

By Senator Richter

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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 a  
5           restriction with respect to agents transacting health  
6           insurance; limiting the types of health insurance  
7           agents; amending s. 626.0428, F.S.; revising licensure  
8           requirements of certain agents in charge of an  
9           agency's place of business; amending s. 626.221, F.S.;  
10          revising examination requirements for applicants for a  
11          license as a general lines agent, personal lines  
12          agent, or all-lines adjuster; amending s. 626.241,  
13          F.S.; revising the scope of license examinations for  
14          agents and adjusters; amending s. 626.2817, F.S.;  
15          revising requirements of certain prelicensure  
16          education courses for insurance agents and other  
17          licensees; amending s. 626.311, F.S.; conforming  
18          provisions to changes made by the act; amending s.  
19          626.732, F.S.; revising requirements relating to  
20          knowledge, experience, and instruction for applicants  
21          for a license as a general lines or personal lines  
22          agent; amending s. 626.7351, F.S.; revising  
23          qualifications for a customer representative's  
24          license; amending s. 626.748, F.S.; requiring agents  
25          to maintain certain records for a specified time  
26          period after policy expiration; amending ss. 626.7851  
27          and 626.8311, F.S.; revising requirements relating to  
28          the knowledge, experience, or instruction for life  
29          agents and health agents, respectively; creating s.

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30 626.8661, F.S.; providing knowledge, experience, and  
31 instruction requirements for an all-lines adjuster;  
32 amending s. 626.9541, F.S.; providing that certain  
33 provisions relating to illegal dealings in premiums  
34 are applicable notwithstanding any other provision of  
35 law; amending s. 627.4553, F.S.; requiring an  
36 insurance agent to provide and retain certain  
37 information upon surrender of an annuity or life  
38 insurance policy under certain circumstances; amending  
39 s. 631.341, F.S.; authorizing certain notices of  
40 insolvency to be delivered to policyholders by certain  
41 methods; amending s. 648.355, F.S.; revising  
42 instructional requirements relating to the issuance of  
43 a temporary limited license as a limited surety agent;  
44 amending s. 648.386, F.S.; revising curricula  
45 requirements for approval and certification as a  
46 limited surety agent and professional bail bond agent  
47 prelicensing school; providing an effective date.  
48

49 Be It Enacted by the Legislature of the State of Florida:  
50

51 Section 1. Paragraph (d) of subsection (5) of section  
52 626.015, Florida Statutes, is amended to read:

53 626.015 Definitions.—As used in this part:

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

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

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59 Section 2. Paragraph (a) of subsection (4) of section  
60 626.0428, Florida Statutes, is amended to read:

61 626.0428 Agency personnel powers, duties, and limitations.-

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

70 Section 3. Subsection (1) and paragraphs (g) through (l) of  
71 subsection (2) of section 626.221, Florida Statutes, are amended  
72 to read:

73 626.221 Examination requirement; exemptions.-

74 (1) The department shall not issue any license as agent,  
75 ~~customer representative,~~ or adjuster to any individual who has  
76 not qualified for, taken, and passed to the satisfaction of the  
77 department a written examination of the scope prescribed in s.  
78 626.241.

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

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

87 (h) An applicant for license as a general lines agent,

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

95 (i) An applicant for license as a general lines agent or an  
96 all-lines adjuster who has received a degree in insurance from  
97 an accredited institution of higher learning approved by the  
98 department, except that the applicant may be examined on  
99 pertinent provisions of this code. Qualifying degrees must  
100 indicate a minimum of 18 credit hours of insurance instruction,  
101 including specific instruction in the areas of property,  
102 casualty, health, and commercial insurance customer  
103 representative who has earned the designation of Accredited  
104 Advisor in Insurance (AAI) from the Insurance Institute of  
105 America, the designation of Certified Insurance Counselor (CIC)  
106 from the Society of Certified Insurance Service Counselors, the  
107 designation of Accredited Customer Service Representative (ACSR)  
108 from the Independent Insurance Agents of America, the  
109 designation of Certified Professional Service Representative  
110 (CPSR) from the National Foundation for Certified Professional  
111 Service Representatives, the designation of Certified Insurance  
112 Service Representative (CISR) from the Society of Certified  
113 Insurance Service Representatives, or the designation of  
114 Certified Insurance Representative (CIR) from the National  
115 Association of Christian Catastrophe Insurance Adjusters. Also,  
116 an applicant for license as a customer representative who has

