

1 A bill to be entitled
2 An act relating to the Division of Insurance Agent and
3 Agency Services; amending s. 626.015, F.S.; revising
4 the definition of "general lines agent," to remove
5 certain restrictions regarding health insurance;
6 amending s. 626.0428, F.S.; revising licensure
7 requirements of certain agents in charge of an
8 agency's place of business; amending s. 626.221, F.S.;
9 revising examination requirements for applicants for a
10 license as a general lines agent, personal lines
11 agent, or all-lines adjuster; creating examination
12 requirements and qualifications for exemption from
13 examinations for personal lines agents, life agents,
14 and health agents; revising examination requirements
15 for applicants qualifying for license transfer and
16 applicants that hold a comparable license in another
17 state; amending s. 626.241, F.S.; revising the scope
18 of license examinations for agents and adjusters;
19 amending s. 626.2817, F.S.; revising requirements of
20 certain prelicensure education courses for insurance
21 agents and other licensees; amending s. 626.311, F.S.;
22 conforming provisions to changes made by the act;
23 amending s. 626.732, F.S.; revising requirements
24 relating to knowledge, experience, and instruction for
25 applicants for a license as a general lines or
26 personal lines agent; amending s. 626.7351, F.S.;

27 revising qualifications for a customer
28 representative's license; amending s. 626.748, F.S.;
29 requiring agents to maintain certain records for a
30 specified time period after policy expiration;
31 amending ss. 626.7851 and 626.8311, F.S.; revising
32 requirements relating to the knowledge, experience, or
33 instruction for life agents and health agents,
34 respectively; amending s. 626.9541, F.S.; providing
35 that certain provisions relating to illegal dealings
36 in premiums are applicable notwithstanding any other
37 provision of law; amending s. 627.4553, F.S.;
38 requiring an insurance agent to provide and retain
39 certain information upon surrender of an annuity or
40 life insurance policy under certain circumstances;
41 prohibiting surrender under certain circumstances;
42 defining the term "surrender"; amending s. 631.341,
43 F.S.; authorizing certain notices of insolvency to be
44 delivered to policyholders by certain methods;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraph (d) of subsection (5) of section
50 626.015, Florida Statutes, is amended to read:

51 626.015 Definitions.—As used in this part:

52 (5) "General lines agent" means an agent transacting any

53 one or more of the following kinds of insurance:

54 (d) Health insurance, ~~when transacted by an insurer also~~
 55 ~~represented by the same agent as to property or casualty or~~
 56 ~~surety insurance.~~

57 Section 2. Paragraph (a) of subsection (4) of section
 58 626.0428, Florida Statutes, is amended to read:

59 626.0428 Agency personnel powers, duties, and
 60 limitations.—

61 (4) (a) Each place of business established by an agent or
 62 agency, firm, corporation, or association must be in the active
 63 full-time charge of a licensed and appointed agent holding the
 64 required agent licenses to transact at least two of the lines of
 65 insurance being handled at the location. If only one line of
 66 insurance is handled at the location, the agent in charge must
 67 hold the required agent license to transact that line of
 68 insurance.

69 Section 3. Paragraphs (k) and (l) of subsection (2) of
 70 section 626.221, Florida Statutes, are redesignated as
 71 paragraphs (n) and (o), respectively, and amended, subsection
 72 (1) and paragraphs (g) through (l) of subsection (2) are
 73 amended, and new paragraphs (k), (l), and (m) are added to
 74 subsection (2) of that section, to read:

75 626.221 Examination requirement; exemptions.—

76 (1) The department shall not issue any license as agent, ~~or~~
 77 ~~customer representative,~~ or adjuster to any individual who has
 78 not qualified for, taken, and passed to the satisfaction of the

79 | department a written examination of the scope prescribed in s.
 80 | 626.241.

81 | (2) However, an examination is not necessary for any of
 82 | the following:

83 | (g) An applicant for a license as a life or health agent
 84 | who has received the designation of chartered life underwriter
 85 | (CLU) from the American College of Financial Services Life
 86 | ~~Underwriters and has been engaged in the insurance business~~
 87 | ~~within the past 4 years~~, except that the applicant may be
 88 | examined on pertinent provisions of this code.

89 | (h) An applicant for license as a general lines agent,
 90 | personal lines agent, or all-lines customer representative, or
 91 | adjuster who has received the designation of chartered property
 92 | and casualty underwriter (CPCU) from the American Institute for
 93 | Chartered Property Casualty and Liability Underwriters and has
 94 | ~~been engaged in the insurance business within the past 4 years~~,
 95 | except that the applicant may be examined on pertinent
 96 | provisions of this code.

