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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Banking and Insurance (Simmons) recommended the following:

Senate Amendment (with title amendment)

Between lines 130 and 131
insert:

Section 3. Effective October 1, 2014, subsection (2) of section 624.34, Florida Statutes, is amended to read:

624.34 Authority of Department of Law Enforcement to accept fingerprints of, and exchange criminal history records with respect to, certain persons.—

(2) The Department of Law Enforcement may accept fingerprints of individuals who apply for a license as an agent, customer representative, adjuster, service representative,



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13 navigator, or managing general agent or the fingerprints of the
14 majority owner, sole proprietor, partners, officers, and
15 directors of a corporation or other legal entity that applies
16 for licensure with the department or office under ~~the provisions~~
17 ~~of~~ the Florida Insurance Code.

18 Section 4. Effective October 1, 2014, subsection (1) of
19 section 626.022, Florida Statutes, is amended to read:

20 626.022 Scope of part.—

21 (1) This part applies ~~as~~ to insurance agents, service
22 representatives, adjusters, navigators, and insurance agencies;
23 ~~as~~ to any and all kinds of insurance; and ~~as~~ to stock insurers,
24 mutual insurers, reciprocal insurers, and all other types of
25 insurers, except that:

26 (a) It does not apply ~~as~~ to reinsurance, except that ss.
27 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
28 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
29 626.591, and ss. 626.601-626.711 shall apply ~~as~~ to reinsurance
30 intermediaries as defined in s. 626.7492.

31 (b) The applicability of this chapter ~~as~~ to fraternal
32 benefit societies shall be as provided in chapter 632.

33 (c) It does not apply to a bail bond agent, as defined in
34 s. 648.25, except as provided in chapter 648 or chapter 903.

35 (d) It ~~This part~~ does not apply to a certified public
36 accountant licensed under chapter 473 who is acting within the
37 scope of the practice of public accounting, as defined in s.
38 473.302 ~~if, provided that~~ the activities of the certified public
39 accountant are limited to advising a client of the necessity of
40 obtaining insurance, the amount of insurance needed, or the line
41 of coverage needed, and ~~if provided that~~ the certified public



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42 accountant does not directly or indirectly receive or share in
43 any commission or referral fee.

44 Section 5. Effective October 1, 2014, subsection (9) of
45 section 626.207, Florida Statutes, is amended to read:

46 626.207 Disqualification of applicants and licensees;
47 penalties against licensees; rulemaking authority.—

48 (9) Section 112.011 does not apply to ~~any~~ applicants for
49 licensure under the Florida Insurance Code, including, but not
50 limited to, agents, agencies, adjusters, adjusting firms,
51 customer representatives, navigators, or managing general
52 agents.

53 Section 6. The Division of Law Revision and Information is
54 directed to create part XII of chapter 626, Florida Statutes,
55 consisting of s. 626.995, Florida Statutes, and to title that
56 part as "Navigators."

57 Section 7. Effective October 1, 2014, section 626.995,
58 Florida Statutes, is created to read:

59 626.995 Qualification and licensure of navigators.—

60 (1) All navigators must be licensed and have such licenses
61 renewed, continued, reinstated, or terminated as prescribed for
62 licensure or appointment under parts I and IV of this chapter.
63 Parts VIII and IX of this chapter also apply to navigators.

64 (2) DEFINITIONS.—As used in this section, the term:

65 (a) "Exchange" means an approved state, federal, or
66 partnership exchange operating in this state pursuant 42 U.S.C.
67 s. 18031.

68 (b) "Facilitate," with regard to the selection of a
69 qualified health plan, means providing assistance and
70 information to an individual regarding choices for enrollment in



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71 a qualified health plan available through an exchange.

72 (c) "Navigator" means an individual, as defined in 45
73 C.F.R. s. 155.20, who provides the services and performs the
74 duties of a navigator as set forth in 45 C.F.R. s. 155.210(e).

75 (d) "Qualified health plan" means a health plan as defined
76 in 45 C.F.R. s. 155.20 which has been approved to be offered
77 through an exchange.

78 (3) LICENSE REQUIRED.—

79 (a) An individual or entity may not act, offer to act, or
80 advertise any service as a navigator in this state unless
81 licensed as a navigator by the department pursuant to this
82 section.

83 (b) A navigator license may not be issued unless the
84 applicant establishes, to the satisfaction of the department,
85 that he or she has the background, experience, knowledge, and
86 competency that will enable him or her to deliver unbiased and
87 accurate information to individuals in this state seeking to
88 obtain affordable health insurance coverage through an exchange
89 and meets the license qualifications required under this
90 section.