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117 ~~earned an associate degree or bachelor's degree from an~~  
118 ~~accredited college or university and has completed at least 9~~  
119 ~~academic hours of property and casualty insurance curriculum, or~~  
120 ~~the equivalent, or has earned the designation of Certified~~  
121 ~~Customer Service Representative (CCSR) from the Florida~~  
122 ~~Association of Insurance Agents, or the designation of~~  
123 ~~Registered Customer Service Representative (RCSR) from a~~  
124 ~~regionally accredited postsecondary institution in this state,~~  
125 ~~or the designation of Professional Customer Service~~  
126 ~~Representative (PCSR) from the Professional Career Institute,~~  
127 ~~whose curriculum has been approved by the department and which~~  
128 ~~includes comprehensive analysis of basic property and casualty~~  
129 ~~lines of insurance and testing at least equal to that of~~  
130 ~~standard department testing for the customer representative~~  
131 ~~license. The department shall adopt rules establishing standards~~  
132 ~~for the approval of curriculum.~~

133 (j) An applicant for license as a personal lines agent who  
134 has received a degree from an accredited institution of higher  
135 learning approved by the department, except that the applicant  
136 may be examined on pertinent provisions of this code. Qualifying  
137 degrees must indicate a minimum of 9 credit hours of insurance  
138 instruction, including specific instruction in the areas of  
139 property, casualty, and inland marine insurance ~~resident or~~  
140 ~~nonresident all-lines adjuster who has the designation of~~  
141 ~~Accredited Claims Adjuster (ACA) from a regionally accredited~~  
142 ~~postsecondary institution in this state, Professional Claims~~  
143 ~~Adjuster (PCA) from the Professional Career Institute,~~  
144 ~~Professional Property Insurance Adjuster (PPIA) from the~~  
145 ~~HurriClaim Training Academy, Certified Adjuster (CA) from ALL~~

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146 ~~LINES Training, or Certified Claims Adjuster (CCA) from the~~  
 147 ~~Association of Property and Casualty Claims Professionals whose~~  
 148 ~~curriculum has been approved by the department and which~~  
 149 ~~includes comprehensive analysis of basic property and casualty~~  
 150 ~~lines of insurance and testing at least equal to that of~~  
 151 ~~standard department testing for the all-lines adjuster license.~~  
 152 ~~The department shall adopt rules establishing standards for the~~  
 153 ~~approval of curriculum.~~

154 (k) An applicant qualifying for a license transfer under s.  
 155 626.292 ~~if the applicant:~~

156 1. ~~Has successfully completed the prelicensing examination~~  
 157 ~~requirements in the applicant's previous home state which are~~  
 158 ~~substantially equivalent to the examination requirements in this~~  
 159 ~~state, as determined by the department;~~

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

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

169 (l) An applicant for a license as a nonresident agent if  
 170 the applicant holds a comparable license in another state with  
 171 similar examination requirements as this state:

172 1. ~~Has successfully completed prelicensing examination~~  
 173 ~~requirements in the applicant's home state which are~~  
 174 ~~substantially equivalent to the examination requirements in this~~

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175 ~~state, as determined by the department, as a requirement for~~  
176 ~~obtaining a resident license in his or her home state;~~

177 ~~2. Held a general lines agent license, life agent license,~~  
178 ~~or health agent license before a written examination was~~  
179 ~~required;~~

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

185 ~~4. Has received the designation of chartered life~~  
186 ~~underwriter (CLU) from the American College of Life Underwriters~~  
187 ~~and been in the insurance business within the past 4 years, if~~  
188 ~~an applicant for a nonresident license as a life agent or health~~  
189 ~~agent.~~

190 Section 4. Subsections (1), (2), (3), and (8) of section  
191 626.241, Florida Statutes, are amended to read:

192 626.241 Scope of examination.—

193 (1) Each examination for a license as an agent, ~~customer~~  
194 ~~representative~~, or adjuster shall be of such scope as is deemed  
195 by the department to be reasonably necessary to test the  
196 applicant's ability and competence and knowledge of the kinds of  
197 insurance and transactions to be handled under the license  
198 applied for, of the duties and responsibilities of such a  
199 licensee, and of the pertinent provisions of the laws of this  
200 state.

