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LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Brandes) recommended the following:

1 **Senate Substitute for Amendment (893146) (with title**
2 **amendment)**

3
4 Between lines 693 and 694
5 insert:

6 Section 27. Paragraph (a) of subsection (1) of section
7 440.12, Florida Statutes, is amended to read:

8 440.12 Time for commencement and limits on weekly rate of
9 compensation.—

10 (1) Compensation is not allowed for the first 7 days of the



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11 disability, except for benefits provided under s. 440.13.
12 However, if the injury results in more than 21 days of
13 disability, compensation is allowed from the commencement of the
14 disability.

15 (a) All weekly compensation payments, except for the first
16 payment, must be paid by check or, if authorized by the
17 employee, paid on a prepaid card pursuant to paragraph (b), or
18 deposited directly into the employee's account at a financial
19 institution as defined in s. 655.005, or transmitted to the
20 employee's account with a money transmitter licensed under part
21 II of chapter 560.

22 Section 28. Paragraph (a) of subsection (1) and paragraph
23 (a) of subsection (6) of section 440.20, Florida Statutes, is
24 amended to read:

25 440.20 Time for payment of compensation and medical bills;
26 penalties for late payment.—

27 (1)(a) Unless the carrier denies compensability or
28 entitlement to benefits, the carrier shall pay compensation
29 directly to the employee as required by ss. 440.14, 440.15, and
30 440.16, in accordance with those sections. Upon receipt of the
31 employee's authorization as provided for in s. 440.12(1)(a), the
32 carrier's obligation to pay compensation directly to the
33 employee is satisfied when the carrier directly deposits, by
34 electronic transfer or other means, compensation into the
35 employee's account at a financial institution as defined in s.
36 655.005 or onto a prepaid card in accordance with s. 440.12(1)
37 or transmits the employee's compensation to the employee's
38 account with a money transmitter licensed under part II of
39 chapter 560. Compensation by direct deposit, ~~or~~ through the use



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40 of a prepaid card, or through transmission is considered paid on
41 the date the funds become available for withdrawal by the
42 employee.

43 (6) (a) If any installment of compensation for death or
44 dependency benefits, or compensation for disability benefits
45 payable without an award is not paid within 7 days after it
46 becomes due, as provided in subsection (2), subsection (3), or
47 subsection (4), there shall be added to such unpaid installment
48 a penalty of an amount equal to 20 percent of the unpaid
49 installment, which shall be paid at the same time as, but in
50 addition to, such installment of compensation. This penalty
51 shall not apply for late payments resulting from conditions over
52 which the employer or carrier had no control. When any
53 installment of compensation payable without an award has not
54 been paid within 7 days after it became due and the claimant
55 concludes the prosecution of the claim before a judge of
56 compensation claims without having specifically claimed
57 additional compensation in the nature of a penalty under this
58 section, the claimant will be deemed to have acknowledged that,
59 owing to conditions over which the employer or carrier had no
60 control, such installment could not be paid within the period
61 prescribed for payment and to have waived the right to claim
62 such penalty. However, during the course of a hearing, the judge
63 of compensation claims shall on her or his own motion raise the
64 question of whether such penalty should be awarded or excused.
65 The department may assess without a hearing the penalty against
66 either the employer or the carrier, depending upon who was at
67 fault in causing the delay. The insurance policy cannot provide
68 that this sum will be paid by the carrier if the department or



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69 the judge of compensation claims determines that the penalty
70 should be paid by the employer rather than the carrier. Any
71 additional installment of compensation paid by the carrier
72 pursuant to this section shall be paid directly to the employee
73 by check or, if authorized by the employee, by direct deposit
74 into the employee's account at a financial institution or by
75 transmission to the employee's account with a money transmitter
76 licensed under part II of chapter 560.

