1. Seven members representing agents of which at least one~~
735 ~~must be a representative from each of the following~~
736 ~~organizations: the Florida Association of Insurance Agents; the~~
737 ~~Florida Association of Insurance and Financial Advisors; the~~
738 ~~Professional Insurance Agents of Florida, Inc.; the Florida~~
739 ~~Association of Health Underwriters; the Specialty Agents'~~
740 ~~Association; the Latin American Agents' Association; and the~~
741 ~~National Association of Insurance Women. Such board members must~~
742 ~~possess at least a bachelor's degree or higher from an~~
743 ~~accredited college or university with major coursework in~~
744 ~~insurance, risk management, or education or possess the~~
745 ~~designation of CLU, CPCU, ChFC, CFP, AAI, or CIC. In addition,~~
746 ~~each member must possess 5 years of classroom instruction~~
747 ~~experience or 5 years of experience in the development or design~~
748 ~~of educational programs or 10 years of experience as a licensed~~
749 ~~resident agent. Each organization may submit to the department a~~
750 ~~list of recommendations for appointment. If one organization~~
751 ~~does not submit a list of recommendations, the Chief Financial~~
752 ~~Officer may select more than one recommended person from a list~~
753 ~~submitted by other eligible organizations.~~

754 ~~2. Two members representing insurance companies at least~~

37-00570-12

2012938

755 ~~one of whom must represent a Florida Domestic Company and one of~~
756 ~~whom must represent the Florida Insurance Council. Such board~~
757 ~~members must be employed within the training department of the~~
758 ~~insurance company. At least one such member must be a member of~~
759 ~~the Society of Insurance Trainers and Educators.~~

760 ~~3. One member representing the general public who is not~~
761 ~~directly employed in the insurance industry. Such board member~~
762 ~~must possess a minimum of a bachelor's degree or higher from an~~
763 ~~accredited college or university with major coursework in~~
764 ~~insurance, risk management, training, or education.~~

765 ~~4. One member, appointed by the Chief Financial Officer,~~
766 ~~who represents the department.~~

767 ~~(c) The members of the board shall serve at the pleasure of~~
768 ~~the Chief Financial Officer. Each board member shall be entitled~~
769 ~~to reimbursement for expenses pursuant to s. 112.061. The board~~
770 ~~shall designate one member as chair. The board shall meet at the~~
771 ~~call of the chair or the Chief Financial Officer.~~

772 ~~(10)(7)~~ The department may contract services relative to
773 the administration of the continuing education program to a
774 private entity. The contract shall be procured as a ~~contract for~~
775 ~~a contractual service pursuant to s. 287.057.~~

776 Section 13. Effective October 1, 2014, subsection (3) of
777 section 626.2815, Florida Statutes, as amended by this act, is
778 amended to read:

779 626.2815 Continuing education requirements.—

780 (3) Each licensee ~~subject to this section must, except as~~
781 ~~set forth in paragraphs (b), (c), and (d),~~ complete a 7-hour
782 update course every 2 years which is specific to the license
783 held by the licensee. The course must be developed and offered

37-00570-12

2012938

784 by providers and approved by the department. The content of the
785 course must address all lines of insurance for which examination
786 and license is required and include the following subject areas:
787 insurance law updates, ethics for insurance professionals,
788 disciplinary trends and case studies, industry trends,
789 determining suitability of products and services, and other
790 similar insurance-related topics the department determines are
791 relevant to legally and ethically carrying out the
792 responsibilities of the license granted. A licensee who holds
793 multiple insurance licenses must complete an update course that
794 is specific to at least one of the licenses held. Except as
795 otherwise specified, any remaining required hours of continuing
796 education are elective and may consist of any continuing
797 education course approved by the department or under this
798 section minimum of 24 hours of continuing education courses
799 every 2 years in basic or higher-level courses prescribed by
800 this section or in other courses approved by the department.

801 (a) Except as provided in paragraphs (b), (c), (d), (e),
802 and (f), each licensee must also complete 17 3 hours of elective
803 continuing education courses, approved by the department, every
804 2 years on the subject matter of ethics. Each licensed general
805 lines agent and customer representative must complete 1 hour of
806 continuing education, approved by the department, every 2 years
807 on the subject matter of premium discounts available on property
808 insurance policies based on various hurricane mitigation options
809 and the means for obtaining the discounts.

810 (b) A licensee who has been licensed for 6 or more years
811 must also complete a minimum of 13 20 hours of elective
812 continuing education every 2 years in intermediate or advanced

37-00570-12

2012938

813 ~~level courses prescribed by this section or in other courses~~
814 ~~approved by the department.~~

815 (c) A licensee who has been licensed for 25 years or more
816 and is a CLU or a CPCU or has a Bachelor of Science degree in
817 risk management or insurance with evidence of 18 or more
818 semester hours in ~~upper-level~~ insurance-related courses must
819 also complete a minimum of 3 ~~10~~ hours of elective continuing
820 education courses every 2 years ~~in courses prescribed by this~~
821 ~~section or in other courses approved by the department.~~

822 (d) An individual who holds a license as a customer
823 representative, limited customer representative, title agent,
824 ~~motor vehicle physical damage and mechanical breakdown insurance~~
825 ~~agent, crop or hail and multiple-peril crop insurance agent,~~ or
826 an industrial fire insurance or burglary insurance agent and who
827 is not a licensed life or health agent, must also complete a
828 minimum of 3 ~~10~~ hours of continuing education courses every two
829 years.

830 ~~(e) An individual who holds a license to solicit or sell~~
831 ~~life or health insurance and a license to solicit or sell~~
832 ~~property, casualty, surety, or surplus lines insurance must~~
833 ~~complete courses in life or health insurance for one-half of the~~
834 ~~total hours required and courses in property, casualty, surety,~~
835 ~~or surplus lines insurance for one-half of the total hours~~
836 ~~required. However, a licensee who holds an industrial fire or~~
837 ~~burglary insurance license and who is a licensed life or health~~
838 ~~agent must complete 4 hours of continuing education courses~~
839 ~~every 2 years related to industrial fire or burglary insurance~~
840 ~~and the remaining number of hours of continuing education~~
841 ~~courses related to life or health insurance.~~

37-00570-12

2012938

842 (e) An individual subject to chapter 648 must complete the
843 7-hour update course and a minimum of 7 hours of elective
844 continuing education courses every 2 years.

845 (f) Elective continuing education courses for public
846 adjusters must be specifically designed for public adjusters and
847 approved by the department. Notwithstanding this subsection,
848 public adjusters for workers' compensation insurance or health
849 insurance are not required to take continuing education courses
850 pursuant to this section.

851 (g)~~(f)~~ Excess hours accumulated during any 2-year
852 compliance period may be carried forward to the next compliance
853 period.

854 (h)~~(g)~~ An individual teaching an approved course of
855 instruction or lecturing at an any approved seminar and
856 attending the entire course or seminar qualifies for the same
857 number of classroom hours as would be granted to a person taking
858 and successfully completing such course or seminar. Credit is
859 limited to the number of hours actually taught unless a person
860 attends the entire course or seminar. An individual who is an
861 official of or employed by a governmental entity in this state
862 and serves as a professor, instructor, or other position or
863 office, the duties and responsibilities of which are determined
864 by the department to require monitoring and review of insurance
865 laws or insurance regulations and practices, is exempt from this
866 section.

867 Section 14. Subsections (1) and (2) of section 626.292,
868 Florida Statutes, are amended to read:

869 626.292 Transfer of license from another state.—

870 (1) An ~~Any~~ individual licensed in good standing in another

37-00570-12

2012938

871 state may apply to the department to have the license
872 transferred to this state to obtain a ~~Florida~~ resident agent or
873 all-lines adjuster license for the same lines of authority
874 covered by the license in the other state.

875 (2) To qualify for a license transfer, an individual
876 applicant must meet the following requirements:

877 (a) The individual must ~~shall~~ become a resident of this
878 state.

879 (b) The individual must ~~shall~~ have been licensed in another
880 state for a minimum of 1 year immediately preceding the date the
881 individual became a resident of this state.

882 (c) The individual must ~~shall~~ submit a completed
883 application for this state which is received by the department
884 within 90 days after the date the individual became a resident
885 of this state, along with payment of the applicable fees set
886 forth in s. 624.501 and submission of the following documents:

887 1. A certification issued by the appropriate official of
888 the applicant's home state identifying the type of license and
889 lines of authority under the license and stating that, at the
890 time the license from the home state was canceled, the applicant
891 was in good standing in that state or that the state's Producer
892 Database records, maintained by the National Association of
893 Insurance Commissioners, its affiliates, or subsidiaries,
894 indicate that the agent or all-lines adjuster is or was licensed
895 in good standing for the line of authority requested.

896 2. A set of the ~~individual~~ applicant's fingerprints in
897 accordance with s. 626.171(4).

898 (d) The individual must ~~shall~~ satisfy prelicensing
899 education requirements in this state, unless the completion of

37-00570-12

2012938

900 prelicensing education requirements was a prerequisite for
 901 licensure in the other state and the prelicensing education
 902 requirements in the other state are substantially equivalent to
 903 the prelicensing requirements of this state as determined by the
 904 department. This paragraph does not apply to all-lines
 905 adjusters.

906 (e) The individual must ~~shall~~ satisfy the examination
 907 requirement under s. 626.221, unless exempted ~~exempt thereunder.~~

908 Section 15. Subsections (2) and (3) of section 626.311,
 909 Florida Statutes, are amended to read:

910 626.311 Scope of license.—

911 (2) Except with respect ~~as~~ to a limited license as a credit
 912 ~~life or disability~~ insurance agent, the license of a life agent
 913 covers ~~shall cover~~ all classes of life insurance business.

914 (3) Except with respect ~~as~~ to a limited license as a travel
 915 ~~personal accident~~ insurance agent, the license of a health agent
 916 covers ~~shall cover~~ all kinds of health insurance, and such ~~no~~
 917 license may not ~~shall~~ be ~~issued~~ limited to a particular class of
 918 health insurance.

919 Section 16. Subsections (1) and (4) of section 626.321,
 920 Florida Statutes, are amended to read:

921 626.321 Limited licenses.—

922 (1) The department shall issue to a qualified applicant
 923 ~~individual, or a qualified individual or entity under paragraphs~~
 924 ~~(c), (d), (e), and (i),~~ a license as agent authorized to
 925 transact a limited class of business in any of the following
 926 categories of limited lines insurance:

927 (a) *Motor vehicle physical damage and mechanical breakdown*
 928 *insurance.*—License covering insurance against only the loss of

37-00570-12

2012938

929 or damage to a ~~any~~ motor vehicle that ~~which~~ is designed for use
930 upon a highway, including trailers and semitrailers designed for
931 use with such vehicles. Such license also covers insurance
932 against the failure of an original or replacement part to
933 perform any function for which it was designed. ~~The applicant~~
934 ~~for such a license shall pass a written examination covering~~
935 ~~motor vehicle physical damage insurance and mechanical breakdown~~
936 ~~insurance.~~ A licensee under this paragraph may not ~~No individual~~
937 ~~while so licensed shall~~ hold a license as an agent for ~~as to~~ any
938 other or additional kind or class of insurance coverage except
939 ~~as to~~ a limited license for credit insurance ~~life and disability~~
940 ~~insurances~~ as provided in paragraph (e). Effective October 1,
941 2012, all licensees holding such limited license and appointment
942 may renew the license and appointment, but no new or additional
943 licenses may be issued pursuant to this paragraph, and a
944 licensee whose limited license under this paragraph has been
945 terminated, suspended, or revoked may not have such license
946 reinstated.