201 (2) Examinations given applicants for license as a general  
202 lines agent ~~or customer representative~~ shall cover all property,  
203 casualty, and surety insurances, except as provided in

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204 subsection (5) relative to limited licenses.

205 (3) Examinations given applicants for a life agent's  
206 license shall cover life insurance, annuities, and variable  
207 contracts annuities.

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

211 Section 5. Section 626.2817, Florida Statutes, is amended  
212 to read:

213 626.2817 Regulation of course providers, instructors, and  
214 school officials, ~~and monitor groups~~ involved in prelicensure  
215 education for insurance agents and other licensees.—

216 (1) Any course provider, instructor, or school official, ~~or~~  
217 ~~monitor group~~ must be approved by and registered with the  
218 department before offering prelicensure education courses for  
219 insurance agents and other licensees.

220 (2) The department shall adopt rules establishing standards  
221 for the approval, registration, discipline, or removal from  
222 registration of course providers, instructors, and school  
223 officials, ~~and monitor groups~~. The standards must be designed to  
224 ensure that such persons have the knowledge, competence, and  
225 integrity to fulfill the educational objectives of the  
226 prelicensure requirements of this chapter and chapter 648 and to  
227 assure that insurance agents and licensees are competent to  
228 engage in the activities authorized under the license.

229 (3) A course provider shall not grant completion credit to  
230 any student who has not completed at least 75 percent of the  
231 required course hours of a department approved prelicensure  
232 course.



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233       (4) The department shall adopt rules to establish a process  
234 for determining compliance with the prelicensure requirements of  
235 this chapter and chapter 648. The department shall adopt rules  
236 prescribing the forms necessary to administer the prelicensure  
237 requirements.

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

240       626.311 Scope of license.—

241       (1) Except as to personal lines agents and limited  
242 licenses, a general lines agent or customer representative shall  
243 qualify for all property, marine, casualty, and surety lines  
244 except bail bonds which require a separate license under chapter  
245 648. The license of a general lines agent ~~may~~ also covers ~~cover~~  
246 health insurance ~~if health insurance is included in the agent's~~  
247 ~~appointment by an insurer as to which the licensee is also~~  
248 ~~appointed as agent for property or casualty or surety insurance.~~  
249 The license of a customer representative shall provide, in  
250 substance, that it covers all of such classes of insurance that  
251 his or her appointing general lines agent or agency is currently  
252 so authorized to transact under the general lines agent's  
253 license and appointments. No such license shall be issued  
254 limited to particular classes of insurance except for bail bonds  
255 which require a separate license under chapter 648 or for  
256 personal lines agents. Personal lines agents are limited to  
257 transacting business related to property and casualty insurance  
258 sold to individuals and families for noncommercial purposes.

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

261       626.732 Requirement as to knowledge, experience, or

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262 instruction.-

263 (1) Except as provided in subsection (4), an applicant for  
264 a license as a general lines agent, except for a chartered  
265 property and casualty underwriter (CPCU), may not be qualified  
266 or licensed unless, within the 4 years immediately preceding the  
267 date the application for license is filed with the department,  
268 the applicant has:

269 (a) Taught or successfully completed 200 hours of  
270 coursework in property, casualty, surety, health, and marine  
271 insurance approved by the department ~~classroom courses in~~  
272 ~~insurance~~, 3 hours of which must be on the subject matter of  
273 ethics, ~~at a school, college, or extension division thereof,~~  
274 ~~approved by the department;~~

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

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

289 (c)-(d) Completed at least 1 year of responsible insurance  
290 duties as a licensed and appointed customer representative,