97 | (i) An applicant for license as a general lines agent or
 98 | an all-lines adjuster who has received a degree in insurance
 99 | from an accredited institution of higher learning approved by
 100 | the department, except that the applicant may be examined on
 101 | pertinent provisions of this code. Qualifying degrees must
 102 | indicate a minimum of 18 credit hours of insurance instruction,
 103 | including specific instruction in the areas of property,
 104 | casualty, health, and commercial insurance ~~customer~~

105 ~~representative who has earned the designation of Accredited~~
106 ~~Advisor in Insurance (AAI) from the Insurance Institute of~~
107 ~~America, the designation of Certified Insurance Counselor (CIC)~~
108 ~~from the Society of Certified Insurance Service Counselors, the~~
109 ~~designation of Accredited Customer Service Representative (ACSR)~~
110 ~~from the Independent Insurance Agents of America, the~~
111 ~~designation of Certified Professional Service Representative~~
112 ~~(CPSR) from the National Foundation for Certified Professional~~
113 ~~Service Representatives, the designation of Certified Insurance~~
114 ~~Service Representative (CISR) from the Society of Certified~~
115 ~~Insurance Service Representatives, or the designation of~~
116 ~~Certified Insurance Representative (CIR) from the National~~
117 ~~Association of Christian Catastrophe Insurance Adjusters. Also,~~
118 ~~an applicant for license as a customer representative who has~~
119 ~~earned an associate degree or bachelor's degree from an~~
120 ~~accredited college or university and has completed at least 9~~
121 ~~academic hours of property and casualty insurance curriculum, or~~
122 ~~the equivalent, or has earned the designation of Certified~~
123 ~~Customer Service Representative (CCSR) from the Florida~~
124 ~~Association of Insurance Agents, or the designation of~~
125 ~~Registered Customer Service Representative (RCSR) from a~~
126 ~~regionally accredited postsecondary institution in this state,~~
127 ~~or the designation of Professional Customer Service~~
128 ~~Representative (PCSR) from the Professional Career Institute,~~
129 ~~whose curriculum has been approved by the department and which~~
130 ~~includes comprehensive analysis of basic property and casualty~~

131 ~~lines of insurance and testing at least equal to that of~~
132 ~~standard department testing for the customer representative~~
133 ~~license. The department shall adopt rules establishing standards~~
134 ~~for the approval of curriculum.~~

135 (j) An applicant for license as an ~~a resident or~~
136 ~~nonresident~~ all-lines adjuster who has the designation of
137 Accredited Claims Adjuster (ACA) from a regionally accredited
138 postsecondary institution in this state, Associate in Claims
139 (AIC) from the Insurance Institute of America, Professional
140 Claims Adjuster (PCA) from the Professional Career Institute,
141 Professional Property Insurance Adjuster (PPIA) from the
142 HurriClaim Training Academy, Certified Adjuster (CA) from ALL
143 LINES Training, or Certified Claims Adjuster (CCA) from AE21
144 incorporated ~~the Association of Property and Casualty Claims~~
145 ~~Professionals~~ whose curriculum has been approved by the
146 department and which includes comprehensive analysis of basic
147 property and casualty lines of insurance and testing at least
148 equal to that of standard department testing for the all-lines
149 adjuster license. The department shall adopt rules establishing
150 standards for the approval of curriculum.

151 (k) An applicant for license as a personal lines agent who
152 has received a degree from an accredited institution of higher
153 learning approved by the department, except that the applicant
154 may be examined on pertinent provisions of this code. Qualifying
155 degrees must indicate a minimum of 9 credit hours of insurance
156 instruction, including specific instruction in the areas of

157 property, casualty, and inland marine insurance.

158 (l) An applicant for license as a life agent who has
159 received a degree from an accredited institution of higher
160 learning approved by the department, except that the applicant
161 may be examined on pertinent provisions of this code. Qualifying
162 degrees must indicate a minimum of 9 credit hours of insurance
163 instruction, including specific instruction in the areas of life
164 insurance, annuities, and variable insurance products.

165 (m) An applicant for license as a health agent who has
166 received a degree from an accredited institution of higher
167 learning approved by the department, except that the applicant
168 may be examined on pertinent provisions of this code. Qualifying
169 degrees must indicate a minimum of 9 credit hours of insurance
170 instruction, including specific instruction in the area of
171 health insurance products.

172 (n) ~~(k)~~ An applicant qualifying for a license transfer
173 under s. 626.292 ~~if the applicant:~~

174 1. ~~Has successfully completed the prelicensing examination~~
175 ~~requirements in the applicant's previous home state which are~~
176 ~~substantially equivalent to the examination requirements in this~~
177 ~~state, as determined by the department;~~

178 2. ~~Has received the designation of chartered property and~~
179 ~~easualty underwriter (CPCU) from the American Institute for~~
180 ~~Property and Liability Underwriters and been engaged in the~~
181 ~~insurance business within the past 4 years if applying to~~
182 ~~transfer a general lines agent license; or~~

183 ~~3. Has received the designation of chartered life~~
 184 ~~underwriter (CLU) from the American College of Life Underwriters~~
 185 ~~and been engaged in the insurance business within the past 4~~
 186 ~~years if applying to transfer a life or health agent license.~~

