

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Santiago offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

9 319.30 Definitions; dismantling, destruction, change of
 10 identity of motor vehicle or mobile home; salvage.—

11 (3)

12 (d) An electronic signature that is consistent with
 13 chapter 668 satisfies any signature required under this
 14 subsection, except that an electronic signature on an odometer
 15 disclosure submitted through an insurance company must be
 16 executed using an electronic signature, as defined in s.

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17 668.003(4), which ~~that~~ uses a system providing an Identity
18 Assurance Level, Authenticator Assurance Level, and Federation
19 Assurance Level, as described in the National Institute of
20 Standards and Technology Special Publication 800-63-3, as of
21 December 1, 2017, which ~~that~~ are equivalent to or greater than
22 ~~1.~~ Level 2, for each level, for a certificate of
23 destruction or.

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

26 Section 2. Paragraph (a) of subsection (1) of section
27 440.12, Florida Statutes, is amended to read:

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

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

35 (a) All weekly compensation payments, except for the first
36 payment, must be paid by check or, if authorized by the
37 employee, paid on a prepaid card pursuant to paragraph (b), ~~or~~
38 deposited directly into the employee's account at a financial
39 institution as defined in s. 655.005, or transmitted to the
40 employee's account with a money transmitter licensed under part
41 II of chapter 560.

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

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

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

63 (6) (a) If any installment of compensation for death or
64 dependency benefits, or compensation for disability benefits
65 payable without an award is not paid within 7 days after it
66 becomes due, as provided in subsection (2), subsection (3), or

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67 subsection (4), there shall be added to such unpaid installment
68 a penalty of an amount equal to 20 percent of the unpaid
69 installment, which shall be paid at the same time as, but in
70 addition to, such installment of compensation. This penalty
71 shall not apply for late payments resulting from conditions over
72 which the employer or carrier had no control. When any
73 installment of compensation payable without an award has not
74 been paid within 7 days after it became due and the claimant
75 concludes the prosecution of the claim before a judge of
76 compensation claims without having specifically claimed
77 additional compensation in the nature of a penalty under this
78 section, the claimant will be deemed to have acknowledged that,
79 owing to conditions over which the employer or carrier had no
80 control, such installment could not be paid within the period
81 prescribed for payment and to have waived the right to claim
82 such penalty. However, during the course of a hearing, the judge
83 of compensation claims shall on her or his own motion raise the
84 question of whether such penalty should be awarded or excused.
85 The department may assess without a hearing the penalty against
86 either the employer or the carrier, depending upon who was at
87 fault in causing the delay. The insurance policy cannot provide
88 that this sum will be paid by the carrier if the department or
89 the judge of compensation claims determines that the penalty
90 should be paid by the employer rather than the carrier. Any
91 additional installment of compensation paid by the carrier

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92 pursuant to this section shall be paid directly to the employee
93 by check or, if authorized by the employee, by direct deposit
94 into the employee's account at a financial institution or by
95 transmission to the employee's account with a money transmitter
96 licensed under part II of chapter 560.

97 Section 4. Section 624.01, Florida Statutes, is amended to
98 read:

99 624.01 Short title.—Chapters 624-632, 634, 635, 636, 641,
100 642, 647, 648, and 651 constitute the "Florida Insurance Code."

101 Section 5. Subsection (3) of section 624.155, Florida
102 Statutes, is amended to read:

103 624.155 Civil remedy.—

104 (3) (a) As a condition precedent to bringing an action
105 under this section, the department and the authorized insurer
106 must have been given 60 days' written notice of the violation.

107 Notice to the authorized insurer must be provided by the
108 department to the e-mail address designated by the insurer under
109 s. 624.422.

110 (b) The notice shall be on a form provided by the
111 department and shall state with specificity the following
112 information, and such other information as the department may
113 require:

114 1. The statutory provision, including the specific
115 language of the statute, which the authorized insurer allegedly
116 violated.

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117 2. The facts and circumstances giving rise to the
118 violation.

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

120 4. Reference to specific policy language that is relevant
121 to the violation, if any. If the person bringing the civil
122 action is a third party claimant, she or he shall not be
123 required to reference the specific policy language if the
124 authorized insurer has not provided a copy of the policy to the
125 third party claimant pursuant to written request.

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

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

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

136 (e) The applicable statute of limitations for an action
137 under this section shall be tolled for a period of 60 ~~65~~ days
138 after the:

139 1. Insurer receives from the department ~~by the mailing of~~
140 the notice required by this subsection.