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291 ~~service representative, or personal lines agent or limited~~  
292 ~~customer representative in commercial or personal lines of~~  
293 ~~property and casualty insurance~~ and 40 hours of coursework  
294 ~~classroom courses~~ approved by the department covering the areas  
295 of property, casualty, surety, health, and marine insurance; ~~or~~  
296 ~~(c) Completed at least 1 year of responsible insurance~~  
297 ~~duties as a licensed and appointed service representative in~~  
298 ~~commercial or personal lines of property and casualty insurance~~  
299 ~~and 80 hours of classroom courses approved by the department~~  
300 ~~covering the areas of property, casualty, surety, health, and~~  
301 ~~marine insurance.~~

302 (2) Except as provided under subsection (4), an applicant  
303 for a license as a personal lines agent, except for a chartered  
304 property and casualty underwriter (CPCU), may not be qualified  
305 or licensed unless, within the 4 years immediately preceding the  
306 date the application for license is filed with the department,  
307 the applicant has:

308 (a) Taught or successfully completed 60 hours of coursework  
309 in property, casualty, and inland marine insurance approved by  
310 the department ~~classroom courses in insurance~~, 3 hours of which  
311 must be on the subject matter of ethics, ~~at a school, college,~~  
312 ~~or extension division thereof, approved by the department. To~~  
313 ~~qualify for licensure, the applicant must complete a total of 52~~  
314 ~~hours of classroom courses in insurance;~~

315 (b) ~~Completed a correspondence course in insurance, 3 hours~~  
316 ~~of which must be on the subject matter of ethics, which is~~  
317 ~~regularly offered by accredited institutions of higher learning~~  
318 ~~in this state or extensions thereof and approved by the~~  
319 ~~department, and completed at least 3 months of responsible~~

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320 ~~insurance duties as a substantially full-time employee in the~~  
321 ~~area of property and casualty insurance sold to individuals and~~  
322 ~~families for noncommercial purposes;~~

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

328 (c)~~(d)~~ Completed at least 6 months of responsible insurance  
329 duties as a licensed and appointed customer representative, ~~or~~  
330 limited customer representative, or service representative in  
331 property and casualty insurance ~~sold to individuals and families~~  
332 ~~for noncommercial purposes and 20 hours of classroom courses~~  
333 ~~approved by the department which are related to property and~~  
334 ~~casualty insurance sold to individuals and families for~~  
335 ~~noncommercial purposes;~~

336 ~~(e)~~ Completed at least 6 months of responsible insurance  
337 duties as a licensed and appointed service representative in  
338 property and casualty insurance sold to individuals and families  
339 for noncommercial purposes and 40 hours of classroom courses  
340 approved by the department related to property and casualty  
341 insurance sold to individuals and families for noncommercial  
342 purposes; ~~or~~

343 ~~(f)~~ Completed at least 3 years of responsible duties as a  
344 licensed and appointed customer representative in property and  
345 casualty insurance sold to individuals and families for  
346 noncommercial purposes.

347 (3) If an applicant's qualifications as required under  
348 subsection (1) or subsection (2) are based in part upon periods

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349 of employment in responsible insurance duties, the applicant  
350 shall submit with the license application, ~~on a form prescribed~~  
351 ~~by the department,~~ an attestation affidavit of his or her  
352 employment ~~employer~~ setting forth the period of such employment,  
353 ~~that the employment was substantially full-time,~~ and giving a  
354 brief abstract of the nature of the duties performed ~~by the~~  
355 applicant.

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

364 (5) ~~Classroom and correspondence~~ Courses under subsections  
365 (1) and (2) must include instruction on the subject matter of  
366 unauthorized entities engaging in the business of insurance. ~~The~~  
367 ~~scope of the topic of unauthorized entities must include the~~  
368 ~~Florida Nonprofit Multiple Employer Welfare Arrangement Act and~~  
369 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~  
370 ~~et seq., as it relates to the provision of health insurance by~~  
371 ~~employers and the regulation thereof.~~

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

374 626.7351 Qualifications for customer representative's  
375 license.—The department shall not grant or issue a license as  
376 customer representative to any individual found by it to be  
377 untrustworthy or incompetent, or who does not meet each of the

