

1 A bill to be entitled
2 An act relating to the Division of Insurance Agent and
3 Agency Services; amending s. 626.015, F.S.; revising
4 the definition of "general lines agent," to remove
5 certain restrictions regarding health insurance;
6 amending s. 626.0428, F.S.; revising licensure
7 requirements of certain agents in charge of an
8 agency's place of business; amending s. 626.221, F.S.;
9 revising examination requirements for applicants for a
10 license as a general lines agent, personal lines
11 agent, or all-lines adjuster; amending s. 626.241,
12 F.S.; revising the scope of license examinations for
13 agents and adjusters; amending s. 626.2817, F.S.;
14 revising requirements of certain prelicensure
15 education courses for insurance agents and other
16 licensees; amending s. 626.311, F.S.; conforming
17 provisions to changes made by the act; amending s.
18 626.732, F.S.; revising requirements relating to
19 knowledge, experience, and instruction for applicants
20 for a license as a general lines or personal lines
21 agent; amending s. 626.7351, F.S.; revising
22 qualifications for a customer representative's
23 license; amending s. 626.748, F.S.; requiring agents
24 to maintain certain records for a specified time
25 period after policy expiration; amending ss. 626.7851
26 and 626.8311, F.S.; revising requirements relating to

27 the knowledge, experience, or instruction for life
28 agents and health agents, respectively; creating s.
29 626.8661, F.S.; providing knowledge, experience, and
30 instruction requirements for an all-lines adjuster;
31 amending s. 626.9541, F.S.; providing that certain
32 provisions relating to illegal dealings in premiums
33 are applicable notwithstanding any other provision of
34 law; amending s. 627.4553, F.S.; requiring an
35 insurance agent to provide and retain certain
36 information upon surrender of an annuity or life
37 insurance policy under certain circumstances; amending
38 s. 631.341, F.S.; authorizing certain notices of
39 insolvency to be delivered to policyholders by certain
40 methods; amending s. 648.355, F.S.; revising
41 instructional requirements relating to the issuance of
42 a temporary limited license as a limited surety agent;
43 amending s. 648.386, F.S.; revising curricula
44 requirements for approval and certification as a
45 limited surety agent and professional bail bond agent
46 prelicensing school; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraph (d) of subsection (5) of section
51 626.015, Florida Statutes, is amended to read:

52 626.015 Definitions.—As used in this part:

53 (5) "General lines agent" means an agent transacting any
 54 one or more of the following kinds of insurance:

55 (d) Health insurance, ~~when transacted by an insurer also~~
 56 ~~represented by the same agent as to property or casualty or~~
 57 ~~surety insurance.~~

58 Section 2. Paragraph (a) of subsection (4) of section
 59 626.0428, Florida Statutes, is amended to read:

60 626.0428 Agency personnel powers, duties, and
 61 limitations.-

62 (4) (a) Each place of business established by an agent or
 63 agency, firm, corporation, or association must be in the active
 64 full-time charge of a licensed and appointed agent holding the
 65 required agent licenses to transact at least two of the lines of
 66 insurance being handled at the location. If only one line of
 67 insurance is handled at the location, the agent in charge must
 68 hold the required agent license to transact that line of
 69 insurance.

70 Section 3. Subsection (1) and paragraphs (g) through (l)
 71 of subsection (2) of section 626.221, Florida Statutes, are
 72 amended to read:

73 626.221 Examination requirement; exemptions.-

74 (1) The department shall not issue any license as agent,
 75 ~~customer representative,~~ or adjuster to any individual who has
 76 not qualified for, taken, and passed to the satisfaction of the
 77 department a written examination of the scope prescribed in s.
 78 626.241.

79 (2) However, an examination is not necessary for any of
80 the following:

81 (g) An applicant for a license as a life or health agent
82 who has received the designation of chartered life underwriter
83 (CLU) from the American College of Financial Services ~~Life~~
84 ~~Underwriters and has been engaged in the insurance business~~
85 ~~within the past 4 years,~~ except that the applicant may be
86 examined on pertinent provisions of this code.

87 (h) An applicant for license as a general lines agent,
88 personal lines agent, or all-lines customer representative, or
89 adjuster who has received the designation of chartered property
90 and casualty underwriter (CPCU) from the American Institute for
91 Chartered Property Casualty and Liability Underwriters ~~and has~~
92 ~~been engaged in the insurance business within the past 4 years,~~
93 except that the applicant may be examined on pertinent
94 provisions of this code.

