

By the Committee on Banking and Insurance; and 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 and exemptions for
11 applicants for certain agent and adjuster licenses;
12 amending s. 626.241, F.S.; revising the scope of
13 license examinations for agents and adjusters;
14 amending s. 626.2817, F.S.; revising requirements of
15 certain prelicensure education courses for insurance
16 agents and other licensees; amending s. 626.311, F.S.;
17 conforming provisions to changes made by the act;
18 amending s. 626.732, F.S.; revising requirements
19 relating to knowledge, experience, and instruction for
20 applicants for a license as a general lines or
21 personal lines agent; amending s. 626.7351, F.S.;
22 revising qualifications for a customer
23 representative's license; amending s. 626.748, F.S.;
24 requiring agents to maintain certain records for a
25 specified time period after policy expiration;
26 amending ss. 626.7851 and 626.8311, F.S.; revising
27 requirements relating to the knowledge, experience, or
28 instruction for life agents and health agents,
29 respectively; amending s. 626.9541, F.S.; providing

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30 that certain provisions relating to illegal dealings
31 in premiums are applicable notwithstanding any other
32 provision of law; amending s. 627.4553, F.S.;
33 requiring an insurance agent to provide and retain
34 certain information upon surrender of an annuity or
35 life insurance policy under certain circumstances;
36 amending s. 631.341, F.S.; authorizing certain notices
37 of insolvency to be delivered to policyholders by
38 certain methods; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Paragraph (d) of subsection (5) of section
43 626.015, Florida Statutes, is amended to read:

44 626.015 Definitions.—As used in this part:

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

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

50 Section 2. Paragraph (a) of subsection (4) of section
51 626.0428, Florida Statutes, is amended to read:

52 626.0428 Agency personnel powers, duties, and limitations.—

53 (4) (a) Each place of business established by an agent or
54 agency, firm, corporation, or association must be in the active
55 full-time charge of a licensed and appointed agent holding the
56 required agent licenses to transact at least two of the lines of
57 insurance being handled at the location. If only one line of
58 insurance is handled at the location, the agent in charge must

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59 hold the required agent license to transact that line of
60 insurance.

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

64 626.221 Examination requirement; exemptions.—

65 (1) The department shall not issue any license as agent,
66 ~~customer representative,~~ or adjuster to any individual who has
67 not qualified for, taken, and passed to the satisfaction of the
68 department a written examination of the scope prescribed in s.
69 626.241.

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

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

78 (h) An applicant for license as a general lines agent,
79 personal lines agent, or all-lines ~~customer representative,~~ or
80 adjuster who has received the designation of chartered property
81 and casualty underwriter (CPCU) from the American Institute for
82 Chartered Property Casualty and Liability ~~Underwriters and has~~
83 ~~been engaged in the insurance business within the past 4 years,~~
84 except that the applicant may be examined on pertinent
85 provisions of this code.

86 (i) An applicant for license as a general lines agent or an
87 all-lines adjuster who has received a degree in insurance from

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88 an accredited institution of higher learning approved by the
89 department, except that the applicant may be examined on
90 pertinent provisions of this code. Qualifying degrees must
91 indicate a minimum of 18 credit hours of insurance instruction,
92 including specific instruction in the areas of property,
93 casualty, health, and commercial insurance ~~customer~~
94 ~~representative who has earned the designation of Accredited~~
95 ~~Advisor in Insurance (AAI) from the Insurance Institute of~~
96 ~~America, the designation of Certified Insurance Counselor (CIC)~~
97 ~~from the Society of Certified Insurance Service Counselors, the~~
98 ~~designation of Accredited Customer Service Representative (ACSR)~~
99 ~~from the Independent Insurance Agents of America, the~~
100 ~~designation of Certified Professional Service Representative~~
101 ~~(CPSR) from the National Foundation for Certified Professional~~
102 ~~Service Representatives, the designation of Certified Insurance~~
103 ~~Service Representative (CISR) from the Society of Certified~~
104 ~~Insurance Service Representatives, or the designation of~~
105 ~~Certified Insurance Representative (CIR) from the National~~
106 ~~Association of Christian Catastrophe Insurance Adjusters. Also,~~
107 ~~an applicant for license as a customer representative who has~~
108 ~~earned an associate degree or bachelor's degree from an~~
109 ~~accredited college or university and has completed at least 9~~
110 ~~academic hours of property and casualty insurance curriculum, or~~
111 ~~the equivalent, or has earned the designation of Certified~~
112 ~~Customer Service Representative (CCSR) from the Florida~~
113 ~~Association of Insurance Agents, or the designation of~~
114 ~~Registered Customer Service Representative (RCSR) from a~~
115 ~~regionally accredited postsecondary institution in this state,~~
116 ~~or the designation of Professional Customer Service~~