77 Section 29. Paragraph (c) of subsection (1) of section
78 626.321, Florida Statutes, is amended to read:

79 626.321 Limited licenses and registration.-

80 (1) The department shall issue to a qualified applicant a
81 license as agent authorized to transact a limited class of
82 business in any of the following categories of limited lines
83 insurance:

84 (c) *Travel insurance.*-License covering only policies and
85 certificates of travel insurance which are subject to review by
86 the office. Policies and certificates of travel insurance may
87 provide coverage for travel insurance, as defined in s. 647.02
88 ~~risks incidental to travel, planned travel, or accommodations~~
89 ~~while traveling, including, but not limited to, accidental death~~
90 ~~and dismemberment of a traveler; trip or event cancellation,~~
91 ~~interruption, or delay; loss of or damage to personal effects or~~
92 ~~travel documents; damages to travel accommodations; baggage~~
93 ~~delay; emergency medical travel or evacuation of a traveler; or~~
94 ~~medical, surgical, and hospital expenses related to an illness~~
95 ~~or emergency of a traveler. Such policy or certificate may be~~
96 ~~issued for terms longer than 90 days, but, other than a policy~~
97 ~~or certificate providing coverage for air ambulatory services~~



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98 ~~only, each policy or certificate must be limited to coverage for~~
99 ~~travel or use of accommodations of no longer than 90 days.~~ The
100 license may be issued only to an individual or business entity
101 that has filed with the department an application for a license
102 in a form and manner prescribed by the department.

103 1. A limited lines travel insurance producer, as defined in
104 s. 647.02, shall be licensed to sell, solicit, or negotiate
105 travel insurance through a licensed insurer.

106 2. A person may not act as a limited lines travel insurance
107 producer or travel retailer unless properly licensed or
108 registered, respectively. As used in this paragraph, the term
109 "travel retailer" means a business entity that:

110 a. Makes, arranges, or offers planned travel.

111 b. May, under subparagraph 3., offer and disseminate travel
112 insurance as a service to its customers on behalf of and under
113 the direction of a limited lines travel insurance producer.

114 3. A travel retailer may offer and disseminate travel
115 insurance under a limited lines travel insurance producer
116 business entity license only if all of the following
117 requirements are met:

118 a. The limited lines travel insurance producer or travel
119 retailer provides to purchasers of travel insurance:

120 (I) A description of the material terms or the actual
121 material terms of the insurance coverage.

122 (II) A description of the process for filing a claim.

123 (III) A description of the review or cancellation process
124 for the travel insurance policy.

125 (IV) The identity and contact information of the insurer
126 and limited lines travel insurance producer.



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127 b. At the time of licensure, the limited lines travel
128 insurance producer establishes and maintains a register on the
129 department's website and appoints each travel retailer that
130 offers travel insurance on behalf of the limited lines travel
131 insurance producer. The limited lines travel insurance producer
132 must maintain and update the register, which must include the
133 travel retailer's federal tax identification number and the
134 name, address, and contact information of the travel retailer
135 and an officer or person who directs or controls the travel
136 retailer's operations. The limited lines travel insurance
137 producer shall submit the register to the department upon
138 reasonable request. The limited lines travel insurance producer
139 shall also certify that the travel retailer register complies
140 with 18 U.S.C. s. 1033. The grounds for the suspension and
141 revocation and the penalties applicable to resident insurance
142 producers under this section apply to the limited lines travel
143 insurance producers and travel retailers.

144 c. The limited lines travel insurance producer has
145 designated one of its employees as the designated responsible
146 producer. The designated responsible producer, who must be a
147 licensed insurance producer, is responsible for the compliance
148 with the travel insurance laws and regulations applicable to the
149 limited lines travel insurance producer and its registrants. The
150 designated responsible producer and the president, secretary,
151 treasurer, and any other officer or person who directs or
152 controls the limited lines travel insurance producer's insurance
153 operations must comply with the fingerprinting requirements
154 applicable to insurance producers in the resident state of the
155 limited lines travel insurance producer.



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156 d. The limited lines travel insurance producer has paid all
157 applicable licensing and appointment fees, as set forth in
158 applicable general law.

159 e. The limited lines travel insurance producer requires
160 each employee and each authorized representative of the travel
161 retailer whose duties include offering and disseminating travel
162 insurance to receive a program of instruction or training, which
163 is subject, at the discretion of the department, to review and
164 approval. The training material must, at a minimum, contain
165 adequate instructions on the types of insurance offered, ethical
166 sales practices, and required disclosures to prospective
167 purchasers.

168
169 As used in this paragraph, the term "offer and disseminate"
170 means to provide general information, including a description of
171 the coverage and price, as well as processing the application
172 and collecting premiums.

173 4. A travel retailer offering or disseminating travel
174 insurance shall make available to prospective purchasers
175 brochures or other written materials that have been approved by
176 the travel insurer. Such materials must include information
177 that, at a minimum:

178 a. Provides the identity and contact information of the
179 insurer and the limited lines travel insurance producer.