187 (o)(1) An applicant for a license as a nonresident agent
 188 if the applicant holds a comparable license in another state
 189 with similar examination requirements as this state:

190 ~~1. Has successfully completed prelicensing examination~~
 191 ~~requirements in the applicant's home state which are~~
 192 ~~substantially equivalent to the examination requirements in this~~
 193 ~~state, as determined by the department, as a requirement for~~
 194 ~~obtaining a resident license in his or her home state;~~

195 ~~2. Held a general lines agent license, life agent license,~~
 196 ~~or health agent license before a written examination was~~
 197 ~~required;~~

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

203 ~~4. Has received the designation of chartered life~~
 204 ~~underwriter (CLU) from the American College of Life Underwriters~~
 205 ~~and been in the insurance business within the past 4 years, if~~
 206 ~~an applicant for a nonresident license as a life agent or health~~
 207 ~~agent.~~

208 Section 4. Subsections (1), (2), (3), and (8) of section

209 626.241, Florida Statutes, are amended to read:

210 626.241 Scope of examination.—

211 (1) Each examination for a license as an agent, ~~customer~~
 212 ~~representative~~, or adjuster shall be of such scope as is deemed
 213 by the department to be reasonably necessary to test the
 214 applicant's ability and competence and knowledge of the kinds of
 215 insurance and transactions to be handled under the license
 216 applied for, of the duties and responsibilities of such a
 217 licensee, and of the pertinent provisions of the laws of this
 218 state.

219 (2) Examinations given applicants for license as a general
 220 lines agent ~~or customer representative~~ shall cover all property,
 221 casualty, and surety insurances, except as provided in
 222 subsection (5) relative to limited licenses.

223 (3) Examinations given applicants for a life agent's
 224 license shall cover life insurance, annuities, and variable
 225 contracts ~~annuities~~.

226 (8) An examination for licensure as a personal lines agent
 227 ~~shall consist of 100 questions and~~ shall be limited in scope to
 228 the kinds of business transacted under such license.

229 Section 5. Section 626.2817, Florida Statutes, is amended
 230 to read:

231 626.2817 Regulation of course providers, instructors, and
 232 school officials, ~~and monitor groups~~ involved in prelicensure
 233 education for insurance agents and other licensees.—

234 (1) Any course provider, instructor, or school official,

235 ~~or monitor group~~ must be approved by and registered with the
236 department before offering prelicensure education courses for
237 insurance agents and other licensees.

238 (2) The department shall adopt rules establishing
239 standards for the approval, registration, discipline, or removal
240 from registration of course providers, instructors, and school
241 officials, ~~and monitor groups~~. The standards must be designed to
242 ensure that such persons have the knowledge, competence, and
243 integrity to fulfill the educational objectives of the
244 prelicensure requirements of this chapter and chapter 648 and to
245 assure that insurance agents and licensees are competent to
246 engage in the activities authorized under the license.

247 (3) A course provider shall not grant completion credit to
248 any student who has not completed at least 75 percent of the
249 required course hours of a department approved prelicensure
250 course.

251 (4) The department shall adopt rules to establish a
252 process for determining compliance with the prelicensure
253 requirements of this chapter and chapter 648. The department
254 shall adopt rules prescribing the forms necessary to administer
255 the prelicensure requirements.

256 Section 6. Subsection (1) of section 626.311, Florida
257 Statutes, is amended to read:

258 626.311 Scope of license.—

259 (1) Except as to personal lines agents and limited
260 licenses, a general lines agent or customer representative shall

261 | qualify for all property, marine, casualty, and surety lines
262 | except bail bonds which require a separate license under chapter
263 | 648. The license of a general lines agent ~~may~~ also covers ~~cover~~
264 | health insurance ~~if health insurance is included in the agent's~~
265 | ~~appointment by an insurer as to which the licensee is also~~
266 | ~~appointed as agent for property or casualty or surety insurance.~~
267 | The license of a customer representative shall provide, in
268 | substance, that it covers all of such classes of insurance that
269 | his or her appointing general lines agent or agency is currently
270 | so authorized to transact under the general lines agent's
271 | license and appointments. No such license shall be issued
272 | limited to particular classes of insurance except for bail bonds
273 | which require a separate license under chapter 648 or for
274 | personal lines agents. Personal lines agents are limited to
275 | transacting business related to property and casualty insurance
276 | sold to individuals and families for noncommercial purposes.