141 2. Date appraisal is invoked pursuant to paragraph (f) ~~or~~

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142 ~~the mailing of a subsequent notice required by this subsection.~~

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

146 Section 6. Subsection (4) of section 624.307, Florida
147 Statutes, is amended to read:

148 624.307 General powers; duties.—

149 (4) The department and office may each collect, propose,
150 publish, and disseminate information relating to the subject
151 matter of any duties imposed upon it by law. Aggregate
152 information published or disseminated by the department or
153 office under this subsection may include information covered by
154 a notice of trade secret under s. 624.4213(1), unless the
155 information can be individually extrapolated, in which case the
156 information may not be published or disseminated by the
157 department or the office.

158 Section 7. Subsection (4) is added to section 624.315,
159 Florida Statutes, to read:

160 624.315 Department; annual report.—

161 (4) The office may include information covered by a notice
162 of trade secret under s. 624.4213(1) in the report under
163 subsection (1) or make the information available under
164 subsection (2), unless the information can be individually
165 extrapolated, in which case the information may not be published
166 or disseminated by the department or the office.

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167 Section 8. Subsection (2) of section 624.422, Florida
168 Statutes, is amended to read:

169 624.422 Service of process; appointment of Chief Financial
170 Officer as process agent.—

171 (2) Prior to its authorization to transact insurance in
172 this state, each insurer shall file with the department
173 designation of the name and address of the person to whom
174 process against it served upon the Chief Financial Officer is to
175 be forwarded. Each insurer shall also file with the department
176 designation of the name and e-mail address of the person to whom
177 the department shall forward civil remedy notices filed under
178 624.155. The insurer may change a ~~the~~ designation at any time by
179 a new filing.

180 Section 9. Paragraph (c) of subsection (1) of section
181 626.321, Florida Statutes, is amended to read:

182 626.321 Limited licenses and registration.—

183 (1) The department shall issue to a qualified applicant a
184 license as agent authorized to transact a limited class of
185 business in any of the following categories of limited lines
186 insurance:

187 (c) *Travel insurance*.—License covering only policies and
188 certificates of travel insurance which are subject to review by
189 the office. Policies and certificates of travel insurance may
190 provide coverage for travel insurance, as defined in s. 647.02
191 ~~risks incidental to travel, planned travel, or accommodations~~

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192 ~~while traveling, including, but not limited to, accidental death~~
193 ~~and dismemberment of a traveler; trip or event cancellation,~~
194 ~~interruption, or delay; loss of or damage to personal effects or~~
195 ~~travel documents; damages to travel accommodations; baggage~~
196 ~~delay; emergency medical travel or evacuation of a traveler; or~~
197 ~~medical, surgical, and hospital expenses related to an illness~~
198 ~~or emergency of a traveler. Such policy or certificate may be~~
199 ~~issued for terms longer than 90 days, but, other than a policy~~
200 ~~or certificate providing coverage for air ambulatory services~~
201 ~~only, each policy or certificate must be limited to coverage for~~
202 ~~travel or use of accommodations of no longer than 90 days. The~~
203 license may be issued only to an individual or business entity
204 that has filed with the department an application for a license
205 in a form and manner prescribed by the department.

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

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

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

214 b. May, under subparagraph 3., offer and disseminate
215 travel insurance as a service to its customers on behalf of and
216 under the direction of a limited lines travel insurance

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217 producer.

218 3. A travel retailer may offer and disseminate travel
219 insurance under a limited lines travel insurance producer
220 business entity license only if all of the following
221 requirements are met:

222 a. The limited lines travel insurance producer or travel
223 retailer provides to purchasers of travel insurance:

224 (I) A description of the material terms or the actual
225 material terms of the insurance coverage.

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

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

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

231 b. At the time of licensure, the limited lines travel
232 insurance producer establishes and maintains a register on the
233 department's website and appoints each travel retailer that
234 offers travel insurance on behalf of the limited lines travel
235 insurance producer. The limited lines travel insurance producer
236 must maintain and update the register, which must include the
237 travel retailer's federal tax identification number and the
238 name, address, and contact information of the travel retailer
239 and an officer or person who directs or controls the travel
240 retailer's operations. The limited lines travel insurance
241 producer shall submit the register to the department upon

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242 reasonable request. The limited lines travel insurance producer
243 shall also certify that the travel retailer register complies
244 with 18 U.S.C. s. 1033. The grounds for the suspension and
245 revocation and the penalties applicable to resident insurance
246 producers under this section apply to the limited lines travel
247 insurance producers and travel retailers.

