

1 A bill to be entitled
2 An act relating to insurance; amending s. 319.30,
3 F.S.; revising a certain electronic signature
4 requirement for a motor vehicle salvage certificate of
5 title; amending ss. 440.12 and 440.20, F.S.;
6 authorizing the payment of certain workers'
7 compensation benefits to be transmitted to the
8 employee's account with a licensed money transmitter;
9 amending s. 624.01, F.S.; adding ch. 647, F.S., to the
10 Florida Insurance Code; amending s. 624.155, F.S.;
11 revising requirements and procedures for the civil
12 remedy notice provided to insurers and the Department
13 of Financial Services; revising the timeframe for an
14 insurer to pay damages or for certain circumstances to
15 be corrected; revising circumstances that toll the
16 applicable statute of limitations and the period the
17 statute of limitations is tolled; amending ss. 624.307
18 and 624.315, F.S.; providing that certain aggregate
19 information containing trade secret information may be
20 publicly disclosed by the department or the Office of
21 Insurance Regulation, except under certain
22 circumstances; amending s. 624.422, F.S., requiring
23 insurers to file with the department certain contact
24 information for service of process; amending s.
25 626.321, F.S.; revising the coverage provided under

26 policies and certificates of travel insurance;
27 providing that certain travel insurance licenses are
28 subject to review by the department rather than by the
29 office; revising persons who may be licensed to
30 transact in travel insurance; specifying licensure and
31 registration requirements for certain persons;
32 defining the term "travel retailer"; specifying
33 requirements for, restrictions on, and authorized acts
34 by travel retailers and limited lines travel insurance
35 producers; defining the term "offer and disseminate";
36 authorizing certain persons to sell, solicit, and
37 negotiate travel insurance; amending ss. 627.062,
38 627.0651, and 627.410, F.S.; specifying that certain
39 periods ending on a weekend or on certain holidays are
40 extended until the conclusion of the next business
41 day; amending s. 627.072, F.S., providing a ratemaking
42 factor for workers' compensation and employer's
43 liability insurance; amending s. 627.714, F.S.;
44 revising criteria for assessing a residential
45 condominium unit owner's loss assessment coverage;
46 amending s. 627.7295, F.S.; decreasing the timeframe
47 during which an insurer may not cancel a new policy or
48 binder of motor vehicle insurance for nonpayment of
49 premium, except under certain circumstances; creating
50 ch. 647, F.S., entitled "Travel Insurance"; creating

51 s. 647.01, F.S.; providing legislative purpose;
52 providing applicability; creating s. 647.02, F.S.;
53 defining terms; creating s. 647.03, F.S.; defining the
54 terms "primary certificateholder" and "primary
55 policyholder"; requiring travel insurers to pay the
56 insurance premium tax on specified travel insurance
57 premiums; providing construction; specifying
58 requirements for travel insurers; creating s. 647.04,
59 F.S.; providing that a travel protection plan may be
60 offered for one price if it meets specified
61 requirements; creating s. 647.05, F.S.; specifying
62 sales practice requirements relating to travel
63 insurance; specifying a policyholder's or
64 certificateholder's right to cancel a travel
65 protection plan for a full refund; defining the term
66 "delivery"; specifying unfair insurance trade
67 practices; specifying prohibited sales practices
68 relating to travel insurance and travel protection
69 plans; providing construction; creating s. 647.06,
70 F.S.; specifying qualifications for travel
71 administrators; providing an exemption from certain
72 licensure; providing that insurers are responsible for
73 ensuring certain acts by travel administrators;
74 creating s. 647.07, F.S.; specifying the
75 classification for travel insurance for rate filing

76 | purposes; specifying authorized forms of travel
 77 | insurance; providing applicability of certain
 78 | provisions of the Rating Law; authorizing the
 79 | development and provision of travel insurance programs
 80 | on certain bases; creating s. 647.08, F.S.; requiring
 81 | the office to adopt rules; providing effective dates.
 82 |

83 | Be It Enacted by the Legislature of the State of Florida:
 84 |

85 | Section 1. Effective upon this act becoming a law,
 86 | paragraph (d) of subsection (3) of section 319.30, Florida
 87 | Statutes, is amended to read:

88 | 319.30 Definitions; dismantling, destruction, change of
 89 | identity of motor vehicle or mobile home; salvage.—

90 | (3)

