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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 536 - 542.

Between lines 693 and 694

insert:

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

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

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



893146

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, 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, are
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



893146

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



893146

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. Subsection (4) of section 627.914, Florida
78 Statutes, is redesignated as subsection (5), a new subsection
79 (4) is added to that section, and subsections (2) and (3) of
80 that section are amended, to read:

81 627.914 Reports of information by workers' compensation
82 insurers required.—

83 (2) (a) Each insurer and self-insurance fund authorized to
84 write a policy of workers' compensation insurance shall report
85 ~~transmit~~ the following information annually on both Florida
86 experience and nationwide experience separately:

- 87 1. ~~(a)~~ Payrolls by classification.
- 88 2. ~~(b)~~ Manual premiums by classification.
- 89 3. ~~(c)~~ Standard premiums by classification.
- 90 4. ~~(d)~~ Losses by classification and injury type.
- 91 5. ~~(e)~~ Expenses.

92
93 An insurer or self-insurance fund that is placed in receivership
94 pursuant to part I of chapter 631 must continue to report the
95 information required under this paragraph. At the discretion of
96 the receiver, the insurer or self-insurance fund may outsource
97 the reporting of such information to a third-party reporting



893146

98 vendor. The office shall approve a modified reporting plan that
99 is limited in terms of data elements.

100 (b) A report of ~~the this~~ information required under
101 paragraph (a) shall be filed no later than July 1 of each year.
102 All reports shall be filed in accordance with standard reporting
103 procedures for insurers, which procedures have received approval
104 by the office, and shall contain data for the most recent policy
105 period available. A statistical or rating organization may be
106 used by insurers and self-insurance funds to report the data
107 required by this section. The statistical or rating organization
108 shall report each data element in the aggregate only for
109 insurers and self-insurance funds required to report under this
110 section who elect to have the organization report on their
111 behalf. Such insurers and self-insurance funds shall be named in
112 the report.

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

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

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

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

124 Section 30. Paragraph (c) of subsection (1) of section
125 626.321, Florida Statutes, is amended to read:

126 626.321 Limited licenses and registration.-



893146

127 (1) The department shall issue to a qualified applicant a
128 license as agent authorized to transact a limited class of
129 business in any of the following categories of limited lines
130 insurance:

131 (c) *Travel insurance.*—License covering only policies and
132 certificates of travel insurance which are subject to review by
133 the department office. Policies and certificates of travel
134 insurance may provide coverage for travel insurance, as defined
135 in s. 647.02 risks incidental to travel, planned travel, or
136 accommodations while traveling, including, but not limited to,
137 accidental death and dismemberment of a traveler; trip or event
138 cancellation, interruption, or delay; loss of or damage to
139 personal effects or travel documents; damages to travel
140 accommodations; baggage delay; emergency medical travel or
141 evacuation of a traveler; or medical, surgical, and hospital
142 expenses related to an illness or emergency of a traveler. Such
143 policy or certificate may be issued for terms longer than 90
144 days, but, other than a policy or certificate providing coverage
145 for air ambulatory services only, each policy or certificate
146 must be limited to coverage for travel or use of accommodations
147 of no longer than 90 days. The license may be issued only to an
148 individual or business entity that has filed with the department
149 an application for a license in a form and manner prescribed by
150 the department.÷

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

154 2. A person may not act as a limited lines travel insurance
155 producer or travel retailer unless properly licensed or



893146

156 registered, respectively. As used in this paragraph, the term
157 "travel retailer" means a business entity that:

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

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

162 3. A travel retailer may offer and disseminate travel
163 insurance under a limited lines travel insurance producer
164 business entity license only if all of the following
165 requirements are met:

166 a. The limited lines travel insurance producer or travel
167 retailer provides to purchasers of travel insurance:

168 (I) A description of the material terms or the actual
169 material terms of the insurance coverage.

