



798258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective upon this act becoming a law,
paragraph (d) of subsection (3) of section 319.30, Florida
Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of
identity of motor vehicle or mobile home; salvage.—

(3)



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11 (d) An electronic signature that is consistent with chapter
12 668 satisfies any signature required under this subsection,
13 except that an electronic signature on an odometer disclosure
14 submitted through an insurance company must be executed using an
15 electronic signature, as defined in s. 668.003(4), which ~~that~~
16 uses a system providing an Identity Assurance Level,
17 Authenticator Assurance Level, and Federation Assurance Level,
18 as described in the National Institute of Standards and
19 Technology Special Publication 800-63-3, as of December 1, 2017,
20 which ~~that~~ are equivalent to or greater than:

21 ~~1. Level 2, for each level, for a certificate of~~
22 ~~destruction~~ or-

23 ~~2. Level 3, for each level, for a salvage certificate of~~
24 ~~title.~~

25 Section 2. Paragraph (a) of subsection (1) of section
26 440.12, Florida Statutes, is amended to read:

27 440.12 Time for commencement and limits on weekly rate of
28 compensation.—

29 (1) Compensation is not allowed for the first 7 days of the
30 disability, except for benefits provided under s. 440.13.
31 However, if the injury results in more than 21 days of
32 disability, compensation is allowed from the commencement of the
33 disability.

34 (a) All weekly compensation payments, except for the first
35 payment, must be paid by check or, if authorized by the
36 employee, paid on a prepaid card pursuant to paragraph (b), ~~or~~
37 deposited directly into the employee's account at a financial
38 institution as defined in s. 655.005, or transmitted to the
39 employee's account with a money transmitter licensed under part



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40 II of chapter 560.

41 Section 3. Paragraph (a) of subsection (1) and paragraph
42 (a) of subsection (6) of section 440.20, Florida Statutes, are
43 amended to read:

44 440.20 Time for payment of compensation and medical bills;
45 penalties for late payment.—

46 (1) (a) Unless the carrier denies compensability or
47 entitlement to benefits, the carrier shall pay compensation
48 directly to the employee as required by ss. 440.14, 440.15, and
49 440.16, in accordance with those sections. Upon receipt of the
50 employee's authorization as provided for in s. 440.12(1)(a), the
51 carrier's obligation to pay compensation directly to the
52 employee is satisfied when the carrier directly deposits, by
53 electronic transfer or other means, compensation into the
54 employee's account at a financial institution as defined in s.
55 655.005 or onto a prepaid card in accordance with s. 440.12(1)
56 or transmits the employee's compensation to the employee's
57 account with a money transmitter licensed under part II of
58 chapter 560. Compensation by direct deposit, ~~or~~ through the use
59 of a prepaid card, or through transmission is considered paid on
60 the date the funds become available for withdrawal by the
61 employee.

62 (6) (a) If any installment of compensation for death or
63 dependency benefits, or compensation for disability benefits
64 payable without an award is not paid within 7 days after it
65 becomes due, as provided in subsection (2), subsection (3), or
66 subsection (4), there shall be added to such unpaid installment
67 a penalty of an amount equal to 20 percent of the unpaid
68 installment, which shall be paid at the same time as, but in



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69 addition to, such installment of compensation. This penalty
70 shall not apply for late payments resulting from conditions over
71 which the employer or carrier had no control. When any
72 installment of compensation payable without an award has not
73 been paid within 7 days after it became due and the claimant
74 concludes the prosecution of the claim before a judge of
75 compensation claims without having specifically claimed
76 additional compensation in the nature of a penalty under this
77 section, the claimant will be deemed to have acknowledged that,
78 owing to conditions over which the employer or carrier had no
79 control, such installment could not be paid within the period
80 prescribed for payment and to have waived the right to claim
81 such penalty. However, during the course of a hearing, the judge
82 of compensation claims shall on her or his own motion raise the
83 question of whether such penalty should be awarded or excused.
84 The department may assess without a hearing the penalty against
85 either the employer or the carrier, depending upon who was at
86 fault in causing the delay. The insurance policy cannot provide
87 that this sum will be paid by the carrier if the department or
88 the judge of compensation claims determines that the penalty
89 should be paid by the employer rather than the carrier. Any
90 additional installment of compensation paid by the carrier
91 pursuant to this section shall be paid directly to the employee
92 by check or, if authorized by the employee, by direct deposit
93 into the employee's account at a financial institution or by
94 transmission to the employee's account with a money transmitter
95 licensed under part II of chapter 560.

96 Section 4. Subsection (3) of section 624.155, Florida
97 Statutes, is amended to read:



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98 624.155 Civil remedy.-

99 (3) (a) As a condition precedent to bringing an action under
100 this section, the department and the authorized insurer must
101 have been given 60 days' written notice of the violation. Notice
102 to the authorized insurer must be provided by the department to
103 the e-mail address designated by the insurer under s. 624.422.

