

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 | defining the term "surrender"; amending s. 631.341,
 42 | F.S.; authorizing certain notices of insolvency to be
 43 | delivered to policyholders by certain methods;
 44 | providing an effective date.

45 |

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

47 |

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

50 | 626.015 Definitions.—As used in this part:

51 | (5) "General lines agent" means an agent transacting any
 52 | one or more of the following kinds of insurance:

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

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

58 626.0428 Agency personnel powers, duties, and
 59 limitations.-

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

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

74 626.221 Examination requirement; exemptions.-

75 (1) The department shall not issue any license as agent,
 76 ~~customer representative,~~ or adjuster to any individual who has
 77 not qualified for, taken, and passed to the satisfaction of the
 78 department a written examination of the scope prescribed in s.

79 | 626.241.

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

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

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

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

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

131 ~~standard department testing for the customer representative~~
132 ~~license. The department shall adopt rules establishing standards~~
133 ~~for the approval of curriculum.~~

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

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

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

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

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

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

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

182 ~~3. Has received the designation of chartered life~~

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

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

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

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

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

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

207 Section 4. Subsections (1), (2), (3), and (8) of section
208 626.241, Florida Statutes, are amended to read:

209 626.241 Scope of examination.—

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

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

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

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

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

230 626.2817 Regulation of course providers, instructors, and
 231 school officials, ~~and monitor groups~~ involved in prelicensure
 232 education for insurance agents and other licensees.—

233 (1) Any course provider, instructor, or school official,
 234 ~~or monitor group~~ must be approved by and registered with the

235 department before offering prelicensure education courses for
 236 insurance agents and other licensees.

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

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

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

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

257 626.311 Scope of license.—

258 (1) Except as to personal lines agents and limited
 259 licenses, a general lines agent or customer representative shall
 260 qualify for all property, marine, casualty, and surety lines

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

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

278 | 626.732 Requirement as to knowledge, experience, or
 279 | instruction.—

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

286 | (a) Taught or successfully completed 200 hours of

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

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

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

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

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

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

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

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

339 ~~families for noncommercial purposes;~~

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

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

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

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

364 (3) If an applicant's qualifications as required under

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

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

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

389 Section 8. Subsections (3) and (7) of section 626.7351,
390 Florida Statutes, are amended to read:

391 626.7351 Qualifications for customer representative's
392 license.—The department shall not grant or issue a license as
393 customer representative to any individual found by it to be
394 untrustworthy or incompetent, or who does not meet each of the
395 following qualifications:

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

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

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

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

437 626.748 Agent's records.—Every agent transacting any
438 insurance policy must maintain in his or her office, or have
439 readily accessible by electronic or photographic means, for a
440 period of at least 5 years after policy expiration, such records
441 of policies transacted by him or her as to enable the
442 policyholders and department to obtain all necessary

443 information, including daily reports, applications, change
444 endorsements, or documents signed or initialed by the insured
445 concerning such policies.

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

448 626.7851 Requirement as to knowledge, experience, or
449 instruction.—An ~~Ne~~ applicant for a license as a life agent,
450 except for a chartered life underwriter (CLU), shall not be
451 qualified or licensed unless within the 4 years immediately
452 preceding the date the application for a license is filed with
453 the department he or she has:

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

466 (2) Successfully completed a minimum of 60 hours of
467 coursework in multiple areas of insurance, which included life
468 insurance, annuities, and variable contracts, approved by the

469 department, 3 hours of which shall be on the subject matter of
 470 ethics. Courses must include instruction on the subject matter
 471 of unauthorized entities engaging in the business of insurance;
 472 (3) Earned or maintained an active designation as
 473 Chartered Financial Consultant (ChFC) from the American College
 474 of Financial Services; or Fellow, Life Management Institute
 475 (FLMI) from the Life Management Institute ~~Successfully completed~~
 476 ~~a correspondence course in insurance, 3 hours of which shall be~~
 477 ~~on the subject matter of ethics, satisfactory to the department~~
 478 ~~and regularly offered by accredited institutions of higher~~
 479 ~~learning in this state or by independent programs of study,~~
 480 ~~approved by the department. Courses must include instruction on~~
 481 ~~the subject matter of unauthorized entities engaging in the~~
 482 ~~business of insurance, to include the Florida Nonprofit~~
 483 ~~Multiple Employer Welfare Arrangement Act and the Employee~~
 484 ~~Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as~~
 485 ~~it relates to the provision of life insurance by employers to~~
 486 ~~their employees and the regulation thereof;~~
 487 (4) ~~(3)~~ Held an active license in life, ~~or life and health,~~
 488 insurance in another state. This provision may not be used
 489 ~~utilized~~ unless the other state grants reciprocal treatment to
 490 licensees formerly licensed in the state Florida; or
 491 (5) ~~(4)~~ Been employed by the department or office for at
 492 least 1 year, full time in life ~~or life and health~~ insurance
 493 regulatory matters and who was not terminated for cause, and
 494 application for examination is made within 4 years ~~90 days~~ after

