

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Articles offered the following:

2

3 **Substitute Amendment for Amendment (500027)**

4 Remove lines 259-335 and insert:

5 Section 10. Subsections (6) through (9) of section  
6 626.112, Florida Statutes, are renumbered as subsections (9)  
7 through (12), respectively, subsection (1) is amended, and new  
8 subsections (6), (7), and (8) are added to that section, to  
9 read:

10 626.112 License and appointment required; agents, customer  
11 representatives, adjusters, umpires, insurance agencies, service  
12 representatives, managing general agents.—

13 (1) (a) No person may be, act as, or advertise or hold  
14 himself or herself out to be an insurance agent, insurance

937041

Approved For Filing: 2/22/2016 4:58:57 PM

Amendment No.

15 adjuster, or customer representative unless he or she is  
16 currently licensed by the department and appointed by an  
17 appropriate appointing entity or person.

18 (b) Except as provided in subsection (9) ~~(6)~~ or in  
19 applicable department rules, and in addition to other conduct  
20 described in this chapter with respect to particular types of  
21 agents, a license as an insurance agent, service representative,  
22 customer representative, or limited customer representative is  
23 required in order to engage in the solicitation of insurance.  
24 For purposes of this requirement, as applicable to any of the  
25 license types described in this section, the solicitation of  
26 insurance is the attempt to persuade any person to purchase an  
27 insurance product by:

28 1. Describing the benefits or terms of insurance coverage,  
29 including premiums or rates of return;

30 2. Distributing an invitation to contract to prospective  
31 purchasers;

32 3. Making general or specific recommendations as to  
33 insurance products;

34 4. Completing orders or applications for insurance  
35 products;

36 5. Comparing insurance products, advising as to insurance  
37 matters, or interpreting policies or coverages; or

38 6. Offering or attempting to negotiate on behalf of  
39 another person a viatical settlement contract as defined in s.  
40 626.9911.

937041

Approved For Filing: 2/22/2016 4:58:57 PM

Amendment No.

41  
42 However, an employee leasing company licensed pursuant to  
43 chapter 468 which is seeking to enter into a contract with an  
44 employer that identifies products and services offered to  
45 employees may deliver proposals for the purchase of employee  
46 leasing services to prospective clients of the employee leasing  
47 company setting forth the terms and conditions of doing  
48 business; classify employees as permitted by s. 468.529; collect  
49 information from prospective clients and other sources as  
50 necessary to perform due diligence on the prospective client and  
51 to prepare a proposal for services; provide and receive  
52 enrollment forms, plans, and other documents; and discuss or  
53 explain in general terms the conditions, limitations, options,  
54 or exclusions of insurance benefit plans available to the client  
55 or employees of the employee leasing company were the client to  
56 contract with the employee leasing company. Any advertising  
57 materials or other documents describing specific insurance  
58 coverages must identify and be from a licensed insurer or its  
59 licensed agent or a licensed and appointed agent employed by the  
60 employee leasing company. The employee leasing company may not  
61 advise or inform the prospective business client or individual  
62 employees of specific coverage provisions, exclusions, or  
63 limitations of particular plans. As to clients for which the  
64 employee leasing company is providing services pursuant to s.  
65 468.525(4), the employee leasing company may engage in  
66 activities permitted by ss. 626.7315, 626.7845, and 626.8305,

937041

Approved For Filing: 2/22/2016 4:58:57 PM

Amendment No.

67 subject to the restrictions specified in those sections. If a  
68 prospective client requests more specific information concerning  
69 the insurance provided by the employee leasing company, the  
70 employee leasing company must refer the prospective business  
71 client to the insurer or its licensed agent or to a licensed and  
72 appointed agent employed by the employee leasing company.

73 (6) No person shall be, act as, represent, or hold himself  
74 or herself out to be a property insurance appraisal umpire  
75 unless he or she holds a currently effective property insurance  
76 appraisal umpire license and appointment.

77 (7) No person shall be, act as, represent, or hold himself  
78 or herself out to be a property insurance appraiser who is  
79 eligible to represent an insured on a personal residential or  
80 commercial residential property insurance claim unless he or she  
81 holds a currently effective adjuster license and appointment or  
82 is exempt from licensure under s. 626.860. A licensed adjuster  
83 who holds an active appointment with an insurance company may  
84 not serve as an appraiser for an insured.

85 (8) No person who is a convicted felon or disqualified  
86 under s. 626.207 may act or serve as a property insurance  
87 appraisal umpire or property insurance appraiser.

88  
89 Remove line 682 and insert:

90 (2) Except as provided in s. 626.112(9) ~~626.112(6)~~, with

91  
92 Remove line 704 and insert:

937041

Approved For Filing: 2/22/2016 4:58:57 PM

Amendment No.

93 health insurance.—Except as provided in s. 626.112(9)

94

95 Remove line 725 and insert:

96 (a) Section 626.112(10) ~~626.112(7)~~, relating to licensing

97

98 Remove line 773 and insert:

99 626.112(12) ~~626.112(9)~~.

937041

Approved For Filing: 2/22/2016 4:58:57 PM