180 b. Explains that the purchase of travel insurance is not
181 required in order to purchase any other product or service from
182 the travel retailer.

183 c. Explains that a travel retailer is authorized to provide
184 only general information about the insurance offered by the



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185 travel retailer, including a description of the coverage and
186 price, but is not qualified or authorized to answer technical
187 questions about the terms and conditions of the insurance
188 offered by the travel retailer or to evaluate the adequacy of
189 the customer's existing insurance coverage.

190 5. A travel retailer employee or authorized representative
191 who is not licensed as an insurance producer may not:

192 a. Evaluate or interpret the technical terms, benefits, and
193 conditions of the offered travel insurance coverage;

194 b. Evaluate or provide advice concerning a prospective
195 purchaser's existing insurance coverage; or

196 c. Hold himself or herself or the travel retailer out as a
197 licensed insurer, licensed producer, or insurance expert.

198
199 Notwithstanding any other provision of law, a travel retailer
200 whose insurance-related activities, and those of its employees
201 and authorized representatives, are limited to offering and
202 disseminating travel insurance on behalf of and under the
203 direction of a limited lines travel insurance producer meeting
204 the conditions in this section may receive related compensation
205 upon registration by the limited lines travel insurance producer
206 as described in paragraph (2)(b).

207 6. As the insurer's designee, the limited lines travel
208 insurance producer is responsible for the acts of the travel
209 retailer and shall use reasonable means to ensure compliance by
210 the travel retailer with this section.

211 7. Any person licensed as a general or personal lines agent
212 may sell, solicit, and negotiate travel insurance.

213 : 1. To a full-time salaried employee of a common carrier



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214 ~~or a full-time salaried employee or owner of a transportation~~
215 ~~ticket agency and may authorize the sale of such ticket policies~~
216 ~~only in connection with the sale of transportation tickets, or~~
217 ~~to the full-time salaried employee of such an agent. Such policy~~
218 ~~may not be for more than 48 hours or more than the duration of a~~
219 ~~specified one-way trip or round trip.~~

220 ~~2. To an entity or individual that is:~~

221 ~~a. The developer of a timeshare plan that is the subject of~~
222 ~~an approved public offering statement under chapter 721;~~

223 ~~b. An exchange company operating an exchange program~~
224 ~~approved under chapter 721;~~

225 ~~c. A managing entity operating a timeshare plan approved~~
226 ~~under chapter 721;~~

227 ~~d. A seller of travel as defined in chapter 559; or~~

228 ~~e. A subsidiary or affiliate of any of the entities~~
229 ~~described in sub-subparagraphs a.-d.~~

230 ~~3. To a full-time salaried employee of a licensed general~~
231 ~~lines agent or a business entity that offers travel planning~~
232 ~~services if insurance sales activities authorized by the license~~
233 ~~are in connection with, and incidental to, travel.~~

234 ~~a. A license issued to a business entity that offers travel~~
235 ~~planning services must encompass each office, branch office, or~~
236 ~~place of business making use of the entity's business name in~~
237 ~~order to offer, solicit, and sell insurance pursuant to this~~
238 ~~paragraph.~~

239 ~~b. The application for licensure must list the name,~~
240 ~~address, and phone number for each office, branch office, or~~
241 ~~place of business that is to be covered by the license. The~~
242 ~~licensee shall notify the department of the name, address, and~~



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243 ~~phone number of any new location that is to be covered by the~~
244 ~~license before the new office, branch office, or place of~~
245 ~~business engages in the sale of insurance pursuant to this~~
246 ~~paragraph. The licensee shall notify the department within 30~~
247 ~~days after the closing or terminating of an office, branch~~
248 ~~office, or place of business. Upon receipt of the notice, the~~
249 ~~department shall delete the office, branch office, or place of~~
250 ~~business from the license.~~

251 ~~e. A licensed and appointed entity is directly responsible~~
252 ~~and accountable for all acts of the licensee's employees and~~
253 ~~parties with whom the licensee has entered into a contractual~~
254 ~~agreement to offer travel insurance.~~

255
256 ~~A licensee shall require each individual who offers policies or~~
257 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
258 ~~initial training from a general lines agent or an insurer~~
259 ~~authorized under chapter 624 to transact insurance within this~~
260 ~~state. For an entity applying for a license as a travel~~
261 ~~insurance agent, the fingerprinting requirement of this section~~
262 ~~applies only to the president, secretary, and treasurer and to~~
263 ~~any other officer or person who directs or controls the travel~~
264 ~~insurance operations of the entity.~~