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117 ~~Representative (PCSR) from the Professional Career Institute,~~
118 ~~whose curriculum has been approved by the department and which~~
119 ~~includes comprehensive analysis of basic property and casualty~~
120 ~~lines of insurance and testing at least equal to that of~~
121 ~~standard department testing for the customer representative~~
122 ~~license. The department shall adopt rules establishing standards~~
123 ~~for the approval of curriculum.~~

124 (j) An applicant for license as a personal lines agent who has
125 received a degree from an accredited institution of higher
126 learning approved by the department, except that the applicant
127 may be examined on pertinent provisions of this code. Qualifying
128 degrees must indicate a minimum of 9 credit hours of insurance
129 instruction, including specific instruction in the areas of
130 property, casualty, and inland marine insurance. ~~resident or~~

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

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

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

160 (n) ~~(*)~~ An applicant qualifying for a license transfer under
161 s. 626.292 if the applicant:

162 1. Has successfully completed the prelicensing examination
163 requirements in the applicant's previous home state which are
164 substantially equivalent to the examination requirements in this
165 state, as determined by the department;

166 2. Has received the designation of chartered property and
167 casualty underwriter (CPCU) from the American Institute for
168 Property and Liability Underwriters and been engaged in the
169 insurance business within the past 4 years if applying to
170 transfer a general lines agent license; or

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

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175 (o)~~(l)~~ An applicant for a license as a nonresident agent if
176 the applicant holds a comparable license in another state with
177 similar examination requirements as this state;

178 1. ~~Has successfully completed prelicensing examination~~
179 ~~requirements in the applicant's home state which are~~
180 ~~substantially equivalent to the examination requirements in this~~
181 ~~state, as determined by the department, as a requirement for~~
182 ~~obtaining a resident license in his or her home state;~~

183 2. ~~Held a general lines agent license, life agent license,~~
184 ~~or health agent license before a written examination was~~
185 ~~required;~~

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

191 4. ~~Has received the designation of chartered life~~
192 ~~underwriter (CLU) from the American College of Life Underwriters~~
193 ~~and been in the insurance business within the past 4 years, if~~
194 ~~an applicant for a nonresident license as a life agent or health~~
195 ~~agent.~~

196 Section 4. Subsections (1), (2), (3), and (8) of section
197 626.241, Florida Statutes, are amended to read:

198 626.241 Scope of examination.—

199 (1) Each examination for a license as an agent,~~customer~~
200 ~~representative~~, or adjuster shall be of such scope as is deemed
201 by the department to be reasonably necessary to test the
202 applicant's ability and competence and knowledge of the kinds of
203 insurance and transactions to be handled under the license

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204 applied for, of the duties and responsibilities of such a
205 licensee, and of the pertinent provisions of the laws of this
206 state.

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

211 (3) Examinations given applicants for a life agent's
212 license shall cover life insurance, annuities, and variable
213 contracts ~~annuities~~.

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

217 Section 5. Section 626.2817, Florida Statutes, is amended
218 to read:

219 626.2817 Regulation of course providers, instructors, and
220 school officials, ~~and monitor groups~~ involved in prelicensure
221 education for insurance agents and other licensees.—

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

226 (2) The department shall adopt rules establishing standards
227 for the approval, registration, discipline, or removal from
228 registration of course providers, instructors, and school
229 officials, ~~and monitor groups~~. The standards must be designed to
230 ensure that such persons have the knowledge, competence, and
231 integrity to fulfill the educational objectives of the
232 prelicensure requirements of this chapter and chapter 648 and to

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233 assure that insurance agents and licensees are competent to
234 engage in the activities authorized under the license.

235 (3) A course provider shall not grant completion credit to
236 any student who has not completed at least 75 percent of the
237 required course hours of a department approved prelicensure
238 course.

