

1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; revising the definition of the term "covered
4 policy" to include a coverage amount requested by
5 lenders under specified residential insurance policies
6 in certain circumstances; amending s. 624.01, F.S.;
7 adding ch. 647, F.S., to the list of statutes
8 composing the Florida Insurance Code; amending s.
9 626.321, F.S.; revising the list of individuals and
10 entities who may apply for licenses to transact a
11 limited class of business in specified categories of
12 limited lines insurance; revising the requirements for
13 such licenses; prohibiting persons from engaging in
14 certain acts unless licensed or registered; providing
15 authorizations and duties of limited lines travel
16 insurance producers and travel retailers; requiring
17 travel retailer registers; providing applicability of
18 penalties; providing fingerprinting requirements and
19 licensing and appointment fee requirements; providing
20 instruction or training requirements under certain
21 circumstances; authorizing travel retailers to receive
22 compensation under certain circumstances; providing
23 that limited lines travel insurance producers are
24 responsible for their travel retailers' acts;
25 authorizing persons licensed as general lines or

26 personal lines insurance agents to sell, solicit, and
27 negotiate travel insurance; amending s. 626.931, F.S.;
28 deleting provisions requiring certain surplus lines
29 agents to file affidavits with the Florida Surplus
30 Lines Service Office; amending s. 626.932, F.S.;
31 revising the timeline for the surplus lines agents'
32 tax remittance; amending s. 626.935, F.S.; conforming
33 provisions to changes made by the act; amending s.
34 627.7295, F.S.; revising the timeframe for insurers'
35 cancellation of motor vehicle insurance policies or
36 contracts for nonpayment; amending ss. 634.171,
37 634.317, and 634.419, F.S.; authorizing licensed
38 personal lines or general lines agents to advertise,
39 solicit, negotiate, or sell motor vehicle service
40 agreements, home warranties, and service warranties,
41 respectively, without a salesperson or sales
42 representative license; providing a directive to the
43 Division of Law Revision; creating s. 647.01, F.S.;
44 providing purpose; providing applicability; creating
45 s. 647.02, F.S.; providing definitions; creating s.
46 647.03, F.S.; providing definitions; providing
47 requirements for certain travel insurance premiums for
48 tax purposes; providing duties of travel insurers;
49 creating s. 647.04, F.S.; authorizing travel
50 protection plans to be offered under certain

51 | circumstances; creating s. 647.05, F.S.; providing
52 | requirements for documents provided to consumers
53 | before the purchase of travel insurance; providing
54 | requirements for disclosures of preexisting condition
55 | exclusions in travel insurance policies and
56 | certificates; providing requirements for fulfillment
57 | materials and specified information; providing
58 | circumstances under which travel protection plan
59 | payments may be cancelled for a full refund; providing
60 | practices that are not unfair trade practices or
61 | violations of law; prohibiting certain practices;
62 | providing that persons offering travel insurance to
63 | residents of this state are subject to the Unfair
64 | Insurance Trade Practices Act; providing that
65 | specified provisions supersede such act; providing
66 | practices that are unfair insurance trade practices;
67 | creating s. 647.06, F.S.; prohibiting certain persons
68 | from representing themselves as travel administrators;
69 | exempting travel administrators and their employees
70 | from certain licensing requirements; providing
71 | insurers' responsibilities relating to travel
72 | administrators; creating s. 647.07, F.S.; providing
73 | classification and filing of travel insurance for
74 | purposes of rates and forms; authorizing travel
75 | insurance programs to be developed and provided based

76 on specified travel protection plans; creating s.
 77 647.08, F.S.; requiring the Department of Financial
 78 Services to adopt rules; providing an effective date.
 79

80 Be It Enacted by the Legislature of the State of Florida:
 81

82 Section 1. Paragraph (c) of subsection (2) of section
 83 215.555, Florida Statutes, is amended to read:

84 215.555 Florida Hurricane Catastrophe Fund.—

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

86 (c) "Covered policy" means any insurance policy covering
 87 residential property in this state, including, but not limited
 88 to, any homeowner, mobile home owner, farm owner, condominium
 89 association, condominium unit owner, tenant, or apartment
 90 building policy, or any other policy covering a residential
 91 structure or its contents issued by any authorized insurer,
 92 including a commercial self-insurance fund holding a certificate
 93 of authority issued by the Office of Insurance Regulation under
 94 s. 624.462, the Citizens Property Insurance Corporation, and any
 95 joint underwriting association or similar entity created under
 96 law. The term "covered policy" includes any collateral
 97 protection insurance policy covering personal residences which
 98 protects both the borrower's and the lender's financial
 99 interests, in an amount at least equal to the coverage for the
 100 dwelling in place under the lapsed homeowner's policy, or in an

