

By Senator Perry

8-01591-20

20201606__

1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; revising the definition of the term "covered
4 policy," for purposes of the Florida Hurricane
5 Catastrophe Fund, to revise authorized coverage
6 amounts under certain collateral protection insurance
7 policies; amending s. 316.646, F.S.; requiring law
8 enforcement officers to access information from the
9 motor vehicle insurance online verification system for
10 certain purposes; amending s. 320.02, F.S.;
11 authorizing the online verification of insurance for
12 motor vehicle registration purposes; creating s.
13 324.252, F.S.; requiring the Department of Highway
14 Safety and Motor Vehicles to establish an online
15 verification system for motor vehicle insurance;
16 providing system requirements; providing powers and
17 duties of the department; providing requirements for
18 insurers and law enforcement officers; providing
19 immunity from civil liability to insurers for certain
20 good faith efforts; providing applicability; defining
21 the term "commercial motor vehicle coverage";
22 authorizing the Department of Highway Safety and Motor
23 Vehicles to adopt rules; creating s. 324.255, F.S.;
24 creating the Motor Vehicle Insurance Online
25 Verification Task Force within the Department of
26 Highway Safety and Motor Vehicles; providing duties of
27 the task force; specifying the composition of the task
28 force; providing meeting requirements; requiring the
29 Department of Highway Safety and Motor Vehicles to

8-01591-20

20201606__

30 provide certain support to the task force; providing
31 that task force members shall serve without
32 compensation and are not entitled to certain
33 reimbursement; requiring the task force to submit a
34 certain report to the Department of Highway Safety and
35 Motor Vehicles and the Legislature; providing the date
36 by which the task force must complete its work and
37 submit its final report; providing for expiration of
38 the task force; amending s. 494.0026, F.S.; specifying
39 deposit, notice, and distribution requirements for
40 mortgagees or assignees who receive certain insurance
41 proceeds; amending s. 626.321, F.S.; providing that
42 certain travel insurance licenses are subject to
43 review by the Department of Financial Services rather
44 than the Office of Insurance Regulation; revising
45 persons who may be licensed to transact in travel
46 insurance; specifying licensure and registration
47 requirements for certain persons; defining the term
48 "travel retailer"; specifying requirements for,
49 restrictions on, and authorized acts by travel
50 retailers and limited lines travel insurance
51 producers; defining the term "offer and disseminate";
52 authorizing certain persons to sell, solicit, and
53 negotiate travel insurance; amending s. 626.931, F.S.;
54 deleting a requirement for surplus lines agents to
55 file a certain affidavit with the Florida Surplus
56 Lines Service Office; amending s. 626.932, F.S.;
57 revising the time when the surplus lines tax must be
58 remitted; amending s. 626.935, F.S.; conforming a

8-01591-20

20201606__

59 provision to changes made by the act; amending s.
60 627.7295, F.S.; decreasing the period during which a
61 motor vehicle insurer may not cancel a new policy or
62 binder for nonpayment; amending s. 627.914, F.S.;
63 requiring insurers or self-insurance funds that write
64 workers' compensation insurance and that are in
65 receivership to continue to report certain information
66 to the office; authorizing the outsourcing of
67 reporting under certain circumstances; requiring the
68 office to approve a certain reporting plan;
69 authorizing the office to use the information for
70 certain purposes; amending ss. 634.171, 634.317, and
71 634.419, F.S.; authorizing licensed personal lines or
72 general lines agents to advertise, solicit, negotiate,
73 or sell motor vehicle service agreements, home
74 warranties, and service warranties, respectively,
75 without a sales representative license; creating ch.
76 647, F.S., entitled "Travel Insurance"; creating s.
77 647.01, F.S.; providing legislative purpose; providing
78 applicability; creating s. 647.02, F.S.; defining
79 terms; creating s. 647.03, F.S.; defining the terms
80 "primary certificateholder" and "primary
81 policyholder"; requiring travel insurers to pay the
82 insurance premium tax on specified travel insurance
83 premiums; providing construction; specifying
84 requirements for travel insurers; creating s. 647.04,
85 F.S.; providing that a travel protection plan may be
86 offered for one price if its meets specified
87 requirements; creating s. 647.05, F.S.; specifying

8-01591-20

20201606__

88 sales practice requirements, prohibited sales
89 practices, and authorized sales practices relating to
90 travel insurance; specifying a policyholder or
91 certificateholder's right to cancel a travel
92 protection plan for a full refund; defining the term
93 "delivery"; specifying unfair insurance trade
94 practices; providing construction; creating s. 647.06,
95 F.S.; specifying qualifications for travel
96 administrators; providing an exemption from certain
97 licensure; providing that insurers are responsible for
98 ensuring certain acts by travel administrators;
99 creating s. 647.07, F.S.; specifying the
100 classification for travel insurance for rate filing
101 purposes; specifying authorized forms of travel
102 insurance; authorizing certain eligibility and
103 underwriting standards for travel insurance; creating
104 s. 647.08, F.S.; requiring the department to adopt
105 rules; creating s. 655.969, F.S.; specifying
106 endorsement, deposit, notice, and distribution
107 requirements of certain insurance proceeds received by
108 a financial institution holding mortgage loans;
109 providing construction; providing an effective date.

110
111 Be It Enacted by the Legislature of the State of Florida:

112
113 Section 1. Paragraph (c) of subsection (2) of section
114 215.555, Florida Statutes, is amended to read:

115 215.555 Florida Hurricane Catastrophe Fund.—

116 (2) DEFINITIONS.—As used in this section:

8-01591-20

20201606__

117 (c) "Covered policy" means any insurance policy covering
118 residential property in this state, including, but not limited
119 to, any homeowner, mobile home owner, farm owner, condominium
120 association, condominium unit owner, tenant, or apartment
121 building policy, or any other policy covering a residential
122 structure or its contents issued by any authorized insurer,
123 including a commercial self-insurance fund holding a certificate
124 of authority issued by the Office of Insurance Regulation under
125 s. 624.462, the Citizens Property Insurance Corporation, and any
126 joint underwriting association or similar entity created under
127 law. The term "covered policy" includes any collateral
128 protection insurance policy covering personal residences which
129 protects both the borrower's and the lender's financial
130 interests, in an amount at least equal to the coverage for the
131 dwelling in place under the lapsed homeowner's policy, or in an
132 amount at least equal to the coverage amount requested by the
133 lender if the homeowner has been notified in writing of the
134 coverage amount and the homeowner has not requested that the
135 insurer issue the policy in a different amount, if such policy
136 can be accurately reported as required in subsection (5).
137 Additionally, covered policies include policies covering the
138 peril of wind removed from the Florida Residential Property and
139 Casualty Joint Underwriting Association or from the Citizens
140 Property Insurance Corporation, created under s. 627.351(6), or
141 from the Florida Windstorm Underwriting Association, created
142 under s. 627.351(2), by an authorized insurer under the terms
143 and conditions of an executed assumption agreement between the
144 authorized insurer and such association or Citizens Property
145 Insurance Corporation. Each assumption agreement between the