947 (b) *Industrial fire insurance or burglary insurance.*—
948 License covering only industrial fire insurance or burglary
949 insurance. The applicant for such a license must ~~shall~~ pass a
950 written examination covering such insurance. A licensee under
951 this paragraph may not ~~No individual while so licensed shall~~
952 hold a license as an agent for ~~as to~~ any other or additional
953 kind or class of insurance coverage except for ~~as to~~ life
954 insurance and health insurance ~~insurances.~~

955 (c) *Travel insurance.*—License covering only policies and
956 certificates of travel insurance, which are subject to review by
957 the office under s. 624.605(1)(q). Policies and certificates of

37-00570-12

2012938

958 travel insurance may provide coverage for risks incidental to
959 travel, planned travel, or accommodations while traveling,
960 including, but not limited to, accidental death and
961 dismemberment of a traveler; trip cancellation, interruption, or
962 delay; loss of or damage to personal effects or travel
963 documents; baggage delay; emergency medical travel or evacuation
964 of a traveler; or medical, surgical, and hospital expenses
965 related to an illness or emergency of a traveler. ~~Any~~ Such
966 policy or certificate may be issued for terms longer than 60
967 days, but ~~each policy or certificate~~, other than a policy or
968 certificate providing coverage for air ambulatory services only,
969 each policy or certificate must be limited to coverage for
970 travel or use of accommodations of no longer than 60 days. The
971 license may be issued only:

972 1. To a full-time salaried employee of a common carrier or
973 a full-time salaried employee or owner of a transportation
974 ticket agency and may authorize the sale of such ticket policies
975 only in connection with the sale of transportation tickets, or
976 to the full-time salaried employee of such an agent. ~~No~~ Such
977 policy may not shall be for a ~~duration of~~ more than 48 hours or
978 more than ~~for~~ the duration of a specified one-way trip or round
979 trip.

980 2. To an entity or individual that is:

981 a. The developer of a timeshare plan that is the subject of
982 an approved public offering statement under chapter 721;

983 b. An exchange company operating an exchange program
984 approved under chapter 721;

985 c. A managing entity operating a timeshare plan approved
986 under chapter 721;

37-00570-12

2012938

987 d. A seller of travel as defined in chapter 559; or
988 e. A subsidiary or affiliate of any of the entities
989 described in sub-subparagraphs a.-d.

990
991 A licensee shall require each employee who offers policies or
992 certificates under this subparagraph to receive initial training
993 from a general lines agent or an insurer authorized under
994 chapter 624 to transact insurance within this state. For an
995 entity applying for a license as a travel insurance agent, the
996 fingerprinting requirement of this section applies only to the
997 president, secretary, and treasurer and to any other officer or
998 person who directs or controls the travel insurance operations
999 of the entity.

1000 (d) *Motor vehicle rental insurance.*—

1001 1. License covering only insurance of the risks set forth
1002 in this paragraph when offered, sold, or solicited with and
1003 incidental to the rental or lease of a motor vehicle and which
1004 applies only to the motor vehicle that is the subject of the
1005 lease or rental agreement and the occupants of the motor
1006 vehicle:

1007 a. Excess motor vehicle liability insurance providing
1008 coverage in excess of the standard liability limits provided by
1009 the lessor in the lessor's lease to a person renting or leasing
1010 a motor vehicle from the licensee's employer for liability
1011 arising in connection with the negligent operation of the leased
1012 or rented motor vehicle.

1013 b. Insurance covering the liability of the lessee to the
1014 lessor for damage to the leased or rented motor vehicle.

1015 c. Insurance covering the loss of or damage to baggage,

37-00570-12

2012938

1016 personal effects, or travel documents of a person renting or
1017 leasing a motor vehicle.

1018 d. Insurance covering accidental personal injury or death
1019 of the lessee and any passenger who is riding or driving with
1020 the covered lessee in the leased or rented motor vehicle.

1021 2. Insurance under a motor vehicle rental insurance license
1022 may be issued only if the lease or rental agreement is for no
1023 more than 60 days, the lessee is not provided coverage for more
1024 than 60 consecutive days per lease period, and the lessee is
1025 given written notice that his or her personal insurance policy
1026 providing coverage on an owned motor vehicle may provide
1027 coverage of such risks and that the purchase of the insurance is
1028 not required in connection with the lease or rental of a motor
1029 vehicle. If the lease is extended beyond 60 days, the coverage
1030 may be extended one time only for a period not to exceed an
1031 additional 60 days. Insurance may be provided to the lessee as
1032 an additional insured on a policy issued to the licensee's
1033 employer.

1034 3. The license may be issued only to the full-time salaried
1035 employee of a licensed general lines agent or to a business
1036 entity that offers motor vehicles for rent or lease if insurance
1037 sales activities authorized by the license are in connection
1038 with and incidental to the rental or lease of a motor vehicle.

1039 a. A license issued to a business entity that offers motor
1040 vehicles for rent or lease encompasses ~~shall encompass~~ each
1041 office, branch office, or place of business making use of the
1042 entity's business name in order to offer, solicit, and sell
1043 insurance pursuant to this paragraph.

1044 b. The application for licensure must list the name,

37-00570-12

2012938

1045 address, and phone number for each office, branch office, or
1046 place of business that is to be covered by the license. The
1047 licensee shall notify the department of the name, address, and
1048 phone number of any new location that is to be covered by the
1049 license before the new office, branch office, or place of
1050 business engages in the sale of insurance pursuant to this
1051 paragraph. The licensee must ~~shall~~ notify the department within
1052 30 days after closing or terminating an office, branch office,
1053 or place of business. Upon receipt of the notice, the department
1054 shall delete the office, branch office, or place of business
1055 from the license.

1056 c. A licensed and appointed entity is directly responsible
1057 and accountable for all acts of the licensee's employees.

1058 (e) ~~Credit life or disability insurance.~~ License covering
1059 ~~only~~ credit life, credit or disability insurance, credit
1060 property, credit unemployment, involuntary unemployment,
1061 mortgage life, mortgage guaranty, mortgage disability,
1062 guaranteed automobile protection (GAP) insurance, and any other
1063 form of insurance offered in connection with an extension of
1064 credit which is limited to partially or wholly extinguishing a
1065 credit obligation that the department determines should be
1066 designated a form of limited line credit insurance. Effective
1067 October 1, 2012, all valid licenses held by persons for any of
1068 the lines of insurance listed in this paragraph shall be
1069 converted to a credit insurance license. Licensees who wish to
1070 obtain a new license reflecting such change must request a
1071 duplicate license and pay a \$5 fee as specified in s.
1072 624.501(15). ~~The license may be issued only to an individual~~
1073 ~~employed by a life or health insurer as an officer or other~~

37-00570-12

2012938

1074 ~~salariated or commissioned representative, to an individual~~
1075 ~~employed by or associated with a lending or financial~~
1076 ~~institution or creditor, or to a lending or financial~~
1077 ~~institution or creditor, and may authorize the sale of such~~
1078 ~~insurance only with respect to borrowers or debtors of such~~
1079 ~~lending or financing institution or creditor. However, only the~~
1080 ~~individual or entity whose tax identification number is used in~~
1081 ~~receiving or is credited with receiving the commission from the~~
1082 ~~sale of such insurance shall be the licensed agent of the~~
1083 ~~insurer. No individual while so licensed shall hold a license as~~
1084 ~~an agent as to any other or additional kind or class of life or~~
1085 ~~health insurance coverage. An entity holding a limited license~~
1086 ~~under this paragraph is also authorized to sell credit insurance~~
1087 ~~and credit property insurance.~~

1088 ~~(f) Credit insurance. License covering only credit~~
1089 ~~insurance, as such insurance is defined in s. 624.605(1)(i), and~~
1090 ~~no individual or entity so licensed shall, during the same~~
1091 ~~period, hold a license as an agent as to any other or additional~~
1092 ~~kind of life or health insurance with the exception of credit~~
1093 ~~life or disability insurance as defined in paragraph (e). The~~
1094 ~~same licensing provisions as outlined in paragraph (e) apply to~~
1095 ~~entities licensed as credit insurance agents under this~~
1096 ~~paragraph.~~

1097 ~~(g) Credit property insurance. A license covering only~~
1098 ~~credit property insurance may be issued to any individual except~~
1099 ~~an individual employed by or associated with a financial~~
1100 ~~institution as defined in s. 655.005 and authorized to sell such~~
1101 ~~insurance only with respect to a borrower or debtor, not to~~
1102 ~~exceed the amount of the loan.~~

37-00570-12

2012938

1103 (f)~~(h)~~ *Crop hail and multiple-peril crop insurance.*—License
1104 for insurance covering crops subject to unfavorable weather
1105 conditions, fire or lightening, flood, hail, insect infestation,
1106 disease, or other yield-reducing conditions or perils which is
1107 provided by the private insurance market, or which is subsidized
1108 by the Federal Group Insurance Corporation including multi-peril
1109 crop insurance ~~only crop hail and multiple-peril crop insurance.~~
1110 Notwithstanding any other provision of law, the limited license
1111 may be issued to a bona fide salaried employee of an association
1112 chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001
1113 et seq., who satisfactorily completes the examination prescribed
1114 by the department pursuant to s. 626.241(5). The ~~limited~~ agent
1115 must be appointed by, and his or her limited license requested
1116 by, a licensed general lines agent. All business transacted by
1117 the ~~limited~~ agent must be on ~~shall be in~~ behalf of, in the name
1118 of, and countersigned by the agent by whom he or she is
1119 appointed. Sections 626.561 and 626.748, relating to records,
1120 apply to all business written pursuant to this section. The
1121 ~~limited~~ licensee may be appointed by and licensed for only one
1122 general lines agent or agency.

1123 (g)~~(i)~~ *In-transit and storage personal property insurance;*
1124 ~~communications equipment property insurance, communications~~
1125 ~~equipment inland marine insurance, and communications equipment~~
1126 ~~service warranty agreement sales.~~—

1127 1. A License for insurance covering only ~~the insurance of~~
1128 personal property not held for resale, covering the risks of
1129 transportation or storage in rented or leased motor vehicles,
1130 trailers, or self-service storage facilities, ~~as the latter are~~
1131 defined in s. 83.803. Such license, may be issued, without

37-00570-12

2012938

1132 examination, only to employees or authorized representatives of
1133 lessors who rent or lease motor vehicles, trailers, or self-
1134 service storage facilities and who are authorized by an insurer
1135 to issue certificates or other evidences of insurance to lessees
1136 of such motor vehicles, trailers, or self-service storage
1137 facilities under an insurance policy issued to the lessor. A
1138 person licensed under this paragraph must ~~shall~~ give a
1139 prospective purchaser of in-transit or storage personal property
1140 insurance written notice that his or her homeowner's policy may
1141 provide coverage for the loss of personal property and that the
1142 purchase of such insurance is not required under the lease
1143 terms.