101 amount at least equal to the coverage amount requested by the
102 lender if the homeowner has been notified in writing of the
103 coverage amount and the homeowner has not requested that the
104 insurer issue the policy in a different amount, if such policy
105 can be accurately reported as required in subsection (5).
106 Additionally, covered policies include policies covering the
107 peril of wind removed from the Florida Residential Property and
108 Casualty Joint Underwriting Association or from the Citizens
109 Property Insurance Corporation, created under s. 627.351(6), or
110 from the Florida Windstorm Underwriting Association, created
111 under s. 627.351(2), by an authorized insurer under the terms
112 and conditions of an executed assumption agreement between the
113 authorized insurer and such association or Citizens Property
114 Insurance Corporation. Each assumption agreement between the
115 association and such authorized insurer or Citizens Property
116 Insurance Corporation must be approved by the Office of
117 Insurance Regulation before the effective date of the
118 assumption, and the Office of Insurance Regulation must provide
119 written notification to the board within 15 working days after
120 such approval. "Covered policy" does not include any policy that
121 excludes wind coverage or hurricane coverage or any reinsurance
122 agreement and does not include any policy otherwise meeting this
123 definition which is issued by a surplus lines insurer or a
124 reinsurer. All commercial residential excess policies and all
125 deductible buy-back policies that, based on sound actuarial

126 principles, require individual ratemaking shall be excluded by
 127 rule if the actuarial soundness of the fund is not jeopardized.
 128 For this purpose, the term "excess policy" means a policy that
 129 provides insurance protection for large commercial property
 130 risks and that provides a layer of coverage above a primary
 131 layer insured by another insurer.

132 Section 2. Section 624.01, Florida Statutes, is amended to
 133 read:

134 624.01 Short title.—Chapters 624-632, 634, 635, 636, 641,
 135 642, 647, 648, and 651 constitute the "Florida Insurance Code."

136 Section 3. Paragraph (c) of subsection (1) of section
 137 626.321, Florida Statutes, is amended to read:

138 626.321 Limited licenses and registration.—

139 (1) The department shall issue to a qualified applicant a
 140 license as agent authorized to transact a limited class of
 141 business in any of the following categories of limited lines
 142 insurance:

143 (c) Travel insurance.—License covering only policies and
 144 certificates of travel insurance which are subject to review by
 145 the office. Policies and certificates of travel insurance may
 146 provide coverage for travel insurance, as defined in s. 647.02
 147 ~~risks incidental to travel, planned travel, or accommodations~~
 148 ~~while traveling, including, but not limited to, accidental death~~
 149 ~~and dismemberment of a traveler; trip or event cancellation,~~
 150 ~~interruption, or delay; loss of or damage to personal effects or~~

151 ~~travel documents; damages to travel accommodations; baggage~~
152 ~~delay; emergency medical travel or evacuation of a traveler; or~~
153 ~~medical, surgical, and hospital expenses related to an illness~~
154 ~~or emergency of a traveler. Such policy or certificate may be~~
155 ~~issued for terms longer than 90 days, but, other than a policy~~
156 ~~or certificate providing coverage for air ambulatory services~~
157 ~~only, each policy or certificate must be limited to coverage for~~
158 ~~travel or use of accommodations of no longer than 90 days. The~~
159 ~~license may be issued only~~ to an individual or business entity
160 that has filed with the department an application for a license
161 in a form and manner prescribed by the department.†

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

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

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

170 b. May, under subparagraph 3., offer and disseminate
171 travel insurance as a service to its customers on behalf of and
172 under the direction of a limited lines travel insurance
173 producer.

174 3. A travel retailer may offer and disseminate travel
175 insurance under a limited lines travel insurance producer

176 business entity license only if all of the following
177 requirements are met:

178 a. The limited lines travel insurance producer or travel
179 retailer provides to purchasers of travel insurance:

180 (I) A description of the material terms or the actual
181 material terms of the insurance coverage.