104 (b) The notice shall be on a form provided by the
105 department and shall state with specificity the following
106 information, and such other information as the department may
107 require:

108 1. The statutory provision, including the specific language
109 of the statute, which the authorized insurer allegedly violated.

110 2. The facts and circumstances giving rise to the
111 violation.

112 3. The name of any individual involved in the violation.

113 4. Reference to specific policy language that is relevant
114 to the violation, if any. If the person bringing the civil
115 action is a third party claimant, she or he shall not be
116 required to reference the specific policy language if the
117 authorized insurer has not provided a copy of the policy to the
118 third party claimant pursuant to written request.

119 5. A statement that the notice is given in order to perfect
120 the right to pursue the civil remedy authorized by this section.

121 (c) No action shall lie if, within 60 days after the
122 insurer receives filing notice from the department in accordance
123 with this subsection, the damages are paid or the circumstances
124 giving rise to the violation are corrected.

125 (d) The authorized insurer that is the recipient of a
126 notice filed pursuant to this section shall report to the



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127 department on the disposition of the alleged violation.

128 (e) The applicable statute of limitations for an action
129 under this section shall be tolled for a period of:

130 1. Sixty ~~65~~ days after the insurer receives from the
131 department ~~by the mailing of~~ the notice required by this
132 subsection.

133 2. Sixty days after the date appraisal is invoked pursuant
134 to paragraph (f) ~~or the mailing of a subsequent notice required~~
135 by this subsection.

136 (f) A notice required under this subsection may not be
137 filed within 60 days after appraisal is invoked by any party in
138 a residential property insurance claim.

139 Section 5. Subsection (4) of section 624.307, Florida
140 Statutes, is amended to read:

141 624.307 General powers; duties.—

142 (4) The department and office may each collect, propose,
143 publish, and disseminate information relating to the subject
144 matter of any duties imposed upon it by law. Aggregate
145 information may include information asserted as trade secret
146 information unless the trade secret information can be
147 individually extrapolated, in which case the trade secret
148 information remains protected as provided under s. 624.4213.

149 Section 6. Subsection (4) is added to section 624.315,
150 Florida Statutes, to read:

151 624.315 Department; annual report.—

152 (4) When aggregate information includes information
153 asserted as trade secret information, the office may include the
154 trade secret information in the report required under subsection
155 (1) or may make the trade secret information available under



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156 subsection (2) unless the trade secret information can be
157 individually extrapolated, in which case the trade secret
158 information remains protected as provided under s. 624.4213.

159 Section 7. Subsection (2) of section 624.422, Florida
160 Statutes, is amended to read:

161 624.422 Service of process; appointment of Chief Financial
162 Officer as process agent.-

163 (2) Prior to its authorization to transact insurance in
164 this state, each insurer shall file with the department
165 designation of the name and address of the person to whom
166 process against it served upon the Chief Financial Officer is to
167 be forwarded. Each insurer shall also file with the department
168 designation of the name and e-mail address of the person to whom
169 the department shall forward civil remedy notices filed under
170 624.155. The insurer may change a ~~the~~ designation at any time by
171 a new filing.

172 Section 8. Paragraph (c) of subsection (1) of section
173 626.321, Florida Statutes, is amended to read:

174 626.321 Limited licenses and registration.-

175 (1) The department shall issue to a qualified applicant a
176 license as agent authorized to transact a limited class of
177 business in any of the following categories of limited lines
178 insurance:

179 (c) *Travel insurance*.-License covering only policies and
180 certificates of travel insurance which are subject to review by
181 the office. Policies and certificates of travel insurance may
182 provide coverage for travel insurance, as defined in s. 647.02
183 ~~risks incidental to travel, planned travel, or accommodations~~
184 ~~while traveling, including, but not limited to, accidental death~~



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185 ~~and dismemberment of a traveler; trip or event cancellation,~~
186 ~~interruption, or delay; loss of or damage to personal effects or~~
187 ~~travel documents; damages to travel accommodations; baggage~~
188 ~~delay; emergency medical travel or evacuation of a traveler; or~~
189 ~~medical, surgical, and hospital expenses related to an illness~~
190 ~~or emergency of a traveler. Such policy or certificate may be~~
191 ~~issued for terms longer than 90 days, but, other than a policy~~
192 ~~or certificate providing coverage for air ambulatory services~~
193 ~~only, each policy or certificate must be limited to coverage for~~
194 ~~travel or use of accommodations of no longer than 90 days. The~~
195 ~~license may be issued only to an individual or business entity~~
196 ~~that has filed with the department an application for a license~~
197 ~~in a form and manner prescribed by the department.~~

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

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

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

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

209 3. A travel retailer may offer and disseminate travel
210 insurance under a limited lines travel insurance producer
211 business entity license only if all of the following
212 requirements are met:

213 a. The limited lines travel insurance producer or travel



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214 retailer provides to purchasers of travel insurance:

215 (I) A description of the material terms or the actual
216 material terms of the insurance coverage.