91 | (d) An electronic signature that is consistent with
 92 | chapter 668 satisfies any signature required under this
 93 | subsection, except that an electronic signature on an odometer
 94 | disclosure submitted through an insurance company must be
 95 | executed using an electronic signature, as defined in s.
 96 | 668.003(4), which ~~that~~ uses a system providing an Identity
 97 | Assurance Level, Authenticator Assurance Level, and Federation
 98 | Assurance Level, as described in the National Institute of
 99 | Standards and Technology Special Publication 800-63-3, as of
 100 | December 1, 2017, which ~~that~~ are equivalent to or greater than—

101 ~~1.~~ level 2, for each level, for a certificate of
102 destruction ~~or~~.

103 ~~2. Level 3, for each level,~~ for a salvage certificate of
104 title.

105 Section 2. Paragraph (a) of subsection (1) of section
106 440.12, Florida Statutes, is amended to read:

107 440.12 Time for commencement and limits on weekly rate of
108 compensation.—

109 (1) Compensation is not allowed for the first 7 days of
110 the disability, except for benefits provided under s. 440.13.
111 However, if the injury results in more than 21 days of
112 disability, compensation is allowed from the commencement of the
113 disability.

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

121 Section 3. Paragraph (a) of subsection (1) and paragraph
122 (a) of subsection (6) of section 440.20, Florida Statutes, are
123 amended to read:

124 440.20 Time for payment of compensation and medical bills;
125 penalties for late payment.—

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

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

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

176 Section 4. Section 624.01, Florida Statutes, is amended to
 177 read:

178 624.01 Short title.—Chapters 624-632, 634, 635, 636, 641,
 179 642, 647, 648, and 651 constitute the "Florida Insurance Code."

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

182 624.155 Civil remedy.—

183 (3) (a) As a condition precedent to bringing an action
 184 under this section, the department and the authorized insurer
 185 must have been given 60 days' written notice of the violation.
 186 Notice to the authorized insurer must be forwarded by the
 187 department to the insurer at the e-mail address designated by
 188 the insurer under s. 624.422.

189 (b) The notice shall be on a form provided by the
 190 department and shall state with specificity the following
 191 information, and such other information as the department may
 192 require:

193 1. The statutory provision, including the specific
 194 language of the statute, which the authorized insurer allegedly
 195 violated.

196 2. The facts and circumstances giving rise to the
 197 violation.

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

199 4. Reference to specific policy language that is relevant
 200 to the violation, if any. If the person bringing the civil

201 action is a third party claimant, she or he shall not be
202 required to reference the specific policy language if the
203 authorized insurer has not provided a copy of the policy to the
204 third party claimant pursuant to written request.

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

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

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

215 (e) The applicable statute of limitations for an action
216 under this section shall be tolled for a period of 60 ~~65~~ days
217 after:

218 1. The insurer receives from the department ~~by the mailing~~
219 ~~of the notice required by this subsection.~~

220 2. The date appraisal is invoked pursuant to paragraph (f)
221 ~~or the mailing of a subsequent notice required by this~~
222 ~~subsection.~~

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

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

228 624.307 General powers; duties.—

229 (4) The department and office may each collect, propose,
 230 publish, and disseminate information relating to the subject
 231 matter of any duties imposed upon it by law. Aggregate
 232 information published or disseminated by the department or
 233 office under this subsection may include information covered by
 234 a notice of trade secret under s. 624.4213(1), unless the
 235 information can be individually extrapolated, in which case the
 236 information may not be published or disseminated by the
 237 department or the office.

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

240 624.315 Department; annual report.—

241 (4) The office may include information covered by a notice
 242 of trade secret under s. 624.4213(1) in the report under
 243 subsection (1) or make the information available under
 244 subsection (2), unless the information can be individually
 245 extrapolated, in which case the information may not be published
 246 or disseminated by the department or the office.

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

249 624.422 Service of process; appointment of Chief Financial
 250 Officer as process agent.—

251 (2) Prior to its authorization to transact insurance in
252 this state, each insurer shall file with the department
253 designation of the name and address of the person to whom
254 process against it served upon the Chief Financial Officer is to
255 be forwarded. Each insurer shall also file with the department
256 designation of the name and e-mail address of the person to whom
257 the department shall forward civil remedy notices filed under
258 624.155. The insurer may change a ~~the~~ designation at any time by
259 a new filing.