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

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

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

187 b. At the time of licensure, the limited lines travel
188 insurance producer establishes and maintains a register on the
189 department's website and appoints each travel retailer that
190 offers travel insurance on behalf of the limited lines travel
191 insurance producer. The limited lines travel insurance producer
192 must maintain and update the register, which must include the
193 travel retailer's federal tax identification number and the
194 name, address, and contact information of the travel retailer
195 and an officer or person who directs or controls the travel
196 retailer's operations. The limited lines travel insurance
197 producer shall submit the register to the department upon
198 reasonable request. The limited lines travel insurance producer
199 shall also certify that the travel retailer register complies
200 with 18 U.S.C s. 1033. The grounds for the suspension and

201 revocation and the penalties applicable to resident insurance
202 producers under this section apply to the limited lines travel
203 insurance producers and travel retailers.

204 c. The limited lines travel insurance producer has
205 designated one of its employees as the designated responsible
206 producer. The designated responsible producer, who must be a
207 licensed insurance producer, is responsible for the compliance
208 with the travel insurance laws and regulations applicable to the
209 limited lines travel insurance producer and its registrants. The
210 designated responsible producer and the president, secretary,
211 treasurer, and any other officer or person who direct or control
212 the limited lines travel insurance producer's insurance
213 operations must comply with the fingerprinting requirements
214 applicable to insurance producers in the resident state of the
215 limited lines travel insurance producer.

216 d. The limited lines travel insurance producer has paid
217 all applicable licensing and appointment fees as set forth in
218 applicable general law.

219 e. The limited lines travel insurance producer requires
220 each employee and each authorized representative of the travel
221 retailer whose duties include offering and disseminating travel
222 insurance to receive a program of instruction or training, which
223 is subject, at the discretion of the department, to review and
224 approval. The training material must, at a minimum, contain
225 adequate instructions on the types of insurance offered, ethical

226 sales practices, and required disclosures to prospective
 227 purchasers.

228
 229 As used in this paragraph, the term "offer and disseminate"
 230 means to provide general information, including a description of
 231 the coverage and price, as well as processing the application
 232 and collecting premiums.

233 4. A travel retailer offering or disseminating travel
 234 insurance shall make available to prospective purchasers
 235 brochures or other written materials that have been approved by
 236 the travel insurer. Such materials must include information
 237 that, at a minimum:

238 a. Provides the identity and contact information of the
 239 insurer and the limited lines travel insurance producer.

240 b. Explains that the purchase of travel insurance is not
 241 required in order to purchase any other product or service from
 242 the travel retailer.

243 c. Explains that a travel retailer is authorized to
 244 provide only general information about the insurance offered by
 245 the travel retailer, including a description of the coverage and
 246 price, but is not qualified or authorized to answer technical
 247 questions about the terms and conditions of the insurance
 248 offered by the travel retailer or to evaluate the adequacy of
 249 the customer's existing insurance coverage.

250 5. A travel retailer employee or authorized representative

251 who is not licensed as an insurance producer may not:
 252 a. Evaluate or interpret the technical terms, benefits,
 253 and conditions of the offered travel insurance coverage;
 254 b. Evaluate or provide advice concerning a prospective
 255 purchaser's existing insurance coverage; or
 256 c. Hold himself or herself or the travel retailer out as a
 257 licensed insurer, licensed producer, or insurance expert.

258
 259 Notwithstanding any other provision of law, a travel retailer
 260 whose insurance-related activities, and those of its employees
 261 and authorized representatives, are limited to offering and
 262 disseminating travel insurance on behalf of and under the
 263 direction of a limited lines travel insurance producer meeting
 264 the conditions in this section may receive related compensation
 265 upon registration by the limited lines travel insurance producer
 266 as described in paragraph (2) (b).

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

271 7. Any person licensed as a general lines or personal
 272 lines insurance agent may sell, solicit, and negotiate travel
 273 insurance.