239 (4) The department shall adopt rules to establish a process
240 for determining compliance with the prelicensure requirements of
241 this chapter and chapter 648. The department shall adopt rules
242 prescribing the forms necessary to administer the prelicensure
243 requirements.

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

246 626.311 Scope of license.—

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

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262 personal lines agents. Personal lines agents are limited to
263 transacting business related to property and casualty insurance
264 sold to individuals and families for noncommercial purposes.

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

267 626.732 Requirement as to knowledge, experience, or
268 instruction.—

269 (1) Except as provided in subsection (4), an applicant for
270 a license as a general lines agent, except for a chartered
271 property and casualty underwriter (CPCU), may not be qualified
272 or licensed unless, within the 4 years immediately preceding the
273 date the application for license is filed with the department,
274 the applicant has:

275 (a) Taught or successfully completed 200 hours of
276 coursework in property, casualty, surety, health, and marine
277 insurance approved by the department ~~classroom courses in~~
278 ~~insurance~~, 3 hours of which must be on the subject matter of
279 ethics, ~~at a school, college, or extension division thereof,~~
280 ~~approved by the department;~~

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

289 (b)(e) Completed at least 1 year in responsible insurance
290 duties as a substantially full-time bona fide employee in all

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291 lines of property and casualty insurance as set forth in the
292 definition of a general lines agent under s. 626.015, but
293 without the education requirement described in paragraph (a) ~~or~~
294 ~~paragraph (b); or~~ or

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

302 ~~(e) Completed at least 1 year of responsible insurance~~
303 ~~duties as a licensed and appointed service representative in~~
304 ~~commercial or personal lines of property and casualty insurance~~
305 ~~and 80 hours of classroom courses approved by the department~~
306 ~~covering the areas of property, casualty, surety, health, and~~
307 ~~marine insurance.~~

308 (2) Except as provided under subsection (4), an applicant
309 for a license as a personal lines agent, except for a chartered
310 property and casualty underwriter (CPCU), may not be qualified
311 or licensed unless, within the 4 years immediately preceding the
312 date the application for license is filed with the department,
313 the applicant has:

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

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320 ~~hours of classroom courses in insurance;~~

321 ~~(b) Completed a correspondence course in insurance, 3 hours~~
322 ~~of which must be on the subject matter of ethics, which is~~
323 ~~regularly offered by accredited institutions of higher learning~~
324 ~~in this state or extensions thereof and approved by the~~
325 ~~department, and completed at least 3 months of responsible~~
326 ~~insurance duties as a substantially full-time employee in the~~
327 ~~area of property and casualty insurance sold to individuals and~~
328 ~~families for noncommercial purposes;~~

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

334 ~~(c)(d)~~ Completed at least 6 months of responsible insurance
335 duties as a licensed and appointed customer representative, ~~or~~
336 limited customer representative, or service representative in
337 property and casualty insurance ~~sold to individuals and families~~
338 ~~for noncommercial purposes and 20 hours of classroom courses~~
339 ~~approved by the department which are related to property and~~
340 ~~easualty insurance sold to individuals and families for~~
341 ~~noncommercial purposes;~~

342 ~~(e) Completed at least 6 months of responsible insurance~~
343 ~~duties as a licensed and appointed service representative in~~
344 ~~property and casualty insurance sold to individuals and families~~
345 ~~for noncommercial purposes and 40 hours of classroom courses~~
346 ~~approved by the department related to property and casualty~~
347 ~~insurance sold to individuals and families for noncommercial~~
348 ~~purposes; or~~

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349 ~~(f) Completed at least 3 years of responsible duties as a~~
350 ~~licensed and appointed customer representative in property and~~
351 ~~easualty insurance sold to individuals and families for~~
352 ~~noncommercial purposes.~~

353 (3) If an applicant's qualifications as required under
354 subsection (1) or subsection (2) are based in part upon periods
355 of employment in responsible insurance duties, the applicant
356 shall submit with the license application, ~~on a form prescribed~~
357 ~~by the department,~~ an attestation affidavit of his or her
358 employment employer setting forth the period of such employment,
359 ~~that the employment was substantially full-time,~~ and giving a
360 brief abstract of the nature of the duties performed ~~by the~~
361 applicant.

