

By the Committees on Infrastructure and Security; and Banking and Insurance; and Senator Perry

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1 A bill to be entitled
2 An act relating to insurance administration; amending
3 s. 319.30, F.S.; revising a certain electronic
4 signature requirement for a motor vehicle salvage
5 certificate of title; amending ss. 440.12 and 440.20,
6 F.S.; authorizing the payment of certain workers'
7 compensation benefits to be transmitted to the
8 employee's account with a licensed money transmitter;
9 amending s. 624.155, F.S.; revising requirements and
10 procedures for the civil remedy notice provided to
11 insurers and the Department of Financial Services;
12 revising the timeframe for an insurer to pay damages
13 or for certain circumstances to be corrected; revising
14 circumstances that toll the applicable statute of
15 limitations and the period the statute of limitations
16 is tolled; amending ss. 624.307 and 624.315, F.S.;
17 providing that certain aggregate information
18 containing trade secret information may be publicly
19 disclosed by the department or the Office of Insurance
20 Regulation, except under certain circumstances;
21 amending s. 624.422, F.S., requiring insurers to file
22 with the department certain contact information for
23 service of process; amending s. 626.321, F.S.;
24 providing that certain travel insurance licenses are
25 subject to review by the department rather than by the
26 office; revising persons who may be licensed to
27 transact in travel insurance; specifying licensure and
28 registration requirements for certain persons;
29 defining the term "travel retailer"; specifying

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30 requirements for, restrictions on, and authorized acts
31 by travel retailers and limited lines travel insurance
32 producers; defining the term "offer and disseminate";
33 authorizing certain persons to sell, solicit, and
34 negotiate travel insurance; amending ss. 627.062,
35 627.0651, and 627.410, F.S.; specifying that certain
36 periods ending on a weekend or on certain holidays are
37 extended until the conclusion of the next business
38 day; amending s. 627.714, F.S.; revising criteria for
39 assessing a residential condominium unit owner's loss
40 assessment coverage; amending s. 627.7295, F.S.;
41 decreasing the timeframe during which an insurer may
42 not cancel a new policy or binder of motor vehicle
43 insurance for nonpayment of premium, except under
44 certain circumstances; creating ch. 647, F.S.,
45 entitled "Travel Insurance"; creating s. 647.01, F.S.;
46 providing legislative purpose; providing
47 applicability; creating s. 647.02, F.S.; defining
48 terms; creating s. 647.03, F.S.; defining the terms
49 "primary certificateholder" and "primary
50 policyholder"; requiring travel insurers to pay the
51 insurance premium tax on specified travel insurance
52 premiums; providing construction; specifying
53 requirements for travel insurers; creating s. 647.04,
54 F.S.; providing that a travel protection plan may be
55 offered for one price if it meets specified
56 requirements; creating s. 647.05, F.S.; specifying
57 sales practice requirements, prohibited sales
58 practices, and authorized sales practices relating to

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59 travel insurance; specifying a policyholder's or
60 certificateholder's right to cancel a travel
61 protection plan for a full refund; defining the term
62 "delivery"; specifying unfair insurance trade
63 practices; providing construction; creating s. 647.06,
64 F.S.; specifying qualifications for travel
65 administrators; providing an exemption from certain
66 licensure; providing that insurers are responsible for
67 ensuring certain acts by travel administrators;
68 creating s. 647.07, F.S.; specifying the
69 classification for travel insurance for rate filing
70 purposes; specifying authorized forms of travel
71 insurance; providing applicability of certain
72 provisions of the Rating Law; authorizing the
73 development and provision of travel insurance programs
74 on certain bases; creating s. 647.08, F.S.; requiring
75 the department to adopt rules; providing effective
76 dates.

77

78 Be It Enacted by the Legislature of the State of Florida:

79

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

83 319.30 Definitions; dismantling, destruction, change of
84 identity of motor vehicle or mobile home; salvage.—

85 (3)

86 (d) An electronic signature that is consistent with chapter
87 668 satisfies any signature required under this subsection,

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88 except that an electronic signature on an odometer disclosure
89 submitted through an insurance company must be executed using an
90 electronic signature, as defined in s. 668.003(4), which ~~that~~
91 uses a system providing an Identity Assurance Level,
92 Authenticator Assurance Level, and Federation Assurance Level,
93 as described in the National Institute of Standards and
94 Technology Special Publication 800-63-3, as of December 1, 2017,
95 which ~~that~~ are equivalent to or greater than:

96 ~~1. Level 2, for each level, for a certificate of~~
97 ~~destruction or.~~

98 ~~2. Level 3, for each level, for a salvage certificate of~~
99 ~~title.~~

100 Section 2. Paragraph (a) of subsection (1) of section
101 440.12, Florida Statutes, is amended to read:

102 440.12 Time for commencement and limits on weekly rate of
103 compensation.—

104 (1) Compensation is not allowed for the first 7 days of the
105 disability, except for benefits provided under s. 440.13.
106 However, if the injury results in more than 21 days of
107 disability, compensation is allowed from the commencement of the
108 disability.

