

Amendment No. 9

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WITHDRAWN	—	(Y/N)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: Regulatory Affairs  
 2 Committee

3 Representative Santiago offered the following:

4  
 5 **Amendment (with title amendment)**

6 Between lines 1021 and 1022, insert:

7 Section 26. Paragraph (q) of subsection (1) of section  
 8 626.9541, Florida Statutes, is amended to read:

9 626.9541 Unfair methods of competition and unfair or  
 10 deceptive acts or practices defined.—

11 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 12 ACTS.—The following are defined as unfair methods of competition  
 13 and unfair or deceptive acts or practices:

14 (q) Certain insurance transactions through credit card  
 15 facilities prohibited.—

16 1. Except as provided in subparagraph 3., no person shall  
 17 knowingly solicit or negotiate any insurance; seek or accept

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18 applications for insurance; issue or deliver any policy;  
19 receive, collect, or transmit premiums, to or for any insurer;  
20 or otherwise transact insurance in this state, or relative to a  
21 subject of insurance resident, located, or to be performed in  
22 this state, through the arrangement or facilities of a credit  
23 card facility or organization, for the purpose of insuring  
24 credit card holders or prospective credit card holders. The term  
25 "credit card holder" as used in this paragraph means any person  
26 who may pay the charge for purchases or other transactions  
27 through the credit card facility or organization, whose credit  
28 with such facility or organization is evidenced by a credit card  
29 identifying such person as being one whose charges the credit  
30 card facility or organization will pay, and who is identified as  
31 such upon the credit card either by name, account number,  
32 symbol, insignia, or any other method or device of  
33 identification. This subparagraph does not apply as to health  
34 insurance or to credit life, credit disability, or credit  
35 property insurance.

36 2. Whenever any person does or performs in this state any  
37 of the acts in violation of subparagraph 1. for or on behalf of  
38 any insurer or credit card facility, such insurer or credit card  
39 facility shall be held to be doing business in this state and,  
40 if an insurer, shall be subject to the same state, county, and  
41 municipal taxes as insurers that have been legally qualified and  
42 admitted to do business in this state by agents or otherwise are  
43 subject, the same to be assessed and collected against such

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44 insurers; and such person so doing or performing any of such  
45 acts shall be personally liable for all such taxes.

46 3. A licensed agent or insurer may solicit or negotiate  
47 any insurance; seek or accept applications for insurance; issue  
48 or deliver any policy; receive, collect, or transmit premiums,  
49 to or for any insurer; or otherwise transact insurance in this  
50 state, or relative to a subject of insurance resident, located,  
51 or to be performed in this state, through the arrangement or  
52 facilities of a credit card facility or organization, for the  
53 purpose of insuring credit card holders or prospective credit  
54 card holders if:

55 a. The insurance or policy which is the subject of the  
56 transaction is noncancelable by any person other than the named  
57 insured, the policyholder, or the insurer;

58 b. Any refund of unearned premium is made ~~directly~~ to the  
59 credit card holder by mail or electronic transfer; and

60 c. The credit card transaction is authorized by the  
61 signature of the credit card holder or other person authorized  
62 to sign on the credit card account.

63  
64 The conditions enumerated in sub-subparagraphs a.-c. do not  
65 apply to health insurance or to credit life, credit disability,  
66 or credit property insurance; and sub-subparagraph c. does not  
67 apply to property and casualty insurance so long as the  
68 transaction is authorized by the insured.

69 4. No person may use or disclose information resulting

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70 from the use of a credit card in conjunction with the purchase  
71 of insurance, when such information is to the advantage of such  
72 credit card facility or an insurance agent, or is to the  
73 detriment of the insured or any other insurance agent; except  
74 that this provision does not prohibit a credit card facility  
75 from using or disclosing such information in any judicial  
76 proceeding or consistent with applicable law on credit  
77 reporting.

78 5. No such insurance shall be sold through a credit card  
79 facility in conjunction with membership in any automobile club.  
80 The term "automobile club" means a legal entity which, in  
81 consideration of dues, assessments, or periodic payments of  
82 money, promises its members or subscribers to assist them in  
83 matters relating to the ownership, operation, use, or  
84 maintenance of a motor vehicle; however, the definition of  
85 automobile clubs does not include persons, associations, or  
86 corporations which are organized and operated solely for the  
87 purpose of conducting, sponsoring, or sanctioning motor vehicle  
88 races, exhibitions, or contests upon racetracks, or upon race  
89 courses established and marked as such for the duration of such  
90 particular event. The words "motor vehicle" used herein shall be  
91 the same as defined in chapter 320.

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**T I T L E   A M E N D M E N T**

Remove line 88 and insert:  
changes made by the act; amending s. 626.9541, F.S.; removing a  
condition on a licensed agent or insurer soliciting or  
negotiating certain insurance transactions through a credit card  
facility or organization; amending s. 627.062, F.S.;