95 (i) An applicant for license as a general lines agent or
96 an all-lines adjuster who has received a degree in insurance
97 from an accredited institution of higher learning approved by
98 the department, except that the applicant may be examined on
99 pertinent provisions of this code. Qualifying degrees must
100 indicate a minimum of 18 credit hours of insurance instruction,
101 including specific instruction in the areas of property,
102 casualty, health, and commercial insurance ~~customer~~
103 ~~representative who has earned the designation of Accredited~~
104 ~~Advisor in Insurance (AAI) from the Insurance Institute of~~

105 ~~America, the designation of Certified Insurance Counselor (CIC)~~
 106 ~~from the Society of Certified Insurance Service Counselors, the~~
 107 ~~designation of Accredited Customer Service Representative (ACSR)~~
 108 ~~from the Independent Insurance Agents of America, the~~
 109 ~~designation of Certified Professional Service Representative~~
 110 ~~(CPSR) from the National Foundation for Certified Professional~~
 111 ~~Service Representatives, the designation of Certified Insurance~~
 112 ~~Service Representative (CISR) from the Society of Certified~~
 113 ~~Insurance Service Representatives, or the designation of~~
 114 ~~Certified Insurance Representative (CIR) from the National~~
 115 ~~Association of Christian Catastrophe Insurance Adjusters. Also,~~
 116 ~~an applicant for license as a customer representative who has~~
 117 ~~earned an associate degree or bachelor's degree from an~~
 118 ~~accredited college or university and has completed at least 9~~
 119 ~~academic hours of property and casualty insurance curriculum, or~~
 120 ~~the equivalent, or has earned the designation of Certified~~
 121 ~~Customer Service Representative (CCSR) from the Florida~~
 122 ~~Association of Insurance Agents, or the designation of~~
 123 ~~Registered Customer Service Representative (RCSR) from a~~
 124 ~~regionally accredited postsecondary institution in this state,~~
 125 ~~or the designation of Professional Customer Service~~
 126 ~~Representative (PCSR) from the Professional Career Institute,~~
 127 ~~whose curriculum has been approved by the department and which~~
 128 ~~includes comprehensive analysis of basic property and casualty~~
 129 ~~lines of insurance and testing at least equal to that of~~
 130 ~~standard department testing for the customer representative~~

131 ~~license. The department shall adopt rules establishing standards~~
132 ~~for the approval of curriculum.~~

133 (j) An applicant for license as a personal lines agent who
134 has received a degree from an accredited institution of higher
135 learning approved by the department, except that the applicant
136 may be examined on pertinent provisions of this code. Qualifying
137 degrees must indicate a minimum of 9 credit hours of insurance
138 instruction, including specific instruction in the areas of
139 property, casualty, and inland marine insurance ~~resident or~~
140 ~~nonresident all-lines adjuster who has the designation of~~
141 ~~Accredited Claims Adjuster (ACA) from a regionally accredited~~
142 ~~postsecondary institution in this state, Professional Claims~~
143 ~~Adjuster (PCA) from the Professional Career Institute,~~
144 ~~Professional Property Insurance Adjuster (PPIA) from the~~
145 ~~HurriClaim Training Academy, Certified Adjuster (CA) from ALL~~
146 ~~LINES Training, or Certified Claims Adjuster (CCA) from the~~
147 ~~Association of Property and Casualty Claims Professionals whose~~
148 ~~curriculum has been approved by the department and which~~
149 ~~includes comprehensive analysis of basic property and casualty~~
150 ~~lines of insurance and testing at least equal to that of~~
151 ~~standard department testing for the all-lines adjuster license.~~
152 ~~The department shall adopt rules establishing standards for the~~
153 ~~approval of curriculum.~~

154 (k) An applicant qualifying for a license transfer under
155 s. 626.292 ~~if the applicant:~~

156 1. ~~Has successfully completed the prelicensing examination~~

157 ~~requirements in the applicant's previous home state which are~~
158 ~~substantially equivalent to the examination requirements in this~~
159 ~~state, as determined by the department;~~

160 ~~2. Has received the designation of chartered property and~~
161 ~~casualty underwriter (CPCU) from the American Institute for~~
162 ~~Property and Liability Underwriters and been engaged in the~~
163 ~~insurance business within the past 4 years if applying to~~
164 ~~transfer a general lines agent license; or~~

165 ~~3. Has received the designation of chartered life~~
166 ~~underwriter (CLU) from the American College of Life Underwriters~~
167 ~~and been engaged in the insurance business within the past 4~~
168 ~~years if applying to transfer a life or health agent license.~~

169 (1) An applicant for a license as a nonresident agent if
170 the applicant holds a comparable license in another state with
171 similar examination requirements as this state;

172 ~~1. Has successfully completed prelicensing examination~~
173 ~~requirements in the applicant's home state which are~~
174 ~~substantially equivalent to the examination requirements in this~~
175 ~~state, as determined by the department, as a requirement for~~
176 ~~obtaining a resident license in his or her home state;~~

177 ~~2. Held a general lines agent license, life agent license,~~
178 ~~or health agent license before a written examination was~~
179 ~~required;~~

180 ~~3. Has received the designation of chartered property and~~
181 ~~casualty underwriter (CPCU) from the American Institute for~~
182 ~~Property and Liability Underwriters and has been engaged in the~~

183 ~~insurance business within the past 4 years, if an applicant for~~
 184 ~~a nonresident license as a general lines agent; or~~

185 ~~4. Has received the designation of chartered life~~
 186 ~~underwriter (CLU) from the American College of Life Underwriters~~
 187 ~~and been in the insurance business within the past 4 years, if~~
 188 ~~an applicant for a nonresident license as a life agent or health~~
 189 ~~agent.~~

190 Section 4. Subsections (1), (2), (3), and (8) of section
 191 626.241, Florida Statutes, are amended to read:

192 626.241 Scope of examination.—

193 (1) Each examination for a license as an agent, ~~customer~~
 194 ~~representative~~, or adjuster shall be of such scope as is deemed
 195 by the department to be reasonably necessary to test the
 196 applicant's ability and competence and knowledge of the kinds of
 197 insurance and transactions to be handled under the license
 198 applied for, of the duties and responsibilities of such a
 199 licensee, and of the pertinent provisions of the laws of this
 200 state.