8-01591-20

20201606__

146 association and such authorized insurer or Citizens Property
147 Insurance Corporation must be approved by the Office of
148 Insurance Regulation before the effective date of the
149 assumption, and the Office of Insurance Regulation must provide
150 written notification to the board within 15 working days after
151 such approval. "Covered policy" does not include any policy that
152 excludes wind coverage or hurricane coverage or any reinsurance
153 agreement and does not include any policy otherwise meeting this
154 definition which is issued by a surplus lines insurer or a
155 reinsurer. All commercial residential excess policies and all
156 deductible buy-back policies that, based on sound actuarial
157 principles, require individual ratemaking shall be excluded by
158 rule if the actuarial soundness of the fund is not jeopardized.
159 For this purpose, the term "excess policy" means a policy that
160 provides insurance protection for large commercial property
161 risks and that provides a layer of coverage above a primary
162 layer insured by another insurer.

163 Section 2. Subsection (5) of section 316.646, Florida
164 Statutes, is renumbered as subsection (6), and a new subsection
165 (5) is added to that section, to read:

166 316.646 Security required; proof of security and display
167 thereof.—

168 (5) Upon implementation of the motor vehicle insurance
169 online verification system established in s. 324.252, a law
170 enforcement officer, during a traffic stop or crash
171 investigation, shall access information from the online
172 verification system to establish compliance with this chapter
173 and chapter 324 and to verify the current validity of the policy
174 described on any insurance identification card produced by the

8-01591-20

20201606__

175 operator of a motor vehicle.

176 Section 3. Paragraph (f) is added to subsection (5) of
 177 section 320.02, Florida Statutes, to read:

178 320.02 Registration required; application for registration;
 179 forms.—

180 (5)

181 (f) Upon implementation of the motor vehicle insurance
 182 online verification system established in s. 324.252, the online
 183 verification may be used in lieu of the verification procedures
 184 in this subsection.

185 Section 4. Section 324.252, Florida Statutes, is created to
 186 read:

187 324.252 Insurance online verification system.—The
 188 department shall establish an online verification system for
 189 motor vehicle insurance. The goal of the system is to identify
 190 uninsured motorists and aid the department in the enforcement of
 191 the financial responsibility law.

192 (1) The online verification system must:

193 (a) Be accessible through the Internet by authorized
 194 personnel of the department, the courts, law enforcement
 195 personnel, any other entities authorized by the department, and
 196 insurers authorized by the Office of Insurance Regulation to
 197 offer motor vehicle insurance.

198 (b) Send requests to insurers for verification of evidence
 199 of insurance for motor vehicles registered in this state via
 200 online services established by the insurers in compliance with
 201 the specifications and standards of the Insurance Industry
 202 Committee on Motor Vehicle Administration (IICMVA), with
 203 enhancements, additions, and modifications as required by the

8-01591-20

20201606__

204 department. However, the enhancements, additions, and
205 modifications may not conflict with, nullify, or add
206 requirements that are inconsistent with the specifications or
207 standards of the IICMVA.

208 (c) Be operational by July 1, 2023. The Motor Vehicle
209 Insurance Online Verification Task Force established in s.
210 324.255 must conduct a pilot program for at least 9 months to
211 test the system before statewide use. The system may not be used
212 in any enforcement action until successful completion of the
213 pilot program.

214 (d) Be available 24 hours a day, except as provided in
215 paragraph (2) (a), to verify the insurance status of any vehicle
216 registered in this state through the insurer's National
217 Association of Insurance Commissioners (NAIC) company code, in
218 combination with other identifiers such as vehicle
219 identification number, policy number, or other characteristics
220 or markers as specified by the Motor Vehicle Insurance Online
221 Verification Task Force.

222 (e) Include appropriate provisions, consistent with
223 industry standards as specified by the Motor Vehicle Insurance
224 Online Verification Task Force, to secure the system's data
225 against unauthorized access.

226 (f) Include a disaster recovery plan to ensure service
227 continuity in the event of a disaster.

228 (g) Include information that enables the department to make
229 inquiries of evidence of insurance by using multiple data
230 elements for greater matching accuracy, specifically the
231 insurer's NAIC company code, in combination with other
232 identifiers such as vehicle identification number, policy

8-01591-20

20201606__

233 number, or other characteristics or markers as specified by the
234 Motor Vehicle Insurance Online Verification Task Force.

235 (h) Include a self-reporting mechanism for insurers with
236 fewer than 2,000 vehicles insured within this state or for
237 individual entities that are self-insured.

238 (2) The department has the following powers and duties:

239 (a) Upon an insurer's advance notice to the department, the
240 department shall allow online services established by the
241 insurer to have reasonable downtime for system maintenance and
242 other work, as needed. An insurer is not subject to
243 administrative penalties or disciplinary actions when its online
244 services are not available under such circumstances or when an
245 outage is unplanned by the insurer and is reasonably outside its
246 control.

247 (b) Upon recommendation of the Motor Vehicle Insurance
248 Online Verification Task Force, the department may contract with
249 a private vendor that has personnel with extensive operational
250 and management experience in the development, deployment, and
251 operation of insurance online verification systems.

252 (c) The department and its private vendor, if any, shall
253 each maintain a contact person for the insurers during the
254 establishment, implementation, and operation of the system.

255 (d) The department shall maintain a historical record of
256 the system data for 6 months after the date of any verification
257 request and response.

258 (3) An insurance company authorized to issue insurance
259 policies for motor vehicles registered in this state:

260 (a) Shall comply with the verification requirements of
261 motor vehicle insurance for every motor vehicle insured by that

8-01591-20

20201606__

262 company in this state as required by department rule.

263 (b) Shall maintain policyholder records in order to confirm
264 insurance coverage for 6 months after the date of any
265 verification request and response.

266 (c) Shall cooperate with the department in establishing,
267 implementing, and maintaining the system.

268 (d) Is immune from civil liability for good faith efforts
269 to comply with this section. An online verification request or
270 response may not be used as the basis of a civil action against
271 an insurer.

272 (4) A law enforcement officer, during a traffic stop or
273 crash investigation, shall query information from the online
274 verification system to establish compliance with this chapter
275 and to verify the current validity of the policy described on
276 any insurance identification card produced by the operator of a
277 motor vehicle.