1144 ~~2. A license covering only communications equipment, for~~
1145 ~~the loss, theft, mechanical failure, malfunction of or damage~~
1146 ~~to, communications equipment. The license may be issued only to:~~

1147 ~~a. Employees or authorized representatives of a licensed~~
1148 ~~general lines agent;~~

1149 ~~b. The lead business location of a retail vendor of~~
1150 ~~communications equipment and its branch locations; or~~

1151 ~~c. Employees, agents, or authorized representatives of a~~
1152 ~~retail vendor of communications equipment.~~

1153

1154 ~~The license authorizes the sale of such policies, or~~
1155 ~~certificates under a group master policy, only with respect to~~
1156 ~~the sale of, or provision of communications service for,~~
1157 ~~communications equipment. A general lines agent is not required~~
1158 ~~to obtain a license under this subparagraph to offer or sell~~
1159 ~~communications equipment property insurance or communication~~
1160 ~~equipment inland marine insurance. The license also authorizes~~

37-00570-12

2012938

1161 ~~sales of service warranty agreements covering only~~
1162 ~~communications equipment to the same extent as if licensed under~~
1163 ~~s. 634.419 or s. 634.420. The provisions of this chapter~~
1164 ~~requiring submission of fingerprints do not apply to~~
1165 ~~communications equipment licenses issued to qualified entities~~
1166 ~~under this subparagraph. Licensees offering policies under this~~
1167 ~~subparagraph must receive initial training from, and have a~~
1168 ~~contractual relationship with, a general lines agent. For the~~
1169 ~~purposes of this subparagraph, the term "communications~~
1170 ~~equipment" means handsets, pagers, personal digital assistants,~~
1171 ~~portable computers, automatic answering devices, and other~~
1172 ~~devices or accessories used to originate or receive~~
1173 ~~communications signals or service, and includes services related~~
1174 ~~to the use of such devices, such as consumer access to a~~
1175 ~~wireless network; however, the term does not include~~
1176 ~~telecommunications switching equipment, transmission wires, cell~~
1177 ~~site transceiver equipment, or other equipment and systems used~~
1178 ~~by telecommunications companies to provide telecommunications~~
1179 ~~service to consumers. A branch location of a retail vendor of~~
1180 ~~communications equipment licensed pursuant to paragraph (2)(b)~~
1181 ~~may, in lieu of obtaining an appointment from an insurer or~~
1182 ~~warranty association as provided in paragraph (2)(c), obtain a~~
1183 ~~single appointment from the associated lead business location~~
1184 ~~licensee licensed under paragraph (2)(a) and pay the prescribed~~
1185 ~~appointment fee under s. 624.501 provided the lead business~~
1186 ~~location has a single appointment from each insurer or warranty~~
1187 ~~association represented and such appointment provides that it~~
1188 ~~applies to the lead business location and all of its branch~~
1189 ~~locations. Any branch location individually appointed by an~~

37-00570-12

2012938

1190 ~~insurer under paragraph (2)(c) prior to January 1, 2006, may~~
1191 ~~replace its appointments with an appointment from its lead~~
1192 ~~location at no charge. Branch location appointments shall be~~
1193 ~~renewed on the first annual anniversary of licensure of the lead~~
1194 ~~business location occurring more than 24 months after the~~
1195 ~~initial appointment date and every 24 months thereafter.~~
1196 ~~Notwithstanding s. 624.501, after July 1, 2006, the renewal fee~~
1197 ~~applicable to such branch location appointments shall be \$30 per~~
1198 ~~appointment.~~

1199 (h) Portable electronics insurance.—License for property
1200 insurance or inland marine insurance that covers only loss,
1201 theft, mechanical failure, malfunction, or damage for portable
1202 electronics.

1203 1. The license may be issued only to:

1204 a. Employees or authorized representatives of a licensed
1205 general lines agent; or

1206 b. The lead business location of a retail vendor that sells
1207 portable electronics insurance. The lead business location must
1208 have a contractual relationship with a general lines agent.

1209 2. Employees or authorized representatives of a licensee
1210 under subparagraph 1. may sell or offer for sale portable
1211 electronics coverage without being subject to licensure as an
1212 insurance agent if:

1213 a. Such insurance is sold or offered for sale at a licensed
1214 location or at one of the licensee's branch locations if the
1215 branch location is appointed by the licensed lead business
1216 location or its appointing insurers;

1217 b. The insurer issuing the insurance directly supervises or
1218 appoints a general lines agent to supervise the sale of such

37-00570-12

2012938

1219 insurance, including the development of a training program for
1220 the employees and authorized representatives of vendors that are
1221 directly engaged in the activity of selling or offering the
1222 insurance; and

1223 c. At each location where the insurance is offered,
1224 brochures or other written materials that provide the
1225 information required by this subparagraph are made available to
1226 all prospective customers. The brochures or written materials
1227 may include information regarding portable electronics
1228 insurance, service warranty agreements, or other incidental
1229 services or benefits offered by a licensee.

1230 3. Individuals not licensed to sell portable electronics
1231 insurance may not be paid commissions based on the sale of such
1232 coverage. However, a licensee who uses a compensation plan for
1233 employees and authorized representatives which includes
1234 supplemental compensation for the sale of noninsurance products,
1235 in addition to a regular salary or hourly wages, may include
1236 incidental compensation for the sale of portable electronics
1237 insurance as a component of the overall compensation plan.

1238 4. Brochures or other written materials related to portable
1239 electronics insurance must:

1240 a. Disclose that such insurance may duplicate coverage
1241 already provided by a customer's homeowners' insurance policy,
1242 renters' insurance policy, or other source of coverage;

1243 b. State that enrollment in insurance coverage is not
1244 required in order to purchase or lease portable electronics or
1245 services;

1246 c. Summarize the material terms of the insurance coverage,
1247 including the identity of the insurer, the identity of the

37-00570-12

2012938

1248 supervising entity, the amount of any applicable deductible and
1249 how it is to be paid, the benefits of coverage, and key terms
1250 and conditions of coverage, such as whether portable electronics
1251 may be repaired or replaced with similar make and model
1252 reconditioned or nonoriginal manufacturer parts or equipment;

1253 d. Summarize the process for filing a claim, including a
1254 description of how to return portable electronics and the
1255 maximum fee applicable if the customer fails to comply with
1256 equipment return requirements; and

1257 e. State that an enrolled customer may cancel coverage at
1258 any time and that the person paying the premium will receive a
1259 refund of any unearned premium.

1260 5. A licensed and appointed general lines agent is not
1261 required to obtain a portable electronics insurance license to
1262 offer or sell portable electronics insurance at locations
1263 already licensed as an insurance agency, but may apply for a
1264 portable electronics insurance license for branch locations not
1265 otherwise licensed to sell insurance.

1266 6. A portable electronics license authorizes the sale of
1267 individual policies or certificates under a group or master
1268 insurance policy. The license also authorizes the sale of
1269 service warranty agreements covering only portable electronics
1270 to the same extent as if licensed under s. 634.419 or s.
1271 634.420.

1272 7. A licensee may bill and collect the premium for the
1273 purchase of portable electronics insurance provided that:

1274 a. If the insurance is included with the purchase or lease
1275 of portable electronics or related services, the licensee
1276 clearly and conspicuously discloses that insurance coverage is

37-00570-12

2012938

1277 included with the purchase. Disclosure of the dollar amount of
1278 the premium for the insurance must be made on the customer's
1279 bill and in any marketing materials made available at the point
1280 of sale. If the insurance is not included, the charge to the
1281 customer for the insurance must be separately itemized on the
1282 customer's bill.

1283 b. Premiums are incidental to other fees collected, are
1284 maintained in a manner that is readily identifiable, and are
1285 accounted for and remitted to the insurer or supervising entity
1286 within 60 days of receipt. Licensees are not required to
1287 maintain such funds in a segregated account.

1288 c. All funds received by a licensee from an enrolled
1289 customer for the sale of the insurance are considered funds held
1290 in trust by the licensee in a fiduciary capacity for the benefit
1291 of the insurer. Licensees may receive compensation for billing
1292 and collection services.

1293 8. Notwithstanding any other provision of law, the terms
1294 for the termination or modification of coverage under a policy
1295 of portable electronics insurance are those set forth in the
1296 policy.

1297 9. Notice or correspondence required by the policy, or
1298 otherwise required by law, may be provided by electronic means
1299 if the insurer or licensee maintains proof that the notice or
1300 correspondence was sent. Such notice or correspondence may be
1301 sent on behalf of the insurer or licensee by the general lines
1302 agent appointed by the insurer to supervise the administration
1303 of the program. For purposes of this subparagraph, an enrolled
1304 customer's provision of an electronic mail address to the
1305 insurer or licensee is deemed to be consent to receive notices

37-00570-12

2012938

1306 and correspondence by electronic means if a conspicuously
1307 located disclosure is provided to the customer indicating the
1308 same.

1309 10. The provisions of this chapter requiring submission of
1310 fingerprints do not apply to licenses issued to qualified
1311 entities under this paragraph.

1312 11. A branch location that sells portable electronics
1313 insurance may, in lieu of obtaining an appointment from an
1314 insurer or warranty association, obtain a single appointment
1315 from the associated lead business location licensee and pay the
1316 prescribed appointment fee under s. 624.501 if the lead business
1317 location has a single appointment from each insurer or warranty
1318 association represented and such appointment applies to the lead
1319 business location and all of its branch locations. Branch
1320 location appointments shall be renewed on the first annual
1321 anniversary of licensure of the lead business location occurring
1322 more than 24 months after the initial appointment date and every
1323 24 months thereafter. Notwithstanding s. 624.501, the renewal
1324 fee applicable to such branch location appointments is \$30 per
1325 appointment.

1326 12. For purposes of this paragraph:

1327 a. "Branch location" means any physical location in this
1328 state at which a licensee offers its products or services for
1329 sale.

1330 b. "Portable electronics" means personal, self-contained,
1331 easily carried by an individual, battery-operated electronic
1332 communication, viewing, listening, recording, gaming, computing
1333 or global positioning devices, including cell or satellite
1334 phones, pagers, personal global positioning satellite units,

37-00570-12

2012938

1335 portable computers, portable audio listening, video viewing or
 1336 recording devices, digital cameras, video camcorders, portable
 1337 gaming systems, docking stations, automatic answering devices,
 1338 and other similar devices and their accessories, and service
 1339 related to the use of such devices.

1340 c. "Portable electronics transaction" means the sale or
 1341 lease of portable electronics or a related service, including
 1342 portable electronics insurance.

1343 (4) Except as otherwise expressly provided, a person
 1344 applying for or holding a limited license is ~~shall be~~ subject to
 1345 the same applicable requirements and responsibilities that as
 1346 apply to general lines agents in general, ~~if licensed as to~~
 1347 motor vehicle physical damage and mechanical breakdown
 1348 insurance, ~~credit property insurance,~~ industrial fire insurance
 1349 or burglary insurance, motor vehicle rental insurance, credit
 1350 insurance, crop hail and multiple-peril crop insurance, in-
 1351 transit and storage personal property insurance, or portable
 1352 electronics insurance ~~communications equipment property~~
 1353 ~~insurance or communications equipment inland marine insurance,~~
 1354 ~~baggage and motor vehicle excess liability insurance, or credit~~
 1355 ~~insurance;~~ or as apply to life agents or health agents in
 1356 general, as applicable ~~the case may be,~~ if licensed as to travel
 1357 ~~personal accident insurance or credit life or credit disability~~
 1358 insurance.

1359 Section 17. Section 626.342, Florida Statutes, is amended
 1360 to read:

1361 626.342 Furnishing supplies to unlicensed ~~life, health, or~~
 1362 ~~general lines~~ agent prohibited; civil liability.-

1363 (1) An insurer, a managing general agent, an insurance

37-00570-12

2012938

1364 agency, or an agent, directly or through a ~~any~~ representative,
1365 may not furnish to an ~~any~~ agent any blank forms, applications,
1366 stationery, or other supplies to be used in soliciting,
1367 negotiating, or effecting contracts of insurance on its behalf
1368 unless such blank forms, applications, stationery, or other
1369 supplies relate to a class of business for ~~with respect to~~ which
1370 the agent is licensed and appointed, whether for that insurer or
1371 another insurer.

1372 (2) An ~~Any~~ insurer, general agent, insurance agency, or
1373 agent who furnishes any of the supplies specified in subsection
1374 (1) to an ~~any~~ agent or prospective agent not appointed to
1375 represent the insurer and who accepts from or writes any
1376 insurance business for such agent or agency is subject to civil
1377 liability to an ~~any~~ insured of such insurer to the same extent
1378 and ~~in the same~~ manner as if such agent or prospective agent had
1379 been appointed or authorized by the insurer or such agent to act
1380 on ~~in~~ its or his or her behalf. The provisions of this
1381 subsection do not apply to insurance risk apportionment plans
1382 under s. 627.351.

1383 (3) This section does not apply to the placing of surplus
1384 lines business under the provisions of ss. 626.913-626.937.