109 (a) All weekly compensation payments, except for the first
110 payment, must be paid by check or, if authorized by the
111 employee, paid on a prepaid card pursuant to paragraph (b), ~~or~~
112 deposited directly into the employee's account at a financial
113 institution as defined in s. 655.005, or transmitted to the
114 employee's account with a money transmitter licensed under part
115 II of chapter 560.

116 Section 3. Paragraph (a) of subsection (1) and paragraph

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117 (a) of subsection (6) of section 440.20, Florida Statutes, are
118 amended to read:

119 440.20 Time for payment of compensation and medical bills;
120 penalties for late payment.—

121 (1) (a) Unless the carrier denies compensability or
122 entitlement to benefits, the carrier shall pay compensation
123 directly to the employee as required by ss. 440.14, 440.15, and
124 440.16, in accordance with those sections. Upon receipt of the
125 employee's authorization as provided for in s. 440.12(1)(a), the
126 carrier's obligation to pay compensation directly to the
127 employee is satisfied when the carrier directly deposits, by
128 electronic transfer or other means, compensation into the
129 employee's account at a financial institution as defined in s.
130 655.005 or onto a prepaid card in accordance with s. 440.12(1)
131 or transmits the employee's compensation to the employee's
132 account with a money transmitter licensed under part II of
133 chapter 560. Compensation by direct deposit, ~~or~~ through the use
134 of a prepaid card, or through transmission is considered paid on
135 the date the funds become available for withdrawal by the
136 employee.

137 (6) (a) If any installment of compensation for death or
138 dependency benefits, or compensation for disability benefits
139 payable without an award is not paid within 7 days after it
140 becomes due, as provided in subsection (2), subsection (3), or
141 subsection (4), there shall be added to such unpaid installment
142 a penalty of an amount equal to 20 percent of the unpaid
143 installment, which shall be paid at the same time as, but in
144 addition to, such installment of compensation. This penalty
145 shall not apply for late payments resulting from conditions over

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146 which the employer or carrier had no control. When any
147 installment of compensation payable without an award has not
148 been paid within 7 days after it became due and the claimant
149 concludes the prosecution of the claim before a judge of
150 compensation claims without having specifically claimed
151 additional compensation in the nature of a penalty under this
152 section, the claimant will be deemed to have acknowledged that,
153 owing to conditions over which the employer or carrier had no
154 control, such installment could not be paid within the period
155 prescribed for payment and to have waived the right to claim
156 such penalty. However, during the course of a hearing, the judge
157 of compensation claims shall on her or his own motion raise the
158 question of whether such penalty should be awarded or excused.
159 The department may assess without a hearing the penalty against
160 either the employer or the carrier, depending upon who was at
161 fault in causing the delay. The insurance policy cannot provide
162 that this sum will be paid by the carrier if the department or
163 the judge of compensation claims determines that the penalty
164 should be paid by the employer rather than the carrier. Any
165 additional installment of compensation paid by the carrier
166 pursuant to this section shall be paid directly to the employee
167 by check or, if authorized by the employee, by direct deposit
168 into the employee's account at a financial institution or by
169 transmission to the employee's account with a money transmitter
170 licensed under part II of chapter 560.

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

173 624.155 Civil remedy.—

174 (3) (a) As a condition precedent to bringing an action under

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175 this section, the department and the authorized insurer must
176 have been given 60 days' written notice of the violation. Notice
177 to the authorized insurer must be provided by the department to
178 the e-mail address designated by the insurer under s. 624.422.

179 (b) The notice shall be on a form provided by the
180 department and shall state with specificity the following
181 information, and such other information as the department may
182 require:

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

185 2. The facts and circumstances giving rise to the
186 violation.

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

188 4. Reference to specific policy language that is relevant
189 to the violation, if any. If the person bringing the civil
190 action is a third party claimant, she or he shall not be
191 required to reference the specific policy language if the
192 authorized insurer has not provided a copy of the policy to the
193 third party claimant pursuant to written request.

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

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

200 (d) The authorized insurer that is the recipient of a
201 notice filed pursuant to this section shall report to the
202 department on the disposition of the alleged violation.