265 Section 30. Present subsection (4) of section 627.914,
266 Florida Statutes, is redesignated as subsection (5), a new
267 subsection (4) is added to that section, and subsections (2) and
268 (3) of that section are amended, to read:

269 627.914 Reports of information by workers' compensation
270 insurers required.-

271 (2) (a) Each insurer and self-insurance fund authorized to



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272 write a policy of workers' compensation insurance shall report
273 ~~transmit~~ the following information annually on both Florida
274 experience and nationwide experience separately:

- 275 1.(a) Payrolls by classification.
276 2.(b) Manual premiums by classification.
277 3.(c) Standard premiums by classification.
278 4.(d) Losses by classification and injury type.
279 5.(e) Expenses.

280
281 An insurer or self-insurance fund that is placed in receivership
282 pursuant to part I of chapter 631 must continue to report the
283 information required under this paragraph. At the discretion of
284 the receiver, the insurer or self-insurance fund may outsource
285 the reporting of such information to a third-party reporting
286 vendor. The office shall approve a modified reporting plan that
287 is limited in terms of data elements.

288 (b) A report of the this information required under
289 paragraph (a) shall be filed no later than July 1 of each year.
290 All reports shall be filed in accordance with standard reporting
291 procedures for insurers, which procedures have received approval
292 by the office, and shall contain data for the most recent policy
293 period available. A statistical or rating organization may be
294 used by insurers and self-insurance funds to report the data
295 required by this section. The statistical or rating organization
296 shall report each data element in the aggregate only for
297 insurers and self-insurance funds required to report under this
298 section who elect to have the organization report on their
299 behalf. Such insurers and self-insurance funds shall be named in
300 the report.



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301 (3) Individual self-insurers as defined in s. 440.02 shall
302 report only Florida data as prescribed in subparagraphs
303 (2) (a) 1.-5. paragraphs (2) (a) - (e) to the office.

304 (a) The office shall publish the dates and forms necessary
305 to enable individual self-insurers to comply with this section.

306 (b) A statistical or rating organization may be used by
307 individual self-insurers for the purposes of reporting the data
308 required by this section and calculating experience ratings.

309 (4) The office may use the information it receives under
310 this section in its adoption of rates and experience ratings
311 modifications.

312 Section 31. The Division of Law Revision is directed to
313 create chapter 647, Florida Statutes, consisting of ss. 647.01-
314 647.08, Florida Statutes, to be entitled "Travel Insurance."

315 Section 32. Section 647.01, Florida Statutes, is created to
316 read:

317 647.01 Purpose and scope.-

318 (1) The purpose of this chapter is to promote the public
319 welfare by creating a comprehensive legal framework within which
320 travel insurance may be sold in this state.

321 (2) This chapter applies to:

322 (a) Travel insurance that covers any resident of this state
323 and that is sold, solicited, negotiated, or offered in this
324 state.

325 (b) Policies and certificates that are delivered or issued
326 for delivery in this state.

327
328 This chapter does not apply to cancellation fee waivers or
329 travel assistance services, except as expressly provided in this



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330 chapter.

331 (3) All other applicable provisions of the insurance laws
332 of this state continue to apply to travel insurance, except that
333 the specific provisions of this chapter shall supersede any
334 general provisions of law that would otherwise be applicable to
335 travel insurance.

336 Section 33. Section 647.02, Florida Statutes, is created to
337 read:

338 647.02 Definitions.—As used in this chapter, the term:

339 (1) "Aggregator site" means a website that provides access
340 to information regarding insurance products from more than one
341 insurer, including product and insurer information, for use in
342 comparison shopping.

343 (2) "Blanket travel insurance" means a policy of travel
344 insurance issued to an eligible group providing coverage to all
345 members of the eligible group without a separate charge to
346 individual members of the eligible group.

347 (3) "Cancellation fee waiver" means a contractual agreement
348 between a supplier of travel services and its customer to waive
349 some or all of the nonrefundable cancellation fee provisions of
350 the supplier's underlying travel contract with or without regard
351 to the reason for the cancellation or form of reimbursement. A
352 cancellation fee waiver is not insurance.

353 (4) "Department" means the Department of Financial
354 Services.