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378 following qualifications:

379 (3) Within 4 ~~the 2~~ years ~~next~~ preceding the date that the  
380 application for license was filed with the department, the  
381 applicant has earned the designation of Accredited Advisor in  
382 Insurance (AAI), Associate in General Insurance (AINS), or  
383 Accredited Customer Service Representative (ACSR) from the  
384 Insurance Institute of America; the designation of Certified  
385 Insurance Counselor (CIC) from the Society of Certified  
386 Insurance Service Counselors; the designation of Certified  
387 Professional Service Representative (CPSR) from the National  
388 Foundation for CPSRs; the designation of Certified Insurance  
389 Service Representative (CISR) from the Society of Certified  
390 Insurance Service Representatives; the designation of Certified  
391 Insurance Representative (CIR) from All-Lines Training; the  
392 designation of Professional Customer Service Representative  
393 (PCSR) from the Professional Career Institute; the designation  
394 of Registered Customer Service Representative (RCSR) from a  
395 regionally accredited postsecondary institution in the state  
396 whose curriculum is approved by the department and includes  
397 comprehensive analysis of basic property and casualty lines of  
398 insurance and testing which demonstrates mastery of the subject;  
399 or a degree from an accredited institution of higher learning  
400 approved by the department when the degree includes a minimum of  
401 9 credit hours of insurance instruction, including specific  
402 instruction in the areas of property, casualty, and inland  
403 marine insurance. The department shall adopt rules establishing  
404 standards for the approval of curriculum ~~completed a course in~~  
405 ~~insurance, 3 hours of which shall be on the subject matter of~~  
406 ~~ethics, approved by the department or has had at least 6 months'~~

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407 ~~experience in responsible insurance duties as a substantially~~  
408 ~~full-time employee. Courses must include instruction on the~~  
409 ~~subject matter of unauthorized entities engaging in the business~~  
410 ~~of insurance. The scope of the topic of unauthorized entities~~  
411 ~~shall include the Florida Nonprofit Multiple Employer Welfare~~  
412 ~~Arrangement Act and the Employee Retirement Income Security Act,~~  
413 ~~29 U.S.C. ss. 1001 et seq., as such acts relate to the provision~~  
414 ~~of health insurance by employers and the regulation of such~~  
415 ~~insurance.~~

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

418 Section 9. Section 626.748, Florida Statutes, is amended to  
419 read:

420 626.748 Agent's records.—Every agent transacting any  
421 insurance policy must maintain in his or her office, or have  
422 readily accessible by electronic or photographic means, for a  
423 period of at least 5 years after policy expiration, such records  
424 of policies transacted by him or her as to enable the  
425 policyholders and department to obtain all necessary  
426 information, including daily reports, applications, change  
427 endorsements, or documents signed or initialed by the insured  
428 concerning such policies.

429 Section 10. Section 626.7851, Florida Statutes, is amended  
430 to read:

431 626.7851 Requirement as to knowledge, experience, or  
432 instruction.—An ~~No~~ applicant for a license as a life agent,  
433 except for a chartered life underwriter (CLU), shall not be  
434 qualified or licensed unless within the 4 years immediately  
435 preceding the date the application for a license is filed with

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436 the department he or she has:

437 (1) Successfully completed 40 hours of coursework ~~classroom~~  
438 ~~courses in~~ life insurance, annuities, and variable contracts  
439 approved by the department, 3 hours of which shall be on the  
440 subject matter of ethics, ~~satisfactory to the department at a~~  
441 ~~school or college, or extension division thereof, or other~~  
442 ~~authorized course of study, approved by the department.~~ Courses  
443 must include instruction on the subject matter of unauthorized  
444 entities engaging in the business of insurance, ~~to include the~~  
445 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~  
446 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~  
447 ~~et seq., as it relates to the provision of life insurance by~~  
448 ~~employers to their employees and the regulation thereof;~~