1385 Section 18. Subsection (1) of section 626.381, Florida
1386 Statutes, is amended to read:

1387 626.381 Renewal, continuation, reinstatement, or
1388 termination of appointment.—

1389 (1) The appointment of an appointee continues ~~shall~~
1390 ~~continue~~ in force until suspended, revoked, or otherwise
1391 terminated, but is subject to a renewal request filed by the
1392 appointing entity in the appointee's birth month as to natural

37-00570-12

2012938__

1393 persons or the month the original appointment was issued ~~license~~
1394 ~~date~~ as to entities and every 24 months thereafter, accompanied
1395 by payment of the renewal appointment fee and taxes as
1396 prescribed in s. 624.501.

1397 Section 19. Section 626.536, Florida Statutes, is amended
1398 to read:

1399 626.536 Reporting of administrative actions. ~~Each agent and~~
1400 ~~insurance agency shall submit to the department,~~ Within 30 days
1401 after the final disposition of an ~~any~~ administrative action
1402 taken against a licensee ~~the agent~~ or insurance agency by a
1403 governmental agency or other regulatory agency in this or any
1404 other state or jurisdiction relating to the business of
1405 insurance, the sale of securities, or activity involving fraud,
1406 dishonesty, trustworthiness, or breach of a fiduciary duty, the
1407 licensee or insurance agency must submit a copy of the order,
1408 consent to order, or other relevant legal documents to the
1409 department. The department may adopt rules to administer
1410 ~~implementing the provisions of~~ this section.

1411 Section 20. Section 626.551, Florida Statutes, is amended
1412 to read:

1413 626.551 Notice of change of address, name. ~~A Every~~ licensee
1414 must ~~shall~~ notify the department, in writing, within 30 ~~60~~ days
1415 after a change of name, residence address, principal business
1416 street address, mailing address, contact telephone numbers,
1417 including a business telephone number, or e-mail address. A
1418 licensee ~~licensed agent~~ who has moved his or her residence from
1419 this state shall have his or her license and all appointments
1420 immediately terminated by the department. Failure to notify the
1421 department within the required time ~~period~~ shall result in a

37-00570-12

2012938

1422 fine not to exceed \$250 for the first offense and, ~~for~~
1423 ~~subsequent offenses,~~ a fine of at least \$500 or suspension or
1424 revocation of the license pursuant to s. 626.611, s. 626.6115,
1425 ~~or~~ s. 626.621, or s. 626.6215 for a subsequent offense. The
1426 department may adopt rules to administer and enforce this
1427 section.

1428 Section 21. Subsection (14) is added to section 626.621,
1429 Florida Statutes, to read:

1430 626.621 Grounds for discretionary refusal, suspension, or
1431 revocation of agent's, adjuster's, customer representative's,
1432 service representative's, or managing general agent's license or
1433 appointment.—The department may, in its discretion, deny an
1434 application for, suspend, revoke, or refuse to renew or continue
1435 the license or appointment of any applicant, agent, adjuster,
1436 customer representative, service representative, or managing
1437 general agent, and it may suspend or revoke the eligibility to
1438 hold a license or appointment of any such person, if it finds
1439 that as to the applicant, licensee, or appointee any one or more
1440 of the following applicable grounds exist under circumstances
1441 for which such denial, suspension, revocation, or refusal is not
1442 mandatory under s. 626.611:

1443 (14) Failure to comply with any civil, criminal, or
1444 administrative action taken by the child support enforcement
1445 program under Title IV-D of the Social Security Act, 42 U.S.C.
1446 ss. 651 et seq., to determine paternity or to establish, modify,
1447 enforce, or collect support.

1448 Section 22. Subsection (4) of section 626.641, Florida
1449 Statutes, is amended to read:

1450 626.641 Duration of suspension or revocation.—

37-00570-12

2012938

1451 (4) During the period of suspension or revocation of a the
1452 license or appointment, and until the license is reinstated or,
1453 if revoked, a new license issued, the former licensee or
1454 appointee may ~~shall~~ not engage in or attempt or profess to
1455 engage in any transaction or business for which a license or
1456 appointment is required under this code or directly or
1457 indirectly own, control, or be employed in any manner by an any
1458 ~~insurance agent, or agency, or adjuster,~~ or adjusting firm.

1459 Section 23. Subsection (1) of section 626.651, Florida
1460 Statutes, is amended to read:

1461 626.651 Effect of suspension, revocation upon associated
1462 licenses and appointments and licensees and appointees.—

1463 (1) Upon suspension, revocation, or refusal to renew or
1464 continue any one license of an insurance agent ~~or customer~~
1465 representative, or upon suspension or revocation of eligibility
1466 to hold a license or appointment, the department shall at the
1467 same time likewise suspend or revoke all other licenses,
1468 appointments, or status of eligibility held by the licensee or
1469 appointee under this code.

1470 Section 24. Subsection (4) of section 626.730, Florida
1471 Statutes, is amended to read:

1472 626.730 Purpose of license.—

1473 (4) This section does not prohibit ~~the~~ licensing, under a
1474 limited license for credit insurance, a person who is as to
1475 ~~motor vehicle physical damage and mechanical breakdown insurance~~
1476 ~~or credit property insurance of any person~~ employed by or
1477 associated with a motor vehicle sales or financing agency, a
1478 retail sales establishment, or a consumer loan office, for the
1479 purpose of insuring ~~other than a consumer loan office owned by~~

37-00570-12

2012938

1480 ~~or affiliated with a financial institution as defined in s.~~
 1481 ~~655.005, with respect to insurance of~~ the interest of such
 1482 agency, establishment, or office in a motor vehicle sold or
 1483 financed by it or in personal property if used as collateral for
 1484 a loan.

1485 (5) This section does not apply ~~with respect~~ to the
 1486 interest of a real estate mortgagee in or as to insurance
 1487 covering such interest or in the real estate subject to such
 1488 mortgage.

1489 Section 25. Section 626.732, Florida Statutes, is amended
 1490 to read:

1491 626.732 Requirement as to knowledge, experience, or
 1492 instruction.—

1493 (1) Except as provided in subsection (4) ~~(3)~~, an ~~no~~
 1494 applicant for a license as a general lines agent ~~or personal~~
 1495 ~~lines agent~~, except for a chartered property and casualty
 1496 underwriter (CPCU), may not ~~other than as to a limited license~~
 1497 ~~as to baggage and motor vehicle excess liability insurance,~~
 1498 ~~credit property insurance, credit insurance, in-transit and~~
 1499 ~~storage personal property insurance, or communications equipment~~
 1500 ~~property insurance or communication equipment inland marine~~
 1501 ~~insurance, shall~~ be qualified or licensed unless, within the 4
 1502 years immediately preceding the date the application for license
 1503 is filed with the department, the applicant has:

1504 (a) Taught or successfully completed classroom courses in
 1505 insurance, 3 hours of which must ~~shall~~ be on the subject matter
 1506 of ethics, ~~satisfactory to the department~~ at a school, college,
 1507 or extension division thereof, approved by the department. ~~To~~
 1508 ~~qualify for licensure as a personal lines agent, the applicant~~

37-00570-12

2012938

1509 ~~must complete a total of 52 hours of classroom courses in~~
1510 ~~insurance;~~

1511 (b) Completed a correspondence course in insurance, 3 hours
1512 of which must ~~shall~~ be on the subject matter of ethics,
1513 satisfactory to the department and regularly offered by
1514 accredited institutions of higher learning in this state, and
1515 ~~have, except if he or she is applying for a limited license~~
1516 ~~under s. 626.321, for licensure as a general lines agent, has~~
1517 ~~had~~ at least 6 months of responsible insurance duties as a
1518 substantially full-time bona fide employee in all lines of
1519 property and casualty insurance set forth in the definition of
1520 general lines agent under s. 626.015 ~~or, for licensure as a~~
1521 ~~personal lines agent, has completed at least 3 months in~~
1522 ~~responsible insurance duties as a substantially full-time~~
1523 ~~employee in property and casualty insurance sold to individuals~~
1524 ~~and families for noncommercial purposes;~~

1525 (c) ~~For licensure as a general lines agent, Completed at~~
1526 ~~least 1 year in responsible insurance duties as a substantially~~
1527 ~~full-time bona fide employee in all lines of property and~~
1528 ~~casualty insurance, exclusive of aviation and wet marine and~~
1529 ~~transportation insurances but not exclusive of boats of less~~
1530 ~~than 36 feet in length or aircraft not held out for hire, as set~~
1531 ~~forth in the definition of a general lines agent under s.~~
1532 ~~626.015, but without the education requirement described~~
1533 ~~mentioned in paragraph (a) or paragraph (b) or, for licensure as~~
1534 ~~a personal lines agent, has completed at least 6 months in~~
1535 ~~responsible insurance duties as a substantially full-time~~
1536 ~~employee in property and casualty insurance sold to individuals~~
1537 ~~and families for noncommercial purposes without the education~~

37-00570-12

2012938

1538 ~~requirement in paragraph (a) or paragraph (b);~~

1539 ~~(d)1. For licensure as a general lines agent,~~ Completed at
1540 least 1 year of responsible insurance duties as a licensed and
1541 appointed customer representative or limited customer
1542 representative in commercial or personal lines of property and
1543 casualty insurance and 40 hours of classroom courses approved by
1544 the department covering the areas of property, casualty, surety,
1545 health, and marine insurance; or

1546 ~~2. For licensure as a personal lines agent, completed at~~
1547 ~~least 6 months of responsible duties as a licensed and appointed~~
1548 ~~customer representative or limited customer representative in~~
1549 ~~property and casualty insurance sold to individuals and families~~
1550 ~~for noncommercial purposes and 20 hours of classroom courses~~
1551 ~~approved by the department which are related to property and~~
1552 ~~casualty insurance sold to individuals and families for~~
1553 ~~noncommercial purposes;~~

1554 ~~(e)1. For licensure as a general lines agent,~~ Completed at
1555 least 1 year of responsible insurance duties as a licensed and
1556 appointed service representative in ~~either~~ commercial or
1557 personal lines of property and casualty insurance and 80 hours
1558 of classroom courses approved by the department covering the
1559 areas of property, casualty, surety, health, and marine
1560 insurance. ~~;~~ ~~or~~

1561 ~~2. For licensure as a personal lines agent, completed at~~
1562 ~~least 6 months of responsible insurance duties as a licensed and~~
1563 ~~appointed service representative in property and casualty~~
1564 ~~insurance sold to individuals and families for noncommercial~~
1565 ~~purposes and 40 hours of classroom courses approved by the~~
1566 ~~department related to property and casualty insurance sold to~~

37-00570-12

2012938

1567 ~~individuals and families for noncommercial purposes; or~~

1568 (2) Except as provided under subsection (4), an applicant
1569 for a license as a personal lines agent, except for a chartered
1570 property and casualty underwriter (CPCU), may not be qualified
1571 or licensed unless, within the 4 years immediately preceding the
1572 date the application for license is filed with the department,
1573 the applicant has:

1574 (a) Taught or successfully completed classroom courses in
1575 insurance, 3 hours of which must be on the subject matter of
1576 ethics, at a school, college, or extension division thereof,
1577 approved by the department. To qualify for licensure, the
1578 applicant must complete a total of 52 hours of classroom courses
1579 in insurance;

1580 (b) Completed a correspondence course in insurance, 3 hours
1581 of which must be on the subject matter of ethics, satisfactory
1582 to the department and regularly offered by accredited
1583 institutions of higher learning in this state, and completed at
1584 least 3 months of responsible insurance duties as a
1585 substantially full-time employee in the area of property and
1586 casualty insurance sold to individuals and families for
1587 noncommercial purposes;

1588 (c) Completed at least 6 months of responsible insurance
1589 duties as a substantially full-time employee in the area of
1590 property and casualty insurance sold to individuals and families
1591 for noncommercial purposes, but without the education
1592 requirement described in paragraph (a) or paragraph (b);

1593 (d) Completed at least 6 months of responsible duties as a
1594 licensed and appointed customer representative or limited
1595 customer representative in property and casualty insurance sold

37-00570-12

2012938

1596 to individuals and families for noncommercial purposes and 20
1597 hours of classroom courses approved by the department which are
1598 related to property and casualty insurance sold to individuals
1599 and families for noncommercial purposes;

1600 (e) Completed at least 6 months of responsible insurance
1601 duties as a licensed and appointed service representative in
1602 property and casualty insurance sold to individuals and families
1603 for noncommercial purposes and 40 hours of classroom courses
1604 approved by the department related to property and casualty
1605 insurance sold to individuals and families for noncommercial
1606 purposes; or

1607 ~~(f) For licensure as a personal lines agent,~~ Completed at
1608 least 3 years of responsible duties as a licensed and appointed
1609 customer representative in property and casualty insurance sold
1610 to individuals and families for noncommercial purposes.