260 Section 9. Paragraph (c) of subsection (1) of section
261 626.321, Florida Statutes, is amended to read:

262 626.321 Limited licenses and registration.—

263 (1) The department shall issue to a qualified applicant a
264 license as agent authorized to transact a limited class of
265 business in any of the following categories of limited lines
266 insurance:

267 (c) Travel insurance.—License covering only policies and
268 certificates of travel insurance which are subject to review by
269 the office. Policies and certificates of travel insurance may
270 provide coverage for travel insurance, as defined in s. 647.02
271 ~~risks incidental to travel, planned travel, or accommodations~~
272 ~~while traveling, including, but not limited to, accidental death~~
273 ~~and dismemberment of a traveler; trip or event cancellation,~~
274 ~~interruption, or delay; loss of or damage to personal effects or~~
275 ~~travel documents; damages to travel accommodations; baggage~~

276 ~~delay; emergency medical travel or evacuation of a traveler; or~~
277 ~~medical, surgical, and hospital expenses related to an illness~~
278 ~~or emergency of a traveler. Such policy or certificate may be~~
279 ~~issued for terms longer than 90 days, but, other than a policy~~
280 ~~or certificate providing coverage for air ambulatory services~~
281 ~~only, each policy or certificate must be limited to coverage for~~
282 ~~travel or use of accommodations of no longer than 90 days. The~~
283 ~~license may be issued only to an individual or business entity~~
284 ~~that has filed with the department an application for a license~~
285 ~~in a form and manner prescribed by the department.~~

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

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

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

294 b. May, under subparagraph 3., offer and disseminate
295 travel insurance as a service to its customers on behalf of and
296 under the direction of a limited lines travel insurance
297 producer.

298 3. A travel retailer may offer and disseminate travel
299 insurance under a limited lines travel insurance producer
300 business entity license only if all of the following

301 requirements are met:

302 a. The limited lines travel insurance producer or travel
303 retailer provides to purchasers of travel insurance:

304 (I) A description of the material terms or the actual
305 material terms of the insurance coverage.

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

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

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

311 b. At the time of licensure, the limited lines travel
312 insurance producer establishes and maintains a register on the
313 department's website and appoints each travel retailer that
314 offers travel insurance on behalf of the limited lines travel
315 insurance producer. The limited lines travel insurance producer
316 must maintain and update the register, which must include the
317 travel retailer's federal tax identification number and the
318 name, address, and contact information of the travel retailer
319 and an officer or person who directs or controls the travel
320 retailer's operations. The limited lines travel insurance
321 producer shall submit the register to the department upon
322 reasonable request. The limited lines travel insurance producer
323 shall also certify that the travel retailer register complies
324 with 18 U.S.C. s. 1033. The grounds for the suspension and
325 revocation and the penalties applicable to resident insurance

326 producers under this section apply to the limited lines travel
327 insurance producers and travel retailers.

328 c. The limited lines travel insurance producer has
329 designated one of its employees as the designated responsible
330 producer. The designated responsible producer, who must be a
331 licensed insurance producer, is responsible for compliance with
332 the travel insurance laws and regulations applicable to the
333 limited lines travel insurance producer and its registrants. The
334 designated responsible producer and the president, secretary,
335 treasurer, and any other officer or person who directs or
336 controls the limited lines travel insurance producer's insurance
337 operations must comply with the fingerprinting requirements
338 applicable to insurance producers in the resident state of the
339 limited lines travel insurance producer.

340 d. The limited lines travel insurance producer has paid
341 all applicable licensing and appointment fees, as set forth in
342 applicable general law.

343 e. The limited lines travel insurance producer requires
344 each employee and each authorized representative of the travel
345 retailer whose duties include offering and disseminating travel
346 insurance to receive a program of instruction or training, which
347 is subject, at the discretion of the department, to review and
348 approval. The training material must, at a minimum, contain
349 adequate instructions on the types of insurance offered, ethical
350 sales practices, and required disclosures to prospective

351 purchasers.

352

353 As used in this paragraph, the term "offer and disseminate"
354 means to provide general information, including a description of
355 the coverage and price, as well as to process the application
356 and collect premiums.

357 4. A travel retailer offering or disseminating travel
358 insurance shall make available to prospective purchasers
359 brochures or other written materials that have been approved by
360 the travel insurer. Such materials must include information
361 that, at a minimum:

362 a. Provides the identity and contact information of the
363 insurer and the limited lines travel insurance producer.