278 (5) This section does not apply to vehicles insured under
279 commercial motor vehicle coverage. As used in this subsection,
280 the term "commercial motor vehicle coverage" means any coverage
281 provided to an insured under a commercial coverage form and
282 rated from a commercial manual approved by the Office of
283 Insurance Regulation. However, insurers of such vehicles may
284 participate in the online verification system on a voluntary
285 basis.

286 (6) The department may adopt rules to administer this
287 section.

288 Section 5. Section 324.255, Florida Statutes, is created to
289 read:

290 324.255 Motor Vehicle Insurance Online Verification Task

8-01591-20

20201606__

291 Force.—There is created the Motor Vehicle Insurance Online
292 Verification Task Force within the department.

293 (1) The task force shall:

294 (a) Facilitate the implementation of the motor vehicle
295 insurance online verification system established in s. 324.252,
296 including recommending data and cybersecurity processes and
297 protocols.

298 (b) Assist in the development of a detailed guide for
299 insurers by providing data fields and other information
300 necessary for compliance with the online verification system.

301 (c) Coordinate a pilot program and conduct the program for
302 at least 9 months to test the online verification system and
303 identify necessary changes to be implemented before statewide
304 use.

305 (d) Issue recommendations based on periodic reviews of the
306 online verification system.

307 (2) The task force shall consist of nine voting members and
308 one nonvoting member.

309 (a) The nine voting members shall be appointed by July 31,
310 2020, in the following manner:

311 1. Three representatives of the department, representing
312 the Florida Highway Patrol, the Division of Motorist Services,
313 and the Information Systems Administration, appointed by the
314 executive director of the department.

315 2. One representative of the Office of Insurance
316 Regulation, appointed by the Commissioner of Insurance.

317 3. Three representatives of the motor vehicle insurance
318 industry, appointed by the Chief Financial Officer as follows:

319 a. One member must represent the motor vehicle insurer with

8-01591-20

20201606__

320 the largest national market share as of December 31, 2019.

321 b. One member must represent the motor vehicle insurer with
322 the largest Florida market share as of December 31, 2019.

323 c. One member must be selected from a list of
324 representatives recommended by the Insurance Industry Committee
325 on Motor Vehicle Administration.

326 4. One representative of the Department of Financial
327 Services, appointed by the Chief Financial Officer.

328 5. One representative of the Division of State Technology
329 within the Department of Management Services, appointed by the
330 Secretary of Management Services.

331 (b) The executive director of the department, who shall be
332 a nonvoting member, shall serve as chair of the task force.

333 (3) By September 30, 2020, the task force shall meet to
334 establish procedures for the conduct of its business, and the
335 voting members shall elect a vice chair at that meeting. The
336 task force shall meet at the call of the chair, who shall
337 prepare the agenda for each meeting with the consent of the task
338 force. A majority of the voting members of the task force
339 constitutes a quorum, and a quorum is necessary for the purpose
340 of voting on any action or recommendation of the task force. All
341 meetings shall be held in Tallahassee.

342 (4) The department shall provide the task force members
343 with administrative and technical support. Task force members
344 shall serve without compensation and are not entitled to
345 reimbursement for per diem or travel expenses.

346 (5) The task force shall issue a report to the department,
347 the President of the Senate, and the Speaker of the House of
348 Representatives no later than 6 months after the pilot program

8-01591-20

20201606__

349 concludes. The report must evaluate the online verification
350 system's effectiveness in identifying uninsured motorists. The
351 task force may also make recommendations for system enhancements
352 in the report or at any time before the task force's completion
353 of its work.

354 (6) By July 1, 2023, the task force shall complete its work
355 and submit its final report evaluating the online verification
356 system's effectiveness and making recommendations for system
357 enhancements to the department, the President of the Senate, and
358 the Speaker of the House of Representatives. Upon submission of
359 the report, the task force shall expire.

360 Section 6. Subsection (2) of section 494.0026, Florida
361 Statutes, is amended to read:

362 494.0026 Disposition of insurance proceeds.—The following
363 provisions apply to mortgage loans held by a mortgagee or
364 assignee that is subject to part II or part III of this chapter.

365 (2) (a)1. Insurance proceeds received by a mortgagee or
366 assignee that relate to compensation for damage to property or
367 contents insurance coverage in which the mortgagee or assignee
368 has a security interest must be promptly deposited into a
369 segregated account of a federally insured financial institution.

370 2. Pending completion of all or part of damage repairs,
371 insurance proceeds received by a mortgagee or assignee under
372 subparagraph 1. must be deposited into a segregated, interest-
373 bearing account of a federally insured financial institution for
374 the benefit of the insured. The account must bear interest no
375 less than the insured could expect to obtain from a savings or
376 money market account. The interest must begin to accrue on the
377 date the mortgagee or assignee endorses the check, draft, or

8-01591-20

20201606__

378 other negotiable instrument for proceeds.

379 (b) A mortgagee or assignee holding insurance proceeds
380 under paragraph (a) must notify the insured of each requirement
381 that the insured must fulfill for the mortgagee or assignee to
382 release the proceeds. Notice required under this paragraph must
383 be in writing and delivered by mail or electronic transmission
384 within 10 business day after the date the mortgagee or assignee
385 endorses the check, draft, or other negotiable instrument for
386 proceeds.

387 (c) A mortgagee or assignee holding insurance proceeds
388 under paragraph (a) must distribute all accrued interest in the
389 account to the insured no later than upon the final disbursement
390 of proceeds.

391
392 This section may not be construed to prevent an insurance
393 company from paying the insured directly for additional living
394 expenses or paying the insured directly for contents insurance
395 coverage if the mortgagee or assignee does not have a security
396 interest in the contents.