355 (5) "Eligible group," solely for the purposes of travel
356 insurance, means two or more persons who are engaged in a common
357 enterprise or who have an economic, educational, or social
358 affinity or relationship, including, but not limited to, any of



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359 the following:

360 (a) An entity engaged in the business of providing travel
361 or travel services, including, but not limited to:

362 1. A tour operator, lodging provider, vacation property
363 owner, hotel, resort, travel club, travel agency, property
364 manager, and cultural exchange program.

365 2. An operator, owner, or lessor of a means of
366 transportation of passengers, including, but not limited to, a
367 common carrier, airline, cruise line, railroad, steamship
368 company, and public bus carrier.

369
370 With regard to any particular travel or type of travel or
371 travelers, all members or customers of the group must have a
372 common exposure to risk attendant to such travel.

373 (b) A university, college, school, or other institution of
374 learning, covering students, teachers, employees, or volunteers.

375 (c) An employer covering any group of employees,
376 volunteers, contractors, board of directors, dependents, or
377 guests.

378 (d) A sports team or camp, or a sponsor thereof, covering
379 participants, members, campers, employees, officials,
380 supervisors, or volunteers.

381 (e) A religious, charitable, recreational, educational, or
382 civic organization, or a branch thereof, covering any group of
383 members, participants, or volunteers.

384 (f) A financial institution or financial institution
385 vendor, or a parent holding company, trustee, or agent of or
386 designated by one or more financial institutions or financial
387 institution vendors, including account holders, credit card



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388 holders, debtors, guarantors, or purchasers.

389 (g) An incorporated or unincorporated association,
390 including a labor union, having a common interest and
391 constitution and bylaws, which is organized and maintained in
392 good faith for purposes other than obtaining insurance coverage
393 for its members or participants.

394 (h) A trust or the trustees of a fund that covers its
395 members, employees, or customers and is established, created, or
396 maintained for the benefit of its members, employees, or
397 customers, subject to:

398 1. The department's authorizing the use of a trust.

399 2. The premium tax provisions in s. 647.03 applicable to
400 incorporated or unincorporated associations that have a common
401 interest and constitution and bylaws and that are organized and
402 maintained in good faith for purposes other than obtaining
403 insurance coverage for their members, employees, or customers.

404 (i) An entertainment production company covering any group
405 of participants, volunteers, audience members, contestants, or
406 workers.

407 (j) A volunteer fire department, ambulance, rescue, police,
408 court, first-aid, civil defense, or other such volunteer group.

409 (k) A preschool, daycare institution for children or
410 adults, or senior citizen club.

411 (l) An automobile or truck rental or leasing company
412 covering a group of individuals who may become renters, lessees,
413 or passengers as defined by their travel status on the rented or
414 leased vehicles. The common carrier, the operator, owner, or
415 lessor of a means of transportation, or the motor vehicle or
416 truck rental or leasing company is the policyholder under a



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417 policy to which this section applies.

418 (m) Any other group for which the department has made the
419 following determinations:

420 1. The group members are engaged in a common enterprise or
421 have an economic, educational, or social affinity or
422 relationship.

423 2. Issuance of the travel insurance policy is not contrary
424 to the public interest.

425 (6) "Fulfillment materials" means documentation sent to the
426 purchaser of a travel protection plan confirming the purchase
427 and providing the travel protection plan's coverage and
428 assistance details.

429 (7) "Group travel insurance" means travel insurance issued
430 to an eligible group.

431 (8) "Limited lines travel insurance producer" means:

432 (a) A licensed or third-party administrator;

433 (b) A licensed insurance producer, including a limited
434 lines producer; or

435 (c) A travel administrator.

436 (9) "Travel administrator" means a person who directly or
437 indirectly underwrites policies for, collects charges,
438 collateral, or premiums from, or adjusts or settles claims on,
439 residents of this state, in connection with travel insurance,
440 except that a person is not considered a travel administrator if
441 the person is:

442 (a) A person working for a travel administrator, to the
443 extent that the person's activities are subject to the
444 supervision and control of the travel administrator;

445 (b) An insurance producer selling insurance or engaged in



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446 administrative and claims-related activities within the scope of
447 the producer's license;

448 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
449 offering and disseminating travel insurance and registered under
450 the license of a limited lines travel insurance producer in
451 accordance with s. 626.321(1)(c);

452 (d) A person adjusting or settling claims in the normal
453 course of the person's practice or employment as an attorney at
454 law, without collecting charges or premiums in connection with
455 insurance coverage; or

456 (e) A business entity that is affiliated with a licensed
457 insurer while acting as a travel administrator for the direct
458 and assumed insurance business of the affiliated insurer.