364 b. Explains that the purchase of travel insurance is not
365 required in order to purchase any other product or service from
366 the travel retailer.

367 c. Explains that a travel retailer is authorized to
368 provide only general information about the insurance offered by
369 the travel retailer, including a description of the coverage and
370 price, but is not qualified or authorized to answer technical
371 questions about the terms and conditions of the insurance
372 offered by the travel retailer or to evaluate the adequacy of
373 the customer's existing insurance coverage.

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

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

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

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

382
383 Notwithstanding any other law, a travel retailer whose
384 insurance-related activities, and those of its employees and
385 authorized representatives, are limited to offering and
386 disseminating travel insurance on behalf of and under the
387 direction of a limited lines travel insurance producer meeting
388 the conditions in this section may receive related compensation
389 if the limited lines travel insurance producer is licensed as
390 described in paragraph (2) (b).

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

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

397 ~~1. To a full-time salaried employee of a common carrier or~~
398 ~~a full-time salaried employee or owner of a transportation~~
399 ~~ticket agency and may authorize the sale of such ticket policies~~
400 ~~only in connection with the sale of transportation tickets, or~~

401 ~~to the full-time salaried employee of such an agent. Such policy~~
402 ~~may not be for more than 48 hours or more than the duration of a~~
403 ~~specified one-way trip or round trip.~~

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

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

407 ~~b. An exchange company operating an exchange program~~
408 ~~approved under chapter 721;~~

409 ~~e. A managing entity operating a timeshare plan approved~~
410 ~~under chapter 721;~~

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

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

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

418 ~~a. A license issued to a business entity that offers~~
419 ~~travel planning services must encompass each office, branch~~
420 ~~office, or place of business making use of the entity's business~~
421 ~~name in order to offer, solicit, and sell insurance pursuant to~~
422 ~~this paragraph.~~

423 ~~b. The application for licensure must list the name,~~
424 ~~address, and phone number for each office, branch office, or~~
425 ~~place of business that is to be covered by the license. The~~

426 | ~~licensee shall notify the department of the name, address, and~~
427 | ~~phone number of any new location that is to be covered by the~~
428 | ~~license before the new office, branch office, or place of~~
429 | ~~business engages in the sale of insurance pursuant to this~~
430 | ~~paragraph. The licensee shall notify the department within 30~~
431 | ~~days after the closing or terminating of an office, branch~~
432 | ~~office, or place of business. Upon receipt of the notice, the~~
433 | ~~department shall delete the office, branch office, or place of~~
434 | ~~business from the license.~~

435 | ~~e. A licensed and appointed entity is directly responsible~~
436 | ~~and accountable for all acts of the licensee's employees and~~
437 | ~~parties with whom the licensee has entered into a contractual~~
438 | ~~agreement to offer travel insurance.~~

439 |
440 | ~~A licensee shall require each individual who offers policies or~~
441 | ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
442 | ~~initial training from a general lines agent or an insurer~~
443 | ~~authorized under chapter 624 to transact insurance within this~~
444 | ~~state. For an entity applying for a license as a travel~~
445 | ~~insurance agent, the fingerprinting requirement of this section~~
446 | ~~applies only to the president, secretary, and treasurer and to~~
447 | ~~any other officer or person who directs or controls the travel~~
448 | ~~insurance operations of the entity.~~

449 | Section 10. Paragraph (a) of subsection (2) of section
450 | 627.062, Florida Statutes, is amended to read:

451 627.062 Rate standards.—

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

453 (a) Insurers or rating organizations shall establish and
454 use rates, rating schedules, or rating manuals that allow the
455 insurer a reasonable rate of return on the classes of insurance
456 written in this state. A copy of rates, rating schedules, rating
457 manuals, premium credits or discount schedules, and surcharge
458 schedules, and changes thereto, must be filed with the office
459 under one of the following procedures:

460 1. If the filing is made at least 90 days before the
461 proposed effective date and is not implemented during the
462 office's review of the filing and any proceeding and judicial
463 review, such filing is considered a "file and use" filing. In
464 such case, the office shall finalize its review by issuance of a
465 notice of intent to approve or a notice of intent to disapprove
466 within 90 days after receipt of the filing. If the 90-day period
467 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
468 must be extended until the conclusion of the next business day.