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

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

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

222 b. At the time of licensure, the limited lines travel
223 insurance producer establishes and maintains a register on the
224 department's website and appoints each travel retailer that
225 offers travel insurance on behalf of the limited lines travel
226 insurance producer. The limited lines travel insurance producer
227 must maintain and update the register, which must include the
228 travel retailer's federal tax identification number and the
229 name, address, and contact information of the travel retailer
230 and an officer or person who directs or controls the travel
231 retailer's operations. The limited lines travel insurance
232 producer shall submit the register to the department upon
233 reasonable request. The limited lines travel insurance producer
234 shall also certify that the travel retailer register complies
235 with 18 U.S.C. s. 1033. The grounds for the suspension and
236 revocation and the penalties applicable to resident insurance
237 producers under this section apply to the limited lines travel
238 insurance producers and travel retailers.

239 c. The limited lines travel insurance producer has
240 designated one of its employees as the designated responsible
241 producer. The designated responsible producer, who must be a
242 licensed insurance producer, is responsible for compliance with



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243 the travel insurance laws and regulations applicable to the
244 limited lines travel insurance producer and its registrants. The
245 designated responsible producer and the president, secretary,
246 treasurer, and any other officer or person who directs or
247 controls the limited lines travel insurance producer's insurance
248 operations must comply with the fingerprinting requirements
249 applicable to insurance producers in the resident state of the
250 limited lines travel insurance producer.

251 d. The limited lines travel insurance producer has paid all
252 applicable licensing and appointment fees, as set forth in
253 applicable general law.

254 e. The limited lines travel insurance producer requires
255 each employee and each authorized representative of the travel
256 retailer whose duties include offering and disseminating travel
257 insurance to receive a program of instruction or training, which
258 is subject, at the discretion of the department, to review and
259 approval. The training material must, at a minimum, contain
260 adequate instructions on the types of insurance offered, ethical
261 sales practices, and required disclosures to prospective
262 purchasers.

263
264 As used in this paragraph, the term "offer and disseminate"
265 means to provide general information, including a description of
266 the coverage and price, as well as processing the application
267 and collecting premiums.

268 4. A travel retailer offering or disseminating travel
269 insurance shall make available to prospective purchasers
270 brochures or other written materials that have been approved by
271 the travel insurer. Such materials must include information



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272 that, at a minimum:

273 a. Provides the identity and contact information of the
274 insurer and the limited lines travel insurance producer.

275 b. Explains that the purchase of travel insurance is not
276 required in order to purchase any other product or service from
277 the travel retailer.

278 c. Explains that a travel retailer is authorized to provide
279 only general information about the insurance offered by the
280 travel retailer, including a description of the coverage and
281 price, but is not qualified or authorized to answer technical
282 questions about the terms and conditions of the insurance
283 offered by the travel retailer or to evaluate the adequacy of
284 the customer's existing insurance coverage.

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

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

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

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

293
294 Notwithstanding any other law, a travel retailer whose
295 insurance-related activities, and those of its employees and
296 authorized representatives, are limited to offering and
297 disseminating travel insurance on behalf of and under the
298 direction of a limited lines travel insurance producer meeting
299 the conditions in this section may receive related compensation
300 upon registration by the limited lines travel insurance producer



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301 as described in paragraph (2) (b) .

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

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

308 ~~1. To a full-time salaried employee of a common carrier or~~
309 ~~a full-time salaried employee or owner of a transportation~~
310 ~~ticket agency and may authorize the sale of such ticket policies~~
311 ~~only in connection with the sale of transportation tickets, or~~
312 ~~to the full-time salaried employee of such an agent. Such policy~~
313 ~~may not be for more than 48 hours or more than the duration of a~~
314 ~~specified one-way trip or round trip.~~

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

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

318 ~~b. An exchange company operating an exchange program~~
319 ~~approved under chapter 721;~~

320 ~~c. A managing entity operating a timeshare plan approved~~
321 ~~under chapter 721;~~

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

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

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

329 ~~a. A license issued to a business entity that offers travel~~



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330 ~~planning services must encompass each office, branch office, or~~
331 ~~place of business making use of the entity's business name in~~
332 ~~order to offer, solicit, and sell insurance pursuant to this~~
333 ~~paragraph.~~

334 ~~b. The application for licensure must list the name,~~
335 ~~address, and phone number for each office, branch office, or~~
336 ~~place of business that is to be covered by the license. The~~
337 ~~licensee shall notify the department of the name, address, and~~
338 ~~phone number of any new location that is to be covered by the~~
339 ~~license before the new office, branch office, or place of~~
340 ~~business engages in the sale of insurance pursuant to this~~
341 ~~paragraph. The licensee shall notify the department within 30~~
342 ~~days after the closing or terminating of an office, branch~~
343 ~~office, or place of business. Upon receipt of the notice, the~~
344 ~~department shall delete the office, branch office, or place of~~
345 ~~business from the license.~~