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

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

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

175 b. At the time of licensure, the limited lines travel
176 insurance producer establishes and maintains a register, on a
177 form prescribed by the department, of each travel retailer that
178 offers travel insurance on behalf of the limited lines travel
179 insurance producer. The limited lines travel insurance producer
180 must maintain and update the register, which must include the
181 travel retailer's federal tax identification number and the
182 name, address, and contact information of the travel retailer
183 and an officer or person who directs or controls the travel
184 retailer's operations. The limited lines travel insurance



893146

185 producer shall submit the register to the department upon
186 reasonable request. The limited lines travel insurance producer
187 shall also certify that the travel retailer register complies
188 with 18 U.S.C. s. 1033. The grounds for the suspension and
189 revocation and the penalties applicable to resident insurance
190 producers under this section apply to the limited lines travel
191 insurance producers and travel retailers.

192 c. The limited lines travel insurance producer has
193 designated one of its employees as the designated responsible
194 producer. The designated responsible producer, who must be a
195 licensed insurance producer, is responsible for the compliance
196 with the travel insurance laws and regulations applicable to the
197 limited lines travel insurance producer and its registrants. The
198 designated responsible producer and the president, secretary,
199 treasurer, and any other officer or person who directs or
200 controls the limited lines travel insurance producer's insurance
201 operations must comply with the fingerprinting requirements
202 applicable to insurance producers in the resident state of the
203 limited lines travel insurance producer.

204 d. The limited lines travel insurance producer has paid all
205 applicable licensing fees as set forth in applicable general
206 law.

207 e. The limited lines travel insurance producer requires
208 each employee and each authorized representative of the travel
209 retailer whose duties include offering and disseminating travel
210 insurance to receive a program of instruction or training, which
211 is subject, at the discretion of the department, to review and
212 approval. The training material must, at a minimum, contain
213 adequate instructions on the types of insurance offered, ethical



893146

214 sales practices, and required disclosures to prospective
215 purchasers.

216

217 As used in this paragraph, the term "offer and disseminate"
218 means to provide general information, including a description of
219 the coverage and price, as well as processing the application
220 and collecting premiums.

221 4. A travel retailer offering or disseminating travel
222 insurance shall make available to prospective purchasers
223 brochures or other written materials that have been approved by
224 the travel insurer. Such materials must include information
225 that, at a minimum:

226 a. Provides the identity and contact information of the
227 insurer and the limited lines travel insurance producer.

228 b. Explains that the purchase of travel insurance is not
229 required in order to purchase any other product or service from
230 the travel retailer.

231 c. Explains that a travel retailer is authorized to provide
232 only general information about the insurance offered by the
233 travel retailer, including a description of the coverage and
234 price, but is not qualified or authorized to answer technical
235 questions about the terms and conditions of the insurance
236 offered by the travel retailer or to evaluate the adequacy of
237 the customer's existing insurance coverage.

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

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

242 b. Evaluate or provide advice concerning a prospective



893146

243 purchaser's existing insurance coverage; or
244 c. Hold himself or herself or the travel retailer out as a
245 licensed insurer, licensed producer, or insurance expert.
246
247 Notwithstanding any other provision of law, a travel retailer
248 whose insurance-related activities, and those of its employees
249 and authorized representatives, are limited to offering and
250 disseminating travel insurance on behalf of and under the
251 direction of a limited lines travel insurance producer meeting
252 the conditions in this section may receive related compensation
253 upon registration by the limited lines travel insurance producer
254 as described in paragraph (2) (b).
255 6. As the insurer's designee, the limited lines travel
256 insurance producer is responsible for the acts of the travel
257 retailer and shall use reasonable means to ensure compliance by
258 the travel retailer with this section.
259 7. Any person licensed in a major line of authority as an
260 insurance producer, including a property and casualty insurance
261 producer who is not appointed by an insurer, may sell, solicit,
262 and negotiate travel insurance.
263 ~~1. To a full-time salaried employee of a common carrier or~~
264 ~~a full-time salaried employee or owner of a transportation~~
265 ~~ticket agency and may authorize the sale of such ticket policies~~
266 ~~only in connection with the sale of transportation tickets, or~~
267 ~~to the full-time salaried employee of such an agent. Such policy~~
268 ~~may not be for more than 48 hours or more than the duration of a~~
269 ~~specified one-way trip or round trip.~~
270 ~~2. To an entity or individual that is:~~
271 ~~a. The developer of a timeshare plan that is the subject of~~