203 (e) The applicable statute of limitations for an action

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204 under this section shall be tolled for a period of:

205 1. Sixty ~~65~~ days after the insurer receives from the
206 department ~~by the mailing of~~ the notice required by this
207 subsection.

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

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

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

216 624.307 General powers; duties.—

217 (4) The department and office may each collect, propose,
218 publish, and disseminate information relating to the subject
219 matter of any duties imposed upon it by law. Aggregate
220 information may include information asserted as trade secret
221 information unless the trade secret information can be
222 individually extrapolated, in which case the trade secret
223 information remains protected as provided under s. 624.4213.

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

226 624.315 Department; annual report.—

227 (4) When aggregate information includes information
228 asserted as trade secret information, the office may include the
229 trade secret information in the report required under subsection
230 (1) or may make the trade secret information available under
231 subsection (2) unless the trade secret information can be
232 individually extrapolated, in which case the trade secret

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233 information remains protected as provided under s. 624.4213.

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

236 624.422 Service of process; appointment of Chief Financial
237 Officer as process agent.—

238 (2) Prior to its authorization to transact insurance in
239 this state, each insurer shall file with the department
240 designation of the name and address of the person to whom
241 process against it served upon the Chief Financial Officer is to
242 be forwarded. Each insurer shall also file with the department
243 designation of the name and e-mail address of the person to whom
244 the department shall forward civil remedy notices filed under
245 624.155. The insurer may change a ~~the~~ designation at any time by
246 a new filing.

247 Section 8. Paragraph (c) of subsection (1) of section
248 626.321, Florida Statutes, is amended to read:

249 626.321 Limited licenses and registration.—

250 (1) The department shall issue to a qualified applicant a
251 license as agent authorized to transact a limited class of
252 business in any of the following categories of limited lines
253 insurance:

254 (c) *Travel insurance*.—License covering only policies and
255 certificates of travel insurance which are subject to review by
256 the office. Policies and certificates of travel insurance may
257 provide coverage for travel insurance, as defined in s. 647.02
258 ~~risks incidental to travel, planned travel, or accommodations~~
259 ~~while traveling, including, but not limited to, accidental death~~
260 ~~and dismemberment of a traveler; trip or event cancellation,~~
261 ~~interruption, or delay; loss of or damage to personal effects or~~

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262 ~~travel documents; damages to travel accommodations; baggage~~
263 ~~delay; emergency medical travel or evacuation of a traveler; or~~
264 ~~medical, surgical, and hospital expenses related to an illness~~
265 ~~or emergency of a traveler. Such policy or certificate may be~~
266 ~~issued for terms longer than 90 days, but, other than a policy~~
267 ~~or certificate providing coverage for air ambulatory services~~
268 ~~only, each policy or certificate must be limited to coverage for~~
269 ~~travel or use of accommodations of no longer than 90 days. The~~
270 ~~license may be issued only to an individual or business entity~~
271 ~~that has filed with the department an application for a license~~
272 ~~in a form and manner prescribed by the department.~~

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

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

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

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

284 3. A travel retailer may offer and disseminate travel
285 insurance under a limited lines travel insurance producer
286 business entity license only if all of the following
287 requirements are met:

288 a. The limited lines travel insurance producer or travel
289 retailer provides to purchasers of travel insurance:

290 (I) A description of the material terms or the actual

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291 material terms of the insurance coverage.

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

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

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

297 b. At the time of licensure, the limited lines travel
298 insurance producer establishes and maintains a register on the
299 department's website and appoints each travel retailer that
300 offers travel insurance on behalf of the limited lines travel
301 insurance producer. The limited lines travel insurance producer
302 must maintain and update the register, which must include the
303 travel retailer's federal tax identification number and the
304 name, address, and contact information of the travel retailer
305 and an officer or person who directs or controls the travel
306 retailer's operations. The limited lines travel insurance
307 producer shall submit the register to the department upon
308 reasonable request. The limited lines travel insurance producer
309 shall also certify that the travel retailer register complies
310 with 18 U.S.C. s. 1033. The grounds for the suspension and
311 revocation and the penalties applicable to resident insurance
312 producers under this section apply to the limited lines travel
313 insurance producers and travel retailers.

314 c. The limited lines travel insurance producer has
315 designated one of its employees as the designated responsible
316 producer. The designated responsible producer, who must be a
317 licensed insurance producer, is responsible for compliance with
318 the travel insurance laws and regulations applicable to the
319 limited lines travel insurance producer and its registrants. The

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320 designated responsible producer and the president, secretary,
321 treasurer, and any other officer or person who directs or
322 controls the limited lines travel insurance producer's insurance
323 operations must comply with the fingerprinting requirements
324 applicable to insurance producers in the resident state of the
325 limited lines travel insurance producer.