397 Section 7. Paragraph (c) of subsection (1) of section
398 626.321, Florida Statutes, is amended to read:

399 626.321 Limited licenses and registration.-

400 (1) The department shall issue to a qualified applicant a
401 license as agent authorized to transact a limited class of
402 business in any of the following categories of limited lines
403 insurance:

404 (c) *Travel insurance.*-License covering only policies and
405 certificates of travel insurance which are subject to review by
406 the department ~~office~~. Policies and certificates of travel

8-01591-20

20201606__

407 insurance may provide coverage for travel insurance, as defined
408 in s. 647.02 ~~risks incidental to travel, planned travel, or~~
409 ~~accommodations while traveling, including, but not limited to,~~
410 ~~accidental death and dismemberment of a traveler; trip or event~~
411 ~~cancellation, interruption, or delay; loss of or damage to~~
412 ~~personal effects or travel documents; damages to travel~~
413 ~~accommodations; baggage delay; emergency medical travel or~~
414 ~~evacuation of a traveler; or medical, surgical, and hospital~~
415 ~~expenses related to an illness or emergency of a traveler. Such~~
416 ~~policy or certificate may be issued for terms longer than 90~~
417 ~~days, but, other than a policy or certificate providing coverage~~
418 ~~for air ambulatory services only, each policy or certificate~~
419 ~~must be limited to coverage for travel or use of accommodations~~
420 ~~of no longer than 90 days. The license may be issued only to an~~
421 individual or business entity that has filed with the department
422 an application for a license in a form and manner prescribed by
423 the department.†

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

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

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

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

435 3. A travel retailer may offer and disseminate travel

8-01591-20

20201606__

436 insurance under a limited lines travel insurance producer
437 business entity license only if all of the following
438 requirements are met:

439 a. The limited lines travel insurance producer or travel
440 retailer provides to purchasers of travel insurance:

441 (I) A description of the material terms or the actual
442 material terms of the insurance coverage.

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

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

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

448 b. At the time of licensure, the limited lines travel
449 insurance producer establishes and maintains a register, on a
450 form prescribed by the department, of each travel retailer that
451 offers travel insurance on behalf of the limited lines travel
452 insurance producer. The limited lines travel insurance producer
453 must maintain and update the register, which must include the
454 travel retailer's federal tax identification number and the
455 name, address, and contact information of the travel retailer
456 and an officer or person who directs or controls the travel
457 retailer's operations. The limited lines travel insurance
458 producer shall submit the register to the department upon
459 reasonable request. The limited lines travel insurance producer
460 shall also certify that the travel retailer register complies
461 with 18 U.S.C. s. 1033. The grounds for the suspension and
462 revocation and the penalties applicable to resident insurance
463 producers under this section apply to the limited lines travel
464 insurance producers and travel retailers.

8-01591-20

20201606__

465 c. The limited lines travel insurance producer has
466 designated one of its employees as the designated responsible
467 producer. The designated responsible producer, who must be a
468 licensed insurance producer, is responsible for the compliance
469 with the travel insurance laws and regulations applicable to the
470 limited lines travel insurance producer and its registrants. The
471 designated responsible producer and the president, secretary,
472 treasurer, and any other officer or person who directs or
473 controls the limited lines travel insurance producer's insurance
474 operations must comply with the fingerprinting requirements
475 applicable to insurance producers in the resident state of the
476 limited lines travel insurance producer.

477 d. The limited lines travel insurance producer has paid all
478 applicable licensing fees as set forth in applicable general
479 law.

480 e. The limited lines travel insurance producer requires
481 each employee and each authorized representative of the travel
482 retailer whose duties include offering and disseminating travel
483 insurance to receive a program of instruction or training, which
484 is subject, at the discretion of the department, to review and
485 approval. The training material must, at a minimum, contain
486 adequate instructions on the types of insurance offered, ethical
487 sales practices, and required disclosures to prospective
488 purchasers.

489
490 As used in this paragraph, the term "offer and disseminate"
491 means to provide general information, including a description of
492 the coverage and price, as well as processing the application
493 and collecting premiums.

8-01591-20

20201606__

494 4. A travel retailer offering or disseminating travel
495 insurance shall make available to prospective purchasers
496 brochures or other written materials that have been approved by
497 the travel insurer. Such materials must include information
498 that, at a minimum:

499 a. Provides the identity and contact information of the
500 insurer and the limited lines travel insurance producer.

501 b. Explains that the purchase of travel insurance is not
502 required in order to purchase any other product or service from
503 the travel retailer.

504 c. Explains that a travel retailer is authorized to provide
505 only general information about the insurance offered by the
506 travel retailer, including a description of the coverage and
507 price, but is not qualified or authorized to answer technical
508 questions about the terms and conditions of the insurance
509 offered by the travel retailer or to evaluate the adequacy of
510 the customer's existing insurance coverage.

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

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

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

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

519
520 Notwithstanding any other provision of law, a travel retailer
521 whose insurance-related activities, and those of its employees
522 and authorized representatives, are limited to offering and

8-01591-20

20201606__

523 disseminating travel insurance on behalf of and under the
524 direction of a limited lines travel insurance producer meeting
525 the conditions in this section may receive related compensation
526 upon registration by the limited lines travel insurance producer
527 as described in paragraph (2) (b).

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

532 7. Any person licensed in a major line of authority as an
533 insurance producer, including a property and casualty insurance
534 producer who is not appointed by an insurer, may sell, solicit,
535 and negotiate travel insurance.

536 ~~1. To a full-time salaried employee of a common carrier or~~
537 ~~a full-time salaried employee or owner of a transportation~~
538 ~~ticket agency and may authorize the sale of such ticket policies~~
539 ~~only in connection with the sale of transportation tickets, or~~
540 ~~to the full-time salaried employee of such an agent. Such policy~~
541 ~~may not be for more than 48 hours or more than the duration of a~~
542 ~~specified one-way trip or round trip.~~

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

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

546 ~~b. An exchange company operating an exchange program~~
547 ~~approved under chapter 721;~~

548 ~~c. A managing entity operating a timeshare plan approved~~
549 ~~under chapter 721;~~

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

551 ~~e. A subsidiary or affiliate of any of the entities~~

8-01591-20

20201606__

552 ~~described in sub-subparagraphs a. d.~~

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

557 ~~a. A license issued to a business entity that offers travel~~
558 ~~planning services must encompass each office, branch office, or~~
559 ~~place of business making use of the entity's business name in~~
560 ~~order to offer, solicit, and sell insurance pursuant to this~~
561 ~~paragraph.~~

562 ~~b. The application for licensure must list the name,~~
563 ~~address, and phone number for each office, branch office, or~~
564 ~~place of business that is to be covered by the license. The~~
565 ~~licensee shall notify the department of the name, address, and~~
566 ~~phone number of any new location that is to be covered by the~~
567 ~~license before the new office, branch office, or place of~~
568 ~~business engages in the sale of insurance pursuant to this~~
569 ~~paragraph. The licensee shall notify the department within 30~~
570 ~~days after the closing or terminating of an office, branch~~
571 ~~office, or place of business. Upon receipt of the notice, the~~
572 ~~department shall delete the office, branch office, or place of~~
573 ~~business from the license.~~

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

578
579 ~~A licensee shall require each individual who offers policies or~~
580 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~