201 (2) Examinations given applicants for license as a general
 202 lines agent ~~or customer representative~~ shall cover all property,
 203 casualty, and surety insurances, except as provided in
 204 subsection (5) relative to limited licenses.

205 (3) Examinations given applicants for a life agent's
 206 license shall cover life insurance, annuities, and variable
 207 contracts ~~annuities~~.

208 (8) An examination for licensure as a personal lines agent

HB 1133

2015

209 ~~shall consist of 100 questions and~~ shall be limited in scope to
 210 the kinds of business transacted under such license.

211 Section 5. Section 626.2817, Florida Statutes, is amended
 212 to read:

213 626.2817 Regulation of course providers, instructors, and
 214 school officials, ~~and monitor groups~~ involved in prelicensure
 215 education for insurance agents and other licensees.-

216 (1) Any course provider, instructor, or school official,
 217 ~~or monitor group~~ must be approved by and registered with the
 218 department before offering prelicensure education courses for
 219 insurance agents and other licensees.

220 (2) The department shall adopt rules establishing
 221 standards for the approval, registration, discipline, or removal
 222 from registration of course providers, instructors, and school
 223 officials, ~~and monitor groups~~. The standards must be designed to
 224 ensure that such persons have the knowledge, competence, and
 225 integrity to fulfill the educational objectives of the
 226 prelicensure requirements of this chapter and chapter 648 and to
 227 assure that insurance agents and licensees are competent to
 228 engage in the activities authorized under the license.

229 (3) A course provider shall not grant completion credit to
 230 any student who has not completed at least 75 percent of the
 231 required course hours of a department approved prelicensure
 232 course.

233 (4) The department shall adopt rules to establish a
 234 process for determining compliance with the prelicensure

235 requirements of this chapter and chapter 648. The department
236 shall adopt rules prescribing the forms necessary to administer
237 the prelicensure requirements.

238 Section 6. Subsection (1) of section 626.311, Florida
239 Statutes, is amended to read:

240 626.311 Scope of license.—

241 (1) Except as to personal lines agents and limited
242 licenses, a general lines agent or customer representative shall
243 qualify for all property, marine, casualty, and surety lines
244 except bail bonds which require a separate license under chapter
245 648. The license of a general lines agent ~~may~~ also covers ~~cover~~
246 health insurance ~~if health insurance is included in the agent's~~
247 ~~appointment by an insurer as to which the licensee is also~~
248 ~~appointed as agent for property or casualty or surety insurance.~~
249 The license of a customer representative shall provide, in
250 substance, that it covers all of such classes of insurance that
251 his or her appointing general lines agent or agency is currently
252 so authorized to transact under the general lines agent's
253 license and appointments. No such license shall be issued
254 limited to particular classes of insurance except for bail bonds
255 which require a separate license under chapter 648 or for
256 personal lines agents. Personal lines agents are limited to
257 transacting business related to property and casualty insurance
258 sold to individuals and families for noncommercial purposes.

259 Section 7. Subsections (1) through (5) of section 626.732,
260 Florida Statutes, are amended to read:

261 626.732 Requirement as to knowledge, experience, or
 262 instruction.—

263 (1) Except as provided in subsection (4), an applicant for
 264 a license as a general lines agent, except for a chartered
 265 property and casualty underwriter (CPCU), may not be qualified
 266 or licensed unless, within the 4 years immediately preceding the
 267 date the application for license is filed with the department,
 268 the applicant has:

269 (a) Taught or successfully completed 200 hours of
 270 coursework in property, casualty, surety, health, and marine
 271 insurance approved by the department ~~classroom courses in~~
 272 ~~insurance~~, 3 hours of which must be on the subject matter of
 273 ethics, ~~at a school, college, or extension division thereof,~~
 274 ~~approved by the department;~~

275 ~~(b) Completed a correspondence course in insurance, 3~~
 276 ~~hours of which must be on the subject matter of ethics, which is~~
 277 ~~regularly offered by accredited institutions of higher learning~~
 278 ~~in this state or extensions thereof and approved by the~~
 279 ~~department, and have at least 6 months of responsible insurance~~
 280 ~~duties as a substantially full-time bona fide employee in all~~
 281 ~~lines of property and casualty insurance set forth in the~~
 282 ~~definition of general lines agent under s. 626.015;~~