459 (10) "Travel assistance services" means noninsurance
460 services for which the consumer is not indemnified based on a
461 fortuitous event, and the provision of which does not result in
462 the transfer or shifting of risk which would constitute the
463 business of insurance. The term includes, but is not limited to,
464 security advisories, destination information, vaccination and
465 immunization information services, travel reservation services,
466 entertainment, activity and event planning, translation
467 assistance, emergency messaging, international legal and medical
468 referrals, medical case monitoring, coordination of
469 transportation arrangements, emergency cash transfer assistance,
470 medical prescription replacement assistance, passport and travel
471 document replacement assistance, lost luggage assistance,
472 concierge services, and any other service that is furnished in
473 connection with planned travel. Travel assistance services are
474 not insurance and are not related to insurance.



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475 (11) "Travel insurance" means insurance coverage for
476 personal risks incidental to planned travel, including:
477 (a) Interruption or cancellation of trip or event;
478 (b) Loss of baggage or personal effects;
479 (c) Damages to accommodations or rental vehicles;
480 (d) Sickness, accident, disability, or death occurring
481 during travel;
482 (e) Emergency evacuation;
483 (f) Repatriation of remains; or
484 (g) Any other contractual obligations to indemnify or pay a
485 specified amount to the traveler upon determinable contingencies
486 related to travel as determined by the office.

487
488 The term does not include major medical plans that provide
489 comprehensive medical protection for travelers with trips
490 lasting longer than 6 months, including major medical plans for
491 those working or residing overseas as expatriates, or any other
492 product that requires a specific insurance producer license.

493 (12) "Travel protection plan" means a plan that provides
494 one or more of the following: travel insurance, travel
495 assistance services, and cancellation fee waivers.

496 Section 34. Section 647.03, Florida Statutes, is created to
497 read:

498 647.03 Premium tax.—

499 (1) As used in this section, the term:

500 (a) "Primary certificateholder" means an individual who
501 purchases travel insurance under a group policy.

502 (b) "Primary policyholder" means an individual who
503 purchases individual travel insurance.



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504 (2) A travel insurer shall pay the premium tax, as required
505 under s. 624.509, on travel insurance premiums paid by any of
506 the following:

507 (a) A primary policyholder who is a resident of this state.

508 (b) A primary certificateholder who is a resident of this
509 state.

510 (c) A blanket travel insurance policyholder:

511 1. Who is a resident in this state;

512 2. Who has his or her principal place of business in this
513 state; or

514 3. Whose affiliate or subsidiary who has purchased blanket
515 travel insurance for eligible blanket group members has his or
516 her principal place of business in this state.

517
518 The premium tax under this subsection is subject to any
519 apportionment rules that apply to an insurer across multiple
520 taxing jurisdictions or that authorize an insurer to allocate
521 premium on an apportioned basis in a reasonable and equitable
522 manner in those jurisdictions.

523 (3) A travel insurer shall:

524 (a) Document the state of residence or principal place of
525 business of the policyholder or certificateholder, or an
526 affiliate or subsidiary thereof, as required under subsection
527 (2).

528 (b) Report as premium only the amount allocable to travel
529 insurance and not any amounts received for travel assistance
530 services or cancellation fee waivers.

531 Section 35. Section 647.04, Florida Statutes, is created to
532 read:



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533 647.04 Travel protection plans.-A travel protection plan
534 may be offered for one price for the combined features that the
535 travel protection plan offers in this state if the travel
536 protection plan meets all of the following requirements:

537 (1) The travel protection plan clearly discloses to the
538 consumer, at or before the time of purchase, that it includes
539 travel insurance, travel assistance services, and cancellation
540 fee waivers, as applicable, and provides information and an
541 opportunity, at or before the time of purchase, for the consumer
542 to obtain additional information regarding the features and
543 pricing of each.

544 (2) The fulfillment materials:

545 (a) Describe and delineate the travel insurance, travel
546 assistance services, and cancellation fee waivers in the travel
547 protection plan.

548 (b) Include the travel insurance disclosures required in
549 this chapter, the contact information for persons providing
550 travel assistance services, and cancellation fee waivers, as
551 applicable.