8-01591-20

20201606__

581 ~~initial training from a general lines agent or an insurer~~
582 ~~authorized under chapter 624 to transact insurance within this~~
583 ~~state. For an entity applying for a license as a travel~~
584 ~~insurance agent, the fingerprinting requirement of this section~~
585 ~~applies only to the president, secretary, and treasurer and to~~
586 ~~any other officer or person who directs or controls the travel~~
587 ~~insurance operations of the entity.~~

588 Section 8. Section 626.931, Florida Statutes, is amended to
589 read:

590 626.931 ~~Agent affidavit and Insurer reporting~~
591 ~~requirements.-~~

592 ~~(1) Each surplus lines agent that has transacted business~~
593 ~~during a calendar quarter shall on or before the 45th day~~
594 ~~following the calendar quarter file with the Florida Surplus~~
595 ~~Lines Service Office an affidavit, on forms as prescribed and~~
596 ~~furnished by the Florida Surplus Lines Service Office, stating~~
597 ~~that all surplus lines insurance transacted by him or her during~~
598 ~~such calendar quarter has been submitted to the Florida Surplus~~
599 ~~Lines Service Office as required.~~

600 ~~(2) The affidavit of the surplus lines agent shall include~~
601 ~~efforts made to place coverages with authorized insurers and the~~
602 ~~results thereof.~~

603 (1)~~(3)~~ Each foreign insurer accepting premiums shall, on or
604 before the end of the month following each calendar quarter,
605 file with the Florida Surplus Lines Service Office a verified
606 report of all surplus lines insurance transacted by such insurer
607 for insurance risks located in this state during such calendar
608 quarter.

609 (2)~~(4)~~ Each alien insurer accepting premiums shall, on or

8-01591-20

20201606__

610 before June 30 of each year, file with the Florida Surplus Lines
611 Service Office a verified report of all surplus lines insurance
612 transacted by such insurer for insurance risks located in this
613 state during the preceding calendar year.

614 ~~(3)~~~~(5)~~ The department may waive the filing requirements
615 described in subsections (1) ~~(3)~~ and (2) ~~(4)~~.

616 ~~(4)~~~~(6)~~ Each insurer's report and supporting information
617 shall be in a computer-readable format as determined by the
618 Florida Surplus Lines Service Office or shall be submitted on
619 forms prescribed by the Florida Surplus Lines Service Office and
620 shall show for each applicable agent:

621 (a) A listing of all policies, certificates, cover notes,
622 or other forms of confirmation of insurance coverage or any
623 substitutions thereof or endorsements thereto and the
624 identifying number; and

625 (b) Any additional information required by the department
626 or Florida Surplus Lines Service Office.

627 Section 9. Paragraph (a) of subsection (2) of section
628 626.932, Florida Statutes, is amended to read:

629 626.932 Surplus lines tax.—

630 (2) (a) The surplus lines agent shall make payable to the
631 department the tax related to each calendar quarter's business
632 as reported to the Florida Surplus Lines Service Office, and
633 remit the tax to the Florida Surplus Lines Service Office at the
634 same time as the fee payment required ~~provided for the filing of~~
635 ~~the quarterly affidavit,~~ under s. 626.9325 ~~s. 626.931~~. The
636 Florida Surplus Lines Service Office shall forward to the
637 department the taxes and any interest collected pursuant to
638 paragraph (b), within 10 days of receipt.

8-01591-20

20201606__

639 Section 10. Paragraph (d) of subsection (1) of section
640 626.935, Florida Statutes, is amended to read:

641 626.935 Suspension, revocation, or refusal of surplus lines
642 agent's license.—

643 (1) The department shall deny an application for, suspend,
644 revoke, or refuse to renew the appointment of a surplus lines
645 agent and all other licenses and appointments held by the
646 licensee under this code, on any of the following grounds:

647 ~~(d) Failure to make and file his or her affidavit or~~
648 ~~reports when due as required by s. 626.931.~~

649 Section 11. Subsection (4) of section 627.7295, Florida
650 Statutes, is amended to read:

651 627.7295 Motor vehicle insurance contracts.—

652 (4) The insurer may cancel the policy in accordance with
653 this code except that, notwithstanding s. 627.728, an insurer
654 may not cancel a new policy or binder during the first 30 ~~60~~
655 days immediately following the effective date of the policy or
656 binder for nonpayment of premium unless the reason for the
657 cancellation is the issuance of a check for the premium that is
658 dishonored for any reason or any other type of premium payment
659 that was subsequently determined to be rejected or invalid.

660 Section 12. Subsection (4) of section 627.914, Florida
661 Statutes, is redesignated as subsection (5), a new subsection
662 (4) is added to that section, and subsections (2) and (3) of
663 that section are amended, to read:

664 627.914 Reports of information by workers' compensation
665 insurers required.—

666 (2) (a) Each insurer and self-insurance fund authorized to
667 write a policy of workers' compensation insurance shall report

8-01591-20

20201606__

668 ~~transmit~~ the following information annually on both Florida
669 experience and nationwide experience separately:

- 670 1.~~(a)~~ Payrolls by classification.
671 2.~~(b)~~ Manual premiums by classification.
672 3.~~(c)~~ Standard premiums by classification.
673 4.~~(d)~~ Losses by classification and injury type.
674 5.~~(e)~~ Expenses.

675

676 An insurer or self-insurance fund that is placed in receivership
677 pursuant to part I of chapter 631 must continue to report the
678 information required under this paragraph. At the discretion of
679 the receiver, the insurer or self-insurance fund may outsource
680 the reporting of such information to a third-party reporting
681 vendor. The office shall approve a modified reporting plan that
682 is limited in terms of data elements.

683 (b) A report of the ~~this~~ information required under
684 paragraph (a) shall be filed no later than July 1 of each year.
685 All reports shall be filed in accordance with standard reporting
686 procedures for insurers, which procedures have received approval
687 by the office, and shall contain data for the most recent policy
688 period available. A statistical or rating organization may be
689 used by insurers and self-insurance funds to report the data
690 required by this section. The statistical or rating organization
691 shall report each data element in the aggregate only for
692 insurers and self-insurance funds required to report under this
693 section who elect to have the organization report on their
694 behalf. Such insurers and self-insurance funds shall be named in
695 the report.

696 (3) Individual self-insurers as defined in s. 440.02 shall

8-01591-20

20201606__

697 report only Florida data as prescribed in subparagraphs
 698 (2) (a) 1.-5. ~~paragraphs (2) (a) - (e)~~ to the office.