893146

272 ~~an approved public offering statement under chapter 721;~~
273 ~~b. An exchange company operating an exchange program~~
274 ~~approved under chapter 721;~~
275 ~~e. A managing entity operating a timeshare plan approved~~
276 ~~under chapter 721;~~
277 ~~d. A seller of travel as defined in chapter 559; or~~
278 ~~e. A subsidiary or affiliate of any of the entities~~
279 ~~described in sub-subparagraphs a.-d.~~
280 ~~3. To a full-time salaried employee of a licensed general~~
281 ~~lines agent or a business entity that offers travel planning~~
282 ~~services if insurance sales activities authorized by the license~~
283 ~~are in connection with, and incidental to, travel.~~
284 ~~a. A license issued to a business entity that offers travel~~
285 ~~planning services must encompass each office, branch office, or~~
286 ~~place of business making use of the entity's business name in~~
287 ~~order to offer, solicit, and sell insurance pursuant to this~~
288 ~~paragraph.~~
289 ~~b. The application for licensure must list the name,~~
290 ~~address, and phone number for each office, branch office, or~~
291 ~~place of business that is to be covered by the license. The~~
292 ~~licensee shall notify the department of the name, address, and~~
293 ~~phone number of any new location that is to be covered by the~~
294 ~~license before the new office, branch office, or place of~~
295 ~~business engages in the sale of insurance pursuant to this~~
296 ~~paragraph. The licensee shall notify the department within 30~~
297 ~~days after the closing or terminating of an office, branch~~
298 ~~office, or place of business. Upon receipt of the notice, the~~
299 ~~department shall delete the office, branch office, or place of~~
300 ~~business from the license.~~



893146

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

305
306 ~~A licensee shall require each individual who offers policies or~~
307 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
308 ~~initial training from a general lines agent or an insurer~~
309 ~~authorized under chapter 624 to transact insurance within this~~
310 ~~state. For an entity applying for a license as a travel~~
311 ~~insurance agent, the fingerprinting requirement of this section~~
312 ~~applies only to the president, secretary, and treasurer and to~~
313 ~~any other officer or person who directs or controls the travel~~
314 ~~insurance operations of the entity.~~

315 Section 31. The Division of Law Revision is directed to
316 create chapter 647, Florida Statutes, consisting of ss. 647.01-
317 647.08, Florida Statutes, to be entitled "Travel Insurance."

318 Section 32. Section 647.01, Florida Statutes, is created to
319 read:

320 647.01 Purpose and scope.-

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

324 (2) This chapter applies to:

325 (a) Travel insurance that covers any resident of this state
326 and that is sold, solicited, negotiated, or offered in this
327 state.

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



893146

330
331 This chapter does not apply to cancellation fee waivers or
332 travel assistance services, except as expressly provided in this
333 chapter.

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

339 Section 33. Section 647.02, Florida Statutes, is created to
340 read:

341 647.02 Definitions.—As used in this chapter, the term:

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

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

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

356 (4) "Department" means the Department of Financial
357 Services.

358 (5) "Eligible group," solely for the purposes of travel



893146

359 insurance, means two or more persons who are engaged in a common
360 enterprise or who have an economic, educational, or social
361 affinity or relationship, including, but not limited to, any of
362 the following:

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

365 1. A tour operator, lodging provider, vacation property
366 owner, hotel, resort, travel club, travel agency, property
367 manager, and cultural exchange program.

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

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

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

378 (c) An employer covering any group of employees,
379 volunteers, contractors, board of directors, dependents, or
380 guests.