274 ~~1. To a full-time salaried employee of a common carrier or~~
 275 ~~a full-time salaried employee or owner of a transportation~~

276 ~~ticket agency and may authorize the sale of such ticket policies~~
277 ~~only in connection with the sale of transportation tickets, or~~
278 ~~to the full-time salaried employee of such an agent. Such policy~~
279 ~~may not be for more than 48 hours or more than the duration of a~~
280 ~~specified one-way trip or round trip.~~

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

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

284 ~~b. An exchange company operating an exchange program~~
285 ~~approved under chapter 721;~~

286 ~~e. A managing entity operating a timeshare plan approved~~
287 ~~under chapter 721;~~

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

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

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

295 ~~a. A license issued to a business entity that offers~~
296 ~~travel planning services must encompass each office, branch~~
297 ~~office, or place of business making use of the entity's business~~
298 ~~name in order to offer, solicit, and sell insurance pursuant to~~
299 ~~this paragraph.~~

300 ~~b. The application for licensure must list the name,~~

301 ~~address, and phone number for each office, branch office, or~~
302 ~~place of business that is to be covered by the license. The~~
303 ~~licensee shall notify the department of the name, address, and~~
304 ~~phone number of any new location that is to be covered by the~~
305 ~~license before the new office, branch office, or place of~~
306 ~~business engages in the sale of insurance pursuant to this~~
307 ~~paragraph. The licensee shall notify the department within 30~~
308 ~~days after the closing or terminating of an office, branch~~
309 ~~office, or place of business. Upon receipt of the notice, the~~
310 ~~department shall delete the office, branch office, or place of~~
311 ~~business from the license.~~

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

316
317 ~~A licensee shall require each individual who offers policies or~~
318 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
319 ~~initial training from a general lines agent or an insurer~~
320 ~~authorized under chapter 624 to transact insurance within this~~
321 ~~state. For an entity applying for a license as a travel~~
322 ~~insurance agent, the fingerprinting requirement of this section~~
323 ~~applies only to the president, secretary, and treasurer and to~~
324 ~~any other officer or person who directs or controls the travel~~
325 ~~insurance operations of the entity.~~

326 Section 4. Section 626.931, Florida Statutes, is amended
 327 to read:

328 626.931 ~~Agent affidavit and~~ Insurer reporting
 329 requirements.-

330 ~~(1) Each surplus lines agent that has transacted business~~
 331 ~~during a calendar quarter shall on or before the 45th day~~
 332 ~~following the calendar quarter file with the Florida Surplus~~
 333 ~~Lines Service Office an affidavit, on forms as prescribed and~~
 334 ~~furnished by the Florida Surplus Lines Service Office, stating~~
 335 ~~that all surplus lines insurance transacted by him or her during~~
 336 ~~such calendar quarter has been submitted to the Florida Surplus~~
 337 ~~Lines Service Office as required.~~

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

341 (1)~~(3)~~ Each foreign insurer accepting premiums shall, on
 342 or before the end of the month following each calendar quarter,
 343 file with the Florida Surplus Lines Service Office a verified
 344 report of all surplus lines insurance transacted by such insurer
 345 for insurance risks located in this state during such calendar
 346 quarter.

347 (2)~~(4)~~ Each alien insurer accepting premiums shall, on or
 348 before June 30 of each year, file with the Florida Surplus Lines
 349 Service Office a verified report of all surplus lines insurance
 350 transacted by such insurer for insurance risks located in this

351 state during the preceding calendar year.

352 (3)~~(5)~~ The department may waive the filing requirements
 353 described in subsections (1) ~~(3)~~ and (2) ~~(4)~~.

354 (4)~~(6)~~ Each insurer's report and supporting information
 355 shall be in a computer-readable format as determined by the
 356 Florida Surplus Lines Service Office or shall be submitted on
 357 forms prescribed by the Florida Surplus Lines Service Office and
 358 shall show for each applicable agent:

359 (a) A listing of all policies, certificates, cover notes,
 360 or other forms of confirmation of insurance coverage or any
 361 substitutions thereof or endorsements thereto and the
 362 identifying number; and

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

365 Section 5. Paragraph (a) of subsection (2) of section
 366 626.932, Florida Statutes, is amended to read:

367 626.932 Surplus lines tax.—

368 (2) (a) The surplus lines agent shall make payable to the
 369 department the tax related to each calendar quarter's business
 370 as reported to the Florida Surplus Lines Service Office, and
 371 remit the tax to the Florida Surplus Lines Service Office at the
 372 same time as the fee payment required ~~provided for the filing of~~
 373 ~~the quarterly affidavit,~~ under s. 626.9325 ~~s. 626.931~~. The
 374 Florida Surplus Lines Service Office shall forward to the
 375 department the taxes and any interest collected pursuant to

376 paragraph (b), within 10 days of receipt.