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

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

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

707 Section 13. Section 634.171, Florida Statutes, is amended
 708 to read:

709 634.171 Salesperson to be licensed and appointed.—
 710 Salespersons for motor vehicle service agreement companies and
 711 insurers shall be licensed, appointed, renewed, continued,
 712 reinstated, or terminated as prescribed in chapter 626 for
 713 insurance representatives in general. However, they shall be
 714 exempt from all other provisions of chapter 626 including
 715 fingerprinting, photo identification, education, and examination
 716 provisions. License, appointment, and other fees shall be those
 717 prescribed in s. 624.501. A licensed and appointed salesperson
 718 shall be directly responsible and accountable for all acts of
 719 her or his employees and other representatives. Each service
 720 agreement company or insurer shall, on forms prescribed by the
 721 department, within 30 days after termination of the appointment,
 722 notify the department of such termination. An ~~No~~ employee or
 723 salesperson of a motor vehicle service agreement company or
 724 insurer may not directly or indirectly solicit or negotiate
 725 insurance contracts, or hold herself or himself out in any

8-01591-20

20201606__

726 manner to be an insurance agent, unless so qualified, licensed,
727 and appointed therefor under the Florida Insurance Code. A
728 licensed personal lines or general lines agent is not required
729 to be licensed as a salesperson under this section to advertise,
730 solicit, negotiate, or sell motor vehicle service agreements. A
731 motor vehicle service agreement company is not required to be
732 licensed as a salesperson to solicit, sell, issue, or otherwise
733 transact the motor vehicle service agreements issued by the
734 motor vehicle service agreement company.

735 Section 14. Section 634.317, Florida Statutes, is amended
736 to read:

737 634.317 License and appointment required.—A ~~No~~ person may
738 not solicit, negotiate, or effectuate home warranty contracts
739 for remuneration in this state unless such person is licensed
740 and appointed as a sales representative. A licensed and
741 appointed sales representative shall be directly responsible and
742 accountable for all acts of the licensee's employees. A licensed
743 personal lines or general lines agent is not required to be
744 licensed as a sales representative under this section to
745 advertise, solicit, negotiate, or sell home warranties.

746 Section 15. Section 634.419, Florida Statutes, is amended
747 to read:

748 634.419 License and appointment required.—A ~~No~~ person or
749 entity may not ~~shall~~ solicit, negotiate, advertise, or
750 effectuate service warranty contracts in this state unless such
751 person or entity is licensed and appointed as a sales
752 representative. Sales representatives shall be responsible for
753 the actions of persons under their supervision. However, a
754 service warranty association licensed as such under this part

8-01591-20

20201606__

755 shall not be required to be licensed and appointed as a sales
756 representative to solicit, negotiate, advertise, or effectuate
757 its products. A licensed personal lines or general lines agent
758 is not required to be licensed as a sale representative under
759 this section to advertise, solicit, negotiate, or sell service
760 warranties.

761 Section 16. The Division of Law Revision is directed to
762 create chapter 647, Florida Statutes, consisting of ss. 647.01-
763 647.08, Florida Statutes, to be entitled "Travel Insurance."

764 Section 17. Section 647.01, Florida Statutes, is created to
765 read:

766 647.01 Purpose and scope.-

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

770 (2) This chapter applies to:

771 (a) Travel insurance that covers any resident of this state
772 and that is sold, solicited, negotiated, or offered in this
773 state.

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

776
777 This chapter does not apply to cancellation fee waivers or
778 travel assistance services, except as expressly provided in this
779 chapter.

780 (3) All other applicable provisions of the insurance laws
781 of this state continue to apply to travel insurance, except that
782 the specific provisions of this chapter shall supersede any
783 general provisions of law that would otherwise be applicable to

8-01591-20

20201606__

784 travel insurance.

785 Section 18. Section 647.02, Florida Statutes, is created to
786 read:

787 647.02 Definitions.—As used in this chapter, the term:

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

792 (2) "Blanket travel insurance" means a policy of travel
793 insurance issued to an eligible group providing coverage to all
794 members of the eligible group without a separate charge to
795 individual members of the eligible group.

796 (3) "Cancellation fee waiver" means a contractual agreement
797 between a supplier of travel services and its customer to waive
798 some or all of the nonrefundable cancellation fee provisions of
799 the supplier's underlying travel contract with or without regard
800 to the reason for the cancellation or form of reimbursement. A
801 cancellation fee waiver is not insurance.

802 (4) "Department" means the Department of Financial
803 Services.

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

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

811 1. A tour operator, lodging provider, vacation property
812 owner, hotel, resort, travel club, travel agency, property

8-01591-20

20201606__

813 manager, and cultural exchange program.

814 2. An operator, owner, or lessor of a means of
815 transportation of passengers, including, but not limited to, a
816 common carrier, airline, cruise line, railroad, steamship
817 company, and public bus carrier.

818

819 With regard to any particular travel or type of travel or
820 travelers, all members or customers of the group must have a
821 common exposure to risk attendant to such travel.

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

824 (c) An employer covering any group of employees,
825 volunteers, contractors, board of directors, dependents, or
826 guests.

827 (d) A sports team or camp, or a sponsor thereof, covering
828 participants, members, campers, employees, officials,
829 supervisors, or volunteers.

830 (e) A religious, charitable, recreational, educational, or
831 civic organization, or a branch thereof, covering any group of
832 members, participants, or volunteers.

833 (f) A financial institution or financial institution
834 vendor, or a parent holding company, trustee, or agent of or
835 designated by one or more financial institutions or financial
836 institution vendors, including account holders, credit card
837 holders, debtors, guarantors, or purchasers.

838 (g) An incorporated or unincorporated association,
839 including a labor union, having a common interest and
840 constitution and bylaws, which is organized and maintained in
841 good faith for purposes other than obtaining insurance coverage

8-01591-20

20201606__

842 for its members or participants.

843 (h) A trust or the trustees of a fund that covers its
844 members, employees, or customers and is established, created, or
845 maintained for the benefit of its members, employees, or
846 customers, subject to:

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

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

853 (i) An entertainment production company covering any group
854 of participants, volunteers, audience members, contestants, or
855 workers.

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

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

860 (l) An automobile or truck rental or leasing company
861 covering a group of individuals who may become renters, lessees,
862 or passengers as defined by their travel status on the rented or
863 leased vehicles. The common carrier, the operator, owner, or
864 lessor of a means of transportation, or the motor vehicle or
865 truck rental or leasing company is the policyholder under a
866 policy to which this section applies.

867 (m) Any other group for which the department has made the
868 following determinations:

869 1. The group members are engaged in a common enterprise or
870 have an economic, educational, or social affinity or

8-01591-20

20201606__

871 relationship.

872 2. Issuance of the travel insurance policy is not contrary
873 to the public interest.

874 (6) "Fulfillment materials" means documentation sent to the
875 purchaser of a travel protection plan confirming the purchase
876 and providing the travel protection plan's coverage and
877 assistance details.