469 The notice of intent to approve and the notice of intent to
470 disapprove constitute agency action for purposes of the
471 Administrative Procedure Act. Requests for supporting
472 information, requests for mathematical or mechanical
473 corrections, or notification to the insurer by the office of its
474 preliminary findings does not toll the 90-day period during any
475 such proceedings and subsequent judicial review. The rate shall

476 be deemed approved if the office does not issue a notice of
477 intent to approve or a notice of intent to disapprove within 90
478 days after receipt of the filing.

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

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

492
493 The provisions of this subsection do not apply to workers'
494 compensation, employer's liability insurance, and motor vehicle
495 insurance.

496 Section 11. Paragraph (a) of subsection (1) of section
497 627.0651, Florida Statutes, is amended to read:

498 627.0651 Making and use of rates for motor vehicle
499 insurance.—

500 (1) Insurers shall establish and use rates, rating

501 schedules, or rating manuals to allow the insurer a reasonable
502 rate of return on motor vehicle insurance written in this state.
503 A copy of rates, rating schedules, and rating manuals, and
504 changes therein, shall be filed with the office under one of the
505 following procedures:

506 (a) If the filing is made at least 60 days before the
507 proposed effective date and the filing is not implemented during
508 the office's review of the filing and any proceeding and
509 judicial review, such filing shall be considered a "file and
510 use" filing. In such case, the office shall initiate proceedings
511 to disapprove the rate and so notify the insurer or shall
512 finalize its review within 60 days after receipt of the filing.
513 If the 60-day period ends on a weekend or a holiday under s.
514 110.117(1)(a)-(i), it must be extended until the conclusion of
515 the next business day. Notification to the insurer by the office
516 of its preliminary findings shall toll the 60-day period during
517 any such proceedings and subsequent judicial review. The rate
518 shall be deemed approved if the office does not issue notice to
519 the insurer of its preliminary findings within 60 days after the
520 filing.

521 Section 12. Paragraphs (b) through (g) of subsection (1)
522 of section 627.072, Florida Statutes, are redesignated as
523 paragraphs (c) through (h), respectively, and a new paragraph
524 (b) is added to that subsection, to read:

525 627.072 Making and use of rates.—

526 (1) As to workers' compensation and employer's liability
527 insurance, the following factors shall be used in the
528 determination and fixing of rates:

529 (b) The impact resulting from past loss experience and
530 prospective loss experience for insurers whose data is missing
531 from statewide experience due to insolvency. Prior reported data
532 for such insurers and all other relevant information may be used
533 to assess the impact on rates.

534 Section 13. Subsection (2) of section 627.410, Florida
535 Statutes, is amended to read:

536 627.410 Filing, approval of forms.—

537 (2) Every such filing must be made at least 30 days in
538 advance of any such use or delivery. At the expiration of the 30
539 days, the form filed will be deemed approved unless prior
540 thereto it has been affirmatively approved or disapproved by
541 order of the office. The approval of such form by the office
542 constitutes a waiver of any unexpired portion of such waiting
543 period. The office may extend the period within which it may
544 affirmatively approve or disapprove such form by up to 15 days
545 by giving notice of such extension before expiration of the
546 initial 30-day period. If the initial 30-day period or the 15-
547 day extension period ends on a weekend or a holiday under s.
548 110.117(1)(a)-(i), the review period must be extended until the
549 conclusion of the next business day. At the expiration of such
550 extended period, and in the absence of prior affirmative

551 approval or disapproval, such form shall be deemed approved.

552 Section 14. Subsection (2) of section 627.714, Florida
553 Statutes, is amended to read:

554 627.714 Residential condominium unit owner coverage; loss
555 assessment coverage required.—

556 (2) The maximum amount of any unit owner's loss assessment
557 coverage that can be assessed for any loss shall be an amount
558 equal to that unit owner's loss assessment coverage limit in
559 effect 1 day before the date of the occurrence that gave rise to
560 the loss. Such coverage is applicable to any loss assessment
561 regardless of the date of the assessment by the association. Any
562 changes to the limits of a unit owner's coverage for loss
563 assessments made on or after the day before the date of the
564 occurrence are not applicable to such loss.

