

**By** the Committee on Banking and Insurance; and Senator Burgess

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A bill to be entitled

An act relating to limited licenses for portable electronics or eyewear insurance; amending s. 626.321, F.S.; renaming "portable electronics insurance" as "portable electronics or eyewear insurance" to include eyewear for purposes of insurance coverage and licenses; providing construction; defining the term "eyewear"; revising the definition of the term "portable electronics"; deleting the obsolete definition of the term "portable electronics transaction"; amending ss. 626.221, 626.732, and 626.8685, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (h) of subsection (1) and subsection (4) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses and registration.—

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

(h) *Portable electronics or eyewear insurance.*—License for property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics or eyewear. Such license does not require a licensee to sell or offer for sale coverage for both portable electronics and eyewear. This paragraph may not be construed as

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30 requiring two separate licenses to sell or offer for sale  
31 portable electronics or eyewear insurance.

32 1. The license may be issued only to:

33 a. Employees or authorized representatives of a licensed  
34 general lines agent; or

35 b. The lead business location of a retail vendor that sells  
36 portable electronics or eyewear insurance. The lead business  
37 location must have a contractual relationship with a general  
38 lines agent.

39 2. Employees or authorized representatives of a licensee  
40 under subparagraph 1. may sell or offer for sale portable  
41 electronics or eyewear coverage without being subject to  
42 licensure as an insurance agent if:

43 a. Such insurance is sold or offered for sale at a licensed  
44 location or at one of the licensee's branch locations if the  
45 branch location is appointed by the licensed lead business  
46 location or its appointing insurers;

47 b. The insurer issuing the insurance directly supervises or  
48 appoints a general lines agent to supervise the sale of such  
49 insurance, including the development of a training program for  
50 the employees and authorized representatives of vendors that are  
51 directly engaged in the activity of selling or offering the  
52 insurance; and

53 c. At each location where the insurance is offered,  
54 brochures or other written materials that provide the  
55 information required by this subparagraph are made available to  
56 all prospective customers. The brochures or written materials  
57 may include information regarding portable electronics or  
58 eyewear insurance, service warranty agreements, or other

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59 incidental services or benefits offered by a licensee.

60       3. Individuals not licensed to sell portable electronics or  
61 eyewear insurance may not be paid commissions based on the sale  
62 of such coverage. However, a licensee who uses a compensation  
63 plan for employees and authorized representatives which includes  
64 supplemental compensation for the sale of noninsurance products,  
65 in addition to a regular salary or hourly wages, may include  
66 incidental compensation for the sale of portable electronics or  
67 eyewear insurance as a component of the overall compensation  
68 plan.

69       4. Brochures or other written materials related to portable  
70 electronics or eyewear insurance must:

71       a. Disclose that such insurance may duplicate coverage  
72 already provided by a customer's homeowners insurance policy,  
73 renters insurance policy, or other source of coverage;

74       b. State that enrollment in insurance coverage is not  
75 required in order to purchase or lease portable electronics or  
76 eyewear or services;

77       c. Summarize the material terms of the insurance coverage,  
78 including the identity of the insurer, the identity of the  
79 supervising entity, the amount of any applicable deductible and  
80 how it is to be paid, the benefits of coverage, and key terms  
81 and conditions of coverage, such as whether portable electronics  
82 or eyewear may be repaired or replaced with similar make and  
83 model reconditioned or nonoriginal manufacturer parts or  
84 equipment;

85       d. Summarize the process for filing a claim, including a  
86 description of how to return portable electronics or eyewear and  
87 the maximum fee applicable if the customer fails to comply with

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88 equipment return requirements; and

89       e. State that an enrolled customer may cancel coverage at  
90 any time and that the person paying the premium will receive a  
91 refund of any unearned premium.

92       5. A licensed and appointed general lines agent is not  
93 required to obtain a portable electronics and eyewear insurance  
94 license to offer or sell portable electronics or eyewear  
95 insurance at locations already licensed as an insurance agency,  
96 but may apply for a portable electronics and eyewear insurance  
97 license for branch locations not otherwise licensed to sell  
98 insurance.

99       6. A portable electronics and eyewear insurance license  
100 authorizes the sale of individual policies or certificates under  
101 a group or master insurance policy. The license also authorizes  
102 the sale of service warranty agreements covering only portable  
103 electronics or eyewear to the same extent as if licensed under  
104 s. 634.419 or s. 634.420.

105       7. A licensee may bill and collect the premium for the  
106 purchase of portable electronics or eyewear insurance provided  
107 that:

108       a. If the insurance is included with the purchase or lease  
109 of portable electronics or eyewear or related services, the  
110 licensee clearly and conspicuously discloses that insurance  
111 coverage is included with the purchase. Disclosure of the stand-  
112 alone cost of the premium for same or similar insurance must be  
113 made on the customer's bill and in any marketing materials made  
114 available at the point of sale. If the insurance is not  
115 included, the charge to the customer for the insurance must be  
116 separately itemized on the customer's bill.