878 (7) "Group travel insurance" means travel insurance issued
879 to an eligible group.

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

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

882 (b) A licensed insurance producer, including a limited
883 lines producer; or

884 (c) A travel administrator.

885 (9) "Travel administrator" means a person who directly or
886 indirectly underwrites policies for, collects charges,
887 collateral, or premiums from, or adjusts or settles claims on,
888 residents of this state, in connection with travel insurance,
889 except that a person is not considered a travel administrator if
890 the person is:

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

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

897 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
898 offering and disseminating travel insurance and registered under
899 the license of a limited lines travel insurance producer in

8-01591-20

20201606__

900 accordance with s. 626.321(1)(c);

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

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

908 (10) "Travel assistance services" means noninsurance
909 services for which the consumer is not indemnified based on a
910 fortuitous event, and the provision of which does not result in
911 the transfer or shifting of risk which would constitute the
912 business of insurance. The term includes, but is not limited to,
913 security advisories, destination information, vaccination and
914 immunization information services, travel reservation services,
915 entertainment, activity and event planning, translation
916 assistance, emergency messaging, international legal and medical
917 referrals, medical case monitoring, coordination of
918 transportation arrangements, emergency cash transfer assistance,
919 medical prescription replacement assistance, passport and travel
920 document replacement assistance, lost luggage assistance,
921 concierge services, and any other service that is furnished in
922 connection with planned travel. Travel assistance services are
923 not insurance and are not related to insurance.

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

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

927 (b) Loss of baggage or personal effects;

928 (c) Damages to accommodations or rental vehicles;

8-01591-20

20201606__

929 (d) Sickness, accident, disability, or death occurring
930 during travel;
931 (e) Emergency evacuation;
932 (f) Repatriation of remains; or
933 (g) Any other contractual obligations to indemnify or pay a
934 specified amount to the traveler upon determinable contingencies
935 related to travel as approved by the Commissioner of Insurance
936 Regulation.

937
938 The term does not include major medical plans that provide
939 comprehensive medical protection for travelers with trips
940 lasting longer than 6 months, including major medical plans for
941 those working or residing overseas as expatriates, or any other
942 product that requires a specific insurance producer license.

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

946 Section 19. Section 647.03, Florida Statutes, is created to
947 read:

948 647.03 Premium tax.—

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

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

952 (b) "Primary policyholder" means an individual who
953 purchases individual travel insurance.

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

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

8-01591-20

20201606__

958 (b) A primary certificateholder who is a resident of this
959 state.

960 (c) A blanket travel insurance policyholder:

961 1. Who is a resident in this state;

962 2. Who has his or her principal place of business in this
963 state; or

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

967
968 The premium tax under this subsection is subject to any
969 apportionment rules that apply to an insurer across multiple
970 taxing jurisdictions or that authorize an insurer to allocate
971 premium on an apportioned basis in a reasonable and equitable
972 manner in those jurisdictions.

973 (3) A travel insurer shall:

974 (a) Document the state of residence or principal place of
975 business of the policyholder or certificateholder, or an
976 affiliate or subsidiary thereof, as required under subsection
977 (2).

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

981 Section 20. Section 647.04, Florida Statutes, is created to
982 read:

983 647.04 Travel protection plans.—A travel protection plan
984 may be offered for one price for the combined features that the
985 travel protection plan offers in this state if the travel
986 protection plan meets all of the following requirements:

8-01591-20

20201606__

987 (1) The travel protection plan clearly discloses to the
988 consumer, at or before the time of purchase, that it includes
989 travel insurance, travel assistance services, and cancellation
990 fee waivers, as applicable, and provides information and an
991 opportunity, at or before the time of purchase, for the consumer
992 to obtain additional information regarding the features and
993 pricing of each.

994 (2) The fulfillment materials:

995 (a) Describe and delineate the travel insurance, travel
996 assistance services, and cancellation fee waivers in the travel
997 protection plan.

998 (b) Include the travel insurance disclosures required in
999 this chapter, the contact information for persons providing
1000 travel assistance services, and cancellation fee waivers, as
1001 applicable.

1002 Section 21. Section 647.05, Florida Statutes, is created to
1003 read:

1004 647.05 Sales practices.—

1005 (1) (a) All documents provided to a consumer before the
1006 purchase of travel insurance, including, but not limited to,
1007 sales materials, advertising materials, and marketing materials,
1008 must be consistent with the travel insurance policy, including,
1009 but not limited to, forms, endorsements, policies, rate filings,
1010 and certificates of insurance.

1011 (b) For travel insurance policies or certificates that
1012 contain preexisting condition exclusions, information and an
1013 opportunity to learn more about the preexisting condition
1014 exclusions must be provided any time before the purchase.
1015 Information on the exclusions and the opportunity to learn more

8-01591-20

20201606__

1016 about these exclusions must be included in the coverage's
1017 fulfillment materials.

1018 (c) The fulfillment materials and the information described
1019 in s. 626.321(1)(c)3.a. must be provided to a policyholder or
1020 certificateholder as soon as practicable after the purchase of a
1021 travel protection plan. Unless the insured has started a covered
1022 trip or filed a claim under the travel insurance coverage, the
1023 policyholder or certificateholder may cancel a policy or
1024 certificate for a full refund of the travel protection plan
1025 price from the date of purchase of a travel protection plan
1026 until at least:

1027 1. Fifteen days after the date of delivery of the travel
1028 protection plan's fulfillment materials by postal mail; or

1029 2. Ten days after the date of delivery of the travel
1030 protection plan's fulfillment materials by means other than
1031 postal mail.

1032
1033 For the purposes of this paragraph, the term "delivery" means
1034 handing fulfillment materials to the policyholder or
1035 certificateholder or sending fulfillment materials by postal
1036 mail or electronic means to the policyholder or
1037 certificateholder.

1038 (d) An insurer shall disclose in the policy documentation
1039 and fulfillment materials whether the travel insurance is
1040 primary or secondary to other applicable coverage.

1041 (e) If travel insurance is marketed directly to a consumer
1042 through an insurer's website or by others through an aggregator
1043 site, it is not an unfair trade practice or other violation of
1044 law if the following requirements are met:

8-01591-20

20201606__

1045 1. The web page provides an accurate summary or short
1046 description of the coverage.

1047 2. The consumer has access to the full provisions of the
1048 policy through electronic means.

1049 (2) A person offering, soliciting, or negotiating travel
1050 insurance or travel protection plans on an individual or group
1051 basis may not do so by using a negative or opt-out option that
1052 would require a consumer to take an affirmative action to
1053 deselect coverage, such as unchecking a box on an electronic
1054 form, when the consumer purchases a trip.