283 (b)(e) Completed at least 1 year in responsible insurance
 284 duties as a substantially full-time bona fide employee in all
 285 lines of property and casualty insurance as set forth in the
 286 definition of a general lines agent under s. 626.015, but

287 without the education requirement described in paragraph (a) ~~or~~
 288 ~~paragraph (b); or~~ or

289 (c) ~~(d)~~ Completed at least 1 year of responsible insurance
 290 duties as a licensed and appointed customer representative,
 291 service representative, or personal lines agent ~~or limited~~
 292 ~~customer representative in commercial or personal lines of~~
 293 ~~property and casualty insurance~~ and 40 hours of coursework
 294 ~~classroom courses~~ approved by the department covering the areas
 295 of property, casualty, surety, health, and marine insurance; ~~or~~

296 ~~(e) Completed at least 1 year of responsible insurance~~
 297 ~~duties as a licensed and appointed service representative in~~
 298 ~~commercial or personal lines of property and casualty insurance~~
 299 ~~and 80 hours of classroom courses approved by the department~~
 300 ~~covering the areas of property, casualty, surety, health, and~~
 301 ~~marine insurance.~~

302 (2) Except as provided under subsection (4), an applicant
 303 for a license as a personal lines agent, except for a chartered
 304 property and casualty underwriter (CPCU), may not be qualified
 305 or licensed unless, within the 4 years immediately preceding the
 306 date the application for license is filed with the department,
 307 the applicant has:

308 (a) Taught or successfully completed 60 hours of
 309 coursework in property, casualty, and inland marine insurance
 310 approved by the department ~~classroom courses in insurance, 3~~
 311 ~~hours of which must be on the subject matter of ethics, at a~~
 312 ~~school, college, or extension division thereof, approved by the~~

313 ~~department. To qualify for licensure, the applicant must~~
314 ~~complete a total of 52 hours of classroom courses in insurance;~~
315 ~~(b) Completed a correspondence course in insurance, 3~~
316 ~~hours of which must be on the subject matter of ethics, which is~~
317 ~~regularly offered by accredited institutions of higher learning~~
318 ~~in this state or extensions thereof and approved by the~~
319 ~~department, and completed at least 3 months of responsible~~
320 ~~insurance duties as a substantially full-time employee in the~~
321 ~~area of property and casualty insurance sold to individuals and~~
322 ~~families for noncommercial purposes;~~
323 (b)(e) Completed at least 6 months of responsible
324 insurance duties as a substantially full-time employee in the
325 area of property and casualty insurance sold to individuals and
326 families for noncommercial purposes, but without the education
327 requirement described in paragraph (a) ~~or paragraph (b);~~ or
328 (c)(d) Completed at least 6 months of responsible
329 insurance duties as a licensed and appointed customer
330 representative, ~~or~~ limited customer representative, or service
331 representative in property and casualty insurance ~~sold to~~
332 ~~individuals and families for noncommercial purposes and 20 hours~~
333 ~~of classroom courses approved by the department which are~~
334 ~~related to property and casualty insurance sold to individuals~~
335 ~~and families for noncommercial purposes;~~
336 ~~(e) Completed at least 6 months of responsible insurance~~
337 ~~duties as a licensed and appointed service representative in~~
338 ~~property and casualty insurance sold to individuals and families~~

339 ~~for noncommercial purposes and 40 hours of classroom courses~~
340 ~~approved by the department related to property and casualty~~
341 ~~insurance sold to individuals and families for noncommercial~~
342 ~~purposes; or~~

343 ~~(f) Completed at least 3 years of responsible duties as a~~
344 ~~licensed and appointed customer representative in property and~~
345 ~~casualty insurance sold to individuals and families for~~
346 ~~noncommercial purposes.~~

347 (3) If an applicant's qualifications as required under
348 subsection (1) or subsection (2) are based in part upon periods
349 of employment in responsible insurance duties, the applicant
350 shall submit with the license application, ~~on a form prescribed~~
351 ~~by the department,~~ an attestation affidavit of his or her
352 employment ~~employer~~ setting forth the period of such employment,
353 ~~that the employment was substantially full-time,~~ and giving a
354 brief abstract of the nature of the duties performed ~~by the~~
355 ~~applicant.~~

356 (4) An individual who was or became qualified to sit for
357 an agent's, ~~customer representative's,~~ or adjuster's examination
358 at or during the time he or she was employed by the department
359 or office and who, while so employed, was employed in
360 responsible insurance duties as a full-time bona fide employee
361 may take an examination if application for such examination is
362 made within 4 years ~~90 days~~ after the date of termination of
363 employment with the department or office.