1611 ~~(3)-(2) If where~~ an applicant's qualifications as required
1612 under subsection (1) or subsection (2) in paragraph (1)(b) or
1613 ~~paragraph (1)(c)~~ are based in part upon the periods of
1614 employment in ~~at~~ responsible insurance duties ~~prescribed~~
1615 ~~therein,~~ the applicant shall submit with the license application
1616 ~~for license,~~ on a form prescribed by the department, an ~~the~~
1617 affidavit of his or her employer setting forth the period of
1618 such employment, that the employment ~~same~~ was substantially
1619 full-time, and giving a brief abstract of the nature of the
1620 duties performed by the applicant.

1621 ~~(4)-(3)~~ An individual who was or became qualified to sit for
1622 an agent's, customer representative's, or adjuster's examination
1623 at or during the time he or she was employed by the department
1624 or office and who, while so employed, was employed in

37-00570-12

2012938

1625 responsible insurance duties as a full-time bona fide employee
1626 ~~may shall be permitted to~~ take an examination if application for
1627 such examination is made within 90 days after the date of
1628 termination of ~~his or her~~ employment with the department or
1629 office.

1630 (5)~~(4)~~ Classroom and correspondence courses under
1631 subsections (1) and (2) ~~subsection (1)~~ must include instruction
1632 on the subject matter of unauthorized entities engaging in the
1633 business of insurance. The scope of the topic of unauthorized
1634 entities must shall include the Florida Nonprofit Multiple-
1635 Employer Welfare Arrangement Act and the Employee Retirement
1636 Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates
1637 to the provision of health insurance by employers and the
1638 regulation thereof.

1639 (6) This section does not apply to an individual holding
1640 only a limited license for travel insurance, motor vehicle
1641 rental insurance, credit insurance, in-transit and storage
1642 personal property insurance, or portable electronics insurance.

1643 Section 26. Section 626.8411, Florida Statutes, is amended
1644 to read:

1645 626.8411 Application of Florida Insurance Code provisions
1646 to title insurance agents or agencies.-

1647 (1) The following provisions of part II, ~~as~~ applicable to
1648 general lines agents or agencies, ~~also~~ apply to title insurance
1649 agents or agencies:

1650 (a) Section 626.734, relating to liability of certain
1651 agents.

1652 ~~(b) Section 626.175, relating to temporary licenses.~~

1653 (b)~~(e)~~ Section 626.747, relating to branch agencies.

37-00570-12

2012938

- 1654 (c) Section 626.749, relating to place of business in
 1655 residence.
- 1656 (d) Section 626.753, relating to sharing of commissions.
- 1657 (e) Section 626.754, relating to rights of agent following
 1658 termination of appointment.
- 1659 (2) The following provisions of part I do not apply to
 1660 title insurance agents or title insurance agencies:
- 1661 (a) Section 626.112(7), relating to licensing of insurance
 1662 agencies.
- 1663 (b) Section 626.231, relating to eligibility for
 1664 examination.
- 1665 (c) Section 626.572, relating to rebating, when allowed.
- 1666 (d) Section 626.172, relating to agent in full-time charge.
- 1667 Section 27. Section 626.8418, Florida Statutes, is amended
 1668 to read:
- 1669 626.8418 Application for title insurance agency license.—
 1670 Before ~~Prior to~~ doing business in this state as a title
 1671 insurance agency, the ~~a title insurance agency~~ must ~~meet all of~~
 1672 ~~the following requirements:~~
- 1673 ~~(1) The applicant must~~ file with the department an
 1674 application for a license as a title insurance agency, on
 1675 ~~printed~~ forms furnished by the department, which include ~~that~~
 1676 ~~includes~~ all of the following:
- 1677 (1) ~~(a)~~ The name of each majority owner, partner, officer,
 1678 and director of the agency.
- 1679 (2) ~~(b)~~ The residence address of each person required to be
 1680 listed under subsection (1) paragraph (a).
 1681 (3) ~~(c)~~ The name of the agency and its principal business
 1682 address.

37-00570-12

2012938

1683 (4)~~(d)~~ The location of each agency office and the name
1684 under which each ~~agency~~ office conducts or will conduct
1685 business.

1686 (5)~~(e)~~ The name of each agent to be in full-time charge of
1687 an agency office and the identification ~~specification~~ of such
1688 ~~which~~ office.

1689 (6)~~(f)~~ Such additional information as the department
1690 requires by rule to ascertain the trustworthiness and competence
1691 of persons required to be listed on the application and to
1692 ascertain that such persons meet the requirements of this code.

1693 ~~(2) The applicant must have deposited with the department~~
1694 ~~securities of the type eligible for deposit under s. 625.52 and~~
1695 ~~having at all times a market value of not less than \$35,000. In~~
1696 ~~place of such deposit, the title insurance agency may post a~~
1697 ~~surety bond of like amount payable to the department for the~~
1698 ~~benefit of any appointing insurer damaged by a violation by the~~
1699 ~~title insurance agency of its contract with the appointing~~
1700 ~~insurer. If a properly documented claim is timely filed with the~~
1701 ~~department by a damaged title insurer, the department may remit~~
1702 ~~an appropriate amount of the deposit or the proceeds that are~~
1703 ~~received from the surety in payment of the claim. The required~~
1704 ~~deposit or bond must be made by the title insurance agency, and~~
1705 ~~a title insurer may not provide the deposit or bond directly or~~
1706 ~~indirectly on behalf of the title insurance agency. The deposit~~
1707 ~~or bond must secure the performance by the title insurance~~
1708 ~~agency of its duties and responsibilities under the issuing~~
1709 ~~agency contracts with each title insurer for which it is~~
1710 ~~appointed. The agency may exchange or substitute other~~
1711 ~~securities of like quality and value for securities on deposit,~~

37-00570-12

2012938

1712 ~~may receive the interest and other income accruing on such~~
1713 ~~securities, and may inspect the deposit at all reasonable times.~~
1714 ~~Such deposit or bond must remain unimpaired as long as the title~~
1715 ~~insurance agency continues in business in this state and until 1~~
1716 ~~year after termination of all title insurance agency~~
1717 ~~appointments held by the title insurance agency. The title~~
1718 ~~insurance agency is entitled to the return of the deposit or~~
1719 ~~bond together with accrued interest after such year has passed,~~
1720 ~~if no claim has been made against the deposit or bond. If a~~
1721 ~~surety bond is unavailable generally, the department may adopt~~
1722 ~~rules for alternative methods to comply with this subsection.~~
1723 ~~With respect to such alternative methods for compliance, the~~
1724 ~~department must be guided by the past business performance and~~
1725 ~~good reputation and character of the proposed title insurance~~
1726 ~~agency. A surety bond is deemed to be unavailable generally if~~
1727 ~~the prevailing annual premium exceeds 25 percent of the~~
1728 ~~principal amount of the bond.~~

1729 Section 28. Section 626.8548, Florida Statutes, is created
1730 to read:

1731 626.8548 "All-lines adjuster" defined.—An "all-lines
1732 adjuster" is a person who is self-employed or employed by an
1733 insurer, a wholly owned subsidiary of an insurer, or an
1734 independent adjusting firm or other independent adjuster, and
1735 who undertakes on behalf of an insurer or other insurers under
1736 common control or ownership to ascertain and determine the
1737 amount of any claim, loss, or damage payable under an insurance
1738 contract or undertakes to effect settlement of such claim, loss,
1739 or damage. The term does not apply to life insurance or annuity
1740 contracts.

37-00570-12

2012938

1741 Section 29. Section 626.855, Florida Statutes, is amended
1742 to read:

1743 626.855 "Independent adjuster" defined.—An "independent
1744 adjuster" means a ~~is any~~ person licensed as an all-lines
1745 adjuster who is self-appointed ~~self-employed~~ or appointed and ~~is~~
1746 ~~associated with or~~ employed by an independent adjusting firm or
1747 other independent adjuster, and who undertakes on behalf of an
1748 insurer to ascertain and determine the amount of any claim,
1749 loss, or damage payable under an insurance contract or
1750 undertakes to effect settlement of such claim, loss, or damage.

1751 Section 30. Section 626.856, Florida Statutes, is amended
1752 to read:

1753 626.856 "Company employee adjuster" defined.—A "company
1754 employee adjuster" means ~~is~~ a person licensed as an all-lines
1755 adjuster who is appointed and employed on an insurer's staff of
1756 adjusters or a wholly owned subsidiary of the insurer, and who
1757 undertakes on behalf of such insurer or other insurers under
1758 common control or ownership to ascertain and determine the
1759 amount of any claim, loss, or damage payable under a contract of
1760 insurance, or undertakes to effect settlement of such claim,
1761 loss, or damage.

1762 Section 31. Section 626.858, Florida Statutes, is repealed.

1763 Section 32. Section 626.8584, Florida Statutes, is amended
1764 to read:

1765 626.8584 "Nonresident all-lines ~~independent~~ adjuster"
1766 defined.—A "nonresident all-lines ~~independent~~ adjuster" means ~~is~~
1767 a person who:

- 1768 (1) Is not a resident of this state;
1769 (2) Is ~~a~~ currently licensed as an ~~independent~~ adjuster in

37-00570-12

2012938

1770 his or her state of residence for all lines of insurance except
 1771 life and annuities ~~the type or kinds of insurance for which the~~
 1772 ~~licensee intends to adjust claims in this state or, if a~~
 1773 resident of a state that does not license such independent
 1774 adjusters, meets the qualifications ~~has passed the department's~~
 1775 ~~adjuster examination as prescribed in s. 626.8734(1)(b); and~~

1776 (3) Is licensed as an all-lines adjuster and self-appointed
 1777 or appointed and a self-employed independent adjuster or
 1778 ~~associated with or~~ employed by an independent adjusting firm or
 1779 other independent adjuster, by an insurer admitted to do
 1780 business in this state or a wholly-owned subsidiary of an
 1781 insurer admitted to do business in this state, or by other
 1782 insurers under the common control or ownership of such insurer.

1783 Section 33. Section 626.863, Florida Statutes, is amended
 1784 to read:

1785 626.863 Claims referrals to Licensed independent adjusters
 1786 ~~required; insurers' responsibility.-~~

1787 (1) An insurer may ~~shall~~ not knowingly refer any claim or
 1788 loss for adjustment in this state to any person purporting to be
 1789 or acting as an independent adjuster unless the person is
 1790 currently licensed as an all-lines adjuster and appointed as an
 1791 independent adjuster under this code.

1792 (2) Before referring any claim or loss, the insurer shall
 1793 ascertain from the department whether the proposed independent
 1794 adjuster is currently licensed as an all-lines adjuster and
 1795 appointed as an independent adjuster ~~such~~. Having ~~onee~~
 1796 ascertained that a particular person is so licensed and
 1797 appointed, the insurer may assume that he or she will continue
 1798 to be so licensed and appointed until the insurer has knowledge,

37-00570-12

2012938__

1799 or receives information from the department, to the contrary.

1800 (3) This section does not apply to catastrophe or emergency
1801 adjusters as provided ~~for~~ in this part.