552 Section 36. Section 647.05, Florida Statutes, is created to
553 read:

554 647.05 Sales practices.-

555 (1) (a) All documents provided to a consumer before the
556 purchase of travel insurance, including, but not limited to,
557 sales materials, advertising materials, and marketing materials,
558 must be consistent with the travel insurance policy, including,
559 but not limited to, forms, endorsements, policies, rate filings,
560 and certificates of insurance.

561 (b) For travel insurance policies or certificates that



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562 contain preexisting condition exclusions, information and an
563 opportunity to learn more about the preexisting condition
564 exclusions must be provided any time before the purchase.
565 Information on the exclusions and the opportunity to learn more
566 about these exclusions must be included in the coverage's
567 fulfillment materials.

568 (c) The fulfillment materials and the information described
569 in s. 626.321(1)(c)3.a. must be provided to a policyholder or
570 certificateholder as soon as practicable after the purchase of a
571 travel protection plan. Unless the insured has started a covered
572 trip or filed a claim under the travel insurance coverage, the
573 policyholder or certificateholder may cancel a policy or
574 certificate for a full refund of the travel protection plan
575 price from the date of purchase of a travel protection plan
576 until at least:

- 577 1. Fifteen days after the date of delivery of the travel
578 protection plan's fulfillment materials by postal mail; or
579 2. Ten days after the date of delivery of the travel
580 protection plan's fulfillment materials by means other than
581 postal mail.

582
583 For the purposes of this paragraph, the term "delivery" means
584 handing fulfillment materials to the policyholder or
585 certificateholder or sending fulfillment materials by postal
586 mail or electronic means to the policyholder or
587 certificateholder.

588 (d) An insurer shall disclose in the policy documentation
589 and fulfillment materials whether the travel insurance is
590 primary or secondary to other applicable coverage.



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591 (e) If travel insurance is marketed directly to a consumer
592 through an insurer's website or by others through an aggregator
593 site, it is not an unfair trade practice or other violation of
594 law if the following requirements are met:

595 1. The web page provides an accurate summary or short
596 description of the coverage.

597 2. The consumer has access to the full provisions of the
598 policy through electronic means.

599 (2) A person offering, soliciting, or negotiating travel
600 insurance or travel protection plans on an individual or group
601 basis may not do so by using a negative or opt-out option that
602 would require a consumer to take an affirmative action to
603 deselect coverage, such as unchecking a box on an electronic
604 form, when the consumer purchases a trip.

605 (3) If a consumer's destination jurisdiction requires
606 insurance coverage, it is not an unfair trade practice to
607 require that the consumer choose between the following options
608 as a condition of purchasing a trip or travel package:

609 (a) Purchasing the coverage required by the destination
610 jurisdiction through the travel retailer, as defined s.
611 626.321(1)(c)2., or limited lines travel insurance producer
612 supplying the trip or travel package; or

613 (b) Agreeing to obtain and provide proof of coverage that
614 meets the destination jurisdiction's requirements before
615 departure.

616 (4) (a) A person offering travel insurance to residents of
617 this state is subject to part IX of chapter 626, the Unfair
618 Insurance Trade Practices Act, except as otherwise provided in
619 this chapter. If a conflict arises between this chapter and the



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620 Unfair Insurance Trade Practices Act regarding the sale and
621 marketing of travel insurance and travel protection plans, the
622 provisions of this chapter shall control.

623 (b) A person commits an unfair insurance trade practice
624 under the Unfair Insurance Trade Practices Act if the person:

625 1. Offers or sells a travel insurance policy that could
626 never result in payment of any claims for any insured under the
627 policy; or

628 2. Markets blanket travel insurance coverage as free.

629 Section 37. Section 647.06, Florida Statutes, is created to
630 read:

631 647.06 Travel administrators.—

632 (1) Notwithstanding any other provision of the Florida
633 Insurance Code, a person may not act or represent himself or
634 herself as a travel administrator in this state unless the
635 person:

636 (a) Is a licensed and appointed property and casualty
637 insurance producer in this state for activities authorized under
638 that producer license;

639 (b) Is a licensed insurance agency, appointed as a managing
640 general agent in this state; or

641 (c) Holds a valid third-party administrator license in this
642 state.

643 (2) A travel administrator and its employees are exempt
644 from the licensing requirements of part VI of chapter 626 for
645 the travel insurance it administers.

646 (3) An insurer is responsible for ensuring that a travel
647 administrator administering travel insurance underwritten by the
648 insurer:



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649 (a) Acts in accordance with this chapter.