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

350
351 ~~A licensee shall require each individual who offers policies or~~
352 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
353 ~~initial training from a general lines agent or an insurer~~
354 ~~authorized under chapter 624 to transact insurance within this~~
355 ~~state. For an entity applying for a license as a travel~~
356 ~~insurance agent, the fingerprinting requirement of this section~~
357 ~~applies only to the president, secretary, and treasurer and to~~
358 ~~any other officer or person who directs or controls the travel~~



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359 ~~insurance operations of the entity.~~

360 Section 9. Paragraph (a) of subsection (2) of section
361 627.062, Florida Statutes, is amended to read:

362 627.062 Rate standards.—

363 (2) As to all such classes of insurance:

364 (a) Insurers or rating organizations shall establish and
365 use rates, rating schedules, or rating manuals that allow the
366 insurer a reasonable rate of return on the classes of insurance
367 written in this state. A copy of rates, rating schedules, rating
368 manuals, premium credits or discount schedules, and surcharge
369 schedules, and changes thereto, must be filed with the office
370 under one of the following procedures:

371 1. If the filing is made at least 90 days before the
372 proposed effective date and is not implemented during the
373 office's review of the filing and any proceeding and judicial
374 review, such filing is considered a "file and use" filing. In
375 such case, the office shall finalize its review by issuance of a
376 notice of intent to approve or a notice of intent to disapprove
377 within 90 days after receipt of the filing. If the 90-day period
378 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
379 must be extended until the conclusion of the next business day.

380 The notice of intent to approve and the notice of intent to
381 disapprove constitute agency action for purposes of the
382 Administrative Procedure Act. Requests for supporting
383 information, requests for mathematical or mechanical
384 corrections, or notification to the insurer by the office of its
385 preliminary findings does not toll the 90-day period during any
386 such proceedings and subsequent judicial review. The rate shall
387 be deemed approved if the office does not issue a notice of



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388 intent to approve or a notice of intent to disapprove within 90
389 days after receipt of the filing.

390 2. If the filing is not made in accordance with
391 subparagraph 1., such filing must be made as soon as
392 practicable, but within 30 days after the effective date, and is
393 considered a "use and file" filing. An insurer making a "use and
394 file" filing is potentially subject to an order by the office to
395 return to policyholders those portions of rates found to be
396 excessive, as provided in paragraph (h).

397 3. For all property insurance filings made or submitted
398 after January 25, 2007, but before May 1, 2012, an insurer
399 seeking a rate that is greater than the rate most recently
400 approved by the office shall make a "file and use" filing. For
401 purposes of this subparagraph, motor vehicle collision and
402 comprehensive coverages are not considered property coverages.

403
404 The provisions of this subsection do not apply to workers'
405 compensation, employer's liability insurance, and motor vehicle
406 insurance.

407 Section 10. Paragraph (a) of subsection (1) of section
408 627.0651, Florida Statutes, is amended to read:

409 627.0651 Making and use of rates for motor vehicle
410 insurance.—

411 (1) Insurers shall establish and use rates, rating
412 schedules, or rating manuals to allow the insurer a reasonable
413 rate of return on motor vehicle insurance written in this state.
414 A copy of rates, rating schedules, and rating manuals, and
415 changes therein, shall be filed with the office under one of the
416 following procedures:



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417 (a) If the filing is made at least 60 days before the
418 proposed effective date and the filing is not implemented during
419 the office's review of the filing and any proceeding and
420 judicial review, such filing shall be considered a "file and
421 use" filing. In such case, the office shall initiate proceedings
422 to disapprove the rate and so notify the insurer or shall
423 finalize its review within 60 days after receipt of the filing.
424 If the 60-day period ends on a weekend or a holiday under s.
425 110.117(1)(a)-(i), it must be extended until the conclusion of
426 the next business day. Notification to the insurer by the office
427 of its preliminary findings shall toll the 60-day period during
428 any such proceedings and subsequent judicial review. The rate
429 shall be deemed approved if the office does not issue notice to
430 the insurer of its preliminary findings within 60 days after the
431 filing.

432 Section 11. Subsection (2) of section 627.410, Florida
433 Statutes, is amended to read:

434 627.410 Filing, approval of forms.—

435 (2) Every such filing must be made at least 30 days in
436 advance of any such use or delivery. At the expiration of the 30
437 days, the form filed will be deemed approved unless prior
438 thereto it has been affirmatively approved or disapproved by
439 order of the office. The approval of such form by the office
440 constitutes a waiver of any unexpired portion of such waiting
441 period. The office may extend the period within which it may
442 affirmatively approve or disapprove such form by up to 15 days
443 by giving notice of such extension before expiration of the
444 initial 30-day period. If the initial 30-day period or the 15-
445 day extension period ends on a weekend or a holiday under s.