1802 Section 34. Section 626.864, Florida Statutes, is amended
1803 to read:

1804 626.864 Adjuster license types.—

1805 (1) A qualified individual may be licensed ~~and appointed~~ as
1806 ~~either:~~

1807 (a) A public adjuster; or

1808 (b) An all-lines independent adjuster; ~~or~~

1809 ~~(c) A company employee adjuster.~~

1810 (2) The same individual may ~~shall~~ not be concurrently
1811 licensed appointed as a public adjuster and an all-lines
1812 adjuster to more than one of the adjuster types referred to in
1813 subsection (1).

1814 (3) An all-lines adjuster may be appointed as an
1815 independent adjuster or company employee adjuster, but not both
1816 concurrently.

1817 Section 35. Paragraph (e) is added to subsection (1) of
1818 section 626.865, Florida Statutes, to read:

1819 626.865 Public adjuster's qualifications, bond.—

1820 (1) The department shall issue a license to an applicant
1821 for a public adjuster's license upon determining that the
1822 applicant has paid the applicable fees specified in s. 624.501
1823 and possesses the following qualifications:

1824 (e) Is licensed as a public adjuster apprentice under s.
1825 626.8651 and complies with the requirements of that license
1826 throughout the licensure period.

1827 Section 36. Section 626.866, Florida Statutes, is amended

37-00570-12

2012938

1828 to read:

1829 626.866 All-lines adjuster ~~Independent adjuster's~~
1830 qualifications.—The department shall issue ~~a license to an~~
1831 ~~applicant for an~~ all-lines adjuster ~~independent adjuster's~~
1832 license to an applicant upon determining that the applicable
1833 license fee specified in s. 624.501 has been paid and that the
1834 applicant possesses the following qualifications:

1835 (1) Is a natural person at least 18 years of age.

1836 (2) Is a United States citizen or legal alien who possesses
1837 work authorization from the United States Bureau of Citizenship
1838 and Immigration Services and a bona fide resident of this state.

1839 (3) Is trustworthy and has such business reputation as
1840 would reasonably assure that the applicant will conduct his or
1841 her business as insurance adjuster fairly and in good faith and
1842 without detriment to the public.

1843 (4) Has had sufficient experience, training, or instruction
1844 concerning the adjusting of damage or loss under insurance
1845 contracts, other than life and annuity contracts, is
1846 sufficiently informed as to the terms and the effects of the
1847 provisions of such types of contracts, and possesses adequate
1848 knowledge of the insurance laws of this state relating to such
1849 contracts as to enable and qualify him or her to engage in the
1850 business of insurance adjuster fairly and without injury to the
1851 public or any member thereof with whom he or she may have
1852 relations as an insurance adjuster and to adjust all claims in
1853 accordance with the policy or contract and the insurance laws of
1854 this state.

1855 (5) Has passed any required written examination or has met
1856 one of the exemptions prescribed under s. 626.221.

37-00570-12

2012938

1857 Section 37. Section 626.867, Florida Statutes, is repealed.

1858 Section 38. Section 626.869, Florida Statutes, is amended
1859 to read:

1860 626.869 License, adjusters; continuing education.—

1861 (1) Having An applicant for a license as an all-lines
1862 adjuster qualifies the licensee to adjust ~~may qualify and his or~~
1863 ~~her license when issued may cover adjusting in any one of the~~
1864 ~~following classes of insurance:~~

1865 ~~(a) all lines of insurance except life and annuities.~~

1866 ~~(b) Motor vehicle physical damage insurance.~~

1867 ~~(c) Property and casualty insurance.~~

1868 ~~(d) Workers' compensation insurance.~~

1869 ~~(e) Health insurance.~~

1870

1871 ~~No examination on workers' compensation insurance or health~~
1872 ~~insurance shall be required for public adjusters.~~

1873 (2) All individuals who on October 1, 1990, hold an
1874 adjuster's license and appointment limited to fire and allied
1875 lines, including marine or casualty or boiler and machinery, may
1876 remain licensed and appointed under the limited license and may
1877 renew their appointment, but a ~~ne~~ license or appointment that
1878 ~~which~~ has been terminated, not renewed, suspended, or revoked
1879 may not ~~shall~~ be reinstated, and ~~ne~~ new or additional licenses
1880 or appointments may not ~~shall~~ be issued.

1881 (3) All individuals who on October 1, 2012, hold an
1882 adjuster's license and appointment limited to motor vehicle
1883 physical damage and mechanical breakdown, property and casualty,
1884 workers' compensation, or health insurance may remain licensed
1885 and appointed under such limited license and may renew their

37-00570-12

2012938

1886 appointment, but a license that has been terminated, suspended,
1887 or revoked may not be reinstated, and new or additional licenses
1888 may not be issued. The applicant's application for license shall
1889 specify which of the foregoing classes of business the
1890 application for license is to cover.

1891 (4)(a) An Any individual holding a license as a public
1892 adjuster or an all-lines a company employee adjuster must
1893 complete all continuing education requirements as specified in
1894 s. 626.2815. or independent adjuster for 24 consecutive months
1895 or longer must, beginning in his or her birth month and every 2
1896 years thereafter, have completed 24 hours of courses, 2 hours of
1897 which relate to ethics, in subjects designed to inform the
1898 licensee regarding the current insurance laws of this state, so
1899 as to enable him or her to engage in business as an insurance
1900 adjuster fairly and without injury to the public and to adjust
1901 all claims in accordance with the policy or contract and the
1902 laws of this state.

1903 (b) Any individual holding a license as a public adjuster
1904 for 24 consecutive months or longer, beginning in his or her
1905 birth month and every 2 years thereafter, must have completed 24
1906 hours of courses, 2 hours of which relate to ethics, in subjects
1907 designed to inform the licensee regarding the current laws of
1908 this state pertaining to all lines of insurance other than life
1909 and annuities, the current laws of this state pertaining to the
1910 duties and responsibilities of public adjusters as set forth in
1911 this part, and the current rules of the department applicable to
1912 public adjusters and standard or representative policy forms
1913 used by insurers, other than forms for life insurance and
1914 annuities, so as to enable him or her to engage in business as

37-00570-12

2012938

1915 ~~an adjuster fairly and without injury to the public and to~~
1916 ~~adjust all claims in accordance with the policy or contract and~~
1917 ~~laws of this state. In order to receive credit for continuing~~
1918 ~~education courses, public adjusters must take courses that are~~
1919 ~~specifically designed for public adjusters and approved by the~~
1920 ~~department, provided, however, no continuing education course~~
1921 ~~shall be required for public adjusters for workers' compensation~~
1922 ~~insurance or health insurance.~~

1923 ~~(c) The department shall adopt rules necessary to implement~~
1924 ~~and administer the continuing education requirements of this~~
1925 ~~subsection. For good cause shown, the department may grant an~~
1926 ~~extension of time during which the requirements imposed by this~~
1927 ~~section may be completed, but such extension of time may not~~
1928 ~~exceed 1 year.~~

1929 ~~(d) A nonresident public adjuster must complete the~~
1930 ~~continuing education requirements provided by this section;~~
1931 ~~provided, a nonresident public adjuster may meet the~~
1932 ~~requirements of this section if the continuing education~~
1933 ~~requirements of the nonresident public adjuster's home state are~~
1934 ~~determined to be substantially comparable to the requirements of~~
1935 ~~this state's continuing education requirements and if the~~
1936 ~~resident's state recognizes reciprocity with this state's~~
1937 ~~continuing education requirements. A nonresident public adjuster~~
1938 ~~whose home state does not have such continuing education~~
1939 ~~requirements for adjusters, and who is not licensed as a~~
1940 ~~nonresident adjuster in a state that has continuing education~~
1941 ~~requirements and reciprocates with this state, must meet the~~
1942 ~~continuing education requirements of this section.~~

1943 (5) The regulation of continuing education for licensees,

37-00570-12

2012938

1944 course providers, instructors, school officials, and monitor
1945 groups shall be as provided ~~for~~ in s. 626.2816.

1946 Section 39. Paragraph (c) of subsection (2) of section
1947 626.8697, Florida Statutes, is amended to read:

1948 626.8697 Grounds for refusal, suspension, or revocation of
1949 adjusting firm license.—

1950 (2) The department may, in its discretion, deny, suspend,
1951 revoke, or refuse to continue the license of any adjusting firm
1952 if it finds that any of the following applicable grounds exist
1953 with respect to the firm or any owner, partner, manager,
1954 director, officer, or other person who is otherwise involved in
1955 the operation of the firm:

1956 (c) Violation of an ~~any~~ order or rule of the department,
1957 office, or commission.

1958 Section 40. Subsections (1) and (5) of section 626.872,
1959 Florida Statutes, are amended to read:

1960 626.872 Temporary license.—

1961 (1) The department may, ~~in its discretion,~~ issue a
1962 temporary license as an all-lines independent adjuster ~~or as a~~
1963 ~~company employee adjuster,~~ subject to the following conditions:

1964 (a) The applicant must be an employee of an adjuster
1965 currently licensed by the department, ~~an employee of an~~
1966 authorized insurer, or ~~an employee of an~~ established adjusting
1967 firm or corporation who ~~which~~ is supervised by a currently
1968 licensed all-lines independent adjuster.

1969 ~~(b) The application must be accompanied by a certificate of~~
1970 ~~employment and a report as to the applicant's integrity and~~
1971 ~~moral character on a form prescribed by the department and~~
1972 ~~executed by the employer.~~

37-00570-12

2012938

1973 (b)~~(e)~~ The applicant must be a natural person of at least
 1974 18 years of age, ~~must be~~ a bona fide resident of this state,
 1975 ~~must be~~ trustworthy, and ~~must~~ have a such business reputation
 1976 that ~~as~~ would reasonably ensure ~~assure~~ that the applicant will
 1977 conduct his or her business as an adjuster fairly and in good
 1978 faith and without detriment to the public.

1979 (c)~~(d)~~ The applicant's employer is responsible for the
 1980 adjustment acts of the temporary ~~any~~ licensee ~~under this~~
 1981 ~~section~~.

1982 (d)~~(e)~~ The applicable license fee ~~specified~~ must be paid
 1983 before issuance of the temporary license.

1984 (e)~~(f)~~ The temporary license is ~~shall be~~ effective for a
 1985 ~~period of~~ 1 year, but is subject to earlier termination at the
 1986 request of the employer, ~~or~~ if the licensee fails to take an
 1987 examination as an all-lines independent adjuster ~~or company~~
 1988 ~~employee adjuster~~ within 6 months after issuance of the
 1989 temporary license, or if the temporary license is suspended or
 1990 revoked by the department.

1991 (5) The department may ~~shall~~ not issue a temporary license
 1992 as an all-lines independent adjuster ~~or as a company employee~~
 1993 ~~adjuster~~ to an ~~any~~ individual who has ~~ever~~ held such a license
 1994 in this state.

1995 Section 41. Section 626.873, Florida Statutes, is repealed.

1996 Section 42. Section 626.8734, Florida Statutes, is amended
 1997 to read:

1998 626.8734 Nonresident all-lines adjuster license independent
 1999 ~~adjuster's~~ qualifications.-

2000 (1) The department shall, ~~upon application therefor,~~ issue
 2001 a license to an applicant for a nonresident all-lines adjuster

37-00570-12

2012938

independent adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(a) Is a natural person at least 18 years of age.

(b) Has passed to the satisfaction of the department a written Florida all-lines adjuster ~~independent adjuster's~~ examination of the scope prescribed in s. 626.241(6); however, the requirement for the examination does not apply to ~~any of the following:~~

1. An applicant who is licensed as an all-lines ~~a resident independent~~ adjuster in his or her home state ~~if of residence when that state has entered into~~ requires the passing of a ~~written examination in order to obtain the license and a~~ reciprocal agreement with the ~~appropriate official of that state has been entered into by the~~ department; or

2. An applicant who is licensed as a nonresident all-lines ~~independent~~ adjuster in a state other than his or her home state ~~of residence when the state of licensure requires the passing of a written examination in order to obtain the license and a~~ reciprocal agreement with the appropriate official of the state of licensure has been entered into with ~~by~~ the department.