381 (d) A sports team or camp, or a sponsor thereof, covering
382 participants, members, campers, employees, officials,
383 supervisors, or volunteers.

384 (e) A religious, charitable, recreational, educational, or
385 civic organization, or a branch thereof, covering any group of
386 members, participants, or volunteers.

387 (f) A financial institution or financial institution



893146

388 vendor, or a parent holding company, trustee, or agent of or
389 designated by one or more financial institutions or financial
390 institution vendors, including account holders, credit card
391 holders, debtors, guarantors, or purchasers.

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

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

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

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

407 (i) An entertainment production company covering any group
408 of participants, volunteers, audience members, contestants, or
409 workers.

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

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

414 (l) An automobile or truck rental or leasing company
415 covering a group of individuals who may become renters, lessees,
416 or passengers as defined by their travel status on the rented or



893146

417 leased vehicles. The common carrier, the operator, owner, or
418 lessor of a means of transportation, or the motor vehicle or
419 truck rental or leasing company is the policyholder under a
420 policy to which this section applies.

421 (m) Any other group for which the department has made the
422 following determinations:

423 1. The group members are engaged in a common enterprise or
424 have an economic, educational, or social affinity or
425 relationship.

426 2. Issuance of the travel insurance policy is not contrary
427 to the public interest.

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

432 (7) "Group travel insurance" means travel insurance issued
433 to an eligible group.

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

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

436 (b) A licensed insurance producer, including a limited
437 lines producer; or

438 (c) A travel administrator.

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

445 (a) A person working for a travel administrator, to the



893146

446 extent that the person's activities are subject to the
447 supervision and control of the travel administrator;
448 (b) An insurance producer selling insurance or engaged in
449 administrative and claims-related activities within the scope of
450 the producer's license;
451 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
452 offering and disseminating travel insurance and registered under
453 the license of a limited lines travel insurance producer in
454 accordance with s. 626.321(1)(c);
455 (d) A person adjusting or settling claims in the normal
456 course of the person's practice or employment as an attorney at
457 law, without collecting charges or premiums in connection with
458 insurance coverage; or
459 (e) A business entity that is affiliated with a licensed
460 insurer while acting as a travel administrator for the direct
461 and assumed insurance business of the affiliated insurer.
462 (10) "Travel assistance services" means noninsurance
463 services for which the consumer is not indemnified based on a
464 fortuitous event, and the provision of which does not result in
465 the transfer or shifting of risk which would constitute the
466 business of insurance. The term includes, but is not limited to,
467 security advisories, destination information, vaccination and
468 immunization information services, travel reservation services,
469 entertainment, activity and event planning, translation
470 assistance, emergency messaging, international legal and medical
471 referrals, medical case monitoring, coordination of
472 transportation arrangements, emergency cash transfer assistance,
473 medical prescription replacement assistance, passport and travel
474 document replacement assistance, lost luggage assistance,



893146

475 concierge services, and any other service that is furnished in
476 connection with planned travel. Travel assistance services are
477 not insurance and are not related to insurance.

478 (11) "Travel insurance" means insurance coverage for
479 personal risks incidental to planned travel, including:

480 (a) Interruption or cancellation of trip or event;

481 (b) Loss of baggage or personal effects;

482 (c) Damages to accommodations or rental vehicles;

483 (d) Sickness, accident, disability, or death occurring
484 during travel;

485 (e) Emergency evacuation;

486 (f) Repatriation of remains; or

487 (g) Any other contractual obligations to indemnify or pay a
488 specified amount to the traveler upon determinable contingencies
489 related to travel as approved by the Commissioner of Insurance
490 Regulation.

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

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

500 Section 34. Section 647.03, Florida Statutes, is created to
501 read:

502 647.03 Premium tax.—

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



893146

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

506 (b) "Primary policyholder" means an individual who
507 purchases individual travel insurance.

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

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

512 (b) A primary certificateholder who is a resident of this
513 state.