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446 110.117(1)(a)-(i), the review period must be extended until the
447 conclusion of the next business day. At the expiration of such
448 extended period, and in the absence of prior affirmative
449 approval or disapproval, such form shall be deemed approved.

450 Section 12. Subsection (2) of section 627.714, Florida
451 Statutes, is amended to read:

452 627.714 Residential condominium unit owner coverage; loss
453 assessment coverage required.—

454 (2) The maximum amount of any unit owner's loss assessment
455 coverage that can be assessed for any loss shall be an amount
456 equal to that unit owner's loss assessment coverage limit in
457 effect 1 day before the date of the occurrence that gave rise to
458 the loss. Such coverage is applicable to any loss assessment
459 regardless of the date of the assessment by the association. Any
460 changes to the limits of a unit owner's coverage for loss
461 assessments made on or after the day before the date of the
462 occurrence are not applicable to such loss.

463 Section 13. Subsection (4) of section 627.7295, Florida
464 Statutes, is amended to read:

465 627.7295 Motor vehicle insurance contracts.—

466 (4) The insurer may cancel the policy in accordance with
467 this code except that, notwithstanding s. 627.728, an insurer
468 may not cancel a new policy or binder during the first 30 ~~60~~
469 days immediately following the effective date of the policy or
470 binder for nonpayment of premium unless the reason for the
471 cancellation is the issuance of a check for the premium that is
472 dishonored for any reason or any other type of premium payment
473 that was subsequently determined to be rejected or invalid.

474 Section 14. The Division of Law Revision is directed to



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475 create chapter 647, Florida Statutes, consisting of ss. 647.01-
476 647.08, Florida Statutes, to be entitled "Travel Insurance."

477 Section 15. Section 647.01, Florida Statutes, is created to
478 read:

479 647.01 Purpose and scope.-

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

483 (2) This chapter applies to:

484 (a) Travel insurance that covers any resident of this state
485 and that is sold, solicited, negotiated, or offered in this
486 state.

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

489
490 This chapter does not apply to cancellation fee waivers or
491 travel assistance services, except as expressly provided in this
492 chapter.

493 (3) All other applicable provisions of the insurance laws
494 of this state continue to apply to travel insurance, except that
495 the specific provisions of this chapter shall supersede any
496 general provisions of law that would otherwise be applicable to
497 travel insurance.

498 Section 16. Section 647.02, Florida Statutes, is created to
499 read:

500 647.02 Definitions.-As used in this chapter, the term:

501 (1) "Aggregator site" means a website that provides access
502 to information regarding insurance products from more than one
503 insurer, including product and insurer information, for use in



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504 comparison shopping.

505 (2) "Blanket travel insurance" means a policy of travel
506 insurance issued to an eligible group providing coverage to all
507 members of the eligible group without a separate charge to
508 individual members of the eligible group.

509 (3) "Cancellation fee waiver" means a contractual agreement
510 between a supplier of travel services and its customer to waive
511 some or all of the nonrefundable cancellation fee provisions of
512 the supplier's underlying travel contract with or without regard
513 to the reason for the cancellation or form of reimbursement. A
514 cancellation fee waiver is not insurance.

515 (4) "Department" means the Department of Financial
516 Services.

517 (5) "Eligible group," solely for the purposes of travel
518 insurance, means two or more persons who are engaged in a common
519 enterprise or who have an economic, educational, or social
520 affinity or relationship, including, but not limited to, any of
521 the following:

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

524 1. A tour operator, lodging provider, vacation property
525 owner, hotel, resort, travel club, travel agency, property
526 manager, and cultural exchange program.

527 2. An operator, owner, or lessor of a means of
528 transportation of passengers, including, but not limited to, a
529 common carrier, airline, cruise line, railroad, steamship
530 company, and public bus carrier.

531
532 With regard to any particular travel or type of travel or



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533 travelers, all members or customers of the group must have a
534 common exposure to risk attendant to such travel.

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

537 (c) An employer covering any group of employees,
538 volunteers, contractors, board of directors, dependents, or
539 guests.

540 (d) A sports team or camp, or a sponsor thereof, covering
541 participants, members, campers, employees, officials,
542 supervisors, or volunteers.

543 (e) A religious, charitable, recreational, educational, or
544 civic organization, or a branch thereof, covering any group of
545 members, participants, or volunteers.

546 (f) A financial institution or financial institution
547 vendor, or a parent holding company, trustee, or agent of or
548 designated by one or more financial institutions or financial
549 institution vendors, including account holders, credit card
550 holders, debtors, guarantors, or purchasers.

551 (g) An incorporated or unincorporated association,
552 including a labor union, having a common interest and
553 constitution and bylaws, which is organized and maintained in
554 good faith for purposes other than obtaining insurance coverage
555 for its members or participants.