277 | Section 7. Subsections (1) through (5) of section 626.732,
278 | Florida Statutes, are amended to read:

279 | 626.732 Requirement as to knowledge, experience, or
280 | instruction.—

281 | (1) Except as provided in subsection (4), an applicant for
282 | a license as a general lines agent, except for a chartered
283 | property and casualty underwriter (CPCU), may not be qualified
284 | or licensed unless, within the 4 years immediately preceding the
285 | date the application for license is filed with the department,
286 | the applicant has:

287 (a) Taught or successfully completed 200 hours of
 288 coursework in property, casualty, surety, health, and marine
 289 insurance approved by the department ~~classroom courses in~~
 290 ~~insurance, 3 hours of which must be on the subject matter of~~
 291 ~~ethics, at a school, college, or extension division thereof,~~
 292 approved by the department;

293 ~~(b) Completed a correspondence course in insurance, 3~~
 294 ~~hours of which must be on the subject matter of ethics, which is~~
 295 ~~regularly offered by accredited institutions of higher learning~~
 296 ~~in this state or extensions thereof and approved by the~~
 297 ~~department, and have at least 6 months of responsible insurance~~
 298 ~~duties as a substantially full-time bona fide employee in all~~
 299 ~~lines of property and casualty insurance set forth in the~~
 300 ~~definition of general lines agent under s. 626.015;~~

301 (b)(e) Completed at least 1 year in responsible insurance
 302 duties as a substantially full-time bona fide employee in all
 303 lines of property and casualty insurance as set forth in the
 304 definition of a general lines agent under s. 626.015, but
 305 without the education requirement described in paragraph (a) ~~or~~
 306 ~~paragraph (b);~~ or

307 (c)(d) Completed at least 1 year of responsible insurance
 308 duties as a licensed and appointed customer representative,
 309 service representative, or personal lines agent ~~or limited~~
 310 ~~customer representative in commercial or personal lines of~~
 311 ~~property and casualty insurance~~ and 40 hours of coursework
 312 ~~classroom courses~~ approved by the department covering the areas

313 of property, casualty, surety, health, and marine insurance; ~~or~~
314 ~~(e) Completed at least 1 year of responsible insurance~~
315 ~~duties as a licensed and appointed service representative in~~
316 ~~commercial or personal lines of property and casualty insurance~~
317 ~~and 80 hours of classroom courses approved by the department~~
318 ~~covering the areas of property, casualty, surety, health, and~~
319 ~~marine insurance.~~

320 (2) Except as provided under subsection (4), an applicant
321 for a license as a personal lines agent, except for a chartered
322 property and casualty underwriter (CPCU), may not be qualified
323 or licensed unless, within the 4 years immediately preceding the
324 date the application for license is filed with the department,
325 the applicant has:

326 (a) Taught or successfully completed 60 hours of
327 coursework in property, casualty, and inland marine insurance
328 approved by the department ~~classroom courses in insurance, 3~~
329 ~~hours of which must be on the subject matter of ethics, at a~~
330 ~~school, college, or extension division thereof, approved by the~~
331 ~~department. To qualify for licensure, the applicant must~~
332 ~~complete a total of 52 hours of classroom courses in insurance;~~

333 ~~(b) Completed a correspondence course in insurance, 3~~
334 ~~hours of which must be on the subject matter of ethics, which is~~
335 ~~regularly offered by accredited institutions of higher learning~~
336 ~~in this state or extensions thereof and approved by the~~
337 ~~department, and completed at least 3 months of responsible~~
338 ~~insurance duties as a substantially full-time employee in the~~

339 ~~area of property and casualty insurance sold to individuals and~~
340 ~~families for noncommercial purposes;~~

341 (b)~~(e)~~ Completed at least 6 months of responsible
342 insurance duties as a substantially full-time employee in the
343 area of property and casualty insurance sold to individuals and
344 families for noncommercial purposes, but without the education
345 requirement described in paragraph (a) ~~or paragraph (b)~~; or

346 (c)~~(d)~~ Completed at least 6 months of responsible
347 insurance duties as a licensed and appointed customer
348 representative, ~~or~~ limited customer representative, or service
349 representative in property and casualty insurance ~~sold to~~
350 ~~individuals and families for noncommercial purposes and 20 hours~~
351 ~~of classroom courses approved by the department which are~~
352 ~~related to property and casualty insurance sold to individuals~~
353 ~~and families for noncommercial purposes;~~

354 ~~(e)~~ Completed at least 6 months of responsible insurance
355 duties as a licensed and appointed service representative in
356 property and casualty insurance sold to individuals and families
357 for noncommercial purposes and 40 hours of classroom courses
358 approved by the department related to property and casualty
359 insurance sold to individuals and families for noncommercial
360 purposes; ~~or~~

361 ~~(f)~~ Completed at least 3 years of responsible duties as a
362 licensed and appointed customer representative in property and
363 casualty insurance sold to individuals and families for
364 noncommercial purposes.

365 (3) If an applicant's qualifications as required under
366 subsection (1) or subsection (2) are based in part upon periods
367 of employment in responsible insurance duties, the applicant
368 shall submit with the license application, ~~on a form prescribed~~
369 ~~by the department,~~ an attestation affidavit of his or her
370 employment employer setting forth the period of such employment,
371 ~~that the employment was substantially full-time,~~ and giving a
372 brief abstract of the nature of the duties performed ~~by the~~
373 applicant.