514 (c) A blanket travel insurance policyholder:

515 1. Who is a resident in this state;

516 2. Who has his or her principal place of business in this
517 state; or

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

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

527 (3) A travel insurer shall:

528 (a) Document the state of residence or principal place of
529 business of the policyholder or certificateholder, or an
530 affiliate or subsidiary thereof, as required under subsection

531 (2).

532 (b) Report as premium only the amount allocable to travel



893146

533 insurance and not any amounts received for travel assistance
534 services or cancellation fee waivers.

535 Section 35. Section 647.04, Florida Statutes, is created to
536 read:

537 647.04 Travel protection plans.—A travel protection plan
538 may be offered for one price for the combined features that the
539 travel protection plan offers in this state if the travel
540 protection plan meets all of the following requirements:

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

548 (2) The fulfillment materials:

549 (a) Describe and delineate the travel insurance, travel
550 assistance services, and cancellation fee waivers in the travel
551 protection plan.

552 (b) Include the travel insurance disclosures required in
553 this chapter, the contact information for persons providing
554 travel assistance services, and cancellation fee waivers, as
555 applicable.

556 Section 36. Section 647.05, Florida Statutes, is created to
557 read:

558 647.05 Sales practices.—

559 (1) (a) All documents provided to a consumer before the
560 purchase of travel insurance, including, but not limited to,
561 sales materials, advertising materials, and marketing materials,



893146

562 must be consistent with the travel insurance policy, including,
563 but not limited to, forms, endorsements, policies, rate filings,
564 and certificates of insurance.

565 (b) For travel insurance policies or certificates that
566 contain preexisting condition exclusions, information and an
567 opportunity to learn more about the preexisting condition
568 exclusions must be provided any time before the purchase.
569 Information on the exclusions and the opportunity to learn more
570 about these exclusions must be included in the coverage's
571 fulfillment materials.

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

581 1. Fifteen days after the date of delivery of the travel
582 protection plan's fulfillment materials by postal mail; or

583 2. Ten days after the date of delivery of the travel
584 protection plan's fulfillment materials by means other than
585 postal mail.

586
587 For the purposes of this paragraph, the term "delivery" means
588 handing fulfillment materials to the policyholder or
589 certificateholder or sending fulfillment materials by postal
590 mail or electronic means to the policyholder or



893146

591 certificateholder.

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

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

599 1. The web page provides an accurate summary or short
600 description of the coverage.

601 2. The consumer has access to the full provisions of the
602 policy through electronic means.

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

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

613 (a) Purchasing the coverage required by the destination
614 jurisdiction through the travel retailer, as defined s.
615 626.321(1)(c)2., or limited lines travel insurance producer
616 supplying the trip or travel package; or

617 (b) Agreeing to obtain and provide proof of coverage that
618 meets the destination jurisdiction's requirements before
619 departure.



893146

620 (4) (a) A person offering travel insurance to residents of
621 this state is subject to part IX of chapter 626, the Unfair
622 Insurance Trade Practices Act, except as otherwise provided in
623 this chapter. If a conflict arises between this chapter and the
624 Unfair Insurance Trade Practices Act regarding the sale and
625 marketing of travel insurance and travel protection plans, the
626 provisions of this chapter shall control.

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

629 1. Offers or sells a travel insurance policy that could
630 never result in payment of any claims for any insured under the
631 policy; or

632 2. Markets blanket travel insurance coverage as free.

633 Section 37. Section 647.06, Florida Statutes, is created to
634 read:

635 647.06 Travel administrators.—

636 (1) Notwithstanding any other provision of the Florida
637 Insurance Code, a person may not act or represent himself or
638 herself as a travel administrator in this state unless the
639 person:

640 (a) Is a licensed property and casualty insurance producer
641 in this state for activities authorized under that producer
642 license;

643 (b) Is appointed as a managing general agent in this state;
644 or

645 (c) Holds a valid third-party administrator license in this
646 state.

647 (2) A travel administrator and its employees are exempt
648 from the licensing requirements of part VI of chapter 626 for



893146

649 the travel insurance it administers.