326 d. The limited lines travel insurance producer has paid all
327 applicable licensing and appointment fees, as set forth in
328 applicable general law.

329 e. The limited lines travel insurance producer requires
330 each employee and each authorized representative of the travel
331 retailer whose duties include offering and disseminating travel
332 insurance to receive a program of instruction or training, which
333 is subject, at the discretion of the department, to review and
334 approval. The training material must, at a minimum, contain
335 adequate instructions on the types of insurance offered, ethical
336 sales practices, and required disclosures to prospective
337 purchasers.

338
339 As used in this paragraph, the term "offer and disseminate"
340 means to provide general information, including a description of
341 the coverage and price, as well as processing the application
342 and collecting premiums.

343 4. A travel retailer offering or disseminating travel
344 insurance shall make available to prospective purchasers
345 brochures or other written materials that have been approved by
346 the travel insurer. Such materials must include information
347 that, at a minimum:

348 a. Provides the identity and contact information of the

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349 insurer and the limited lines travel insurance producer.

350 b. Explains that the purchase of travel insurance is not
351 required in order to purchase any other product or service from
352 the travel retailer.

353 c. Explains that a travel retailer is authorized to provide
354 only general information about the insurance offered by the
355 travel retailer, including a description of the coverage and
356 price, but is not qualified or authorized to answer technical
357 questions about the terms and conditions of the insurance
358 offered by the travel retailer or to evaluate the adequacy of
359 the customer's existing insurance coverage.

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

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

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

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

368
369 Notwithstanding any other law, a travel retailer whose
370 insurance-related activities, and those of its employees and
371 authorized representatives, are limited to offering and
372 disseminating travel insurance on behalf of and under the
373 direction of a limited lines travel insurance producer meeting
374 the conditions in this section may receive related compensation
375 upon registration by the limited lines travel insurance producer
376 as described in paragraph (2) (b).

377 6. As the insurer's designee, the limited lines travel

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378 insurance producer is responsible for the acts of the travel
379 retailer and shall use reasonable means to ensure compliance by
380 the travel retailer with this section.

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

383 ~~1. To a full-time salaried employee of a common carrier or~~
384 ~~a full-time salaried employee or owner of a transportation~~
385 ~~ticket agency and may authorize the sale of such ticket policies~~
386 ~~only in connection with the sale of transportation tickets, or~~
387 ~~to the full-time salaried employee of such an agent. Such policy~~
388 ~~may not be for more than 48 hours or more than the duration of a~~
389 ~~specified one-way trip or round trip.~~

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

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

393 ~~b. An exchange company operating an exchange program~~
394 ~~approved under chapter 721;~~

395 ~~c. A managing entity operating a timeshare plan approved~~
396 ~~under chapter 721;~~

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

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

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

404 ~~a. A license issued to a business entity that offers travel~~
405 ~~planning services must encompass each office, branch office, or~~
406 ~~place of business making use of the entity's business name in~~

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407 ~~order to offer, solicit, and sell insurance pursuant to this~~
408 ~~paragraph.~~

409 ~~b. The application for licensure must list the name,~~
410 ~~address, and phone number for each office, branch office, or~~
411 ~~place of business that is to be covered by the license. The~~
412 ~~licensee shall notify the department of the name, address, and~~
413 ~~phone number of any new location that is to be covered by the~~
414 ~~license before the new office, branch office, or place of~~
415 ~~business engages in the sale of insurance pursuant to this~~
416 ~~paragraph. The licensee shall notify the department within 30~~
417 ~~days after the closing or terminating of an office, branch~~
418 ~~office, or place of business. Upon receipt of the notice, the~~
419 ~~department shall delete the office, branch office, or place of~~
420 ~~business from the license.~~

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

425
426 ~~A licensee shall require each individual who offers policies or~~
427 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
428 ~~initial training from a general lines agent or an insurer~~
429 ~~authorized under chapter 624 to transact insurance within this~~
430 ~~state. For an entity applying for a license as a travel~~
431 ~~insurance agent, the fingerprinting requirement of this section~~
432 ~~applies only to the president, secretary, and treasurer and to~~
433 ~~any other officer or person who directs or controls the travel~~
434 ~~insurance operations of the entity.~~

435 Section 9. Paragraph (a) of subsection (2) of section

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436 627.062, Florida Statutes, is amended to read:

437 627.062 Rate standards.—

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

439 (a) Insurers or rating organizations shall establish and
440 use rates, rating schedules, or rating manuals that allow the
441 insurer a reasonable rate of return on the classes of insurance
442 written in this state. A copy of rates, rating schedules, rating
443 manuals, premium credits or discount schedules, and surcharge
444 schedules, and changes thereto, must be filed with the office
445 under one of the following procedures:

446 1. If the filing is made at least 90 days before the
447 proposed effective date and is not implemented during the
448 office's review of the filing and any proceeding and judicial
449 review, such filing is considered a "file and use" filing. In
450 such case, the office shall finalize its review by issuance of a
451 notice of intent to approve or a notice of intent to disapprove
452 within 90 days after receipt of the filing. If the 90-day period
453 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
454 must be extended until the conclusion of the next business day.