565 Section 15. Subsection (4) of section 627.7295, Florida
566 Statutes, is amended to read:

567 627.7295 Motor vehicle insurance contracts.—

568 (4) The insurer may cancel the policy in accordance with
569 this code except that, notwithstanding s. 627.728, an insurer
570 may not cancel a new policy or binder during the first 30 ~~60~~
571 days immediately following the effective date of the policy or
572 binder for nonpayment of premium unless the reason for the
573 cancellation is the issuance of a check for the premium that is
574 dishonored for any reason or any other type of premium payment
575 that was subsequently determined to be rejected or invalid.

576 Section 16. The Division of Law Revision is directed to
577 create chapter 647, Florida Statutes, consisting of ss. 647.01-
578 647.08, Florida Statutes, to be entitled "Travel Insurance."

579 Section 17. Section 647.01, Florida Statutes, is created
580 to read:

581 647.01 Purpose and scope.-

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

585 (2) This chapter applies to:

586 (a) Travel insurance that covers any resident of this
587 state and that is sold, solicited, negotiated, or offered in
588 this state.

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

591
592 This chapter does not apply to cancellation fee waivers or
593 travel assistance services, except as expressly provided in this
594 chapter.

595 (3) All other applicable provisions of the insurance laws
596 of this state continue to apply to travel insurance, except that
597 the specific provisions of this chapter shall supersede any
598 general provisions of law that would otherwise be applicable to
599 travel insurance.

600 Section 18. Section 647.02, Florida Statutes, is created

601 to read:

602 647.02 Definitions.—As used in this chapter, the term:

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

607 (2) "Blanket travel insurance" means a policy of travel
608 insurance issued to an eligible group providing coverage to all
609 members of the eligible group without a separate charge to
610 individual members of the eligible group.

611 (3) "Cancellation fee waiver" means a contractual
612 agreement between a supplier of travel services and its customer
613 to waive some or all of the nonrefundable cancellation fee
614 provisions of the supplier's underlying travel contract with or
615 without regard to the reason for the cancellation or form of
616 reimbursement. A cancellation fee waiver is not insurance.

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

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

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

626 manager, and cultural exchange program.

627 2. An operator, owner, or lessor of a means of
628 transportation of passengers, including, but not limited to, a
629 common carrier, airline, cruise line, railroad, steamship
630 company, and public bus carrier.

631
632 With regard to any particular travel or type of travel or
633 travelers, all members or customers of the group must have a
634 common exposure to risk attendant to such travel.

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

637 (c) An employer covering any group of employees,
638 volunteers, contractors, board of directors, dependents, or
639 guests.

640 (d) A sports team or camp, or a sponsor thereof, covering
641 participants, members, campers, employees, officials,
642 supervisors, or volunteers.

643 (e) A religious, charitable, recreational, educational, or
644 civic organization, or a branch thereof, covering any group of
645 members, participants, or volunteers.

646 (f) A financial institution or financial institution
647 vendor, or a parent holding company, trustee, or agent of or
648 designated by one or more financial institutions or financial
649 institution vendors, including account holders, credit card
650 holders, debtors, guarantors, or purchasers.

651 (g) An incorporated or unincorporated association,
652 including a labor union, having a common interest and
653 constitution and bylaws, which is organized and maintained in
654 good faith for purposes other than obtaining insurance coverage
655 for its members or participants.

656 (h) A trust or the trustees of a fund that covers its
657 members, employees, or customers and is established, created, or
658 maintained for the benefit of its members, employees, or
659 customers, subject to:

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

666 (i) An entertainment production company covering any group
667 of participants, volunteers, audience members, contestants, or
668 workers.

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

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

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

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

681 (m) Any other group for which the department has made the
682 following determinations:

683 1. The group members are engaged in a common enterprise or
684 have an economic, educational, or social affinity or
685 relationship.

686 2. Issuance of the travel insurance policy is not contrary
687 to the public interest.

688 (5) "Fulfillment materials" means documentation sent to
689 the purchaser of a travel protection plan confirming the
690 purchase and providing the travel protection plan's coverage and
691 assistance details.

692 (6) "Group travel insurance" means travel insurance issued
693 to an eligible group.

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

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

696 (b) A licensed insurance producer, including a limited
697 lines producer; or

698 (c) A travel administrator.