650 (3) An insurer is responsible for ensuring that a travel
651 administrator administering travel insurance underwritten by the
652 insurer:

653 (a) Acts in accordance with this chapter.

654 (b) Maintains all books and records that are relevant to
655 the insurer and makes these books and records available to the
656 department upon request.

657 Section 38. Section 647.07, Florida Statutes, is created to
658 read:

659 647.07 Travel insurance policy.-

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

671 (2) Travel insurance may be in the form of an individual,
672 group, or blanket policy.

673 (3) Eligibility and underwriting standards for travel
674 insurance may be developed and provided based on travel
675 protection plans designed for individual or identified marketing
676 or distribution channels, if those standards also meet the
677 state's underwriting standards for inland marine insurance.



893146

678 Section 39. Section 647.08, Florida Statutes, is created to
679 read:

680 647.08 Rulemaking authority.—The department shall adopt
681 rules to administer this chapter.

682

683 ===== T I T L E A M E N D M E N T =====

684 And the title is amended as follows:

685 Delete lines 67 - 69

686 and insert:

687 Timeframe; requiring the

688 Delete line 92

689 and insert:

690 respectively, without specified licenses; amending s.
691 440.12, F.S.; providing that an employee receiving
692 workers' compensation payments may authorize a carrier
693 to transmit compensation payments to a licensed money
694 transmitter; amending s. 440.20, F.S.; specifying that
695 the carrier's transmission of compensation with a
696 licensed money transmitter to the employee's account
697 satisfies the carrier's obligation to pay compensation
698 directly to the employee; amending s. 626.321, F.S.;
699 providing that certain travel insurance licenses are
700 subject to review by the Department of Financial
701 Services rather than the Office of Insurance
702 Regulation; revising persons who may be licensed to
703 transact in travel insurance; specifying licensure and
704 registration requirements for certain persons;
705 defining the term "travel retailer"; specifying
706 requirements for, restrictions on, and authorized acts



893146

707 by travel retailers and limited lines travel insurance
708 producers; defining the term "offer and disseminate";
709 authorizing certain persons to sell, solicit, and
710 negotiate travel insurance; amending s. 627.914, F.S.;
711 requiring insurers or self-insurance funds that write
712 workers' compensation insurance and that are in
713 receivership to continue to report certain information
714 to the office; authorizing the outsourcing of
715 reporting under certain circumstances; requiring the
716 office to approve a certain reporting plan;
717 authorizing the office to use the information for
718 certain purposes; creating ch. 647, F.S., entitled
719 "Travel Insurance"; creating s. 647.01, F.S.;
720 providing legislative purpose; providing
721 applicability; creating s. 647.02, F.S.; defining
722 terms; creating s. 647.03, F.S.; defining the terms
723 "primary certificateholder" and "primary
724 policyholder"; requiring travel insurers to pay the
725 insurance premium tax on specified travel insurance
726 premiums; providing construction; specifying
727 requirements for travel insurers; creating s. 647.04,
728 F.S.; providing that a travel protection plan may be
729 offered for one price if its meets specified
730 requirements; creating s. 647.05, F.S.; specifying
731 sales practice requirements, prohibited sales
732 practices, and authorized sales practices relating to
733 travel insurance; specifying a policyholder or
734 certificateholder's right to cancel a travel
735 protection plan for a full refund; defining the term



893146

736 "delivery"; specifying unfair insurance trade
737 practices; providing construction; creating s. 647.06,
738 F.S.; specifying qualifications for travel
739 administrators; providing an exemption from certain
740 licensure; providing that insurers are responsible for
741 ensuring certain acts by travel administrators;
742 creating s. 647.07, F.S.; specifying the
743 classification for travel insurance for rate filing
744 purposes; specifying authorized forms of travel
745 insurance; authorizing certain eligibility and
746 underwriting standards for travel insurance; creating
747 s. 647.08, F.S.; requiring the department to adopt
748 rules; providing