(c) Is licensed as an all-lines adjuster and is self-appointed or appointed and employed by an independent adjusting firm or other independent adjuster, or is an employee of an insurer admitted to do business in this state or other insurers under the common control or ownership of such insurer self-employed or associated with or employed by an independent adjusting firm or other independent adjuster. Applicants licensed as nonresident all-lines ~~independent~~ adjusters under

37-00570-12

2012938

2031 this section must be appointed as an independent adjuster or
2032 company employee adjuster ~~such~~ in accordance with ~~the provisions~~
2033 ~~of~~ ss. 626.112 and 626.451. Appointment fees as in the amount
2034 specified in s. 624.501 must be paid to the department in
2035 advance. The appointment of a nonresident independent adjuster
2036 continues ~~shall continue~~ in force until suspended, revoked, or
2037 otherwise terminated, but is subject to biennial renewal or
2038 continuation by the licensee in accordance with ~~procedures~~
2039 ~~prescribed in~~ s. 626.381 for licensees in general.

2040 (d) Is trustworthy and has such business reputation as
2041 would reasonably ensure ~~assure~~ that he or she will conduct his
2042 or her business as a nonresident all-lines independent adjuster
2043 fairly and in good faith and without detriment to the public.

2044 (e) Has had sufficient experience, training, or instruction
2045 concerning the adjusting of damages or losses under insurance
2046 contracts, other than life and annuity contracts; is
2047 sufficiently informed as to the terms and effects of ~~the~~
2048 ~~provisions of~~ those types of insurance contracts; and possesses
2049 adequate knowledge of the laws of this state relating to such
2050 contracts as to enable and qualify him or her to engage in the
2051 business of insurance adjuster fairly and without injury to the
2052 public or any member thereof with whom he or she may have
2053 business as an all-lines independent adjuster.

2054 (2) The applicant must ~~shall~~ furnish the following with his
2055 or her application:

2056 (a) A complete set of his or her fingerprints. The
2057 applicant's fingerprints must be certified by an authorized law
2058 enforcement officer.

2059 (b) If currently licensed as an all-lines ~~a resident~~

37-00570-12

2012938

2060 ~~independent~~ adjuster in the applicant's home state ~~of residence~~,
2061 a certificate or letter of authorization from the licensing
2062 authority of the applicant's home state ~~of residence~~, stating
2063 that the applicant holds a current license to act as an all-
2064 lines independent adjuster. The ~~Such~~ certificate or letter of
2065 authorization must be signed by the insurance commissioner, or
2066 his or her deputy or the appropriate licensing official, and
2067 must disclose whether the adjuster has ever had a ~~any~~ license or
2068 eligibility to hold any license declined, denied, suspended,
2069 revoked, or placed on probation or whether an administrative
2070 fine or penalty has been levied against the adjuster and, if so,
2071 the reason for the action. Such certificate or letter is not
2072 required if the nonresident applicant's licensing status can be
2073 verified through the Producer Database maintained by the
2074 National Association of Insurance Commissioners, its affiliates,
2075 or subsidiaries.

2076 (c) If the applicant's home state ~~of residence~~ does not
2077 require licensure as an all-lines independent adjuster and the
2078 applicant has been licensed as a resident insurance adjuster,
2079 agent, broker, or other insurance representative in his or her
2080 home state ~~of residence~~ or any other state within the past 3
2081 years, a certificate or letter of authorization from the
2082 licensing authority stating that the applicant holds or has held
2083 a license to act as an insurance adjuster, agent, or other
2084 insurance representative. The certificate or letter of
2085 authorization must be signed by the insurance commissioner, or
2086 his or her deputy or the appropriate licensing official, and
2087 must disclose whether the adjuster, agent, or other insurance
2088 representative has ever had a ~~any~~ license or eligibility to hold

37-00570-12

2012938

2089 any license declined, denied, suspended, revoked, or placed on
2090 probation or whether an administrative fine or penalty has been
2091 levied against the adjuster and, if so, the reason for the
2092 action. Such certificate or letter is not required if the
2093 nonresident applicant's licensing status can be verified through
2094 the Producer Database maintained by the National Association of
2095 Insurance Commissioners, its affiliates, or subsidiaries.

2096 (3) The usual and customary records pertaining to
2097 transactions under the license of a nonresident all-lines
2098 ~~independent~~ adjuster must be retained for at least 3 years after
2099 completion of the adjustment and ~~must~~ be made available in this
2100 state to the department upon request. The failure of a
2101 nonresident all-lines ~~independent~~ adjuster to properly maintain
2102 records and make them available to the department upon request
2103 constitutes grounds for the immediate suspension of the license
2104 issued under this section.

2105 (4) ~~After licensure as a nonresident independent adjuster,~~
2106 As a condition of doing business in this state as a nonresident
2107 independent adjuster, the appointee must ~~licensee must annually~~
2108 ~~on or before January 1, on a form prescribed by the department,~~
2109 submit an affidavit to the department certifying that the
2110 licensee is familiar with and understands the insurance laws and
2111 administrative rules of this state and the provisions of the
2112 contracts negotiated or to be negotiated. Compliance with this
2113 filing requirement is a condition precedent to the issuance,
2114 continuation, reinstatement, or renewal of a nonresident
2115 independent adjuster's appointment.

2116 Section 43. Section 626.8736, Florida Statutes, is amended
2117 to read:

37-00570-12

2012938

2118 626.8736 Nonresident independent or public adjusters;
2119 service of process.—

2120 (1) Each licensed nonresident ~~independent or~~ public
2121 adjuster or all-lines adjuster appointed as an independent
2122 adjuster shall appoint the Chief Financial Officer and his or
2123 her successors in office as his or her attorney to receive
2124 service of legal process issued against such ~~the nonresident~~
2125 ~~independent or public~~ adjuster in this state, upon causes of
2126 action arising within this state out of transactions under his
2127 license and appointment. Service upon the Chief Financial
2128 Officer as attorney constitutes ~~shall constitute~~ effective legal
2129 service upon the nonresident independent or public adjuster.

2130 (2) The appointment of the Chief Financial Officer for
2131 service of process is ~~shall be~~ irrevocable ~~for~~ as long as there
2132 could be any cause of action against the nonresident ~~independent~~
2133 ~~or~~ public adjuster or all-lines adjuster appointed as an
2134 independent adjuster arising out of his or her insurance
2135 transactions in this state.

2136 (3) Duplicate copies of legal process against the
2137 nonresident ~~independent or~~ public adjuster or all-lines adjuster
2138 appointed as an independent adjuster shall be served upon the
2139 Chief Financial Officer by a person competent to serve a
2140 summons.

2141 (4) Upon receiving the service, the Chief Financial Officer
2142 shall ~~forthwith~~ send one of the copies of the process, by
2143 registered mail with return receipt requested, to the defendant
2144 nonresident ~~independent or~~ public adjuster or all-lines adjuster
2145 appointed as an independent adjuster at his or her last address
2146 of record with the department.

37-00570-12

2012938

2147 (5) The Chief Financial Officer shall keep a record of the
2148 day and hour of service upon him or her of all legal process
2149 received under this section.

2150 Section 44. Subsection (1) of section 626.874, Florida
2151 Statutes, is amended to read:

2152 626.874 Catastrophe or emergency adjusters.—

2153 (1) In the event of a catastrophe or emergency, the
2154 department may issue a license, for the purposes and under the
2155 conditions ~~which it shall fix~~ and for the period of emergency as
2156 it shall determine, to persons who are residents or nonresidents
2157 of this state, who are at least 18 years of age, who are United
2158 States citizens or legal aliens who possess work authorization
2159 from the United States Bureau of Citizenship and Immigration
2160 Services, and who are not licensed adjusters under this part but
2161 who have been designated and certified to it as qualified to act
2162 as adjusters by all-lines independent resident adjusters, ~~or~~ by
2163 an authorized insurer, or by a licensed general lines agent to
2164 adjust claims, losses, or damages under policies or contracts of
2165 insurance issued by such insurers. The fee for the license is
2166 ~~shall be~~ as provided in s. 624.501(12)(c).

2167 Section 45. Subsection (1) of section 626.875, Florida
2168 Statutes, is amended to read:

2169 626.875 Office and records.—

2170 (1) Each appointed ~~Every licensed~~ independent adjuster and
2171 ~~every~~ licensed public adjuster must ~~shall have and~~ maintain ~~in~~
2172 ~~this state~~ a place of business in this state which is accessible
2173 to the public and keep therein the usual and customary records
2174 pertaining to transactions under the license. This provision
2175 does ~~shall not be deemed to~~ prohibit maintenance of such an

37-00570-12

2012938

2176 office in the home of the licensee.

2177 Section 46. Section 626.876, Florida Statutes, is amended
2178 to read:

2179 626.876 Exclusive employment; public adjusters, independent
2180 adjusters.—

2181 (1) An ~~No~~ individual licensed and appointed as a public
2182 adjuster may not ~~shall~~ be ~~so~~ employed during the same period by
2183 more than one public adjuster or public adjuster firm or
2184 corporation.

2185 (2) An ~~No~~ individual licensed as an all-lines adjuster and
2186 appointed as an independent adjuster may not ~~shall~~ be ~~so~~
2187 employed during the same period by more than one independent
2188 adjuster or independent adjuster firm or corporation.

2189 Section 47. Subsections (5), (6), and (7) of section
2190 626.927, Florida Statutes, are amended to read:

2191 626.927 Licensing of surplus lines agent.—

2192 ~~(5) The applicant must file and thereafter maintain the~~
2193 ~~bond as required under s. 626.928.~~

2194 ~~(5)(6)~~ Examinations as to surplus lines, as required under
2195 subsections (1) and (2), are ~~shall be~~ subject to the provisions
2196 of part I as applicable to applicants for licenses in general.
2197 ~~No such examination shall be required as to persons who held a~~
2198 ~~Florida surplus lines agent's license as of January 1, 1959,~~
2199 ~~except when examinations subsequent to issuance of an initial~~
2200 ~~license are provided for in general under part I.~~

2201 ~~(6)(7)~~ An ~~Any~~ individual who has been licensed by the
2202 department as a surplus lines agent as provided in this section
2203 may be subsequently appointed without additional written
2204 examination if his or her application for appointment is filed

37-00570-12

2012938

2205 with the department within 48 months after ~~next following~~ the
 2206 date of cancellation or expiration of the prior appointment. The
 2207 department may, ~~in its discretion,~~ require an ~~any~~ individual to
 2208 take and successfully pass an examination as for original
 2209 issuance of license as a condition precedent to the
 2210 reinstatement or continuation of the licensee's current license
 2211 or reinstatement or continuation of the licensee's appointment.

2212 Section 48. Section 626.928, Florida Statutes, is repealed.

2213 Section 49. Section 626.933, Florida Statutes, is amended
 2214 to read:

2215 626.933 Collection of tax and service fee.—If the tax or
 2216 service fee payable by a surplus lines agent under the ~~this~~
 2217 Surplus Lines Law is not so paid within the time prescribed, it
 2218 ~~the same~~ shall be recoverable in a suit brought by the
 2219 department against the surplus lines agent ~~and the surety or~~
 2220 ~~sureties on the bond filed by the surplus lines agent under s.~~
 2221 ~~626.928~~. The department may authorize the Florida Surplus Lines
 2222 Service Office to file suit on its behalf. All costs and
 2223 expenses incurred in a suit brought by the office which are not
 2224 recoverable from the agent or surety shall be borne by the
 2225 office.

2226 Section 50. Subsection (1) of section 626.935, Florida
 2227 Statutes, is amended to read:

2228 626.935 Suspension, revocation, or refusal of surplus lines
 2229 agent's license.—

2230 (1) The department shall deny an application for, suspend,
 2231 revoke, or refuse to renew the appointment of a surplus lines
 2232 agent and all other licenses and appointments held by the
 2233 licensee under this code, on ~~upon~~ any of the following grounds:

37-00570-12

2012938

2234 (a) Removal of the licensee's office from the licensee's
2235 state of residence.