377 Section 6. Paragraph (d) of subsection (1) of section
378 626.935, Florida Statutes, is amended to read:

379 626.935 Suspension, revocation, or refusal of surplus
380 lines agent's license.—

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

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

387 Section 7. Subsection (4) of section 627.7295, Florida
388 Statutes, is amended to read:

389 627.7295 Motor vehicle insurance contracts.—

390 (4) The insurer may cancel the policy in accordance with
391 this code except that, notwithstanding s. 627.728, an insurer
392 may not cancel a new policy or binder during the first 30 ~~60~~
393 days immediately following the effective date of the policy or
394 binder for nonpayment of premium unless the reason for the
395 cancellation is the issuance of a check for the premium that is
396 dishonored for any reason or any other type of premium payment
397 that was subsequently determined to be rejected or invalid.

398 Section 8. Section 634.171, Florida Statutes, is amended
399 to read:

400 634.171 Salesperson to be licensed and appointed.—

401 Salespersons for motor vehicle service agreement companies and
402 insurers shall be licensed, appointed, renewed, continued,
403 reinstated, or terminated as prescribed in chapter 626 for
404 insurance representatives in general. However, they shall be
405 exempt from all other provisions of chapter 626 including
406 fingerprinting, photo identification, education, and examination
407 provisions. License, appointment, and other fees shall be those
408 prescribed in s. 624.501. A licensed and appointed salesperson
409 shall be directly responsible and accountable for all acts of
410 her or his employees and other representatives. Each service
411 agreement company or insurer shall, on forms prescribed by the
412 department, within 30 days after termination of the appointment,
413 notify the department of such termination. An ~~No~~ employee or
414 salesperson of a motor vehicle service agreement company or
415 insurer may not directly or indirectly solicit or negotiate
416 insurance contracts, or hold herself or himself out in any
417 manner to be an insurance agent, unless so qualified, licensed,
418 and appointed therefor under the Florida Insurance Code. A
419 licensed personal lines or general lines agent is not required
420 to be licensed as a salesperson to advertise, solicit,
421 negotiate, or sell motor vehicle service agreements. A motor
422 vehicle service agreement company is not required to be licensed
423 as a salesperson to solicit, sell, issue, or otherwise transact
424 the motor vehicle service agreements issued by the motor vehicle
425 service agreement company.

426 Section 9. Section 634.317, Florida Statutes, is amended
427 to read:

428 634.317 License and appointment required.—A ~~No~~ person may
429 not solicit, negotiate, or effectuate home warranty contracts
430 for remuneration in this state unless such person is licensed
431 and appointed as a sales representative. A licensed and
432 appointed sales representative shall be directly responsible and
433 accountable for all acts of the licensee's employees. A licensed
434 personal lines or general lines agent is not required to be
435 licensed as a sales representative to advertise, solicit,
436 negotiate, or sell home warranties.

437 Section 10. Section 634.419, Florida Statutes, is amended
438 to read:

439 634.419 License and appointment required.—A ~~No~~ person or
440 entity may not ~~shall~~ solicit, negotiate, advertise, or
441 effectuate service warranty contracts in this state unless such
442 person or entity is licensed and appointed as a sales
443 representative. Sales representatives shall be responsible for
444 the actions of persons under their supervision. However, a
445 service warranty association licensed as such under this part
446 shall not be required to be licensed and appointed as a sales
447 representative to solicit, negotiate, advertise, or effectuate
448 its products. A licensed personal lines or general lines agent
449 is not required to be licensed as a sales representative to
450 advertise, solicit, negotiate, or sell service warranties.

451 Section 11. The Division of Law Revision is directed to
452 create chapter 647, Florida Statutes, consisting of ss. 647.01-
453 647.08, Florida Statutes, to be entitled "Travel Insurance."

454 Section 12. Section 647.01, Florida Statutes, is created
455 to read:

456 647.01 Purpose and scope.-

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

460 (2) This chapter applies to:

461 (a) Travel insurance that covers any resident of this
462 state and that is sold, solicited, negotiated, or offered in
463 this state.