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

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

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

380 626.7351 Qualifications for customer representative's
381 license.—The department shall not grant or issue a license as
382 customer representative to any individual found by it to be
383 untrustworthy or incompetent, or who does not meet each of the
384 following qualifications:

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

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407 9 credit hours of insurance instruction, including specific
408 instruction in the areas of property, casualty, and inland
409 marine insurance. The department shall adopt rules establishing
410 standards for the approval of curriculum ~~completed a course in~~
411 ~~insurance, 3 hours of which shall be on the subject matter of~~
412 ~~ethics, approved by the department or has had at least 6 months'~~
413 ~~experience in responsible insurance duties as a substantially~~
414 ~~full-time employee. Courses must include instruction on the~~
415 ~~subject matter of unauthorized entities engaging in the business~~
416 ~~of insurance. The scope of the topic of unauthorized entities~~
417 ~~shall include the Florida Nonprofit Multiple Employer Welfare~~
418 ~~Arrangement Act and the Employee Retirement Income Security Act,~~
419 ~~29 U.S.C. ss. 1001 et seq., as such acts relate to the provision~~
420 ~~of health insurance by employers and the regulation of such~~
421 ~~insurance.~~

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

424 Section 9. Section 626.748, Florida Statutes, is amended to
425 read:

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

435 Section 10. Section 626.7851, Florida Statutes, is amended

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436 to read:

437 626.7851 Requirement as to knowledge, experience, or
438 instruction.—~~An~~ ~~no~~ applicant for a license as a life agent,
439 except for a chartered life underwriter (CLU), may not ~~shall~~ be
440 qualified or licensed unless, within the 4 years immediately
441 preceding the date the application for a license is filed with
442 the department, the applicant ~~he or she~~ has:

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

457 (2) Successfully completed at least 60 hours of coursework
458 approved by the department in multiple areas of insurance,
459 including life insurance, annuities, and variable contracts.
460 Such coursework must have included instruction on the subject
461 matter of unauthorized entities engaging in the business of
462 insurance and 3 hours on the subject matter of ethics;

463 (3) Earned or maintained an active designation as a
464 Chartered Financial Consultant (ChFC) from the American College

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465 of Financial Services or a Fellow, Life Management Institute
466 (FLMI) from the Life Management Institute ~~a correspondence~~
467 ~~course in insurance, 3 hours of which shall be on the subject~~
468 ~~matter of ethics, satisfactory to the department and regularly~~
469 ~~offered by accredited institutions of higher learning in this~~
470 ~~state or by independent programs of study, approved by the~~
471 ~~department. Courses must include instruction on the subject~~
472 ~~matter of unauthorized entities engaging in the business of~~
473 ~~insurance, to include the Florida Nonprofit Multiple-Employer~~
474 ~~Welfare Arrangement Act and the Employee Retirement Income~~
475 ~~Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the~~
476 ~~provision of life insurance by employers to their employees and~~
477 ~~the regulation thereof;~~

478 (4)~~(3)~~ Held an active license in life, ~~or life and health,~~
479 insurance in another state. This provision may not be used
480 ~~utilized~~ unless the other state grants reciprocal treatment to
481 licensees formerly licensed in Florida; or

482 (5)~~(4)~~ Been employed by the department or office for at
483 least 1 year, full time in life ~~or life and health~~ insurance
484 regulatory matters and who was not terminated for cause, and
485 application for examination is made within 4 years ~~90 days~~ after
486 the date of termination of his or her employment with the
487 department or office.

488 Section 11. Section 626.8311, Florida Statutes, is amended
489 to read:

490 626.8311 Requirement as to knowledge, experience, or
491 instruction.~~An~~ ~~No~~ applicant for a license as a health agent,
492 except for a chartered life underwriter (CLU), may not ~~shall~~ be
493 qualified or licensed unless, within the 4 years immediately

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494 preceding the date the application for license is filed with the
495 department, the applicant ~~he or she~~ has:

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

509 (2) Successfully completed at least 60 hours of coursework
510 approved by the department in multiple areas of insurance,
511 including health insurance. Such coursework must have included
512 instruction on the subject matter of unauthorized entities
513 engaging in the business of insurance and 3 hours on the subject
514 matter of ethics;