364 (5) ~~Classroom and correspondence~~ Courses under subsections

365 (1) and (2) must include instruction on the subject matter of
366 unauthorized entities engaging in the business of insurance. ~~The~~
367 ~~scope of the topic of unauthorized entities must include the~~
368 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~
369 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~
370 ~~et seq., as it relates to the provision of health insurance by~~
371 ~~employers and the regulation thereof.~~

372 Section 8. Subsections (3) and (7) of section 626.7351,
373 Florida Statutes, are amended to read:

374 626.7351 Qualifications for customer representative's
375 license.—The department shall not grant or issue a license as
376 customer representative to any individual found by it to be
377 untrustworthy or incompetent, or who does not meet each of the
378 following qualifications:

379 (3) Within 4 ~~the 2~~ years ~~next~~ preceding the date that the
380 application for license was filed with the department, the
381 applicant has earned the designation of Accredited Advisor in
382 Insurance (AAI), Associate in General Insurance (AINS), or
383 Accredited Customer Service Representative (ACSR) from the
384 Insurance Institute of America; the designation of Certified
385 Insurance Counselor (CIC) from the Society of Certified
386 Insurance Service Counselors; the designation of Certified
387 Professional Service Representative (CPSR) from the National
388 Foundation for CPSR; the designation of Certified Insurance
389 Service Representative (CISR) from the Society of Certified
390 Insurance Service Representatives; the designation of Certified

391 Insurance Representative (CIR) from All-Lines Training; the
392 designation of Professional Customer Service Representative
393 (PCSR) from the Professional Career Institute; the designation
394 of Registered Customer Service Representative (RCSR) from a
395 regionally accredited postsecondary institution in the state
396 whose curriculum is approved by the department and includes
397 comprehensive analysis of basic property and casualty lines of
398 insurance and testing which demonstrates mastery of the subject;
399 or a degree from an accredited institution of higher learning
400 approved by the department when the degree includes a minimum of
401 9 credit hours of insurance instruction, including specific
402 instruction in the areas of property, casualty, and inland
403 marine insurance. The department shall adopt rules establishing
404 standards for the approval of curriculum ~~completed a course in~~
405 ~~insurance, 3 hours of which shall be on the subject matter of~~
406 ~~ethics, approved by the department or has had at least 6 months'~~
407 ~~experience in responsible insurance duties as a substantially~~
408 ~~full-time employee. Courses must include instruction on the~~
409 ~~subject matter of unauthorized entities engaging in the business~~
410 ~~of insurance. The scope of the topic of unauthorized entities~~
411 ~~shall include the Florida Nonprofit Multiple-Employer Welfare~~
412 ~~Arrangement Act and the Employee Retirement Income Security Act,~~
413 ~~29 U.S.C. ss. 1001 et seq., as such acts relate to the provision~~
414 ~~of health insurance by employers and the regulation of such~~
415 ~~insurance.~~

416 ~~(7) The applicant has passed any required examination for~~

417 ~~license required under s. 626.221.~~

418 Section 9. Section 626.748, Florida Statutes, is amended
419 to read:

420 626.748 Agent's records.—Every agent transacting any
421 insurance policy must maintain in his or her office, or have
422 readily accessible by electronic or photographic means, for a
423 period of at least 5 years after policy expiration, such records
424 of policies transacted by him or her as to enable the
425 policyholders and department to obtain all necessary
426 information, including daily reports, applications, change
427 endorsements, or documents signed or initialed by the insured
428 concerning such policies.

429 Section 10. Section 626.7851, Florida Statutes, is amended
430 to read:

431 626.7851 Requirement as to knowledge, experience, or
432 instruction.—An ~~No~~ applicant for a license as a life agent,
433 except for a chartered life underwriter (CLU), shall not be
434 qualified or licensed unless within the 4 years immediately
435 preceding the date the application for a license is filed with
436 the department he or she has:

437 (1) Successfully completed 40 hours of coursework
438 ~~classroom courses~~ in life insurance, annuities, and variable
439 contracts approved by the department, 3 hours of which shall be
440 on the subject matter of ethics, ~~satisfactory to the department~~
441 ~~at a school or college, or extension division thereof, or other~~
442 ~~authorized course of study, approved by the department.~~ Courses

443 must include instruction on the subject matter of unauthorized
444 entities engaging in the business of insurance, ~~to include the~~
445 ~~Florida Nonprofit Multiple-Employer Welfare Arrangement Act and~~
446 ~~the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001~~
447 ~~et seq., as it relates to the provision of life insurance by~~
448 ~~employers to their employees and the regulation thereof;~~

449 (2) Earned or maintained an active designation as a
450 Chartered Financial Consultant (ChFC) from the American College
451 of Financial Services; Fellow, Life Management Institute (FLMI)
452 from the Life Management Institute; or Certified Financial
453 Planner (CFP) from the Certified Financial Planner Board of
454 Standards ~~Successfully completed a correspondence course in~~
455 ~~insurance, 3 hours of which shall be on the subject matter of~~
456 ~~ethics, satisfactory to the department and regularly offered by~~
457 ~~accredited institutions of higher learning in this state or by~~
458 ~~independent programs of study, approved by the department.~~
459 ~~Courses must include instruction on the subject matter of~~
460 ~~unauthorized entities engaging in the business of insurance, to~~
461 ~~include the Florida Nonprofit Multiple-Employer Welfare~~
462 ~~Arrangement Act and the Employee Retirement Income Security Act,~~
463 ~~29 U.S.C. ss. 1001 et seq., as it relates to the provision of~~
464 ~~life insurance by employers to their employees and the~~
465 ~~regulation thereof;~~

466 (3) Held an active license in life, ~~or life and health,~~
467 insurance in another state. This provision may not be used
468 ~~utilized~~ unless the other state grants reciprocal treatment to

469 licensees formerly licensed in the state ~~Florida~~; or
 470 (4) Been employed by the department or office for at least
 471 1 year, full time in life ~~or life and health~~ insurance
 472 regulatory matters and who was not terminated for cause, and
 473 application for examination is made within 4 years ~~90 days~~ after
 474 the date of termination of his or her employment with the
 475 department or office.