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

466
467 This chapter does not apply to cancellation fee waivers or
468 travel assistance services, except as expressly provided in this
469 chapter.

470 (3) All other applicable provisions of the insurance laws
471 of this state continue to apply to travel insurance, except that
472 the specific provisions of this chapter shall supersede any
473 general provisions of law that would otherwise be applicable to
474 travel insurance.

475 Section 13. Section 647.02, Florida Statutes, is created

476 to read:

477 647.02 Definitions.—As used in this chapter, the term:

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

482 (2) "Blanket travel insurance" means a policy of travel
483 insurance issued to an eligible group providing coverage to all
484 members of the eligible group without a separate charge to
485 individual members of the eligible group.

486 (3) "Cancellation fee waiver" means a contractual
487 agreement between a supplier of travel services and its customer
488 to waive some or all of the nonrefundable cancellation fee
489 provisions of the supplier's underlying travel contract with or
490 without regard to the reason for the cancellation or form of
491 reimbursement. A cancellation fee waiver is not insurance.

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

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

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

501 manager, and cultural exchange program.

502 2. An operator, owner, or lessor of a means of
503 transportation of passengers, including, but not limited to, a
504 common carrier, airline, cruise line, railroad, steamship
505 company, and public bus carrier.

506
507 With regard to any particular travel or type of travel or
508 travelers, all members or customers of the group must have a
509 common exposure to risk attendant to such travel.

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

512 (c) An employer covering any group of employees,
513 volunteers, contractors, board of directors, dependents, or
514 guests.

515 (d) A sports team or camp, or a sponsor thereof, covering
516 participants, members, campers, employees, officials,
517 supervisors, or volunteers.

518 (e) A religious, charitable, recreational, educational, or
519 civic organization, or a branch thereof, covering any group of
520 members, participants, or volunteers.

521 (f) A financial institution or financial institution
522 vendor, or a parent holding company, trustee, or agent of or
523 designated by one or more financial institutions or financial
524 institution vendors, including account holders, credit card
525 holders, debtors, guarantors, or purchasers.

526 (g) An incorporated or unincorporated association,
527 including a labor union, having a common interest and
528 constitution and bylaws, which is organized and maintained in
529 good faith for purposes other than obtaining insurance coverage
530 for its members or participants.

531 (h) A trust or the trustees of a fund that covers its
532 members, employees, or customers and is established, created, or
533 maintained for the benefit of its members, employees, or
534 customers, subject to:

- 535 1. The department's authorizing the use of a trust.
536 2. The premium tax provisions in s. 647.03 applicable to
537 incorporated or unincorporated associations that have a common
538 interest and constitution and bylaws and that are organized and
539 maintained in good faith for purposes other than obtaining
540 insurance coverage for their members, employees, or customers.

541 (i) An entertainment production company covering any group
542 of participants, volunteers, audience members, contestants, or
543 workers.

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

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

549 (l) An automobile or truck rental or leasing company
550 covering a group of individuals who may become renters, lessees,

551 or passengers as defined by their travel status on the rented or
552 leased vehicles. The common carrier, the operator, owner, or
553 lessor of a means of transportation, or the motor vehicle or
554 truck rental or leasing company is the policyholder under a
555 policy to which this section applies.

556 (m) Any other group for which the department has made the
557 following determinations:

558 1. The group members are engaged in a common enterprise or
559 have an economic, educational, or social affinity or
560 relationship.

561 2. Issuance of the travel insurance policy is not contrary
562 to the public interest.

563 (5) "Fulfillment materials" means documentation sent to
564 the purchaser of a travel protection plan confirming the
565 purchase and providing the travel protection plan's coverage and
566 assistance details.

567 (6) "Group travel insurance" means travel insurance issued
568 to an eligible group.

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

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

571 (b) A licensed insurance producer, including a limited
572 lines producer; or

573 (c) A travel administrator.