455 The notice of intent to approve and the notice of intent to
456 disapprove constitute agency action for purposes of the
457 Administrative Procedure Act. Requests for supporting
458 information, requests for mathematical or mechanical
459 corrections, or notification to the insurer by the office of its
460 preliminary findings does not toll the 90-day period during any
461 such proceedings and subsequent judicial review. The rate shall
462 be deemed approved if the office does not issue a notice of
463 intent to approve or a notice of intent to disapprove within 90
464 days after receipt of the filing.

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

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

478
479 The provisions of this subsection do not apply to workers'
480 compensation, employer's liability insurance, and motor vehicle
481 insurance.

482 Section 10. Paragraph (a) of subsection (1) of section
483 627.0651, Florida Statutes, is amended to read:

484 627.0651 Making and use of rates for motor vehicle
485 insurance.—

486 (1) Insurers shall establish and use rates, rating
487 schedules, or rating manuals to allow the insurer a reasonable
488 rate of return on motor vehicle insurance written in this state.
489 A copy of rates, rating schedules, and rating manuals, and
490 changes therein, shall be filed with the office under one of the
491 following procedures:

492 (a) If the filing is made at least 60 days before the
493 proposed effective date and the filing is not implemented during

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494 the office's review of the filing and any proceeding and
495 judicial review, such filing shall be considered a "file and
496 use" filing. In such case, the office shall initiate proceedings
497 to disapprove the rate and so notify the insurer or shall
498 finalize its review within 60 days after receipt of the filing.
499 If the 60-day period ends on a weekend or a holiday under s.
500 110.117(1)(a)-(i), it must be extended until the conclusion of
501 the next business day. Notification to the insurer by the office
502 of its preliminary findings shall toll the 60-day period during
503 any such proceedings and subsequent judicial review. The rate
504 shall be deemed approved if the office does not issue notice to
505 the insurer of its preliminary findings within 60 days after the
506 filing.

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

509 627.410 Filing, approval of forms.—

510 (2) Every such filing must be made at least 30 days in
511 advance of any such use or delivery. At the expiration of the 30
512 days, the form filed will be deemed approved unless prior
513 thereto it has been affirmatively approved or disapproved by
514 order of the office. The approval of such form by the office
515 constitutes a waiver of any unexpired portion of such waiting
516 period. The office may extend the period within which it may
517 affirmatively approve or disapprove such form by up to 15 days
518 by giving notice of such extension before expiration of the
519 initial 30-day period. If the initial 30-day period or the 15-
520 day extension period ends on a weekend or a holiday under s.
521 110.117(1)(a)-(i), the review period must be extended until the
522 conclusion of the next business day. At the expiration of such

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523 extended period, and in the absence of prior affirmative
524 approval or disapproval, such form shall be deemed approved.

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

527 627.714 Residential condominium unit owner coverage; loss
528 assessment coverage required.—

529 (2) The maximum amount of any unit owner's loss assessment
530 coverage that can be assessed for any loss shall be an amount
531 equal to that unit owner's loss assessment coverage limit in
532 effect 1 day before the date of the occurrence that gave rise to
533 the loss. Such coverage is applicable to any loss assessment
534 regardless of the date of the assessment by the association. Any
535 changes to the limits of a unit owner's coverage for loss
536 assessments made on or after the day before the date of the
537 occurrence are not applicable to such loss.

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

540 627.7295 Motor vehicle insurance contracts.—

541 (4) The insurer may cancel the policy in accordance with
542 this code except that, notwithstanding s. 627.728, an insurer
543 may not cancel a new policy or binder during the first 30 ~~60~~
544 days immediately following the effective date of the policy or
545 binder for nonpayment of premium unless the reason for the
546 cancellation is the issuance of a check for the premium that is
547 dishonored for any reason or any other type of premium payment
548 that was subsequently determined to be rejected or invalid.

549 Section 14. The Division of Law Revision is directed to
550 create chapter 647, Florida Statutes, consisting of ss. 647.01-
551 647.08, Florida Statutes, to be entitled "Travel Insurance."