449 (2) Earned or maintained an active designation as a  
450 Chartered Financial Consultant (ChFC) from the American College  
451 of Financial Services; Fellow, Life Management Institute (FLMI)  
452 from the Life Management Institute; or Certified Financial  
453 Planner (CFP) from the Certified Financial Planner Board of  
454 Standards ~~Successfully completed a correspondence course in~~  
455 ~~insurance, 3 hours of which shall be on the subject matter of~~  
456 ~~ethics, satisfactory to the department and regularly offered by~~  
457 ~~accredited institutions of higher learning in this state or by~~  
458 ~~independent programs of study, approved by the department.~~  
459 ~~Courses must include instruction on the subject matter of~~  
460 ~~unauthorized entities engaging in the business of insurance, to~~  
461 ~~include the Florida Nonprofit Multiple-Employer Welfare~~  
462 ~~Arrangement Act and the Employee Retirement Income Security Act,~~  
463 ~~29 U.S.C. ss. 1001 et seq., as it relates to the provision of~~  
464 ~~life insurance by employers to their employees and the~~



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465 ~~regulation thereof;~~

466 (3) Held an active license in life, ~~or life and health,~~  
467 insurance in another state. This provision may not be used  
468 ~~utilized~~ unless the other state grants reciprocal treatment to  
469 licensees formerly licensed in this state Florida; or

470 (4) Been employed by the department or office for at least  
471 1 year, full time in life ~~or life and health~~ insurance  
472 regulatory matters and who was not terminated for cause, and  
473 application for examination is made within 4 years ~~90 days~~ after  
474 the date of termination of his or her employment with the  
475 department or office.

476 Section 11. Section 626.8311, Florida Statutes, is amended  
477 to read:

478 626.8311 Requirement as to knowledge, experience, or  
479 instruction. ~~An~~ ~~No~~ applicant for a license as a health agent,  
480 except for a chartered life underwriter (CLU), shall not be  
481 qualified or licensed unless within the 4 years immediately  
482 preceding the date the application for license is filed with the  
483 department he or she has:

484 (1) Successfully completed 40 hours of coursework ~~classroom~~  
485 ~~courses~~ in health insurance, approved by the department, 3 hours  
486 of which shall be on the subject matter of ethics, ~~satisfactory~~  
487 ~~to the department at a school or college, or extension division~~  
488 ~~thereof, or other authorized course of study, approved by the~~  
489 ~~department~~. Courses must include instruction on the subject  
490 matter of unauthorized entities engaging in the business of  
491 insurance, to include the Florida Nonprofit Multiple-Employer  
492 Welfare Arrangement Act and the Employee Retirement Income  
493 Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the

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494 provision of health insurance by employers to their employees  
495 and the regulation thereof;

496 (2) Earned or maintained an active designation as a  
497 Registered Health Underwriter (RHU), Chartered Healthcare  
498 Consultant (ChHC), or Registered Employee Benefits Consultant  
499 (REBC) from the American College of Financial Services;  
500 Certified Employee Benefit Specialist (CEBS) from the Wharton  
501 School of the University of Pennsylvania; Health Insurance  
502 Associate (HIA) from America's Health Insurance Plans; or  
503 Certified Financial Planner (CFP) from the Certified Financial  
504 Planner Board of Standards ~~Successfully completed a~~  
505 ~~correspondence course in insurance, 3 hours of which shall be on~~  
506 ~~the subject matter of ethics, satisfactory to the department and~~  
507 ~~regularly offered by accredited institutions of higher learning~~  
508 ~~in this state or by independent programs of study, approved by~~  
509 ~~the department. Courses must include instruction on the subject~~  
510 ~~matter of unauthorized entities engaging in the business of~~  
511 ~~insurance, to include the Florida Nonprofit Multiple-Employer~~  
512 ~~Welfare Arrangement Act and the Employee Retirement Income~~  
513 ~~Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the~~  
514 ~~provision of health insurance by employers to their employees~~  
515 ~~and the regulation thereof;~~

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

520 (4) Been employed by the department or office for at least  
521 1 year, full time in health insurance regulatory matters and who  
522 was not terminated for cause, and application for examination is

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523 made within 4 years ~~90 days~~ after the date of termination of his  
524 or her employment with the department or office.