91 (c) Each license application must be accompanied by a
92 nonrefundable \$50 application filing fee.

93 (4) LICENSE QUALIFICATIONS.—An individual may not be
94 licensed as a navigator unless the individual meets all of the
95 following qualifications:

96 (a) Is at least 18 years of age.

97 (b) Has submitted a license application to the department
98 on a form approved by the department and provided such
99 information as the department deems necessary to determine the



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100 applicant's fitness to be licensed as a navigator in this state.

101 (c) Has been subjected to a criminal history and regulatory
102 background check following the submission fingerprints to the
103 department and is not disqualified as provided under part I of
104 this chapter.

105 (d) Has not committed any act that constitutes grounds for
106 refusal, suspension, or revocation as provided under part I of
107 this chapter.

108 (e) Has successfully completed a 10-hour classroom course,
109 satisfactory to the department, at a school or college or
110 extension division thereof, or other authorized course of study
111 approved by the department. Courses must include instruction on
112 the subject matter of health insurance plans, health maintenance
113 organizations, unauthorized entities engaging in the business of
114 insurance, the Patient Protection Affordable Care Act, Pub. L.
115 No. 111-152, the availability of premium tax credits under 26
116 U.S.C. s. 36B, cost-sharing reductions under 45 C.F.R s.
117 155.305, prohibitions against the unlicensed transaction of
118 insurance, and ethics.

119 (f) Has passed an examination authorized by the department.

120 (5) NAVIGATOR CONDUCT.—

121 (a) A navigator shall:

122 1. Facilitate the selection of a qualified health plan
123 through an exchange by providing factually accurate information
124 to an individual regarding qualified health plans, the
125 availability of premium tax credits under 26 U.S.C. s. 36B, and
126 cost sharing reductions under 45 C.F.R. s. 155.305;

127 2. Inform an individual that the insurance agent, insurance
128 company, or employer can provide information and assistance



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129 regarding coverage upon determining that an individual has
130 existing health insurance coverage purchased outside the
131 exchange; and

132 3. Indicate he or she is not permitted to recommend the
133 purchase of, give opinions about, or advise that any health plan
134 is superior to or worse than another health plan.

135 (b) A navigator may not:

136 1. Conduct activities that may only be performed by a
137 licensed insurance agent;

138 2. Solicit, negotiate, or sell health insurance;

139 3. Recommend the purchase of, give opinions about, or
140 advise that any health plan is superior to or worse than
141 another;

142 4. Violate the provisions of 42 U.S.C. s. 18031 or 45
143 C.F.R. part 155;

144 5. Receive compensation or anything of value from an
145 insurer, health plan, business, or consumer in connection with
146 performing activities of a navigator, other than from an entity
147 or individual who has received a navigator grant pursuant to 45
148 C.F.R. s. 155.210; or

149 6. Recommend or assist with the cancellation of coverage
150 purchased outside of the exchange.

151 (c) DISCIPLINARY ACTIONS.—The department may suspend,
152 revoke, or refuse to issue a navigator license or may fine or
153 place on probation a licensee for a violation of this section in
154 the same manner as prescribed under chapter 626 for insurance
155 representatives.

156 (6) DISCONTINUANCE OF LICENSE.—If 42 U.S.C. s. 18031 or 45
157 C.F.R. part 155 no longer authorizes an exchange to validly



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158 operate in this state or no longer requires navigators to assist
159 individuals, the department shall discontinue licensing
160 navigators under this section and existing licenses shall
161 automatically expire 30 days after notice is given to the
162 licensee.

163 (7) CONCURRENT LICENSURE PROHIBITED.—An individual may not
164 be concurrently licensed as a navigator and an insurance agent.

165 (8) RULES.—The department may adopt rules to administer
166 this section.

167
168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete line 18

171 and insert:

172 challenges under ch. 120, F.S.; amending ss. 624.34,
173 626.022, and 626.207, F.S.; conforming provisions to
174 changes made by this act with respect to the licensure
175 of navigators under the Florida Insurance Code;
176 providing a directive to the Division of Law Revision
177 and Information; creating s. 626.995, F.S.; providing
178 for the licensure of navigators; providing
179 definitions; providing license requirements and
180 qualifications; specifying licensure conduct;
181 providing for disciplinary actions; providing for the
182 discontinuance of the license; prohibiting concurrent
183 licensure as an insurance agent; authorizing the
184 Department of Financial Services to adopt rules;
185 amending s. 627.402,