248 c. The limited lines travel insurance producer has
249 designated one of its employees as the designated responsible
250 producer. The designated responsible producer, who must be a
251 licensed insurance producer, is responsible for compliance with
252 the travel insurance laws and regulations applicable to the
253 limited lines travel insurance producer and its registrants. The
254 designated responsible producer and the president, secretary,
255 treasurer, and any other officer or person who directs or
256 controls the limited lines travel insurance producer's insurance
257 operations must comply with the fingerprinting requirements
258 applicable to insurance producers in the resident state of the
259 limited lines travel insurance producer.

260 d. The limited lines travel insurance producer has paid
261 all applicable licensing and appointment fees, as set forth in
262 applicable general law.

263 e. The limited lines travel insurance producer requires
264 each employee and each authorized representative of the travel
265 retailer whose duties include offering and disseminating travel
266 insurance to receive a program of instruction or training, which

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267 is subject, at the discretion of the department, to review and
268 approval. The training material must, at a minimum, contain
269 adequate instructions on the types of insurance offered, ethical
270 sales practices, and required disclosures to prospective
271 purchasers.

272
273 As used in this paragraph, the term "offer and disseminate"
274 means to provide general information, including a description of
275 the coverage and price, as well as processing the application
276 and collecting premiums.

277 4. A travel retailer offering or disseminating travel
278 insurance shall make available to prospective purchasers
279 brochures or other written materials that have been approved by
280 the travel insurer. Such materials must include information
281 that, at a minimum:

282 a. Provides the identity and contact information of the
283 insurer and the limited lines travel insurance producer.

284 b. Explains that the purchase of travel insurance is not
285 required in order to purchase any other product or service from
286 the travel retailer.

287 c. Explains that a travel retailer is authorized to
288 provide only general information about the insurance offered by
289 the travel retailer, including a description of the coverage and
290 price, but is not qualified or authorized to answer technical
291 questions about the terms and conditions of the insurance

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292 offered by the travel retailer or to evaluate the adequacy of
293 the customer's existing insurance coverage.

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

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

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

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

302

303 Notwithstanding any other law, a travel retailer whose
304 insurance-related activities, and those of its employees and
305 authorized representatives, are limited to offering and
306 disseminating travel insurance on behalf of and under the
307 direction of a limited lines travel insurance producer meeting
308 the conditions in this section may receive related compensation
309 upon registration by the limited lines travel insurance producer
310 as described in paragraph (2) (b).

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

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

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317 ~~1. To a full-time salaried employee of a common carrier or~~
318 ~~a full-time salaried employee or owner of a transportation~~
319 ~~ticket agency and may authorize the sale of such ticket policies~~
320 ~~only in connection with the sale of transportation tickets, or~~
321 ~~to the full-time salaried employee of such an agent. Such policy~~
322 ~~may not be for more than 48 hours or more than the duration of a~~
323 ~~specified one-way trip or round trip.~~

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

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

327 ~~b. An exchange company operating an exchange program~~
328 ~~approved under chapter 721;~~

329 ~~e. A managing entity operating a timeshare plan approved~~
330 ~~under chapter 721;~~

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

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

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

338 ~~a. A license issued to a business entity that offers~~
339 ~~travel planning services must encompass each office, branch~~
340 ~~office, or place of business making use of the entity's business~~
341 ~~name in order to offer, solicit, and sell insurance pursuant to~~

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342 ~~this paragraph.~~

343 ~~b. The application for licensure must list the name,~~
344 ~~address, and phone number for each office, branch office, or~~
345 ~~place of business that is to be covered by the license. The~~
346 ~~licensee shall notify the department of the name, address, and~~
347 ~~phone number of any new location that is to be covered by the~~
348 ~~license before the new office, branch office, or place of~~
349 ~~business engages in the sale of insurance pursuant to this~~
350 ~~paragraph. The licensee shall notify the department within 30~~
351 ~~days after the closing or terminating of an office, branch~~
352 ~~office, or place of business. Upon receipt of the notice, the~~
353 ~~department shall delete the office, branch office, or place of~~
354 ~~business from the license.~~

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

359
360 ~~A licensee shall require each individual who offers policies or~~
361 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
362 ~~initial training from a general lines agent or an insurer~~
363 ~~authorized under chapter 624 to transact insurance within this~~
364 ~~state. For an entity applying for a license as a travel~~
365 ~~insurance agent, the fingerprinting requirement of this section~~
366 ~~applies only to the president, secretary, and treasurer and to~~