650 (b) Maintains all books and records that are relevant to
651 the insurer and makes these books and records available to the
652 department upon request.

653 Section 38. Section 647.07, Florida Statutes, is created to
654 read:

655 647.07 Travel insurance policy.-

656 (1) Notwithstanding any other provision of the Florida
657 Insurance Code, travel insurance shall be classified and filed
658 for purposes of rates and forms under the inland marine line of
659 insurance; however, travel insurance that provides coverage for
660 sickness, accident, disability, or death occurring during
661 travel, either exclusively or in conjunction with related
662 coverages of emergency evacuation or repatriation of remains, or
663 incidental limited property and casualty benefits such as
664 baggage or trip cancellation, may be classified and filed for
665 purposes of rates and forms under either the accident and health
666 line of insurance or the inland marine line of insurance.

667 (2) Travel insurance may be in the form of an individual,
668 group, or blanket policy. Group or blanket policies are
669 classified as commercial inland marine insurance under s.
670 627.021(2)(d). Travel insurance policies not issued to a
671 commercial entity and primarily used for personal, family, or
672 household purposes are considered personal inland marine
673 insurance and shall not be subject to s. 627.062. Sections of
674 policies or endorsements for travel insurance which are
675 considered personal inland marine insurance consisting of travel
676 assistance services or cancellation fee waivers are not subject
677 to s. 627.410.



678 (3) Travel insurance programs may be developed and provided
679 based on travel protection plans designed for individual or
680 identified marketing or distribution channels.

681 Section 39. Section 647.08, Florida Statutes, is created to
682 read:

683 647.08 Rulemaking authority.—The department shall adopt
684 rules to administer this chapter.

685
686 ===== T I T L E A M E N D M E N T =====

687 And the title is amended as follows:

688 Delete line 92

689 and insert:

690 respectively, without specified licenses; amending ss.
691 440.12 and 440.20, F.S.; authorizing the payment of
692 certain workers' compensation benefits to be
693 transmitted to the employee's account with a licensed
694 money transmitter; amending s. 626.321, F.S.;
695 providing that certain travel insurance licenses are
696 subject to review by the department rather than the
697 office; revising persons who may be licensed to
698 transact in travel insurance; specifying licensure and
699 registration requirements for certain persons;
700 defining the term "travel retailer"; specifying
701 requirements for, restrictions on, and authorized acts
702 by travel retailers and limited lines travel insurance
703 producers; defining the term "offer and disseminate";
704 authorizing certain persons to sell, solicit, and
705 negotiate travel insurance; amending s. 627.914, F.S.;
706 requiring insurers or self-insurance funds that write



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707 workers' compensation insurance and that are in
708 receivership to continue to report certain information
709 to the office; authorizing the outsourcing of
710 reporting under certain circumstances; requiring the
711 office to approve a certain reporting plan;
712 authorizing the office to use the information for
713 certain purposes; creating ch. 647, F.S., entitled
714 "Travel Insurance"; creating s. 647.01, F.S.;
715 providing legislative purpose; providing
716 applicability; creating s. 647.02, F.S.; defining
717 terms; creating s. 647.03, F.S.; defining the terms
718 "primary certificateholder" and "primary
719 policyholder"; requiring travel insurers to pay the
720 insurance premium tax on specified travel insurance
721 premiums; providing construction; specifying
722 requirements for travel insurers; creating s. 647.04,
723 F.S.; providing that a travel protection plan may be
724 offered for one price if its meets specified
725 requirements; creating s. 647.05, F.S.; specifying
726 sales practice requirements, prohibited sales
727 practices, and authorized sales practices relating to
728 travel insurance; specifying a policyholder or
729 certificateholder's right to cancel a travel
730 protection plan for a full refund; defining the term
731 "delivery"; specifying unfair insurance trade
732 practices; providing construction; creating s. 647.06,
733 F.S.; specifying qualifications for travel
734 administrators; providing an exemption from certain
735 licensure; providing that insurers are responsible for



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736 ensuring certain acts by travel administrators;
737 creating s. 647.07, F.S.; specifying the
738 classification for travel insurance for rate filing
739 purposes; specifying authorized forms of travel
740 insurance; providing applicability of certain
741 provisions of the Rating Law; authorizing the
742 development and provision of travel insurance programs
743 on certain bases; creating s. 647.08, F.S.; requiring
744 the department to adopt rules; providing