374 (4) An individual who was or became qualified to sit for
375 an agent's, ~~customer representative's,~~ or adjuster's examination
376 at or during the time he or she was employed by the department
377 or office and who, while so employed, was employed in
378 responsible insurance duties as a full-time bona fide employee
379 may take an examination if application for such examination is
380 made within 4 years ~~90 days~~ after the date of termination of
381 employment with the department or office.

382 (5) ~~Classroom and correspondence~~ Courses under subsections
383 (1) and (2) must include instruction on the subject matter of
384 unauthorized entities engaging in the business of insurance. ~~The~~
385 ~~scope of the topic of unauthorized entities must include the~~
386 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~
387 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~
388 ~~et seq., as it relates to the provision of health insurance by~~
389 ~~employers and the regulation thereof.~~

390 Section 8. Subsections (3) and (7) of section 626.7351,

391 Florida Statutes, are amended to read:

392 626.7351 Qualifications for customer representative's
 393 license.—The department shall not grant or issue a license as
 394 customer representative to any individual found by it to be
 395 untrustworthy or incompetent, or who does not meet each of the
 396 following qualifications:

397 (3) Within 4 ~~the 2~~ years ~~next~~ preceding the date that the
 398 application for license was filed with the department, the
 399 applicant has earned the designation of Accredited Advisor in
 400 Insurance (AAI), Associate in General Insurance (AINS), or
 401 Accredited Customer Service Representative (ACSR) from the
 402 Insurance Institute of America; the designation of Certified
 403 Insurance Counselor (CIC) from the Society of Certified
 404 Insurance Service Counselors; the designation of Certified
 405 Professional Service Representative (CPSR) from the National
 406 Foundation for CPSR; the designation of Certified Insurance
 407 Service Representative (CISR) from the Society of Certified
 408 Insurance Service Representatives; the designation of Certified
 409 Insurance Representative (CIR) from All-Lines Training; the
 410 designation of Professional Customer Service Representative
 411 (PCSR) from the Professional Career Institute; the designation
 412 of Registered Customer Service Representative (RCSR) from a
 413 regionally accredited postsecondary institution in the state
 414 whose curriculum is approved by the department and includes
 415 comprehensive analysis of basic property and casualty lines of
 416 insurance and testing which demonstrates mastery of the subject;

417 or a degree from an accredited institution of higher learning
418 approved by the department when the degree includes a minimum of
419 9 credit hours of insurance instruction, including specific
420 instruction in the areas of property, casualty, and inland
421 marine insurance. The department shall adopt rules establishing
422 standards for the approval of curriculum ~~completed a course in~~
423 ~~insurance, 3 hours of which shall be on the subject matter of~~
424 ~~ethics, approved by the department or has had at least 6 months'~~
425 ~~experience in responsible insurance duties as a substantially~~
426 ~~full-time employee. Courses must include instruction on the~~
427 ~~subject matter of unauthorized entities engaging in the business~~
428 ~~of insurance. The scope of the topic of unauthorized entities~~
429 ~~shall include the Florida Nonprofit Multiple Employer Welfare~~
430 ~~Arrangement Act and the Employee Retirement Income Security Act,~~
431 ~~29 U.S.C. ss. 1001 et seq., as such acts relate to the provision~~
432 ~~of health insurance by employers and the regulation of such~~
433 ~~insurance.~~

434 ~~(7) The applicant has passed any required examination for~~
435 ~~license required under s. 626.221.~~

436 Section 9. Section 626.748, Florida Statutes, is amended
437 to read:

438 626.748 Agent's records.—Every agent transacting any
439 insurance policy must maintain in his or her office, or have
440 readily accessible by electronic or photographic means, for a
441 period of at least 5 years after policy expiration, such records
442 of policies transacted by him or her as to enable the

443 policyholders and department to obtain all necessary
444 information, including daily reports, applications, change
445 endorsements, or documents signed or initialed by the insured
446 concerning such policies.

447 Section 10. Section 626.7851, Florida Statutes, is amended
448 to read:

449 626.7851 Requirement as to knowledge, experience, or
450 instruction.—~~An~~ ~~Ne~~ applicant for a license as a life agent,
451 except for a chartered life underwriter (CLU), shall not be
452 qualified or licensed unless within the 4 years immediately
453 preceding the date the application for a license is filed with
454 the department he or she has:

455 (1) Successfully completed 40 hours of coursework
456 ~~classroom courses in~~ life insurance, annuities, and variable
457 contracts approved by the department, 3 hours of which shall be
458 on the subject matter of ethics, ~~satisfactory to the department~~
459 ~~at a school or college, or extension division thereof, or other~~
460 ~~authorized course of study, approved by the department.~~ Courses
461 must include instruction on the subject matter of unauthorized
462 entities engaging in the business of insurance, ~~to include the~~
463 ~~Florida Nonprofit Multiple Employer Welfare Arrangement Act and~~
464 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~
465 ~~et seq., as it relates to the provision of life insurance by~~
466 ~~employers to their employees and the regulation thereof;~~