476 Section 11. Section 626.8311, Florida Statutes, is amended
 477 to read:

478 626.8311 Requirement as to knowledge, experience, or
 479 instruction.—An ~~No~~ applicant for a license as a health agent,
 480 except for a chartered life underwriter (CLU), shall not be
 481 qualified or licensed unless within the 4 years immediately
 482 preceding the date the application for license is filed with the
 483 department he or she has:

484 (1) Successfully completed 40 hours of coursework
 485 ~~classroom courses~~ in health insurance, approved by the
 486 department, 3 hours of which shall be on the subject matter of
 487 ~~ethics, satisfactory to the department at a school or college,~~
 488 ~~or extension division thereof, or other authorized course of~~
 489 ~~study, approved by the department.~~ Courses must include
 490 instruction on the subject matter of unauthorized entities
 491 engaging in the business of insurance, to include the Florida
 492 Nonprofit Multiple-Employer Welfare Arrangement Act and the
 493 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
 494 seq., as it relates to the provision of health insurance by

495 employers to their employees and the regulation thereof;

496 (2) Earned or maintained an active designation as a
497 Registered Health Underwriter (RHU), Chartered Healthcare
498 Consultant (ChHC), or Registered Employee Benefits Consultant
499 (REBC) from the American College of Financial Services;
500 Certified Employee Benefit Specialist (CEBS) from the Wharton
501 School of the University of Pennsylvania; Health Insurance
502 Associate (HIA) from America's Health Insurance Plans; or
503 Certified Financial Planner (CFP) from the Certified Financial
504 Planner Board of Standards ~~Successfully completed a~~
505 ~~correspondence course in insurance, 3 hours of which shall be on~~
506 ~~the subject matter of ethics, satisfactory to the department and~~
507 ~~regularly offered by accredited institutions of higher learning~~
508 ~~in this state or by independent programs of study, approved by~~
509 ~~the department. Courses must include instruction on the subject~~
510 ~~matter of unauthorized entities engaging in the business of~~
511 ~~insurance, to include the Florida Nonprofit Multiple-Employer~~
512 ~~Welfare Arrangement Act and the Employee Retirement Income~~
513 ~~Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the~~
514 ~~provision of health insurance by employers to their employees~~
515 ~~and the regulation thereof;~~

516 (3) Held an active license in health, ~~or life and health,~~
517 insurance in another state. This provision may not be utilized
518 unless the other state grants reciprocal treatment to licensees
519 formerly licensed in Florida; or

520 (4) Been employed by the department or office for at least

521 1 year, full time in health insurance regulatory matters and who
522 was not terminated for cause, and application for examination is
523 made within 4 years ~~90 days~~ after the date of termination of his
524 or her employment with the department or office.

525 Section 12. Section 626.8661, Florida Statutes, is created
526 to read:

527 626.8661 Requirement as to knowledge, experience, or
528 instruction.—An applicant for a license as an all-lines
529 adjuster, except for a chartered property and casualty
530 underwriter (CPCU), shall not be qualified or licensed unless
531 within the 4 years immediately preceding the date that the
532 application for license is filed with the department he or she
533 has:

534 (1) Successfully completed 40 hours of coursework in
535 adjusting all lines of insurance, except life, approved by the
536 department;

537 (2) Earned or maintained an active designation as an
538 Accredited Claims Adjuster (ACA) from a regionally accredited
539 postsecondary institution in the state, Associate in Claims
540 (AIC) from the Insurance Institute of America, Professional
541 Claims Adjuster (PCA) from the Professional Career Institute,
542 Professional Property Insurance Adjuster (PPIA) from the
543 HurriClaim Training Academy, Certified Adjuster (CA) from All-
544 Lines Training, or Certified Claims Adjuster (CCA) from AE21
545 Incorporated;

546 (3) Completed at least 1 year in responsible insurance

547 duties as a substantially full-time insurance adjuster with
 548 experience in determining the amount of a claim, loss, or damage
 549 payable under an insurance contract and has effected settlement
 550 of such claim, loss, or damage, but has not met the education
 551 requirement described in subsection (1) or subsection (2); or
 552 (4) Been employed full time by the department or office
 553 for at least 1 year, with experience in insurance claim
 554 regulatory matters, and was not terminated for cause.