699 (8) "Travel administrator" means a person who directly or
700 indirectly underwrites policies for; collects charges,

701 collateral, or premiums from; or adjusts or settles claims made
 702 by residents of this state in connection with travel insurance,
 703 except that a person is not considered a travel administrator if
 704 the person is:

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

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

711 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
 712 offering and disseminating travel insurance and registered under
 713 the license of a limited lines travel insurance producer in
 714 accordance with s. 626.321(1)(c);

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

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

722 (9) "Travel assistance services" means noninsurance
 723 services for which the consumer is not indemnified based on a
 724 fortuitous event, and the provision of which does not result in
 725 the transfer or shifting of risk which would constitute the

726 business of insurance. The term includes, but is not limited to,
727 security advisories, destination information, vaccination and
728 immunization information services, travel reservation services,
729 entertainment, activity and event planning, translation
730 assistance, emergency messaging, international legal and medical
731 referrals, medical case monitoring, coordination of
732 transportation arrangements, emergency cash transfer assistance,
733 medical prescription replacement assistance, passport and travel
734 document replacement assistance, lost luggage assistance,
735 concierge services, and any other service that is furnished in
736 connection with planned travel. Travel assistance services are
737 not insurance and are not related to insurance.

738 (10) "Travel insurance" means insurance coverage for
739 personal risks incidental to planned travel, including:
740 (a) Interruption or cancellation of trip or event;
741 (b) Loss of baggage or personal effects;
742 (c) Damages to accommodations or rental vehicles;
743 (d) Sickness, accident, disability, or death occurring
744 during travel;
745 (e) Emergency evacuation; or
746 (f) Any other contractual obligations to indemnify or pay
747 a specified amount to the traveler upon determinable
748 contingencies related to travel, as determined by the office.

749
750 Travel insurance does not include major medical plans that

751 provide comprehensive medical protection for travelers with
752 trips lasting longer than 6 months, including major medical
753 plans for those working or residing abroad as expatriates, any
754 other product that requires a specific insurance producer
755 license, or a contract sold by a chapter 497 licensee for
756 repatriation of remains or funeral services to be provided for a
757 beneficiary who dies outside of the service area of the
758 licensee.

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

762 Section 19. Section 647.03, Florida Statutes, is created
763 to read:

764 647.03 Premium tax.—

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

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

768 (b) "Primary policyholder" means an individual who
769 purchases individual travel insurance.

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

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

775 (b) A primary certificateholder who is a resident of this

776 state.

777 (c) A blanket travel insurance policyholder:

778 1. Who is a resident of this state;

779 2. Who has his or her principal place of business in this
 780 state; or

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

784

785 The premium tax under this subsection is subject to any
 786 apportionment rules that apply to an insurer across multiple
 787 taxing jurisdictions or that authorize an insurer to allocate
 788 premium on an apportioned basis in a reasonable and equitable
 789 manner in those jurisdictions.

790 (3) A travel insurer shall:

791 (a) Document the state of residence or principal place of
 792 business of the policyholder or certificateholder, or an
 793 affiliate or subsidiary thereof, as required under subsection
 794 (2).

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

798 Section 20. Section 647.04, Florida Statutes, is created
 799 to read:

800 647.04 Travel protection plans.—A travel protection plan

801 may be offered for one price for the combined features that the
802 travel protection plan offers in this state if the travel
803 protection plan meets all of the following requirements:

804 (1) The travel protection plan clearly discloses to the
805 consumer, at or before the time of purchase, that it includes
806 travel insurance, travel assistance services, and cancellation
807 fee waivers, as applicable, and provides information and an
808 opportunity, at or before the time of purchase, for the consumer
809 to obtain additional information regarding the features and
810 pricing of each.

811 (2) The fulfillment materials:

812 (a) Describe and delineate the travel insurance, travel
813 assistance services, and cancellation fee waivers in the travel
814 protection plan.

815 (b) Include the travel insurance disclosures required in
816 this chapter, the contact information for persons providing
817 travel assistance services, and cancellation fee waivers, as
818 applicable.

819 Section 21. Section 647.05, Florida Statutes, is created
820 to read:

821 647.05 Sales practices.—

822 (1) (a) All documents provided to a consumer before the
823 purchase of travel insurance, including, but not limited to,
824 sales materials, advertising materials, and marketing materials,
825 must be consistent with the travel insurance policy, including,

826 but not limited to, forms, endorsements, policies, rate filings,
827 and certificates of insurance.

828 (b) For travel insurance policies or certificates that
829 contain preexisting condition exclusions, information and an
830 opportunity to learn more about the preexisting condition
831 exclusions must be provided any time before the purchase.
832 Information on the exclusions and the opportunity to learn more
833 about these exclusions must be included in the coverage's
834 fulfillment materials.