467 (2) Successfully completed a minimum of 60 hours of
468 coursework in multiple areas of insurance, which included life

469 insurance, annuities, and variable contracts, approved by the
470 department, 3 hours of which shall be on the subject matter of
471 ethics. Courses must include instruction on the subject matter
472 of unauthorized entities engaging in the business of insurance;
473 (3) Earned or maintained an active designation as
474 Chartered Financial Consultant (ChFC) from the American College
475 of Financial Services; or Fellow, Life Management Institute
476 (FLMI) from the Life Management Institute ~~Successfully completed~~
477 ~~a correspondence course in insurance, 3 hours of which shall be~~
478 ~~on the subject matter of ethics, satisfactory to the department~~
479 ~~and regularly offered by accredited institutions of higher~~
480 ~~learning in this state or by independent programs of study,~~
481 ~~approved by the department. Courses must include instruction on~~
482 ~~the subject matter of unauthorized entities engaging in the~~
483 ~~business of insurance, to include the Florida Nonprofit~~
484 ~~Multiple Employer Welfare Arrangement Act and the Employee~~
485 ~~Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as~~
486 ~~it relates to the provision of life insurance by employers to~~
487 ~~their employees and the regulation thereof;~~
488 (4) ~~(3)~~ ~~Held an active license in life, or life and health,~~
489 ~~insurance in another state. This provision may not be used~~
490 ~~utilized unless the other state grants reciprocal treatment to~~
491 ~~licensees formerly licensed in the state Florida; or~~
492 (5) ~~(4)~~ ~~Been employed by the department or office for at~~
493 ~~least 1 year, full time in life or life and health insurance~~
494 ~~regulatory matters and who was not terminated for cause, and~~

495 application for examination is made within 4 years ~~90 days~~ after
 496 the date of termination of his or her employment with the
 497 department or office.

498 Section 11. Section 626.8311, Florida Statutes, is amended
 499 to read:

500 626.8311 Requirement as to knowledge, experience, or
 501 instruction.—An ~~Ne~~ applicant for a license as a health agent,
 502 except for a chartered life underwriter (CLU), shall not be
 503 qualified or licensed unless within the 4 years immediately
 504 preceding the date the application for license is filed with the
 505 department he or she has:

506 (1) Successfully completed 40 hours of coursework
 507 ~~classroom courses~~ in health insurance, approved by the
 508 department, 3 hours of which shall be on the subject matter of
 509 ~~ethics, satisfactory to the department at a school or college,~~
 510 ~~or extension division thereof, or other authorized course of~~
 511 ~~study, approved by the department.~~ Courses must include
 512 instruction on the subject matter of unauthorized entities
 513 engaging in the business of insurance, to include the Florida
 514 Nonprofit Multiple-Employer Welfare Arrangement Act and the
 515 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
 516 seq., as it relates to the provision of health insurance by
 517 employers to their employees and the regulation thereof;

518 (2) Successfully completed a minimum of 60 hours of
 519 coursework in multiple areas of insurance, which included health
 520 insurance, approved by the department, 3 hours of which shall be

521 on the subject matter of ethics. Courses must include
522 instruction on the subject matter of unauthorized entities
523 engaging in the business of insurance;

524 (3) Earned or maintained an active designation as a
525 Registered Health Underwriter (RHU), Chartered Healthcare
526 Consultant (ChHC), or Registered Employee Benefits Consultant
527 (REBC) from the American College of Financial Services;
528 Certified Employee Benefit Specialist (CEBS) from the Wharton
529 School of the University of Pennsylvania; or Health Insurance
530 Associate (HIA) from America's Health Insurance Plans
531 ~~Successfully completed a correspondence course in insurance, 3~~
532 ~~hours of which shall be on the subject matter of ethics,~~
533 ~~satisfactory to the department and regularly offered by~~
534 ~~accredited institutions of higher learning in this state or by~~
535 ~~independent programs of study, approved by the department.~~
536 ~~Courses must include instruction on the subject matter of~~
537 ~~unauthorized entities engaging in the business of insurance, to~~
538 ~~include the Florida Nonprofit Multiple Employer Welfare~~
539 ~~Arrangement Act and the Employee Retirement Income Security Act,~~
540 ~~29 U.S.C. ss. 1001 et seq., as it relates to the provision of~~
541 ~~health insurance by employers to their employees and the~~
542 ~~regulation thereof;~~

543 (4) ~~(3)~~ Held an active license in health, ~~or life and~~
544 ~~health,~~ insurance in another state. This provision may not be
545 utilized unless the other state grants reciprocal treatment to
546 licensees formerly licensed in Florida; or

547 (5)~~(4)~~ Been employed by the department or office for at
 548 least 1 year, full time in health insurance regulatory matters
 549 and who was not terminated for cause, and application for
 550 examination is made within 4 years ~~90 days~~ after the date of
 551 termination of his or her employment with the department or
 552 office.