555 Section 13. Paragraph (o) of subsection (1) of section
 556 626.9541, Florida Statutes, is amended to read:

557 626.9541 Unfair methods of competition and unfair or
 558 deceptive acts or practices defined.—

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

562 (o) Illegal dealings in premiums; excess or reduced
 563 charges for insurance.—

564 1. Knowingly collecting any sum as a premium or charge for
 565 insurance, which is not then provided, or is not in due course
 566 to be provided, subject to acceptance of the risk by the
 567 insurer, by an insurance policy issued by an insurer as
 568 permitted by this code.

569 2. Knowingly collecting as a premium or charge for
 570 insurance any sum in excess of or less than the premium or
 571 charge applicable to such insurance, in accordance with the
 572 applicable classifications and rates as filed with and approved

573 by the office, and as specified in the policy; or, in cases when
574 classifications, premiums, or rates are not required by this
575 code to be so filed and approved, premiums and charges collected
576 from a Florida resident in excess of or less than those
577 specified in the policy and as fixed by the insurer.

578 Notwithstanding any other provision of law, this provision shall
579 not be deemed to prohibit the charging and collection, by
580 surplus lines agents licensed under part VIII of this chapter,
581 of the amount of applicable state and federal taxes, or fees as
582 authorized by s. 626.916(4), in addition to the premium required
583 by the insurer or the charging and collection, by licensed
584 agents, of the exact amount of any discount or other such fee
585 charged by a credit card facility in connection with the use of
586 a credit card, as authorized by subparagraph (q)3., in addition
587 to the premium required by the insurer. This subparagraph shall
588 not be construed to prohibit collection of a premium for a
589 universal life or a variable or indeterminate value insurance
590 policy made in accordance with the terms of the contract.

591 3.a. Imposing or requesting an additional premium for a
592 policy of motor vehicle liability, personal injury protection,
593 medical payment, or collision insurance or any combination
594 thereof or refusing to renew the policy solely because the
595 insured was involved in a motor vehicle accident unless the
596 insurer's file contains information from which the insurer in
597 good faith determines that the insured was substantially at
598 fault in the accident.

599 b. An insurer which imposes and collects such a surcharge
600 or which refuses to renew such policy shall, in conjunction with
601 the notice of premium due or notice of nonrenewal, notify the
602 named insured that he or she is entitled to reimbursement of
603 such amount or renewal of the policy under the conditions listed
604 below and will subsequently reimburse him or her or renew the
605 policy, if the named insured demonstrates that the operator
606 involved in the accident was:

607 (I) Lawfully parked;

608 (II) Reimbursed by, or on behalf of, a person responsible
609 for the accident or has a judgment against such person;

610 (III) Struck in the rear by another vehicle headed in the
611 same direction and was not convicted of a moving traffic
612 violation in connection with the accident;

613 (IV) Hit by a "hit-and-run" driver, if the accident was
614 reported to the proper authorities within 24 hours after
615 discovering the accident;

616 (V) Not convicted of a moving traffic violation in
617 connection with the accident, but the operator of the other
618 automobile involved in such accident was convicted of a moving
619 traffic violation;

620 (VI) Finally adjudicated not to be liable by a court of
621 competent jurisdiction;

622 (VII) In receipt of a traffic citation which was dismissed
623 or nolle prossed; or

624 (VIII) Not at fault as evidenced by a written statement

625 from the insured establishing facts demonstrating lack of fault
626 which are not rebutted by information in the insurer's file from
627 which the insurer in good faith determines that the insured was
628 substantially at fault.

629 c. In addition to the other provisions of this
630 subparagraph, an insurer may not fail to renew a policy if the
631 insured has had only one accident in which he or she was at
632 fault within the current 3-year period. However, an insurer may
633 nonrenew a policy for reasons other than accidents in accordance
634 with s. 627.728. This subparagraph does not prohibit nonrenewal
635 of a policy under which the insured has had three or more
636 accidents, regardless of fault, during the most recent 3-year
637 period.

638 4. Imposing or requesting an additional premium for, or
639 refusing to renew, a policy for motor vehicle insurance solely
640 because the insured committed a noncriminal traffic infraction
641 as described in s. 318.14 unless the infraction is:

642 a. A second infraction committed within an 18-month
643 period, or a third or subsequent infraction committed within a
644 36-month period.

645 b. A violation of s. 316.183, when such violation is a
646 result of exceeding the lawful speed limit by more than 15 miles
647 per hour.

648 5. Upon the request of the insured, the insurer and
649 licensed agent shall supply to the insured the complete proof of
650 fault or other criteria which justifies the additional charge or

651 cancellation.

652 6. No insurer shall impose or request an additional
653 premium for motor vehicle insurance, cancel or refuse to issue a
654 policy, or refuse to renew a policy because the insured or the
655 applicant is a handicapped or physically disabled person, so
656 long as such handicap or physical disability does not
657 substantially impair such person's mechanically assisted driving
658 ability.

659 7. No insurer may cancel or otherwise terminate any
660 insurance contract or coverage, or require execution of a
661 consent to rate endorsement, during the stated policy term for
662 the purpose of offering to issue, or issuing, a similar or
663 identical contract or coverage to the same insured with the same
664 exposure at a higher premium rate or continuing an existing
665 contract or coverage with the same exposure at an increased
666 premium.