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552 Section 15. Section 647.01, Florida Statutes, is created to
553 read:

554 647.01 Purpose and scope.—

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

558 (2) This chapter applies to:

559 (a) Travel insurance that covers any resident of this state
560 and that is sold, solicited, negotiated, or offered in this
561 state.

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

564
565 This chapter does not apply to cancellation fee waivers or
566 travel assistance services, except as expressly provided in this
567 chapter.

568 (3) All other applicable provisions of the insurance laws
569 of this state continue to apply to travel insurance, except that
570 the specific provisions of this chapter shall supersede any
571 general provisions of law that would otherwise be applicable to
572 travel insurance.

573 Section 16. Section 647.02, Florida Statutes, is created to
574 read:

575 647.02 Definitions.—As used in this chapter, the term:

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

580 (2) "Blanket travel insurance" means a policy of travel

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581 insurance issued to an eligible group providing coverage to all
582 members of the eligible group without a separate charge to
583 individual members of the eligible group.

584 (3) "Cancellation fee waiver" means a contractual agreement
585 between a supplier of travel services and its customer to waive
586 some or all of the nonrefundable cancellation fee provisions of
587 the supplier's underlying travel contract with or without regard
588 to the reason for the cancellation or form of reimbursement. A
589 cancellation fee waiver is not insurance.

590 (4) "Department" means the Department of Financial
591 Services.

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

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

599 1. A tour operator, lodging provider, vacation property
600 owner, hotel, resort, travel club, travel agency, property
601 manager, and cultural exchange program.

602 2. An operator, owner, or lessor of a means of
603 transportation of passengers, including, but not limited to, a
604 common carrier, airline, cruise line, railroad, steamship
605 company, and public bus carrier.

606
607 With regard to any particular travel or type of travel or
608 travelers, all members or customers of the group must have a
609 common exposure to risk attendant to such travel.

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

612 (c) An employer covering any group of employees,
613 volunteers, contractors, board of directors, dependents, or
614 guests.

615 (d) A sports team or camp, or a sponsor thereof, covering
616 participants, members, campers, employees, officials,
617 supervisors, or volunteers.

618 (e) A religious, charitable, recreational, educational, or
619 civic organization, or a branch thereof, covering any group of
620 members, participants, or volunteers.

621 (f) A financial institution or financial institution
622 vendor, or a parent holding company, trustee, or agent of or
623 designated by one or more financial institutions or financial
624 institution vendors, including account holders, credit card
625 holders, debtors, guarantors, or purchasers.

626 (g) An incorporated or unincorporated association,
627 including a labor union, having a common interest and
628 constitution and bylaws, which is organized and maintained in
629 good faith for purposes other than obtaining insurance coverage
630 for its members or participants.

631 (h) A trust or the trustees of a fund that covers its
632 members, employees, or customers and is established, created, or
633 maintained for the benefit of its members, employees, or
634 customers, subject to:

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

636 2. The premium tax provisions in s. 647.03 applicable to
637 incorporated or unincorporated associations that have a common
638 interest and constitution and bylaws and that are organized and

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639 maintained in good faith for purposes other than obtaining
640 insurance coverage for their members, employees, or customers.

641 (i) An entertainment production company covering any group
642 of participants, volunteers, audience members, contestants, or
643 workers.

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

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

648 (l) An automobile or truck rental or leasing company
649 covering a group of individuals who may become renters, lessees,
650 or passengers as defined by their travel status on the rented or
651 leased vehicles. The common carrier, the operator, owner, or
652 lessor of a means of transportation, or the motor vehicle or
653 truck rental or leasing company is the policyholder under a
654 policy to which this section applies.

655 (m) Any other group for which the department has made the
656 following determinations:

657 1. The group members are engaged in a common enterprise or
658 have an economic, educational, or social affinity or
659 relationship.

660 2. Issuance of the travel insurance policy is not contrary
661 to the public interest.

662 (6) "Fulfillment materials" means documentation sent to the
663 purchaser of a travel protection plan confirming the purchase
664 and providing the travel protection plan's coverage and
665 assistance details.

666 (7) "Group travel insurance" means travel insurance issued
667 to an eligible group.