556 (h) A trust or the trustees of a fund that covers its
557 members, employees, or customers and is established, created, or
558 maintained for the benefit of its members, employees, or
559 customers, subject to:

- 560 1. The department's authorizing the use of a trust.
561 2. The premium tax provisions in s. 647.03 applicable to



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562 incorporated or unincorporated associations that have a common
563 interest and constitution and bylaws and that are organized and
564 maintained in good faith for purposes other than obtaining
565 insurance coverage for their members, employees, or customers.

566 (i) An entertainment production company covering any group
567 of participants, volunteers, audience members, contestants, or
568 workers.

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

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

573 (l) An automobile or truck rental or leasing company
574 covering a group of individuals who may become renters, lessees,
575 or passengers as defined by their travel status on the rented or
576 leased vehicles. The common carrier, the operator, owner, or
577 lessor of a means of transportation, or the motor vehicle or
578 truck rental or leasing company is the policyholder under a
579 policy to which this section applies.

580 (m) Any other group for which the department has made the
581 following determinations:

582 1. The group members are engaged in a common enterprise or
583 have an economic, educational, or social affinity or
584 relationship.

585 2. Issuance of the travel insurance policy is not contrary
586 to the public interest.

587 (6) "Fulfillment materials" means documentation sent to the
588 purchaser of a travel protection plan confirming the purchase
589 and providing the travel protection plan's coverage and
590 assistance details.



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591 (7) "Group travel insurance" means travel insurance issued
592 to an eligible group.

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

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

595 (b) A licensed insurance producer, including a limited
596 lines producer; or

597 (c) A travel administrator.

598 (9) "Travel administrator" means a person who directly or
599 indirectly underwrites policies for; collects charges,
600 collateral, or premiums from; or adjusts or settles claims made
601 by residents of this state in connection with travel insurance,
602 except that a person is not considered a travel administrator if
603 the person is:

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

607 (b) An insurance producer selling insurance or engaged in
608 administrative and claims-related activities within the scope of
609 the producer's license;

610 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
611 offering and disseminating travel insurance and registered under
612 the license of a limited lines travel insurance producer in
613 accordance with s. 626.321(1)(c);

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

618 (e) A business entity that is affiliated with a licensed
619 insurer while acting as a travel administrator for the direct



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620 and assumed insurance business of the affiliated insurer.

621 (10) "Travel assistance services" means noninsurance
622 services for which the consumer is not indemnified based on a
623 fortuitous event, and the provision of which does not result in
624 the transfer or shifting of risk which would constitute the
625 business of insurance. The term includes, but is not limited to,
626 security advisories, destination information, vaccination and
627 immunization information services, travel reservation services,
628 entertainment, activity and event planning, translation
629 assistance, emergency messaging, international legal and medical
630 referrals, medical case monitoring, coordination of
631 transportation arrangements, emergency cash transfer assistance,
632 medical prescription replacement assistance, passport and travel
633 document replacement assistance, lost luggage assistance,
634 concierge services, and any other service that is furnished in
635 connection with planned travel. Travel assistance services are
636 not insurance and are not related to insurance.

637 (11) "Travel insurance" means insurance coverage for
638 personal risks incidental to planned travel, including:
639 (a) Interruption or cancellation of trip or event;
640 (b) Loss of baggage or personal effects;
641 (c) Damages to accommodations or rental vehicles;
642 (d) Sickness, accident, disability, or death occurring
643 during travel;
644 (e) Emergency evacuation;
645 (f) Repatriation of remains; or
646 (g) Any other contractual obligations to indemnify or pay a
647 specified amount to the traveler upon determinable contingencies
648 related to travel, as determined by the office.



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649
650 The term does not include major medical plans that provide
651 comprehensive medical protection for travelers with trips
652 lasting longer than 6 months, including major medical plans for
653 those working or residing overseas as expatriates, or any other
654 product that requires a specific insurance producer license.

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

658 Section 17. Section 647.03, Florida Statutes, is created to
659 read:

660 647.03 Premium tax.—

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

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

664 (b) "Primary policyholder" means an individual who
665 purchases individual travel insurance.

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

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

670 (b) A primary certificateholder who is a resident of this
671 state.

672 (c) A blanket travel insurance policyholder:

673 1. Who is a resident in this state;

674 2. Who has his or her principal place of business in this
675 state; or

676 3. Whose affiliate or subsidiary who has purchased blanket
677 travel insurance for eligible blanket group members has his or



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678 her principal place of business in this state.

679

680 The premium tax under this subsection is subject to any
681 apportionment rules that apply to an insurer across multiple
682 taxing jurisdictions or that authorize an insurer to allocate
683 premium on an apportioned basis in a reasonable and equitable
684 manner in those jurisdictions.

685 (3) A travel insurer shall:

686 (a) Document the state of residence or principal place of
687 business of the policyholder or certificateholder, or an
688 affiliate or subsidiary thereof, as required under subsection
689 (2).