525 Section 12. Section 626.8661, Florida Statutes, is created  
526 to read:

527 626.8661 Requirement as to knowledge, experience, or  
528 instruction.—An applicant for a license as an all-lines  
529 adjuster, except for a chartered property and casualty  
530 underwriter (CPCU), shall not be qualified or licensed unless  
531 within the 4 years immediately preceding the date that the  
532 application for license is filed with the department he or she  
533 has:

534 (1) Successfully completed 40 hours of coursework in  
535 adjusting all lines of insurance, except life, approved by the  
536 department;

537 (2) Earned or maintained an active designation as an  
538 Accredited Claims Adjuster (ACA) from a regionally accredited  
539 postsecondary institution in the state, Associate in Claims  
540 (AIC) from the Insurance Institute of America, Professional  
541 Claims Adjuster (PCA) from the Professional Career Institute,  
542 Professional Property Insurance Adjuster (PPIA) from the  
543 HurriClaim Training Academy, Certified Adjuster (CA) from All-  
544 Lines Training, or Certified Claims Adjuster (CCA) from AE21  
545 Incorporated;

546 (3) Completed at least 1 year in responsible insurance  
547 duties as a substantially full-time insurance adjuster with  
548 experience in determining the amount of a claim, loss, or damage  
549 payable under an insurance contract and has effected settlement  
550 of such claim, loss, or damage, but has not met the education  
551 requirement described in subsection (1) or subsection (2); or

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552       (4) Been employed full time by the department or office for  
553 at least 1 year, with experience in insurance claim regulatory  
554 matters, and was not terminated for cause.

555       Section 13. Paragraph (o) of subsection (1) of section  
556 626.9541, Florida Statutes, is amended to read:

557       626.9541 Unfair methods of competition and unfair or  
558 deceptive acts or practices defined.—

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

562       (o) *Illegal dealings in premiums; excess or reduced charges*  
563 *for insurance.—*

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

569       2. Knowingly collecting as a premium or charge for  
570 insurance any sum in excess of or less than the premium or  
571 charge applicable to such insurance, in accordance with the  
572 applicable classifications and rates as filed with and approved  
573 by the office, and as specified in the policy; or, in cases when  
574 classifications, premiums, or rates are not required by this  
575 code to be so filed and approved, premiums and charges collected  
576 from a Florida resident in excess of or less than those  
577 specified in the policy and as fixed by the insurer.

578 Notwithstanding any other provision of law, this provision shall  
579 not be deemed to prohibit the charging and collection, by  
580 surplus lines agents licensed under part VIII of this chapter,

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

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

599 b. An insurer which imposes and collects such a surcharge  
600 or which refuses to renew such policy shall, in conjunction with  
601 the notice of premium due or notice of nonrenewal, notify the  
602 named insured that he or she is entitled to reimbursement of  
603 such amount or renewal of the policy under the conditions listed  
604 below and will subsequently reimburse him or her or renew the  
605 policy, if the named insured demonstrates that the operator  
606 involved in the accident was:

607 (I) Lawfully parked;

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

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

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

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

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

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

624 (VIII) Not at fault as evidenced by a written statement  
625 from the insured establishing facts demonstrating lack of fault  
626 which are not rebutted by information in the insurer's file from  
627 which the insurer in good faith determines that the insured was  
628 substantially at fault.

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

638 4. Imposing or requesting an additional premium for, or

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639 refusing to renew, a policy for motor vehicle insurance solely  
640 because the insured committed a noncriminal traffic infraction  
641 as described in s. 318.14 unless the infraction is:

642 a. A second infraction committed within an 18-month period,  
643 or a third or subsequent infraction committed within a 36-month  
644 period.

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

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

652 6. No insurer shall impose or request an additional premium  
653 for motor vehicle insurance, cancel or refuse to issue a policy,  
654 or refuse to renew a policy because the insured or the applicant  
655 is a handicapped or physically disabled person, so long as such  
656 handicap or physical disability does not substantially impair  
657 such person's mechanically assisted driving ability.