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- 668 (8) "Limited lines travel insurance producer" means:
669 (a) A licensed or third-party administrator;
670 (b) A licensed insurance producer, including a limited
671 lines producer; or
672 (c) A travel administrator.
673 (9) "Travel administrator" means a person who directly or
674 indirectly underwrites policies for; collects charges,
675 collateral, or premiums from; or adjusts or settles claims made
676 by residents of this state in connection with travel insurance,
677 except that a person is not considered a travel administrator if
678 the person is:
679 (a) A person working for a travel administrator, to the
680 extent that the person's activities are subject to the
681 supervision and control of the travel administrator;
682 (b) An insurance producer selling insurance or engaged in
683 administrative and claims-related activities within the scope of
684 the producer's license;
685 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
686 offering and disseminating travel insurance and registered under
687 the license of a limited lines travel insurance producer in
688 accordance with s. 626.321(1)(c);
689 (d) A person adjusting or settling claims in the normal
690 course of the person's practice or employment as an attorney at
691 law, without collecting charges or premiums in connection with
692 insurance coverage; or
693 (e) A business entity that is affiliated with a licensed
694 insurer while acting as a travel administrator for the direct
695 and assumed insurance business of the affiliated insurer.
696 (10) "Travel assistance services" means noninsurance

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697 services for which the consumer is not indemnified based on a
698 fortuitous event, and the provision of which does not result in
699 the transfer or shifting of risk which would constitute the
700 business of insurance. The term includes, but is not limited to,
701 security advisories, destination information, vaccination and
702 immunization information services, travel reservation services,
703 entertainment, activity and event planning, translation
704 assistance, emergency messaging, international legal and medical
705 referrals, medical case monitoring, coordination of
706 transportation arrangements, emergency cash transfer assistance,
707 medical prescription replacement assistance, passport and travel
708 document replacement assistance, lost luggage assistance,
709 concierge services, and any other service that is furnished in
710 connection with planned travel. Travel assistance services are
711 not insurance and are not related to insurance.

712 (11) "Travel insurance" means insurance coverage for
713 personal risks incidental to planned travel, including:
714 (a) Interruption or cancellation of trip or event;
715 (b) Loss of baggage or personal effects;
716 (c) Damages to accommodations or rental vehicles;
717 (d) Sickness, accident, disability, or death occurring
718 during travel;
719 (e) Emergency evacuation;
720 (f) Repatriation of remains; or
721 (g) Any other contractual obligations to indemnify or pay a
722 specified amount to the traveler upon determinable contingencies
723 related to travel, as determined by the office.

724
725 The term does not include major medical plans that provide

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726 comprehensive medical protection for travelers with trips
727 lasting longer than 6 months, including major medical plans for
728 those working or residing overseas as expatriates, or any other
729 product that requires a specific insurance producer license.

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

733 Section 17. Section 647.03, Florida Statutes, is created to
734 read:

735 647.03 Premium tax.—

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

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

739 (b) "Primary policyholder" means an individual who
740 purchases individual travel insurance.

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

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

745 (b) A primary certificateholder who is a resident of this
746 state.

747 (c) A blanket travel insurance policyholder:

748 1. Who is a resident in this state;

749 2. Who has his or her principal place of business in this
750 state; or

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

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755 The premium tax under this subsection is subject to any
756 apportionment rules that apply to an insurer across multiple
757 taxing jurisdictions or that authorize an insurer to allocate
758 premium on an apportioned basis in a reasonable and equitable
759 manner in those jurisdictions.

760 (3) A travel insurer shall:

761 (a) Document the state of residence or principal place of
762 business of the policyholder or certificateholder, or an
763 affiliate or subsidiary thereof, as required under subsection
764 (2).

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

768 Section 18. Section 647.04, Florida Statutes, is created to
769 read:

770 647.04 Travel protection plans.—A travel protection plan
771 may be offered for one price for the combined features that the
772 travel protection plan offers in this state if the travel
773 protection plan meets all of the following requirements:

774 (1) The travel protection plan clearly discloses to the
775 consumer, at or before the time of purchase, that it includes
776 travel insurance, travel assistance services, and cancellation
777 fee waivers, as applicable, and provides information and an
778 opportunity, at or before the time of purchase, for the consumer
779 to obtain additional information regarding the features and
780 pricing of each.

781 (2) The fulfillment materials:

782 (a) Describe and delineate the travel insurance, travel
783 assistance services, and cancellation fee waivers in the travel

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784 protection plan.

785 (b) Include the travel insurance disclosures required in
786 this chapter, the contact information for persons providing
787 travel assistance services, and cancellation fee waivers, as
788 applicable.

789 Section 19. Section 647.05, Florida Statutes, is created to
790 read:

791 647.05 Sales practices.-

792 (1) (a) All documents provided to a consumer before the
793 purchase of travel insurance, including, but not limited to,
794 sales materials, advertising materials, and marketing materials,
795 must be consistent with the travel insurance policy, including,
796 but not limited to, forms, endorsements, policies, rate filings,
797 and certificates of insurance.