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367 ~~any other officer or person who directs or controls the travel~~
368 ~~insurance operations of the entity.~~

369 Section 10. Paragraph (a) of subsection (2) of section
370 627.062, Florida Statutes, is amended to read:

371 627.062 Rate standards.—

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

373 (a) Insurers or rating organizations shall establish and
374 use rates, rating schedules, or rating manuals that allow the
375 insurer a reasonable rate of return on the classes of insurance
376 written in this state. A copy of rates, rating schedules, rating
377 manuals, premium credits or discount schedules, and surcharge
378 schedules, and changes thereto, must be filed with the office
379 under one of the following procedures:

380 1. If the filing is made at least 90 days before the
381 proposed effective date and is not implemented during the
382 office's review of the filing and any proceeding and judicial
383 review, such filing is considered a "file and use" filing. In
384 such case, the office shall finalize its review by issuance of a
385 notice of intent to approve or a notice of intent to disapprove
386 within 90 days after receipt of the filing. If the 90-day period
387 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
388 must be extended until the conclusion of the next business day.

389 The notice of intent to approve and the notice of intent to
390 disapprove constitute agency action for purposes of the
391 Administrative Procedure Act. Requests for supporting

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392 information, requests for mathematical or mechanical
393 corrections, or notification to the insurer by the office of its
394 preliminary findings does not toll the 90-day period during any
395 such proceedings and subsequent judicial review. The rate shall
396 be deemed approved if the office does not issue a notice of
397 intent to approve or a notice of intent to disapprove within 90
398 days after receipt of the filing.

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

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

412
413 The provisions of this subsection do not apply to workers'
414 compensation, employer's liability insurance, and motor vehicle
415 insurance.

416 Section 11. Paragraph (a) of subsection (1) of section

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417 627.0651, Florida Statutes, is amended to read:

418 627.0651 Making and use of rates for motor vehicle
419 insurance.-

420 (1) Insurers shall establish and use rates, rating
421 schedules, or rating manuals to allow the insurer a reasonable
422 rate of return on motor vehicle insurance written in this state.
423 A copy of rates, rating schedules, and rating manuals, and
424 changes therein, shall be filed with the office under one of the
425 following procedures:

426 (a) If the filing is made at least 60 days before the
427 proposed effective date and the filing is not implemented during
428 the office's review of the filing and any proceeding and
429 judicial review, such filing shall be considered a "file and
430 use" filing. In such case, the office shall initiate proceedings
431 to disapprove the rate and so notify the insurer or shall
432 finalize its review within 60 days after receipt of the filing.
433 If the 60-day period ends on a weekend or a holiday under s.
434 110.117(1)(a)-(i), it must be extended until the conclusion of
435 the next business day. Notification to the insurer by the office
436 of its preliminary findings shall toll the 60-day period during
437 any such proceedings and subsequent judicial review. The rate
438 shall be deemed approved if the office does not issue notice to
439 the insurer of its preliminary findings within 60 days after the
440 filing.

441 Section 12. Subsection (2) of section 627.410, Florida

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442 Statutes, is amended to read:

443 627.410 Filing, approval of forms.—

444 (2) Every such filing must be made at least 30 days in
445 advance of any such use or delivery. At the expiration of the 30
446 days, the form filed will be deemed approved unless prior
447 thereto it has been affirmatively approved or disapproved by
448 order of the office. The approval of such form by the office
449 constitutes a waiver of any unexpired portion of such waiting
450 period. The office may extend the period within which it may
451 affirmatively approve or disapprove such form by up to 15 days
452 by giving notice of such extension before expiration of the
453 initial 30-day period. If the initial 30-day period or the 15-
454 day extension period ends on a weekend or a holiday under s.
455 110.117(1)(a)-(i), the review period must be extended until the
456 conclusion of the next business day. At the expiration of such
457 extended period, and in the absence of prior affirmative
458 approval or disapproval, such form shall be deemed approved.

459 Section 13. Subsection (2) of section 627.714, Florida
460 Statutes, is amended to read:

461 627.714 Residential condominium unit owner coverage; loss
462 assessment coverage required.—

463 (2) The maximum amount of any unit owner's loss assessment
464 coverage that can be assessed for any loss shall be an amount
465 equal to that unit owner's loss assessment coverage limit in
466 effect 1 day before the date of the occurrence that gave rise to

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467 the loss. Such coverage is applicable to any loss assessment
468 regardless of the date of the assessment by the association. Any
469 changes to the limits of a unit owner's coverage for loss
470 assessments made on or after the day before the date of the
471 occurrence are not applicable to such loss.