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

666 8. No insurer may issue a nonrenewal notice on any  
667 insurance contract or coverage, or require execution of a

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668 consent to rate endorsement, for the purpose of offering to  
669 issue, or issuing, a similar or identical contract or coverage  
670 to the same insured at a higher premium rate or continuing an  
671 existing contract or coverage at an increased premium without  
672 meeting any applicable notice requirements.

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

676 10. Imposing or requesting an additional premium for motor  
677 vehicle comprehensive or uninsured motorist coverage solely  
678 because the insured was involved in a motor vehicle accident or  
679 was convicted of a moving traffic violation.

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

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

692 Section 14. Section 627.4553, Florida Statutes, is amended  
693 to read:

694 627.4553 Recommendations to surrender.—If an insurance  
695 agent recommends the surrender of an annuity or life insurance  
696 policy containing a cash value and does not recommend that the



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697 proceeds from the surrender be used to fund or purchase another  
698 annuity or life insurance policy, before execution of the  
699 surrender, the insurance agent, ~~or insurance company if no agent~~  
700 ~~is involved,~~ shall provide written ~~, on a form that satisfies~~  
701 ~~the requirements of the rule adopted by the department,~~  
702 information relating to the annuity or policy to be surrendered.  
703 Such information shall include, but is not limited to, the  
704 amount of any surrender charge, the loss of any minimum interest  
705 rate guarantees, the possibility ~~amount~~ of any tax consequences  
706 ~~resulting from the transaction,~~ the amount of any forfeited  
707 death benefit, and the value of any other investment performance  
708 guarantees being forfeited as a result of the transaction. The  
709 agent shall maintain a copy of the information and the date that  
710 the information was provided to the owner. This section also  
711 applies to a person performing insurance agent activities  
712 pursuant to an exemption from licensure under this part.

713 Section 15. Subsection (2) of section 631.341, Florida  
714 Statutes, is amended to read:

715 631.341 Notice of insolvency to policyholders by insurer,  
716 general agent, or agent.—

717 (2) Unless, within 15 days subsequent to the date of such  
718 notice, all agents referred to in subsection (1) have either  
719 replaced or reinsured in a solvent authorized insurer the  
720 insurance coverages placed by or through such agent in the  
721 delinquent insurer, such agents shall then, by registered or  
722 certified mail, or by e-mail with delivery receipt required,  
723 send to the last known address of any policyholder a written  
724 notice of the insolvency of the delinquent insurer.

725 Section 16. Paragraph (d) of subsection (1) of section

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726 648.355, Florida Statutes, is amended to read:

727 648.355 Temporary limited license as limited surety agent  
728 or professional bail bond agent; pending examination.-

729 (1) The department may, in its discretion, issue a  
730 temporary license as a limited surety agent or professional bail  
731 bond agent, subject to the following conditions:

732 (d) Within 4 years prior to the date of application for a  
733 temporary license, the applicant has successfully completed a  
734 basic certification course in the criminal justice system,  
735 consisting of at least ~~not less than~~ 120 hours of ~~classroom~~  
736 instruction with a passing grade of 80 percent or higher and has  
737 successfully completed a 20 hour ~~correspondence~~ course for bail  
738 bond agents approved by the department.

739 Section 17. Paragraph (a) of subsection (1) of section  
740 648.386, Florida Statutes, is amended to read:

741 648.386 Qualifications for prelicensing and continuing  
742 education schools and instructors.-

743 (1) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.-In  
744 order to be considered for approval and certification as an  
745 approved limited surety agent and professional bail bond agent  
746 prelicensing school, such entity must:

747 (a)1. Offer a ~~minimum of two~~ 120-hour ~~classroom-instruction~~  
748 basic certification course ~~courses~~ in the criminal justice  
749 system approved by the department ~~per calendar year unless a~~  
750 ~~reduced number of course offerings per calendar year is~~  
751 ~~warranted in accordance with rules promulgated by the~~  
752 ~~department;~~ or

753 2. Offer a bail bond agents ~~department-approved~~  
754 ~~correspondence~~ course approved by the ~~pursuant to~~ department

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755 ~~rules.~~

756 Section 18. This act shall take effect July 1, 2015.