667 8. No insurer may issue a nonrenewal notice on any
668 insurance contract or coverage, or require execution of a
669 consent to rate endorsement, for the purpose of offering to
670 issue, or issuing, a similar or identical contract or coverage
671 to the same insured at a higher premium rate or continuing an
672 existing contract or coverage at an increased premium without
673 meeting any applicable notice requirements.

674 9. No insurer shall, with respect to premiums charged for
675 motor vehicle insurance, unfairly discriminate solely on the
676 basis of age, sex, marital status, or scholastic achievement.

HB 1133

2015

677 10. Imposing or requesting an additional premium for motor
678 vehicle comprehensive or uninsured motorist coverage solely
679 because the insured was involved in a motor vehicle accident or
680 was convicted of a moving traffic violation.

681 11. No insurer shall cancel or issue a nonrenewal notice
682 on any insurance policy or contract without complying with any
683 applicable cancellation or nonrenewal provision required under
684 the Florida Insurance Code.

685 12. No insurer shall impose or request an additional
686 premium, cancel a policy, or issue a nonrenewal notice on any
687 insurance policy or contract because of any traffic infraction
688 when adjudication has been withheld and no points have been
689 assessed pursuant to s. 318.14(9) and (10). However, this
690 subparagraph does not apply to traffic infractions involving
691 accidents in which the insurer has incurred a loss due to the
692 fault of the insured.

693 Section 14. Section 627.4553, Florida Statutes, is amended
694 to read:

695 627.4553 Recommendations to surrender.—If an insurance
696 agent recommends the surrender of an annuity or life insurance
697 policy containing a cash value and does not recommend that the
698 proceeds from the surrender be used to fund or purchase another
699 annuity or life insurance policy, before execution of the
700 surrender, the insurance agent, ~~or insurance company if no agent~~
701 ~~is involved,~~ shall provide written ~~, on a form that satisfies~~
702 ~~the requirements of the rule adopted by the department,~~

703 information relating to the annuity or policy to be surrendered.
704 Such information shall include, but is not limited to, the
705 amount of any surrender charge, the loss of any minimum interest
706 rate guarantees, the possibility ~~amount~~ of any tax consequences
707 ~~resulting from the transaction~~, the amount of any forfeited
708 death benefit, and the value of any other investment performance
709 guarantees being forfeited as a result of the transaction. The
710 agent shall maintain a copy of the information and the date that
711 the information was provided to the owner. This section also
712 applies to a person performing insurance agent activities
713 pursuant to an exemption from licensure under this part.

714 Section 15. Subsection (2) of section 631.341, Florida
715 Statutes, is amended to read:

716 631.341 Notice of insolvency to policyholders by insurer,
717 general agent, or agent.—

718 (2) Unless, within 15 days subsequent to the date of such
719 notice, all agents referred to in subsection (1) have either
720 replaced or reinsured in a solvent authorized insurer the
721 insurance coverages placed by or through such agent in the
722 delinquent insurer, such agents shall then, by registered or
723 certified mail, or by e-mail with delivery receipt required,
724 send to the last known address of any policyholder a written
725 notice of the insolvency of the delinquent insurer.

726 Section 16. Paragraph (d) of subsection (1) of section
727 648.355, Florida Statutes, is amended to read:

728 648.355 Temporary limited license as limited surety agent

729 or professional bail bond agent; pending examination.—

730 (1) The department may, in its discretion, issue a
 731 temporary license as a limited surety agent or professional bail
 732 bond agent, subject to the following conditions:

733 (d) Within 4 years prior to the date of application for a
 734 temporary license, the applicant has successfully completed a
 735 basic certification course in the criminal justice system,
 736 consisting of at least ~~not less than~~ 120 hours of ~~classroom~~
 737 instruction with a passing grade of 80 percent or higher and has
 738 successfully completed a 20 hour ~~correspondence~~ course for bail
 739 bond agents approved by the department.

740 Section 17. Paragraph (a) of subsection (1) of section
 741 648.386, Florida Statutes, is amended to read:

742 648.386 Qualifications for prelicensing and continuing
 743 education schools and instructors.—

744 (1) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In
 745 order to be considered for approval and certification as an
 746 approved limited surety agent and professional bail bond agent
 747 prelicensing school, such entity must:

748 (a)1. Offer a ~~minimum of two~~ 120-hour ~~classroom-~~
 749 ~~instruction~~ basic certification course ~~courses~~ in the criminal
 750 justice system approved by the department ~~per calendar year~~
 751 ~~unless a reduced number of course offerings per calendar year is~~
 752 ~~warranted in accordance with rules promulgated by the~~
 753 ~~department;~~ or

754 2. Offer a bail bond agents ~~department-approved~~

HB 1133

2015

755 | ~~correspondence~~ course approved by the ~~pursuant to~~ department
756 | ~~rules.~~

757 | Section 18. This act shall take effect July 1, 2015.