835 (c) The fulfillment materials and the information
836 described in s. 626.321(1)(c)3.a. must be provided to a
837 policyholder or certificateholder as soon as practicable after
838 the purchase of a travel protection plan. Unless the insured has
839 started a covered trip or filed a claim under the travel
840 insurance coverage, the policyholder or certificateholder may
841 cancel a policy or certificate for a full refund of the travel
842 protection plan price from the date of purchase of a travel
843 protection plan until at least:

844 1. Fifteen days after the date of delivery of the travel
845 protection plan's fulfillment materials by postal mail; or
846 2. Ten days after the date of delivery of the travel
847 protection plan's fulfillment materials by means other than
848 postal mail.

849
850 For the purposes of this paragraph, the term "delivery" means

851 handing fulfillment materials to the policyholder or
852 certificateholder or sending fulfillment materials by postal
853 mail or electronic means to the policyholder or
854 certificateholder.

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

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

862 1. The web page provides an accurate summary or short
863 description of the coverage.

864 2. The consumer has access to the full provisions of the
865 policy through electronic means.

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

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

876 (a) Purchasing the coverage required by the destination
 877 jurisdiction through the travel retailer, as defined s.
 878 626.321(1)(c)2., or limited lines travel insurance producer
 879 supplying the trip or travel package; or

880 (b) Agreeing to obtain and provide proof of coverage that
 881 meets the destination jurisdiction's requirements before
 882 departure.

883 (4)(a) A person offering travel insurance to residents of
 884 this state is subject to part IX of chapter 626, the Unfair
 885 Insurance Trade Practices Act, except as otherwise provided in
 886 this chapter. If a conflict arises between this chapter and the
 887 Unfair Insurance Trade Practices Act regarding the sale and
 888 marketing of travel insurance and travel protection plans, the
 889 provisions of this chapter shall control.

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

892 1. Offers or sells a travel insurance policy that could
 893 never result in payment of any claims for any insured under the
 894 policy; or

895 2. Markets blanket travel insurance coverage as free.

896 Section 22. Section 647.06, Florida Statutes, is created
 897 to read:

898 647.06 Travel administrators.—

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

901 herself as a travel administrator in this state unless the
 902 person:

903 (a) Is a licensed and appointed property and casualty
 904 insurance producer in this state for activities authorized under
 905 that producer license;

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

908 (c) Holds a valid third-party administrator license in
 909 this state.

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

913 (3) An insurer is responsible for ensuring that a travel
 914 administrator administering travel insurance underwritten by the
 915 insurer:

916 (a) Acts in accordance with this chapter.

917 (b) Maintains all books and records that are relevant to
 918 the insurer and makes these books and records available to the
 919 department upon request.

920 Section 23. Section 647.07, Florida Statutes, is created
 921 to read:

922 647.07 Travel insurance policy.-

923 (1) Notwithstanding any other provision of the Florida
 924 Insurance Code, travel insurance shall be classified and filed
 925 for purposes of rates and forms under the inland marine line of

926 insurance; however, travel insurance that provides coverage for
927 sickness, accident, disability, or death occurring during
928 travel, either exclusively or in conjunction with related
929 coverages of emergency evacuation or repatriation of remains, or
930 incidental limited property and casualty benefits, such as
931 baggage or trip cancellation, may be classified and filed for
932 purposes of rates and forms under either the accident and health
933 line of insurance or the inland marine line of insurance.

934 (2) Travel insurance may be in the form of an individual,
935 group, or blanket policy. Group or blanket policies are
936 classified as commercial inland marine insurance under s.
937 627.021(2)(d). Travel insurance policies not issued to a
938 commercial entity and primarily used for personal, family, or
939 household purposes are considered personal inland marine
940 insurance and shall not be subject to s. 627.062. Sections of
941 policies or endorsements for travel insurance which are
942 considered personal inland marine insurance consisting of travel
943 assistance services or cancellation fee waivers are not subject
944 to s. 627.410.

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

948 Section 24. Section 647.08, Florida Statutes, is created
949 to read:

950 647.08 Rulemaking authority.—The office shall adopt rules

951 | to administer this chapter.

952 | Section 25. Except as otherwise expressly provided in this
953 | act and except for this section, which shall take effect upon
954 | this act becoming a law, this act shall take effect July 1,
955 | 2020.