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

693 Section 18. Section 647.04, Florida Statutes, is created to
694 read:

695 647.04 Travel protection plans.—A travel protection plan
696 may be offered for one price for the combined features that the
697 travel protection plan offers in this state if the travel
698 protection plan meets all of the following requirements:

699 (1) The travel protection plan clearly discloses to the
700 consumer, at or before the time of purchase, that it includes
701 travel insurance, travel assistance services, and cancellation
702 fee waivers, as applicable, and provides information and an
703 opportunity, at or before the time of purchase, for the consumer
704 to obtain additional information regarding the features and
705 pricing of each.

706 (2) The fulfillment materials:



707 (a) Describe and delineate the travel insurance, travel
708 assistance services, and cancellation fee waivers in the travel
709 protection plan.

710 (b) Include the travel insurance disclosures required in
711 this chapter, the contact information for persons providing
712 travel assistance services, and cancellation fee waivers, as
713 applicable.

714 Section 19. Section 647.05, Florida Statutes, is created to
715 read:

716 647.05 Sales practices.—

717 (1) (a) All documents provided to a consumer before the
718 purchase of travel insurance, including, but not limited to,
719 sales materials, advertising materials, and marketing materials,
720 must be consistent with the travel insurance policy, including,
721 but not limited to, forms, endorsements, policies, rate filings,
722 and certificates of insurance.

723 (b) For travel insurance policies or certificates that
724 contain preexisting condition exclusions, information and an
725 opportunity to learn more about the preexisting condition
726 exclusions must be provided any time before the purchase.
727 Information on the exclusions and the opportunity to learn more
728 about these exclusions must be included in the coverage's
729 fulfillment materials.

730 (c) The fulfillment materials and the information described
731 in s. 626.321(1)(c)3.a. must be provided to a policyholder or
732 certificateholder as soon as practicable after the purchase of a
733 travel protection plan. Unless the insured has started a covered
734 trip or filed a claim under the travel insurance coverage, the
735 policyholder or certificateholder may cancel a policy or



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736 certificate for a full refund of the travel protection plan
737 price from the date of purchase of a travel protection plan
738 until at least:

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

741 2. Ten days after the date of delivery of the travel
742 protection plan's fulfillment materials by means other than
743 postal mail.

744
745 For the purposes of this paragraph, the term "delivery" means
746 handing fulfillment materials to the policyholder or
747 certificateholder or sending fulfillment materials by postal
748 mail or electronic means to the policyholder or
749 certificateholder.

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

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

757 1. The web page provides an accurate summary or short
758 description of the coverage.

759 2. The consumer has access to the full provisions of the
760 policy through electronic means.

761 (2) A person offering, soliciting, or negotiating travel
762 insurance or travel protection plans on an individual or group
763 basis may not do so by using a negative or opt-out option that
764 would require a consumer to take an affirmative action to



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765 deselect coverage, such as unchecking a box on an electronic
766 form, when the consumer purchases a trip.

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

771 (a) Purchasing the coverage required by the destination
772 jurisdiction through the travel retailer, as defined s.
773 626.321(1)(c)2., or limited lines travel insurance producer
774 supplying the trip or travel package; or

775 (b) Agreeing to obtain and provide proof of coverage that
776 meets the destination jurisdiction's requirements before
777 departure.

778 (4) (a) A person offering travel insurance to residents of
779 this state is subject to part IX of chapter 626, the Unfair
780 Insurance Trade Practices Act, except as otherwise provided in
781 this chapter. If a conflict arises between this chapter and the
782 Unfair Insurance Trade Practices Act regarding the sale and
783 marketing of travel insurance and travel protection plans, the
784 provisions of this chapter shall control.

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

787 1. Offers or sells a travel insurance policy that could
788 never result in payment of any claims for any insured under the
789 policy; or

790 2. Markets blanket travel insurance coverage as free.

791 Section 20. Section 647.06, Florida Statutes, is created to
792 read:

793 647.06 Travel administrators.-



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794 (1) Notwithstanding any other provision of the Florida
795 Insurance Code, a person may not act or represent himself or
796 herself as a travel administrator in this state unless the
797 person:

798 (a) Is a licensed and appointed property and casualty
799 insurance producer in this state for activities authorized under
800 that producer license;

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

803 (c) Holds a valid third-party administrator license in this
804 state.

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

808 (3) An insurer is responsible for ensuring that a travel
809 administrator administering travel insurance underwritten by the
810 insurer:

811 (a) Acts in accordance with this chapter.

812 (b) Maintains all books and records that are relevant to
813 the insurer and makes these books and records available to the
814 department upon request.

815 Section 21. Section 647.07, Florida Statutes, is created to
816 read:

817 647.07 Travel insurance policy.-

818 (1) Notwithstanding any other provision of the Florida
819 Insurance Code, travel insurance shall be classified and filed
820 for purposes of rates and forms under the inland marine line of
821 insurance; however, travel insurance that provides coverage for
822 sickness, accident, disability, or death occurring during



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823 travel, either exclusively or in conjunction with related
824 coverages of emergency evacuation or repatriation of remains, or
825 incidental limited property and casualty benefits, such as
826 baggage or trip cancellation, may be classified and filed for
827 purposes of rates and forms under either the accident and health
828 line of insurance or the inland marine line of insurance.