472 Section 14. Subsection (4) of section 627.7295, Florida
473 Statutes, is amended to read:

474 627.7295 Motor vehicle insurance contracts.—

475 (4) The insurer may cancel the policy in accordance with
476 this code except that, notwithstanding s. 627.728, an insurer
477 may not cancel a new policy or binder during the first 30 ~~60~~
478 days immediately following the effective date of the policy or
479 binder for nonpayment of premium unless the reason for the
480 cancellation is the issuance of a check for the premium that is
481 dishonored for any reason or any other type of premium payment
482 that was subsequently determined to be rejected or invalid.

483 Section 15. The Division of Law Revision is directed to
484 create chapter 647, Florida Statutes, consisting of ss. 647.01-
485 647.08, Florida Statutes, to be entitled "Travel Insurance."

486 Section 16. Section 647.01, Florida Statutes, is created
487 to read:

488 647.01 Purpose and scope.—

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

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492 (2) This chapter applies to:

493 (a) Travel insurance that covers any resident of this
494 state and that is sold, solicited, negotiated, or offered in
495 this state.

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

498
499 This chapter does not apply to cancellation fee waivers or
500 travel assistance services, except as expressly provided in this
501 chapter.

502 (3) All other applicable provisions of the insurance laws
503 of this state continue to apply to travel insurance, except that
504 the specific provisions of this chapter shall supersede any
505 general provisions of law that would otherwise be applicable to
506 travel insurance.

507 Section 17. Section 647.02, Florida Statutes, is created
508 to read:

509 647.02 Definitions.—As used in this chapter, the term:

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

514 (2) "Blanket travel insurance" means a policy of travel
515 insurance issued to an eligible group providing coverage to all
516 members of the eligible group without a separate charge to

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517 individual members of the eligible group.

518 (3) "Cancellation fee waiver" means a contractual
519 agreement between a supplier of travel services and its customer
520 to waive some or all of the nonrefundable cancellation fee
521 provisions of the supplier's underlying travel contract with or
522 without regard to the reason for the cancellation or form of
523 reimbursement. A cancellation fee waiver is not insurance.

524 (4) "Eligible group," solely for the purposes of travel
525 insurance, means two or more persons who are engaged in a common
526 enterprise or who have an economic, educational, or social
527 affinity or relationship, including, but not limited to, any of
528 the following:

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

531 1. A tour operator, lodging provider, vacation property
532 owner, hotel, resort, travel club, travel agency, property
533 manager, and cultural exchange program.

534 2. An operator, owner, or lessor of a means of
535 transportation of passengers, including, but not limited to, a
536 common carrier, airline, cruise line, railroad, steamship
537 company, and public bus carrier.

538
539 With regard to any particular travel or type of travel or
540 travelers, all members or customers of the group must have a
541 common exposure to risk attendant to such travel.

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

544 (c) An employer covering any group of employees,
545 volunteers, contractors, board of directors, dependents, or
546 guests.

547 (d) A sports team or camp, or a sponsor thereof, covering
548 participants, members, campers, employees, officials,
549 supervisors, or volunteers.

550 (e) A religious, charitable, recreational, educational, or
551 civic organization, or a branch thereof, covering any group of
552 members, participants, or volunteers.

553 (f) A financial institution or financial institution
554 vendor, or a parent holding company, trustee, or agent of or
555 designated by one or more financial institutions or financial
556 institution vendors, including account holders, credit card
557 holders, debtors, guarantors, or purchasers.

558 (g) An incorporated or unincorporated association,
559 including a labor union, having a common interest and
560 constitution and bylaws, which is organized and maintained in
561 good faith for purposes other than obtaining insurance coverage
562 for its members or participants.

563 (h) A trust or the trustees of a fund that covers its
564 members, employees, or customers and is established, created, or
565 maintained for the benefit of its members, employees, or
566 customers, subject to:

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

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

573 (i) An entertainment production company covering any group
574 of participants, volunteers, audience members, contestants, or
575 workers.

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

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

581 (l) An automobile or truck rental or leasing company
582 covering a group of individuals who may become renters, lessees,
583 or passengers as defined by their travel status on the rented or
584 leased vehicles. The common carrier, the operator, owner, or
585 lessor of a means of transportation, or the motor vehicle or
586 truck rental or leasing company is the policyholder under a
587 policy to which this section applies.