553 Section 12. Paragraph (o) of subsection (1) of section
 554 626.9541, Florida Statutes, is amended to read:

555 626.9541 Unfair methods of competition and unfair or
 556 deceptive acts or practices defined.—

557 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 558 ACTS.—The following are defined as unfair methods of competition
 559 and unfair or deceptive acts or practices:

560 (o) Illegal dealings in premiums; excess or reduced
 561 charges for insurance.—

562 1. Knowingly collecting any sum as a premium or charge for
 563 insurance, which is not then provided, or is not in due course
 564 to be provided, subject to acceptance of the risk by the
 565 insurer, by an insurance policy issued by an insurer as
 566 permitted by this code.

567 2. Knowingly collecting as a premium or charge for
 568 insurance any sum in excess of or less than the premium or
 569 charge applicable to such insurance, in accordance with the
 570 applicable classifications and rates as filed with and approved
 571 by the office, and as specified in the policy; or, in cases when
 572 classifications, premiums, or rates are not required by this

573 code to be so filed and approved, premiums and charges collected
574 from a Florida resident in excess of or less than those
575 specified in the policy and as fixed by the insurer.

576 Notwithstanding any other provision of law, this provision shall
577 not be deemed to prohibit the charging and collection, by
578 surplus lines agents licensed under part VIII of this chapter,
579 of the amount of applicable state and federal taxes, or fees as
580 authorized by s. 626.916(4), in addition to the premium required
581 by the insurer or the charging and collection, by licensed
582 agents, of the exact amount of any discount or other such fee
583 charged by a credit card facility in connection with the use of
584 a credit card, as authorized by subparagraph (q)3., in addition
585 to the premium required by the insurer. This subparagraph shall
586 not be construed to prohibit collection of a premium for a
587 universal life or a variable or indeterminate value insurance
588 policy made in accordance with the terms of the contract.

589 3.a. Imposing or requesting an additional premium for a
590 policy of motor vehicle liability, personal injury protection,
591 medical payment, or collision insurance or any combination
592 thereof or refusing to renew the policy solely because the
593 insured was involved in a motor vehicle accident unless the
594 insurer's file contains information from which the insurer in
595 good faith determines that the insured was substantially at
596 fault in the accident.

597 b. An insurer which imposes and collects such a surcharge
598 or which refuses to renew such policy shall, in conjunction with

599 the notice of premium due or notice of nonrenewal, notify the
600 named insured that he or she is entitled to reimbursement of
601 such amount or renewal of the policy under the conditions listed
602 below and will subsequently reimburse him or her or renew the
603 policy, if the named insured demonstrates that the operator
604 involved in the accident was:

605 (I) Lawfully parked;

606 (II) Reimbursed by, or on behalf of, a person responsible
607 for the accident or has a judgment against such person;

608 (III) Struck in the rear by another vehicle headed in the
609 same direction and was not convicted of a moving traffic
610 violation in connection with the accident;

611 (IV) Hit by a "hit-and-run" driver, if the accident was
612 reported to the proper authorities within 24 hours after
613 discovering the accident;

614 (V) Not convicted of a moving traffic violation in
615 connection with the accident, but the operator of the other
616 automobile involved in such accident was convicted of a moving
617 traffic violation;

618 (VI) Finally adjudicated not to be liable by a court of
619 competent jurisdiction;

620 (VII) In receipt of a traffic citation which was dismissed
621 or nolle prossed; or

622 (VIII) Not at fault as evidenced by a written statement
623 from the insured establishing facts demonstrating lack of fault
624 which are not rebutted by information in the insurer's file from

625 | which the insurer in good faith determines that the insured was
626 | substantially at fault.

627 | c. In addition to the other provisions of this
628 | subparagraph, an insurer may not fail to renew a policy if the
629 | insured has had only one accident in which he or she was at
630 | fault within the current 3-year period. However, an insurer may
631 | nonrenew a policy for reasons other than accidents in accordance
632 | with s. 627.728. This subparagraph does not prohibit nonrenewal
633 | of a policy under which the insured has had three or more
634 | accidents, regardless of fault, during the most recent 3-year
635 | period.

636 | 4. Imposing or requesting an additional premium for, or
637 | refusing to renew, a policy for motor vehicle insurance solely
638 | because the insured committed a noncriminal traffic infraction
639 | as described in s. 318.14 unless the infraction is:

640 | a. A second infraction committed within an 18-month
641 | period, or a third or subsequent infraction committed within a
642 | 36-month period.

643 | b. A violation of s. 316.183, when such violation is a
644 | result of exceeding the lawful speed limit by more than 15 miles
645 | per hour.

646 | 5. Upon the request of the insured, the insurer and
647 | licensed agent shall supply to the insured the complete proof of
648 | fault or other criteria which justifies the additional charge or
649 | cancellation.