574 (8) "Travel administrator" means a person who directly or
575 indirectly underwrites policies for, collects charges,

576 collateral, or premiums from, or adjusts or settles claims on,
577 residents of this state, in connection with travel insurance,
578 except that a person is not considered a travel administrator if
579 the person is:

580 (a) A person working for a travel administrator to the
581 extent that the person's activities are subject to the
582 supervision and control of the travel administrator;

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

586 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
587 offering and disseminating travel insurance and registered under
588 the license of a limited lines travel insurance producer in
589 accordance with s. 626.321(1)(c);

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

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

597 (9) "Travel assistance services" means noninsurance
598 services for which the consumer is not indemnified based on a
599 fortuitous event, and the provision of which does not result in
600 transfer or shifting of risk which would constitute the business

601 of insurance. The term includes, but is not limited to, security
602 advisories, destination information, vaccination and
603 immunization information services, travel reservation services,
604 entertainment, activity and event planning, translation
605 assistance, emergency messaging, international legal and medical
606 referrals, medical case monitoring, coordination of
607 transportation arrangements, emergency cash transfer assistance,
608 medical prescription replacement assistance, passport and travel
609 document replacement assistance, lost luggage assistance,
610 concierge services, and any other service that is furnished in
611 connection with planned travel. Travel assistance services are
612 not insurance and not related to insurance.

613 (10) "Travel insurance" means insurance coverage for
614 personal risks incidental to planned travel, including:
615 (a) Interruption or cancellation of trip or event;
616 (b) Loss of baggage or personal effects;
617 (c) Damages to accommodations or rental vehicles;
618 (d) Sickness, accident, disability, or death occurring
619 during travel;
620 (e) Emergency evacuation;
621 (f) Repatriation of remains; or
622 (g) Any other contractual obligations to indemnify or pay
623 a specified amount to the traveler upon determinable
624 contingencies related to travel as determined by the office.
625

626 The term does not include major medical plans that provide
 627 comprehensive medical protection for travelers with trips
 628 lasting longer than 6 months, including major medical plans for
 629 those working or residing overseas as expatriates, or any other
 630 product that requires a specific insurance producer license.

631 (11) "Travel protection plan" means a plan that provides
 632 one or more of the following: travel insurance, travel
 633 assistance services, and cancellation fee waivers.

634 Section 14. Section 647.03, Florida Statutes, is created
 635 to read:

636 647.03 Premium tax.—

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

638 (a) "Primary certificateholder" means an individual who
 639 purchases travel insurance under a group travel insurance
 640 policy.

641 (b) "Primary policyholder" means an individual who
 642 purchases individual travel insurance.

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

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

648 (b) A primary certificateholder who is a resident of this
 649 state.

650 (c) A blanket travel insurance policyholder:

- 651 1. Who is a resident in this state;
 652 2. Who has his or her principal place of business in this
 653 state; or
 654 3. Whose affiliate or subsidiary who has purchased blanket
 655 travel insurance for eligible blanket group members has his or
 656 her principal place of business in this state.

657
 658 The premium tax under this subsection is subject to any
 659 apportionment rules that apply to an insurer across multiple
 660 taxing jurisdictions or that authorize an insurer to allocate
 661 premium on an apportioned basis in a reasonable and equitable
 662 manner in those jurisdictions.

663 (3) A travel insurer shall:

664 (a) Document the state of residence or principal place of
 665 business of the policyholder or certificateholder, or an
 666 affiliate or subsidiary thereof, as required under subsection

667 (2).

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

671 Section 15. Section 647.04, Florida Statutes, is created
 672 to read:

673 647.04 Travel protection plans.—A travel protection plan
 674 may be offered for one price for the combined features that the
 675 travel protection plan offers in this state if the travel

676 protection plan meets all of the following requirements:

677 (1) The travel protection plan clearly discloses to the
678 consumer, at or before the time of purchase, that it includes
679 travel insurance, travel assistance services, and cancellation
680 fee waivers, as applicable, and provides information and an
681 opportunity, at or before the time of purchase, for the consumer
682 to obtain additional information regarding the features and
683 pricing of each.

684 (2) The fulfillment materials:

685 (a) Describe and delineate the travel insurance, travel
686 assistance services, and cancellation fee waivers in the travel
687 protection plan.

688 (b) Include the travel insurance disclosures required in
689 this chapter, the contact information for persons providing
690 travel assistance services, and cancellation fee waivers, as
691 applicable.

692 Section 16. Section 647.05, Florida Statutes, is created
693 to read:

694 647.05 Sales practices.—

695 (1)(a) All documents provided to a consumer before the
696 purchase of travel insurance, including, but not limited to,
697 sales materials, advertising materials, and marketing materials,
698 must be consistent with the travel insurance policy, including,
699 but not limited to, forms, endorsements, policies, rate filings,
700 and certificates of insurance.