588 (m) Any other group for which the department has made the
589 following determinations:

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

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592 relationship.

593 2. Issuance of the travel insurance policy is not contrary
594 to the public interest.

595 (5) "Fulfillment materials" means documentation sent to
596 the purchaser of a travel protection plan confirming the
597 purchase and providing the travel protection plan's coverage and
598 assistance details.

599 (6) "Group travel insurance" means travel insurance issued
600 to an eligible group.

601 (7) "Limited lines travel insurance producer" means:

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

603 (b) A licensed insurance producer, including a limited
604 lines producer; or

605 (c) A travel administrator.

606 (8) "Travel administrator" means a person who directly or
607 indirectly underwrites policies for; collects charges,
608 collateral, or premiums from; or adjusts or settles claims made
609 by residents of this state in connection with travel insurance,
610 except that a person is not considered a travel administrator if
611 the person is:

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

615 (b) An insurance producer selling insurance or engaged in
616 administrative and claims-related activities within the scope of

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617 the producer's license;

618 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
619 offering and disseminating travel insurance and registered under
620 the license of a limited lines travel insurance producer in
621 accordance with s. 626.321(1)(c);

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

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

629 (9) "Travel assistance services" means noninsurance
630 services for which the consumer is not indemnified based on a
631 fortuitous event, and the provision of which does not result in
632 the transfer or shifting of risk which would constitute the
633 business of insurance. The term includes, but is not limited to,
634 security advisories, destination information, vaccination and
635 immunization information services, travel reservation services,
636 entertainment, activity and event planning, translation
637 assistance, emergency messaging, international legal and medical
638 referrals, medical case monitoring, coordination of
639 transportation arrangements, emergency cash transfer assistance,
640 medical prescription replacement assistance, passport and travel
641 document replacement assistance, lost luggage assistance,

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642 concierge services, and any other service that is furnished in
643 connection with planned travel. Travel assistance services are
644 not insurance and are not related to insurance.

645 (10) "Travel insurance" means insurance coverage for
646 personal risks incidental to planned travel, including:

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

648 (b) Loss of baggage or personal effects;

649 (c) Damages to accommodations or rental vehicles;

650 (d) Sickness, accident, disability, or death occurring
651 during travel;

652 (e) Emergency evacuation; or

653 (f) Any other contractual obligations to indemnify or pay
654 a specified amount to the traveler upon determinable
655 contingencies related to travel, as determined by the office.

656

657 Travel insurance does not include major medical plans that
658 provide comprehensive medical protection for travelers with
659 trips lasting longer than 6 months, including major medical
660 plans for those working or residing abroad as expatriates, any
661 other product that requires a specific insurance producer
662 license, or a contract sold by a ch. 497 licensee for
663 repatriation of remains or funeral services to be provided for a
664 beneficiary who dies outside of the service area of the
665 licensee.

666 (11) "Travel protection plan" means a plan that provides

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667 one or more of the following: travel insurance, travel
668 assistance services, and cancellation fee waivers.

669 Section 18. Section 647.03, Florida Statutes, is created
670 to read:

671 647.03 Premium tax.—

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

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

675 (b) "Primary policyholder" means an individual who
676 purchases individual travel insurance.

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

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

682 (b) A primary certificateholder who is a resident of this
683 state.

684 (c) A blanket travel insurance policyholder:

685 1. Who is a resident in this state;

686 2. Who has his or her principal place of business in this
687 state; or

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

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692 The premium tax under this subsection is subject to any
693 apportionment rules that apply to an insurer across multiple
694 taxing jurisdictions or that authorize an insurer to allocate
695 premium on an apportioned basis in a reasonable and equitable
696 manner in those jurisdictions.

697 (3) A travel insurer shall:

698 (a) Document the state of residence or principal place of
699 business of the policyholder or certificateholder, or an
700 affiliate or subsidiary thereof, as required under subsection

701 (2).

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

705 Section 19. Section 647.04, Florida Statutes, is created
706 to read:

707 647.04 Travel protection plans.—A travel protection plan
708 may be offered for one price for the combined features that the
709 travel protection plan offers in this state if the travel
710 protection plan meets all of the following requirements:

711 (1) The travel protection plan clearly discloses to the
712 consumer, at or before the time of purchase, that it includes
713 travel insurance, travel assistance services, and cancellation
714 fee waivers, as applicable, and provides information and an
715 opportunity, at or before the time of purchase, for the consumer
716 to obtain additional information regarding the features and

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717 pricing of each.