1055 (3) If a consumer's destination jurisdiction requires
1056 insurance coverage, it is not an unfair trade practice to
1057 require that the consumer choose between the following options
1058 as a condition of purchasing a trip or travel package:

1059 (a) Purchasing the coverage required by the destination
1060 jurisdiction through the travel retailer, as defined s.
1061 626.321(1)(c)2., or limited lines travel insurance producer
1062 supplying the trip or travel package; or

1063 (b) Agreeing to obtain and provide proof of coverage that
1064 meets the destination jurisdiction's requirements before
1065 departure.

1066 (4) (a) A person offering travel insurance to residents of
1067 this state is subject to part IX of chapter 626, the Unfair
1068 Insurance Trade Practices Act, except as otherwise provided in
1069 this chapter. If a conflict arises between this chapter and the
1070 Unfair Insurance Trade Practices Act regarding the sale and
1071 marketing of travel insurance and travel protection plans, the
1072 provisions of this chapter shall control.

1073 (b) A person commits an unfair insurance trade practice

8-01591-20

20201606__

1074 under the Unfair Insurance Trade Practices Act if the person:

1075 1. Offers or sells a travel insurance policy that could
1076 never result in payment of any claims for any insured under the
1077 policy; or

1078 2. Markets blanket travel insurance coverage as free.

1079 Section 22. Section 647.06, Florida Statutes, is created to
1080 read:

1081 647.06 Travel administrators.—

1082 (1) Notwithstanding any other provision of the Florida
1083 Insurance Code, a person may not act or represent himself or
1084 herself as a travel administrator in this state unless the
1085 person:

1086 (a) Is a licensed property and casualty insurance producer
1087 in this state for activities authorized under that producer
1088 license;

1089 (b) Is appointed as a managing general agent in this state;
1090 or

1091 (c) Holds a valid third-party administrator license in this
1092 state.

1093 (2) A travel administrator and its employees are exempt
1094 from the licensing requirements of part VI of chapter 626 for
1095 the travel insurance it administers.

1096 (3) An insurer is responsible for ensuring that a travel
1097 administrator administering travel insurance underwritten by the
1098 insurer:

1099 (a) Acts in accordance with this chapter.

1100 (b) Maintains all books and records that are relevant to
1101 the insurer and makes these books and records available to the
1102 department upon request.

8-01591-20

20201606__

1103 Section 23. Section 647.07, Florida Statutes, is created to
1104 read:

1105 647.07 Travel insurance policy.-

1106 (1) Notwithstanding any other provision of the Florida
1107 Insurance Code, travel insurance shall be classified and filed
1108 for purposes of rates and forms under the inland marine line of
1109 insurance; however, travel insurance that provides coverage for
1110 sickness, accident, disability, or death occurring during
1111 travel, either exclusively or in conjunction with related
1112 coverages of emergency evacuation or repatriation of remains, or
1113 incidental limited property and casualty benefits such as
1114 baggage or trip cancellation, may be classified and filed for
1115 purposes of rates and forms under either the accident and health
1116 line of insurance or the inland marine line of insurance.

1117 (2) Travel insurance may be in the form of an individual,
1118 group, or blanket policy.

1119 (3) Eligibility and underwriting standards for travel
1120 insurance may be developed and provided based on travel
1121 protection plans designed for individual or identified marketing
1122 or distribution channels, if those standards also meet the
1123 state's underwriting standards for inland marine insurance.

1124 Section 24. Section 647.08, Florida Statutes, is created to
1125 read:

1126 647.08 Rulemaking authority.-The department shall adopt
1127 rules to administer this chapter.

1128 Section 25. Section 655.969, Florida Statutes, is created
1129 to read:

1130 655.969 Disposition of insurance proceeds.-The following
1131 provisions apply to mortgage loans held by a financial

8-01591-20

20201606__

1132 institution or its subsidiary:

1133 (1) The financial institution or its subsidiary must
1134 promptly endorse a check, draft, or other negotiable instrument
1135 payable jointly to the financial institution or subsidiary and
1136 the insured by the insurance company. However, the financial
1137 institution or subsidiary is not required to endorse such
1138 instrument if the insured or a payee who is not subject to the
1139 financial institutions codes refuses to endorse the instrument.

1140 (2) (a) 1. Insurance proceeds received by a financial
1141 institution or subsidiary that relate to compensation for damage
1142 to property or contents insurance coverage in which the
1143 financial institution or subsidiary has a security interest must
1144 be promptly deposited into a segregated account of a federally
1145 insured financial institution.

1146 2. Pending completion of all or part of damage repairs,
1147 insurance proceeds received by a financial institution or
1148 subsidiary under subparagraph 1. must be deposited into a
1149 segregated, interest-bearing account of a federally insured
1150 financial institution for the benefit of the insured. The
1151 account must bear interest no less than the insured could expect
1152 to obtain from a savings or money market account. The interest
1153 must begin to accrue on the date the financial institution or
1154 subsidiary endorses the check, draft, or other negotiable
1155 instrument for proceeds.

1156 (b) A financial institution or subsidiary holding insurance
1157 proceeds under paragraph (a) must notify the insured of each
1158 requirement that the insured must fulfill for the financial
1159 institution or subsidiary to release the proceeds. Notice
1160 required under this paragraph must be in writing and delivered

8-01591-20

20201606__

1161 by mail or electronic transmission within 10 business day after
1162 the date the financial institution or subsidiary endorses the
1163 check, draft, or other negotiable instrument for proceeds.

1164 (c) A financial institution or subsidiary holding insurance
1165 proceeds under paragraph (a) must distribute all accrued
1166 interest in the account to the insured no later than upon the
1167 final disbursement of proceeds.

1168 (3) Insurance proceeds received by a financial institution
1169 or subsidiary that relate to contents insurance coverage in
1170 which the financial institution or subsidiary does not have a
1171 security interest in the contents must be promptly distributed
1172 to the insured.

1173 (4) Insurance proceeds received by a financial institution
1174 or subsidiary that relate to additional living expenses must be
1175 promptly distributed to the insured.

1176 (5) The financial institution or subsidiary is not required
1177 to remit the portion of the proceeds relating to additional
1178 living expenses and contents insurance if the financial
1179 institution or subsidiary cannot determine which part of the
1180 proceeds relates to additional living expenses and contents
1181 insurance.

1182
1183 This section does not prevent an insurance company from paying
1184 the insured directly for additional living expenses or paying
1185 the insured directly for contents insurance coverage if the
1186 financial institution or subsidiary does not have a security
1187 interest in the contents.

1188 Section 26. This act shall take effect July 1, 2020.