515 (3) Earned or maintained an active designation as a
516 Registered Health Underwriter (RHU), Chartered Healthcare
517 Consultant (ChHC), or Registered Employee Benefits Consultant
518 (REBC) from the American College of Financial Services; a
519 Certified Employee Benefit Specialist (CEBS) from the Wharton
520 School of the University of Pennsylvania; or a Health Insurance
521 Associate (HIA) from America's Health Insurance Plans; a
522 ~~correspondence course in insurance, 3 hours of which shall be on~~

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523 ~~the subject matter of ethics, satisfactory to the department and~~
524 ~~regularly offered by accredited institutions of higher learning~~
525 ~~in this state or by independent programs of study, approved by~~
526 ~~the department. Courses must include instruction on the subject~~
527 ~~matter of unauthorized entities engaging in the business of~~
528 ~~insurance, to include the Florida Nonprofit Multiple-Employer~~
529 ~~Welfare Arrangement Act and the Employee Retirement Income~~
530 ~~Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the~~
531 ~~provision of health insurance by employers to their employees~~
532 ~~and the regulation thereof;~~

533 ~~(4)(3)~~ Held an active license in health, ~~or life and~~
534 ~~health,~~ insurance in another state. This provision may not be
535 utilized unless the other state grants reciprocal treatment to
536 licensees formerly licensed in Florida; or

537 ~~(5)(4)~~ Been employed by the department or office for at
538 least 1 year, full time in health insurance regulatory matters
539 and who was not terminated for cause, and application for
540 examination is made within 4 years ~~90 days~~ after the date of
541 termination of his or her employment with the department or
542 office.

543 Section 12. Paragraph (o) of subsection (1) of section
544 626.9541, Florida Statutes, is amended to read:

545 626.9541 Unfair methods of competition and unfair or
546 deceptive acts or practices defined.—

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

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

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552 1. Knowingly collecting any sum as a premium or charge for
553 insurance, which is not then provided, or is not in due course
554 to be provided, subject to acceptance of the risk by the
555 insurer, by an insurance policy issued by an insurer as
556 permitted by this code.

557 2. Knowingly collecting as a premium or charge for
558 insurance any sum in excess of or less than the premium or
559 charge applicable to such insurance, in accordance with the
560 applicable classifications and rates as filed with and approved
561 by the office, and as specified in the policy; or, in cases when
562 classifications, premiums, or rates are not required by this
563 code to be so filed and approved, premiums and charges collected
564 from a Florida resident in excess of or less than those
565 specified in the policy and as fixed by the insurer.

566 Notwithstanding any other provision of law, this provision shall
567 not be deemed to prohibit the charging and collection, by
568 surplus lines agents licensed under part VIII of this chapter,
569 of the amount of applicable state and federal taxes, or fees as
570 authorized by s. 626.916(4), in addition to the premium required
571 by the insurer or the charging and collection, by licensed
572 agents, of the exact amount of any discount or other such fee
573 charged by a credit card facility in connection with the use of
574 a credit card, as authorized by subparagraph (q)3., in addition
575 to the premium required by the insurer. This subparagraph shall
576 not be construed to prohibit collection of a premium for a
577 universal life or a variable or indeterminate value insurance
578 policy made in accordance with the terms of the contract.

579 3.a. Imposing or requesting an additional premium for a
580 policy of motor vehicle liability, personal injury protection,

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581 medical payment, or collision insurance or any combination
582 thereof or refusing to renew the policy solely because the
583 insured was involved in a motor vehicle accident unless the
584 insurer's file contains information from which the insurer in
585 good faith determines that the insured was substantially at
586 fault in the accident.

587 b. An insurer which imposes and collects such a surcharge
588 or which refuses to renew such policy shall, in conjunction with
589 the notice of premium due or notice of nonrenewal, notify the
590 named insured that he or she is entitled to reimbursement of
591 such amount or renewal of the policy under the conditions listed
592 below and will subsequently reimburse him or her or renew the
593 policy, if the named insured demonstrates that the operator
594 involved in the accident was:

595 (I) Lawfully parked;

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

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

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

604 (V) Not convicted of a moving traffic violation in
605 connection with the accident, but the operator of the other
606 automobile involved in such accident was convicted of a moving
607 traffic violation;

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

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

612 (VIII) Not at fault as evidenced by a written statement
613 from the insured establishing facts demonstrating lack of fault
614 which are not rebutted by information in the insurer's file from
615 which the insurer in good faith determines that the insured was
616 substantially at fault.