718 (2) The fulfillment materials:

719 (a) Describe and delineate the travel insurance, travel
720 assistance services, and cancellation fee waivers in the travel
721 protection plan.

722 (b) Include the travel insurance disclosures required in
723 this chapter, the contact information for persons providing
724 travel assistance services, and cancellation fee waivers, as
725 applicable.

726 Section 20. Section 647.05, Florida Statutes, is created
727 to read:

728 647.05 Sales practices.—

729 (1) (a) All documents provided to a consumer before the
730 purchase of travel insurance, including, but not limited to,
731 sales materials, advertising materials, and marketing materials,
732 must be consistent with the travel insurance policy, including,
733 but not limited to, forms, endorsements, policies, rate filings,
734 and certificates of insurance.

735 (b) For travel insurance policies or certificates that
736 contain preexisting condition exclusions, information and an
737 opportunity to learn more about the preexisting condition
738 exclusions must be provided any time before the purchase.
739 Information on the exclusions and the opportunity to learn more
740 about these exclusions must be included in the coverage's
741 fulfillment materials.

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742 (c) The fulfillment materials and the information
743 described in s. 626.321(1)(c)3.a. must be provided to a
744 policyholder or certificateholder as soon as practicable after
745 the purchase of a travel protection plan. Unless the insured has
746 started a covered trip or filed a claim under the travel
747 insurance coverage, the policyholder or certificateholder may
748 cancel a policy or certificate for a full refund of the travel
749 protection plan price from the date of purchase of a travel
750 protection plan until at least:

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

753 2. Ten days after the date of delivery of the travel
754 protection plan's fulfillment materials by means other than
755 postal mail.

756
757 For the purposes of this paragraph, the term "delivery" means
758 handing fulfillment materials to the policyholder or
759 certificateholder or sending fulfillment materials by postal
760 mail or electronic means to the policyholder or
761 certificateholder.

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

765 (e) If travel insurance is marketed directly to a consumer
766 through an insurer's website or by others through an aggregator

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767 site, it is not an unfair trade practice or other violation of
768 law if the following requirements are met:

769 1. The web page provides an accurate summary or short
770 description of the coverage.

771 2. The consumer has access to the full provisions of the
772 policy through electronic means.

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

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

783 (a) Purchasing the coverage required by the destination
784 jurisdiction through the travel retailer, as defined s.
785 626.321(1)(c)2., or limited lines travel insurance producer
786 supplying the trip or travel package; or

787 (b) Agreeing to obtain and provide proof of coverage that
788 meets the destination jurisdiction's requirements before
789 departure.

790 (4) (a) A person offering travel insurance to residents of
791 this state is subject to part IX of chapter 626, the Unfair

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792 Insurance Trade Practices Act, except as otherwise provided in
793 this chapter. If a conflict arises between this chapter and the
794 Unfair Insurance Trade Practices Act regarding the sale and
795 marketing of travel insurance and travel protection plans, the
796 provisions of this chapter shall control.

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

799 1. Offers or sells a travel insurance policy that could
800 never result in payment of any claims for any insured under the
801 policy; or

802 2. Markets blanket travel insurance coverage as free.

803 Section 21. Section 647.06, Florida Statutes, is created
804 to read:

805 647.06 Travel administrators.-

806 (1) Notwithstanding any other provision of the Florida
807 Insurance Code, a person may not act or represent himself or
808 herself as a travel administrator in this state unless the
809 person:

810 (a) Is a licensed and appointed property and casualty
811 insurance producer in this state for activities authorized under
812 that producer license;

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

815 (c) Holds a valid third-party administrator license in
816 this state.

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

820 (3) An insurer is responsible for ensuring that a travel
821 administrator administering travel insurance underwritten by the
822 insurer:

823 (a) Acts in accordance with this chapter.

824 (b) Maintains all books and records that are relevant to
825 the insurer and makes these books and records available to the
826 department upon request.

827 Section 22. Section 647.07, Florida Statutes, is created
828 to read:

829 647.07 Travel insurance policy.-

830 (1) Notwithstanding any other provision of the Florida
831 Insurance Code, travel insurance shall be classified and filed
832 for purposes of rates and forms under the inland marine line of
833 insurance; however, travel insurance that provides coverage for
834 sickness, accident, disability, or death occurring during
835 travel, either exclusively or in conjunction with related
836 coverages of emergency evacuation or repatriation of remains, or
837 incidental limited property and casualty benefits, such as
838 baggage or trip cancellation, may be classified and filed for
839 purposes of rates and forms under either the accident and health
840 line of insurance or the inland marine line of insurance.