701 (b) For travel insurance policies or certificates that
702 contain preexisting condition exclusions, information and an
703 opportunity to learn more about the preexisting condition
704 exclusions must be provided any time before the purchase.
705 Information on the exclusions and the opportunity to learn more
706 about these exclusions must be included in the coverage's
707 fulfillment materials.

708 (c) The fulfillment materials and the information
709 described in s. 626.321(1)(c)3.a. must be provided to a
710 policyholder or certificateholder as soon as practicable after
711 the purchase of a travel protection plan. Unless the insured has
712 started a covered trip or filed a claim under the travel
713 insurance coverage, the policyholder or certificateholder may
714 cancel a policy or certificate for a full refund of the travel
715 protection plan price from the date of purchase of a travel
716 protection plan until at least:

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

719 2. Ten days after the date of delivery of the travel
720 protection plan's fulfillment materials by means other than
721 postal mail.

722
723 For the purposes of this paragraph, the term "delivery" means
724 handing fulfillment materials to the policyholder or
725 certificateholder or sending fulfillment materials by postal

726 mail or electronic means to the policyholder or
727 certificateholder.

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

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

735 1. The web page provides an accurate summary or short
736 description of the coverage.

737 2. The consumer has access to the full provisions of the
738 policy through electronic means.

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

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

749 (a) Purchasing the coverage required by the destination
750 jurisdiction through the travel retailer, as defined s.

751 626.321(1)(c)2., or limited lines travel insurance producer
 752 supplying the trip or travel package; or

753 (b) Agreeing to obtain and provide proof of coverage that
 754 meets the destination jurisdiction's requirements before
 755 departure.

756 (4)(a) A person offering travel insurance to residents of
 757 this state is subject to part IX of chapter 626, the Unfair
 758 Insurance Trade Practices Act, except as otherwise provided in
 759 this chapter. If a conflict arises between this chapter and the
 760 Unfair Insurance Trade Practices Act regarding the sale and
 761 marketing of travel insurance and travel protection plans, the
 762 provisions of this chapter shall control.

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

765 1. Offers or sells a travel insurance policy that could
 766 never result in payment of any claims for any insured under the
 767 policy; or

768 2. Markets blanket travel insurance coverage as free.

769 Section 17. Section 647.06, Florida Statutes, is created
 770 to read:

771 647.06 Travel administrators.—

772 (1) Notwithstanding any other provision of the Florida
 773 Insurance Code, a person may not act or represent himself or
 774 herself as a travel administrator in this state unless the
 775 person:

776 (a) Is a licensed and appointed property and casualty
777 insurance producer in this state for activities authorized under
778 that producer license;

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

781 (c) Holds a valid third-party administrator license in
782 this state.

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

786 (3) An insurer is responsible for ensuring that a travel
787 administrator administering travel insurance underwritten by the
788 insurer:

789 (a) Acts in accordance with this chapter.

790 (b) Maintains all books and records that are relevant to
791 the insurer and makes these books and records available to the
792 department upon request.

793 Section 18. Section 647.07, Florida Statutes, is created
794 to read:

795 647.07 Travel insurance policy.-

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

801 travel, either exclusively or in conjunction with related
802 coverages of emergency evacuation or repatriation of remains, or
803 incidental limited property and casualty benefits such as
804 baggage or trip cancellation, may be classified and filed for
805 purposes of rates and forms under either the accident and health
806 line of insurance or the inland marine line of insurance.

807 (2) Travel insurance may be in the form of an individual,
808 group travel insurance, or blanket policy. Group travel
809 insurance or blanket policies are classified as commercial
810 inland marine insurance under s. 627.021(2)(d). Travel insurance
811 policies not issued to a commercial entity and primarily used
812 for personal, family, or household purposes are considered
813 personal inland marine insurance and are not subject to s.
814 627.062. Sections of policies or endorsements for travel
815 insurance that are considered personal inland marine consisting
816 of travel assistance services or cancellation fee waivers are
817 not subject to s. 627.410.

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

821 Section 19. Section 647.08, Florida Statutes, is created
822 to read:

823 647.08 Rulemaking authority.—The department shall adopt
824 rules to administer this chapter.

825 Section 20. This act shall take effect July 1, 2020.