617 c. In addition to the other provisions of this
618 subparagraph, an insurer may not fail to renew a policy if the
619 insured has had only one accident in which he or she was at
620 fault within the current 3-year period. However, an insurer may
621 nonrenew a policy for reasons other than accidents in accordance
622 with s. 627.728. This subparagraph does not prohibit nonrenewal
623 of a policy under which the insured has had three or more
624 accidents, regardless of fault, during the most recent 3-year
625 period.

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

630 a. A second infraction committed within an 18-month period,
631 or a third or subsequent infraction committed within a 36-month
632 period.

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

636 5. Upon the request of the insured, the insurer and
637 licensed agent shall supply to the insured the complete proof of
638 fault or other criteria which justifies the additional charge or

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639 cancellation.

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

646 7. No insurer may cancel or otherwise terminate any
647 insurance contract or coverage, or require execution of a
648 consent to rate endorsement, during the stated policy term for
649 the purpose of offering to issue, or issuing, a similar or
650 identical contract or coverage to the same insured with the same
651 exposure at a higher premium rate or continuing an existing
652 contract or coverage with the same exposure at an increased
653 premium.

654 8. No insurer may issue a nonrenewal notice on any
655 insurance contract or coverage, or require execution of a
656 consent to rate endorsement, for the purpose of offering to
657 issue, or issuing, a similar or identical contract or coverage
658 to the same insured at a higher premium rate or continuing an
659 existing contract or coverage at an increased premium without
660 meeting any applicable notice requirements.

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

664 10. Imposing or requesting an additional premium for motor
665 vehicle comprehensive or uninsured motorist coverage solely
666 because the insured was involved in a motor vehicle accident or
667 was convicted of a moving traffic violation.

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668 11. No insurer shall cancel or issue a nonrenewal notice on
669 any insurance policy or contract without complying with any
670 applicable cancellation or nonrenewal provision required under
671 the Florida Insurance Code.

672 12. No insurer shall impose or request an additional
673 premium, cancel a policy, or issue a nonrenewal notice on any
674 insurance policy or contract because of any traffic infraction
675 when adjudication has been withheld and no points have been
676 assessed pursuant to s. 318.14(9) and (10). However, this
677 subparagraph does not apply to traffic infractions involving
678 accidents in which the insurer has incurred a loss due to the
679 fault of the insured.

680 Section 13. Section 627.4553, Florida Statutes, is amended
681 to read:

682 627.4553 Recommendations to surrender.—If an insurance
683 agent recommends the surrender of an annuity or life insurance
684 policy containing a cash value and does not recommend that the
685 proceeds from the surrender be used to fund or purchase another
686 annuity or life insurance policy, before execution of the
687 surrender, the insurance agent, ~~or insurance company if no agent~~
688 ~~is involved,~~ shall provide written ~~, on a form that satisfies~~
689 ~~the requirements of the rule adopted by the department,~~
690 information relating to the annuity or policy to be surrendered.
691 Such information shall include, but is not limited to, the
692 amount of any surrender charge, the loss of any minimum interest
693 rate guarantees, the possibility ~~amount~~ of any tax consequences
694 ~~resulting from the transaction,~~ the amount of any forfeited
695 death benefit, and the value of any other investment performance
696 guarantees being forfeited as a result of the transaction. The

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697 agent shall maintain a copy of the information and the date that
698 the information was provided to the owner. This section also
699 applies to a person performing insurance agent activities
700 pursuant to an exemption from licensure under this part.

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

703 631.341 Notice of insolvency to policyholders by insurer,
704 general agent, or agent.—

705 (2) Unless, within 15 days subsequent to the date of such
706 notice, all agents referred to in subsection (1) have either
707 replaced or reinsured in a solvent authorized insurer the
708 insurance coverages placed by or through such agent in the
709 delinquent insurer, such agents shall then, by registered or
710 certified mail, or by e-mail with delivery receipt required,
711 send to the last known address of any policyholder a written
712 notice of the insolvency of the delinquent insurer.

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