650 | 6. No insurer shall impose or request an additional

651 premium for motor vehicle insurance, cancel or refuse to issue a
652 policy, or refuse to renew a policy because the insured or the
653 applicant is a handicapped or physically disabled person, so
654 long as such handicap or physical disability does not
655 substantially impair such person's mechanically assisted driving
656 ability.

657 7. No insurer may cancel or otherwise terminate any
658 insurance contract or coverage, or require execution of a
659 consent to rate endorsement, during the stated policy term for
660 the purpose of offering to issue, or issuing, a similar or
661 identical contract or coverage to the same insured with the same
662 exposure at a higher premium rate or continuing an existing
663 contract or coverage with the same exposure at an increased
664 premium.

665 8. No insurer may issue a nonrenewal notice on any
666 insurance contract or coverage, or require execution of a
667 consent to rate endorsement, for the purpose of offering to
668 issue, or issuing, a similar or identical contract or coverage
669 to the same insured at a higher premium rate or continuing an
670 existing contract or coverage at an increased premium without
671 meeting any applicable notice requirements.

672 9. No insurer shall, with respect to premiums charged for
673 motor vehicle insurance, unfairly discriminate solely on the
674 basis of age, sex, marital status, or scholastic achievement.

675 10. Imposing or requesting an additional premium for motor
676 vehicle comprehensive or uninsured motorist coverage solely

677 because the insured was involved in a motor vehicle accident or
 678 was convicted of a moving traffic violation.

679 11. No insurer shall cancel or issue a nonrenewal notice
 680 on any insurance policy or contract without complying with any
 681 applicable cancellation or nonrenewal provision required under
 682 the Florida Insurance Code.

683 12. No insurer shall impose or request an additional
 684 premium, cancel a policy, or issue a nonrenewal notice on any
 685 insurance policy or contract because of any traffic infraction
 686 when adjudication has been withheld and no points have been
 687 assessed pursuant to s. 318.14(9) and (10). However, this
 688 subparagraph does not apply to traffic infractions involving
 689 accidents in which the insurer has incurred a loss due to the
 690 fault of the insured.

691 Section 13. Section 627.4553, Florida Statutes, is amended
 692 to read:

693 627.4553 Recommendations to surrender.—

694 (1) If an insurance agent recommends the surrender of an
 695 annuity or life insurance policy containing a cash value and
 696 does not recommend that the proceeds from the surrender be used
 697 to fund or purchase another annuity or life insurance policy,
 698 before execution of the surrender, the insurance agent, ~~or~~
 699 ~~insurance company if no agent is involved,~~ shall provide written
 700 ~~, on a form that satisfies the requirements of the rule adopted~~
 701 ~~by the department,~~ information relating to the annuity or policy
 702 to be surrendered. The written information must be delivered at

703 or after the time of the recommendation but no later than 14
704 days before the surrender of the annuity or life insurance
705 policy. If the owner requests to terminate the surrender before
706 the surrender being effectuated, the surrender must be
707 cancelled. Such information shall include, but is not limited
708 to, the amount of any estimated surrender charge, the loss of
709 any minimum interest rate guarantees, the possibility ~~amount~~ of
710 ~~any~~ tax consequences ~~resulting from the transaction~~, the
711 estimated amount of any forfeited death benefit, and a
712 description of the value of any other investment performance
713 guarantees being forfeited as a result of the transaction. The
714 agent shall maintain a copy of the information and the date that
715 the information was provided to the owner. This section also
716 applies to a person performing insurance agent activities
717 pursuant to an exemption from licensure under this part.

718 (2) For purposes of this section, the term "surrender"
719 means the voluntary total surrender, by the owner's request, of
720 the annuity or life insurance policy before its maturity date,
721 in exchange for the policy's current total cash surrender value
722 which results in termination of the policy or contract. The term
723 excludes any involuntary termination that is otherwise required
724 by the terms of the policy contract and excludes all
725 transactions other than a total surrender, such as maturity,
726 policy loan, lapse for nonpayment of premium, partial surrender,
727 or partial withdrawal of policy or contract values,

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728 annuitization, or exercise of reduced-paid-up or extended-term
729 nonforfeiture options.

730 Section 14. Subsection (2) of section 631.341, Florida
731 Statutes, is amended to read:

732 631.341 Notice of insolvency to policyholders by insurer,
733 general agent, or agent.—

734 (2) Unless, within 15 days subsequent to the date of such
735 notice, all agents referred to in subsection (1) have either
736 replaced or reinsured in a solvent authorized insurer the
737 insurance coverages placed by or through such agent in the
738 delinquent insurer, such agents shall then, by registered or
739 certified mail, or by e-mail with delivery receipt required,
740 send to the last known address of any policyholder a written
741 notice of the insolvency of the delinquent insurer.

742 Section 15. This act shall take effect July 1, 2015.