841 (2) Travel insurance may be in the form of an individual,

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842 group, or blanket policy. Group or blanket policies are
843 classified as commercial inland marine insurance under s.
844 627.021(2)(d). Travel insurance policies not issued to a
845 commercial entity and primarily used for personal, family, or
846 household purposes are considered personal inland marine
847 insurance and shall not be subject to s. 627.062. Sections of
848 policies or endorsements for travel insurance which are
849 considered personal inland marine insurance consisting of travel
850 assistance services or cancellation fee waivers are not subject
851 to s. 627.410.

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

855 Section 23. Section 647.08, Florida Statutes, is created
856 to read:

857 647.08 Rulemaking authority.—The office shall adopt rules
858 to administer this chapter.

859 Section 24. Except as otherwise expressly provided in this
860 act and except for this section, which shall take effect upon
861 this act becoming a law, this act shall take effect July 1,
862 2020.

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

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867 Remove everything before the enacting clause and insert:
868 A bill to be entitled
869 An act relating to insurance; amending s. 319.30, F.S.; revising
870 a certain electronic signature requirement for a motor vehicle
871 salvage certificate of title; amending ss. 440.12 and 440.20,
872 F.S.; authorizing the payment of certain workers' compensation
873 benefits to be transmitted to the employee's account with a
874 licensed money transmitter; amending s. 624.155, F.S.; revising
875 requirements and procedures for the civil remedy notice provided
876 to insurers and the Department of Financial Services; revising
877 the timeframe for an insurer to pay damages or for certain
878 circumstances to be corrected; revising circumstances that toll
879 the applicable statute of limitations and the period the statute
880 of limitations is tolled; amending ss. 624.307 and 624.315,
881 F.S.; providing that certain aggregate information containing
882 trade secret information may be publicly disclosed by the
883 department or the Office of Insurance Regulation, except under
884 certain circumstances; amending s. 624.422, F.S., requiring
885 insurers to file with the department certain contact information
886 for service of process; amending s. 626.321, F.S.; providing
887 that certain travel insurance licenses are subject to review by
888 the department rather than by the office; revising persons who
889 may be licensed to transact in travel insurance; specifying
890 licensure and registration requirements for certain persons;
891 defining the term "travel retailer"; specifying requirements

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892 for, restrictions on, and authorized acts by travel retailers
893 and limited lines travel insurance producers; defining the term
894 "offer and disseminate"; authorizing certain persons to sell,
895 solicit, and negotiate travel insurance; amending ss. 627.062,
896 627.0651, and 627.410, F.S.; specifying that certain periods
897 ending on a weekend or on certain holidays are extended until
898 the conclusion of the next business day; amending s. 627.714,
899 F.S.; revising criteria for assessing a residential condominium
900 unit owner's loss assessment coverage; amending s. 627.7295,
901 F.S.; decreasing the timeframe during which an insurer may not
902 cancel a new policy or binder of motor vehicle insurance for
903 nonpayment of premium, except under certain circumstances;
904 creating ch. 647, F.S., entitled "Travel Insurance"; creating s.
905 647.01, F.S.; providing legislative purpose; providing
906 applicability; creating s. 647.02, F.S.; defining terms;
907 creating s. 647.03, F.S.; defining the terms "primary
908 certificateholder" and "primary policyholder"; requiring travel
909 insurers to pay the insurance premium tax on specified travel
910 insurance premiums; providing construction; specifying
911 requirements for travel insurers; creating s. 647.04, F.S.;
912 providing that a travel protection plan may be offered for one
913 price if it meets specified requirements; creating s. 647.05,
914 F.S.; specifying sales practice requirements, prohibited sales
915 practices, and authorized sales practices relating to travel
916 insurance; specifying a policyholder or certificateholder's

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917 right to cancel a travel protection plan for a full refund;
918 defining the term "delivery"; specifying unfair insurance trade
919 practices; providing construction; creating s. 647.06, F.S.;
920 specifying qualifications for travel administrators; providing
921 an exemption from certain licensure; providing that insurers are
922 responsible for ensuring certain acts by travel administrators;
923 creating s. 647.07, F.S.; specifying the classification for
924 travel insurance for rate filing purposes; specifying authorized
925 forms of travel insurance; providing applicability of certain
926 provisions of the Rating Law; authorizing the development and
927 provision of travel insurance programs on certain bases;
928 creating s. 647.08, F.S.; requiring the department to adopt
929 rules; providing effective dates.

930