495 the date of termination of his or her employment with the
 496 department or office.

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

499 626.8311 Requirement as to knowledge, experience, or
 500 instruction.—An ~~No~~ applicant for a license as a health agent,
 501 except for a chartered life underwriter (CLU), shall not be
 502 qualified or licensed unless within the 4 years immediately
 503 preceding the date the application for license is filed with the
 504 department he or she has:

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

517 (2) Successfully completed a minimum of 60 hours of
 518 coursework in multiple areas of insurance, which included health
 519 insurance, approved by the department, 3 hours of which shall be
 520 on the subject matter of ethics. Courses must include

521 instruction on the subject matter of unauthorized entities
522 engaging in the business of insurance;

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

542 (4)~~(3)~~ Held an active license in health, ~~or life and~~
543 ~~health,~~ insurance in another state. This provision may not be
544 utilized unless the other state grants reciprocal treatment to
545 licensees formerly licensed in Florida; or

546 (5)~~(4)~~ Been employed by the department or office for at

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

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

554 | 626.9541 Unfair methods of competition and unfair or
555 | deceptive acts or practices defined.—

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

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

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

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

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

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

596 b. An insurer which imposes and collects such a surcharge
597 or which refuses to renew such policy shall, in conjunction with
598 the notice of premium due or notice of nonrenewal, notify the

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

604 | (I) Lawfully parked;

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

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

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

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

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

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

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

625 substantially at fault.

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

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

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

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

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

649 6. No insurer shall impose or request an additional
650 premium for motor vehicle insurance, cancel or refuse to issue a

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

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

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

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

674 10. Imposing or requesting an additional premium for motor
675 vehicle comprehensive or uninsured motorist coverage solely
676 because the insured was involved in a motor vehicle accident or

677 was convicted of a moving traffic violation.

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

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

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

692 627.4553 Recommendations to surrender.—

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

703 loss of any minimum interest rate guarantees, the possibility
704 ~~amount~~ of any tax consequences ~~resulting from the transaction,~~
705 the amount of any forfeited death benefit, and a description of
706 ~~the value of~~ any other investment performance guarantees being
707 forfeited as a result of the transaction. The agent shall
708 maintain a copy of the information and the date that the
709 information was provided to the owner. This section also applies
710 to a person performing insurance agent activities pursuant to an
711 exemption from licensure under this part.

712 (2) For purposes of this section, the term "surrender"
713 means the voluntary surrender, by the owner's request, of the
714 annuity or life insurance policy before its maturity date, in
715 exchange for the policy's current cash surrender value which
716 results in a surrender or termination of the policy or contract.
717 The term excludes any involuntary termination that is otherwise
718 required by the terms of the policy contract and excludes all
719 transactions other than a surrender, such as maturity, policy
720 loan, lapse for nonpayment of premium, or withdrawal of policy
721 or contract values, annuitization, or exercise of reduced-paid-
722 up or extended-term nonforfeiture options.

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

725 631.341 Notice of insolvency to policyholders by insurer,
726 general agent, or agent.—

727 (2) Unless, within 15 days subsequent to the date of such
728 notice, all agents referred to in subsection (1) have either

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729 replaced or reinsured in a solvent authorized insurer the
730 insurance coverages placed by or through such agent in the
731 delinquent insurer, such agents shall then, by registered or
732 certified mail, or by e-mail with delivery receipt required,
733 send to the last known address of any policyholder a written
734 notice of the insolvency of the delinquent insurer.

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