829 (2) Travel insurance may be in the form of an individual,
830 group, or blanket policy. Group or blanket policies are
831 classified as commercial inland marine insurance under s.
832 627.021(2) (d). Travel insurance policies not issued to a
833 commercial entity and primarily used for personal, family, or
834 household purposes are considered personal inland marine
835 insurance and shall not be subject to s. 627.062. Sections of
836 policies or endorsements for travel insurance which are
837 considered personal inland marine insurance consisting of travel
838 assistance services or cancellation fee waivers are not subject
839 to s. 627.410.

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

843 Section 22. Section 647.08, Florida Statutes, is created to
844 read:

845 647.08 Rulemaking authority.—The department shall adopt
846 rules to administer this chapter.

847 Section 23. Except as otherwise expressly provided in this
848 act and except for this section, which shall take effect upon
849 this act becoming a law, this act shall take effect July 1,
850 2020.

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

853 And the title is amended as follows:

854 Delete everything before the enacting clause

855 and insert:

856 A bill to be entitled

857 An act relating to insurance administration; amending
858 s. 319.30, F.S.; revising a certain electronic
859 signature requirement for a motor vehicle salvage
860 certificate of title; amending ss. 440.12 and 440.20,
861 F.S.; authorizing the payment of certain workers'
862 compensation benefits to be transmitted to the
863 employee's account with a licensed money transmitter;
864 amending s. 624.155, F.S.; revising requirements and
865 procedures for the civil remedy notice provided to
866 insurers and the Department of Financial Services;
867 revising the timeframe for an insurer to pay damages
868 or for certain circumstances to be corrected; revising
869 circumstances that toll the applicable statute of
870 limitations and the period the statute of limitations
871 is tolled; amending ss. 624.307 and 624.315, F.S.;
872 providing that certain aggregate information
873 containing trade secret information may be publicly
874 disclosed by the department or the Office of Insurance
875 Regulation, except under certain circumstances;
876 amending s. 624.422, F.S., requiring insurers to file
877 with the department certain contact information for
878 service of process; amending s. 626.321, F.S.;
879 providing that certain travel insurance licenses are
880 subject to review by the department rather than by the



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881 office; revising persons who may be licensed to
882 transact in travel insurance; specifying licensure and
883 registration requirements for certain persons;
884 defining the term "travel retailer"; specifying
885 requirements for, restrictions on, and authorized acts
886 by travel retailers and limited lines travel insurance
887 producers; defining the term "offer and disseminate";
888 authorizing certain persons to sell, solicit, and
889 negotiate travel insurance; amending ss. 627.062,
890 627.0651, and 627.410, F.S.; specifying that certain
891 periods ending on a weekend or on certain holidays are
892 extended until the conclusion of the next business
893 day; amending s. 627.714, F.S.; revising criteria for
894 assessing a residential condominium unit owner's loss
895 assessment coverage; amending s. 627.7295, F.S.;;
896 decreasing the timeframe during which an insurer may
897 not cancel a new policy or binder of motor vehicle
898 insurance for nonpayment of premium, except under
899 certain circumstances; creating ch. 647, F.S.,
900 entitled "Travel Insurance"; creating s. 647.01, F.S.;;
901 providing legislative purpose; providing
902 applicability; creating s. 647.02, F.S.; defining
903 terms; creating s. 647.03, F.S.; defining the terms
904 "primary certificateholder" and "primary
905 policyholder"; requiring travel insurers to pay the
906 insurance premium tax on specified travel insurance
907 premiums; providing construction; specifying
908 requirements for travel insurers; creating s. 647.04,
909 F.S.; providing that a travel protection plan may be



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910 offered for one price if it meets specified
911 requirements; creating s. 647.05, F.S.; specifying
912 sales practice requirements, prohibited sales
913 practices, and authorized sales practices relating to
914 travel insurance; specifying a policyholder or
915 certificateholder's right to cancel a travel
916 protection plan for a full refund; defining the term
917 "delivery"; specifying unfair insurance trade
918 practices; providing construction; creating s. 647.06,
919 F.S.; specifying qualifications for travel
920 administrators; providing an exemption from certain
921 licensure; providing that insurers are responsible for
922 ensuring certain acts by travel administrators;
923 creating s. 647.07, F.S.; specifying the
924 classification for travel insurance for rate filing
925 purposes; specifying authorized forms of travel
926 insurance; providing applicability of certain
927 provisions of the Rating Law; authorizing the
928 development and provision of travel insurance programs
929 on certain bases; creating s. 647.08, F.S.; requiring
930 the department to adopt rules; providing effective
931 dates.