798 (b) For travel insurance policies or certificates that
799 contain preexisting condition exclusions, information and an
800 opportunity to learn more about the preexisting condition
801 exclusions must be provided any time before the purchase.
802 Information on the exclusions and the opportunity to learn more
803 about these exclusions must be included in the coverage's
804 fulfillment materials.

805 (c) The fulfillment materials and the information described
806 in s. 626.321(1)(c)3.a. must be provided to a policyholder or
807 certificateholder as soon as practicable after the purchase of a
808 travel protection plan. Unless the insured has started a covered
809 trip or filed a claim under the travel insurance coverage, the
810 policyholder or certificateholder may cancel a policy or
811 certificate for a full refund of the travel protection plan
812 price from the date of purchase of a travel protection plan

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813 until at least:

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

816 2. Ten days after the date of delivery of the travel
817 protection plan's fulfillment materials by means other than
818 postal mail.

819

820 For the purposes of this paragraph, the term "delivery" means
821 handing fulfillment materials to the policyholder or
822 certificateholder or sending fulfillment materials by postal
823 mail or electronic means to the policyholder or
824 certificateholder.

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

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

832 1. The web page provides an accurate summary or short
833 description of the coverage.

834 2. The consumer has access to the full provisions of the
835 policy through electronic means.

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

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

846 (a) Purchasing the coverage required by the destination
847 jurisdiction through the travel retailer, as defined s.
848 626.321(1)(c)2., or limited lines travel insurance producer
849 supplying the trip or travel package; or

850 (b) Agreeing to obtain and provide proof of coverage that
851 meets the destination jurisdiction's requirements before
852 departure.

853 (4) (a) A person offering travel insurance to residents of
854 this state is subject to part IX of chapter 626, the Unfair
855 Insurance Trade Practices Act, except as otherwise provided in
856 this chapter. If a conflict arises between this chapter and the
857 Unfair Insurance Trade Practices Act regarding the sale and
858 marketing of travel insurance and travel protection plans, the
859 provisions of this chapter shall control.

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

862 1. Offers or sells a travel insurance policy that could
863 never result in payment of any claims for any insured under the
864 policy; or

865 2. Markets blanket travel insurance coverage as free.

866 Section 20. Section 647.06, Florida Statutes, is created to
867 read:

868 647.06 Travel administrators.—

869 (1) Notwithstanding any other provision of the Florida
870 Insurance Code, a person may not act or represent himself or

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871 herself as a travel administrator in this state unless the
872 person:

873 (a) Is a licensed and appointed property and casualty
874 insurance producer in this state for activities authorized under
875 that producer license;

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

878 (c) Holds a valid third-party administrator license in this
879 state.

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

883 (3) An insurer is responsible for ensuring that a travel
884 administrator administering travel insurance underwritten by the
885 insurer:

886 (a) Acts in accordance with this chapter.

887 (b) Maintains all books and records that are relevant to
888 the insurer and makes these books and records available to the
889 department upon request.

890 Section 21. Section 647.07, Florida Statutes, is created to
891 read:

892 647.07 Travel insurance policy.-

893 (1) Notwithstanding any other provision of the Florida
894 Insurance Code, travel insurance shall be classified and filed
895 for purposes of rates and forms under the inland marine line of
896 insurance; however, travel insurance that provides coverage for
897 sickness, accident, disability, or death occurring during
898 travel, either exclusively or in conjunction with related
899 coverages of emergency evacuation or repatriation of remains, or

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900 incidental limited property and casualty benefits, such as
901 baggage or trip cancellation, may be classified and filed for
902 purposes of rates and forms under either the accident and health
903 line of insurance or the inland marine line of insurance.

904 (2) Travel insurance may be in the form of an individual,
905 group, or blanket policy. Group or blanket policies are
906 classified as commercial inland marine insurance under s.
907 627.021(2) (d). Travel insurance policies not issued to a
908 commercial entity and primarily used for personal, family, or
909 household purposes are considered personal inland marine
910 insurance and shall not be subject to s. 627.062. Sections of
911 policies or endorsements for travel insurance which are
912 considered personal inland marine insurance consisting of travel
913 assistance services or cancellation fee waivers are not subject
914 to s. 627.410.

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

918 Section 22. Section 647.08, Florida Statutes, is created to
919 read:

920 647.08 Rulemaking authority.—The department shall adopt
921 rules to administer this chapter.

922 Section 23. Except as otherwise expressly provided in this
923 act and except for this section, which shall take effect upon
924 this act becoming a law, this act shall take effect July 1,
925 2020.