2236 (b) Removal of the accounts and records of his or her
2237 surplus lines business from this state or the licensee's state
2238 of residence during the period when such accounts and records
2239 are required to be maintained under s. 626.930.

2240 (c) Closure of the licensee's office for ~~a period of~~ more
2241 than 30 consecutive days.

2242 (d) Failure to make and file his or her affidavit or
2243 reports when due as required by s. 626.931.

2244 (e) Failure to pay the tax or service fee on surplus lines
2245 premiums, as provided ~~for~~ in the ~~this~~ Surplus Lines Law.

2246 ~~(f) Failure to maintain the bond as required by s. 626.928.~~

2247 (f) ~~(g)~~ Suspension, revocation, or refusal to renew or
2248 continue the license or appointment as a general lines agent,
2249 service representative, or managing general agent.

2250 (g) ~~(h)~~ Lack of qualifications as for an original surplus
2251 lines agent's license.

2252 (h) ~~(i)~~ Violation of this Surplus Lines Law.

2253 (i) ~~(j)~~ For any other applicable cause for which the license
2254 of a general lines agent could be suspended, revoked, or refused
2255 under s. 626.611 or s. 626.621.

2256 Section 51. Paragraph (b) of subsection (1) of section
2257 627.952, Florida Statutes, is amended to read:

2258 627.952 Risk retention and purchasing group agents.—

2259 (1) Any person offering, soliciting, selling, purchasing,
2260 administering, or otherwise servicing insurance contracts,
2261 certificates, or agreements for any purchasing group or risk
2262 retention group to any resident of this state, either directly

37-00570-12

2012938

2263 or indirectly, by the use of mail, advertising, or other means
2264 of communication, shall obtain a license and appointment to act
2265 as a resident general lines agent, if a resident of this state,
2266 or a nonresident general lines agent if not a resident. Any such
2267 person shall be subject to all requirements of the Florida
2268 Insurance Code.

2269 (b) Any person required to be licensed and appointed under
2270 ~~by~~ this subsection, in order to place business through Florida
2271 eligible surplus lines carriers, must ~~shall~~, if a resident of
2272 this state, be licensed and appointed as a surplus lines agent.
2273 ~~Any such person,~~ If not a resident of this state, such person
2274 must ~~shall~~ be licensed and appointed as a surplus lines agent in
2275 her or his state of residence and ~~shall~~ file and thereafter
2276 maintain a fidelity bond in favor of the people of the State of
2277 Florida executed by a surety company admitted in this state and
2278 payable to the State of Florida; ~~provided,~~ however, ~~any~~
2279 ~~activities carried out by such nonresident~~ is pursuant to this
2280 ~~part shall be~~ limited to the provision of insurance for
2281 purchasing groups. The bond must ~~shall~~ be continuous in form and
2282 ~~maintained~~ in the amount of not less than \$50,000, aggregate
2283 liability set out in s. 626.928. The bond must ~~shall~~ remain in
2284 force and effect until the surety is released from liability by
2285 the department or until the bond is canceled by the surety. The
2286 surety may cancel the bond and be released from further
2287 liability ~~thereunder~~ upon 30 days' prior written notice to the
2288 department. The cancellation does ~~shall~~ not affect any liability
2289 incurred or accrued ~~thereunder~~ before the termination of the 30-
2290 day period. Upon receipt of a notice of cancellation, the
2291 department shall immediately notify the agent.

37-00570-12

2012938

2292 Section 52. Subsections (1) and (2) of section 635.051,
2293 Florida Statutes, are amended to read:

2294 635.051 Licensing and appointment of mortgage guaranty
2295 insurance agents.—

2296 (1) Effective October 1, 2012, a person may not transact
2297 mortgage guaranty insurance unless licensed and appointed as a
2298 credit insurance agent in accordance with the applicable
2299 provisions of the insurance code. Mortgage guaranty licenses
2300 held by persons on October 1, 2012, shall be transferred to a
2301 credit insurance agent license. Persons who wish to obtain a new
2302 license identification card that reflects this change must
2303 submit the \$5 fee as prescribed in s. 624.501(15). ~~Agents of~~
2304 ~~mortgage guaranty insurers shall be licensed and appointed and~~
2305 ~~shall be subject to the same qualifications and requirements~~
2306 ~~applicable to general lines agents under the laws of this state,~~
2307 ~~except that:~~

2308 ~~(a) Particular preliminary specialized education or~~
2309 ~~training is not required of an applicant for such an agent's~~
2310 ~~license, and continuing education is not required for renewal of~~
2311 ~~the agent's appointment if, as part of the application for~~
2312 ~~license and appointment, the insurer guarantees that the~~
2313 ~~applicant will receive the necessary training to enable him or~~
2314 ~~her properly to hold himself or herself out to the public as a~~
2315 ~~mortgage guaranty insurance agent and if the department, in its~~
2316 ~~discretion, accepts such guaranty;~~

2317 ~~(b) The agent's license and appointment shall be a limited~~
2318 ~~license, limited to the handling of mortgage guaranty insurance~~
2319 ~~only; and~~

2320 ~~(c) An examination may be required of an applicant for such~~

37-00570-12

2012938

2321 ~~a license if the insurer fails to provide the guaranty described~~
2322 ~~in paragraph (a).~~

2323 (2) Any general lines agent licensed under chapter 626 is
2324 qualified to represent a mortgage guaranty insurer without
2325 additional licensure ~~examination~~.

2326 Section 53. Subsection (2) of section 648.38, Florida
2327 Statutes, is amended to read:

2328 648.38 Licensure examination for bail bond agents; time;
2329 place; fees; scope.—

2330 (2) The department or a person designated by the department
2331 shall provide ~~mail written~~ notice of the time and place of the
2332 examination to each applicant for licensure required to take an
2333 examination who will be eligible to take the examination as of
2334 the examination date. The notice shall be e-mailed ~~so mailed,~~
2335 ~~postage prepaid,~~ and addressed to the applicant at the e-mail
2336 ~~his or her~~ address shown on his or her application for licensure
2337 ~~or at such other address as requested by the applicant in~~
2338 ~~writing filed with the department prior to the mailing of the~~
2339 ~~notice~~. Notice shall be deemed given when so mailed.

2340 Section 54. Section 648.385, Florida Statutes, is amended
2341 to read:

2342 648.385 Continuing education required; application;
2343 exceptions; requirements; penalties.—

2344 (1) The purpose of this section is to establish
2345 requirements and standards for continuing education courses for
2346 persons authorized to write bail bonds in this state.

2347 (2) ~~(a)~~ Each person subject to ~~the provisions of this~~
2348 chapter must complete a minimum of 14 hours of continuing
2349 education courses every 2 years as specified in s. 626.2815 ~~in~~

37-00570-12

2012938

2350 ~~courses approved by the department. Compliance with continuing~~
2351 ~~education requirements is a condition precedent to the issuance,~~
2352 ~~continuation, or renewal of any appointment subject to the~~
2353 ~~provisions of this chapter.~~

2354 ~~(b) A person teaching any approved course of instruction or~~
2355 ~~lecturing at any approved seminar and attending the entire~~
2356 ~~course or seminar shall qualify for the same number of classroom~~
2357 ~~hours as would be granted to a person taking and successfully~~
2358 ~~completing such course, seminar, or program. Credit shall be~~
2359 ~~limited to the number of hours actually taught unless a person~~
2360 ~~attends the entire course or seminar.~~

2361 ~~(c) For good cause shown, the department may grant an~~
2362 ~~extension of time during which the requirements imposed by this~~
2363 ~~section may be completed, but such extension of time may not~~
2364 ~~exceed 1 year.~~

2365 ~~(3) (a) Any bail-related course developed or sponsored by~~
2366 ~~any authorized insurer or recognized bail bond agents'~~
2367 ~~association, or any independent study program of instruction,~~
2368 ~~subject to approval by the department, qualifies for the~~
2369 ~~equivalency of the number of classroom hours assigned to such~~
2370 ~~course by the department. However, unless otherwise provided in~~
2371 ~~this section, continuing education credit may not be credited~~
2372 ~~toward meeting the requirements of this section unless the~~
2373 ~~course is provided by classroom instruction or results in a~~
2374 ~~monitored examination.~~

2375 ~~(b) Each person or entity sponsoring a course for~~
2376 ~~continuing education credit must furnish, within 30 days after~~
2377 ~~completion of the course, in a form satisfactory to the~~
2378 ~~department or its designee, a written and certified roster~~

37-00570-12

2012938

2379 ~~showing the name and license number of all persons successfully~~
2380 ~~completing such course and requesting credit, accompanied by the~~
2381 ~~required fee. The department shall refuse to issue, continue, or~~
2382 ~~renew the appointment of any bail bond agent who has not had the~~
2383 ~~continuing education requirements certified unless the agent has~~
2384 ~~been granted an extension by the department.~~

2385 Section 55. Subsection (1) of section 903.27, Florida
2386 Statutes, is amended to read:

2387 903.27 Forfeiture to judgment.—

2388 (1) If the forfeiture is not paid or discharged by court
2389 ~~order of a court of competent jurisdiction~~ within 60 days and
2390 the bond is secured other than by money and bonds authorized
2391 under ~~in~~ s. 903.16, the clerk of the circuit court for the
2392 county where the order was made shall enter a judgment against
2393 the surety for the amount of the penalty and issue execution.
2394 However, if ~~in any case in which~~ the bond forfeiture has been
2395 discharged by the court ~~of competent jurisdiction~~ conditioned
2396 upon the payment by the surety of certain costs or fees as
2397 allowed by statute, the amount for which judgment may be entered
2398 may not exceed the amount of the unpaid fees or costs upon which
2399 the discharge had been conditioned. Judgment for the full amount
2400 of the forfeiture may ~~shall~~ not be entered if payment of a
2401 lesser amount will satisfy the conditions to discharge the
2402 forfeiture. Within 10 days, the clerk shall furnish the
2403 ~~Department of Financial Services and the Office of Insurance~~
2404 ~~Regulation of the Financial Services Commission with a certified~~
2405 ~~copy of the judgment docket and shall furnish the~~ surety company
2406 ~~at its home office~~ a copy of the judgment at its home office,
2407 which includes ~~shall include~~ the power of attorney number of the

37-00570-12

2012938__

2408 bond and the name of the executing agent. If the judgment is not
2409 paid within 60 ~~35~~ days, the clerk shall furnish ~~the Department~~
2410 ~~of Financial Services,~~ the Office of Insurance Regulation, and
2411 the sheriff of the county in which the bond was executed, or the
2412 official responsible for operation of the county jail, if other
2413 than the sheriff, two certified copies of the transcript of the
2414 docket of the judgment and a certificate stating that the
2415 judgment remains unsatisfied. ~~When and~~ If the judgment is
2416 properly paid or a court ~~an~~ order to vacate the judgment has
2417 been entered ~~by a court of competent jurisdiction,~~ the clerk
2418 shall immediately notify the sheriff, or the official
2419 responsible for the operation of the county jail, if other than
2420 the sheriff, ~~and the Department of Financial Services~~ and the
2421 Office of Insurance Regulation, if the ~~department and~~ office had
2422 been previously notified of nonpayment, of such payment or order
2423 to vacate the judgment. The clerk shall also immediately prepare
2424 and record in the public records a satisfaction of the judgment
2425 or record the order to vacate judgment. If the defendant is
2426 returned to the county of jurisdiction of the court and,
2427 ~~whenever~~ a motion to set aside the judgment is filed, the
2428 operation of this section is tolled until the court makes a
2429 disposition of the motion.

2430 Section 56. Except as otherwise expressly provided in this
2431 act, this act shall take effect October 1, 2012.