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117       b. Premiums are incidental to other fees collected, are  
118 maintained in a manner that is readily identifiable, and are  
119 accounted for and remitted to the insurer or supervising entity  
120 within 60 days of receipt. Licensees are not required to  
121 maintain such funds in a segregated account.

122       c. All funds received by a licensee from an enrolled  
123 customer for the sale of the insurance are considered funds held  
124 in trust by the licensee in a fiduciary capacity for the benefit  
125 of the insurer. Licensees may receive compensation for billing  
126 and collection services.

127       8. Notwithstanding any other provision of law, the terms  
128 for the termination or modification of coverage under a policy  
129 of portable electronics or eyewear insurance are those set forth  
130 in the policy.

131       9. Notice or correspondence required by the policy, or  
132 otherwise required by law, may be provided by electronic means  
133 if the insurer or licensee maintains proof that the notice or  
134 correspondence was sent. Such notice or correspondence may be  
135 sent on behalf of the insurer or licensee by the general lines  
136 agent appointed by the insurer to supervise the administration  
137 of the program. For purposes of this subparagraph, an enrolled  
138 customer's provision of an electronic mail address to the  
139 insurer or licensee is deemed to be consent to receive notices  
140 and correspondence by electronic means if a conspicuously  
141 located disclosure is provided to the customer indicating the  
142 same.

143       10. The fingerprinting requirements in s. 626.171(4) do not  
144 apply to licenses issued to qualified entities under this  
145 paragraph.

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146        11. A branch location that sells portable electronics or  
147 eyewear insurance may, in lieu of obtaining an appointment from  
148 an insurer or warranty association, obtain a single appointment  
149 from the associated lead business location licensee and pay the  
150 prescribed appointment fee under s. 624.501 if the lead business  
151 location has a single appointment from each insurer or warranty  
152 association represented and such appointment applies to the lead  
153 business location and all of its branch locations. Branch  
154 location appointments shall be renewed 24 months after the  
155 initial appointment date of the lead business location and every  
156 24 months thereafter. Notwithstanding s. 624.501, the renewal  
157 fee applicable to such branch location appointments is \$30 per  
158 appointment.

159        12. For purposes of this paragraph:

160        a. "Branch location" means any physical location in this  
161 state at which a licensee offers its products or services for  
162 sale.

163        b. "Eyewear" means smart glasses and nonelectronic eyewear.  
164 As used in this sub-subparagraph, the term "nonelectronic  
165 eyewear" includes prescription and nonprescription eyeglasses  
166 and sunglasses.

167        c.b. "Portable electronics" means equipment that is  
168 personal, self-contained, easily carried, by an individual; has  
169 electrical, digital, magnetic, wireless, electromagnetic, or  
170 similar capabilities; and operates using batteries, rechargeable  
171 power sources, or other energy sources. The term includes  
172 equipment used for communication; data processing; viewing;  
173 listening; recording; gaming; computing; navigation; household,  
174 health or activity monitoring; or similar uses and may also

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175 incorporate features responsive to user input or environmental  
176 conditions personal, self-contained, easily carried by an  
177 individual, battery-operated electronic communication, viewing,  
178 listening, recording, gaming, computing or global positioning  
179 devices, including cell or satellite phones, pagers, personal  
180 global positioning satellite units, portable computers, portable  
181 audio listening, video viewing or recording devices, digital  
182 cameras, video camcorders, portable gaming systems, docking  
183 stations, automatic answering devices, and other similar devices  
184 and their accessories, and service related to the use of such  
185 devices.

186       e. "Portable electronics transaction" means the sale or  
187 lease of portable electronics or a related service, including  
188 portable electronics insurance.

189       (4) Except as otherwise expressly provided, a person  
190 applying for or holding a limited license is subject to the same  
191 applicable requirements and responsibilities that apply to  
192 general lines agents in general if licensed as to motor vehicle  
193 physical damage and mechanical breakdown insurance, industrial  
194 fire insurance or burglary insurance, motor vehicle rental  
195 insurance, credit insurance, crop hail and multiple-peril crop  
196 insurance, in-transit and storage personal property insurance,  
197 or portable electronics or eyewear insurance; or as apply to  
198 life agents or health agents in general, as applicable, if  
199 licensed as to travel insurance.

200       Section 2. Paragraph (b) of subsection (2) of section  
201 626.221, Florida Statutes, is amended to read:

202       626.221 Examination requirement; exemptions.—

203       (2) However, an examination is not necessary for any of the

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204 following:

205 (b) An applicant for a limited license as agent for travel  
206 insurance, motor vehicle rental insurance, credit insurance, in-  
207 transit and storage personal property insurance, or portable  
208 electronics or eyewear insurance under s. 626.321.209 Section 3. Subsection (7) of section 626.732, Florida  
210 Statutes, is amended to read:211 626.732 Requirement as to knowledge, experience, or  
212 instruction.—213 (7) This section does not apply to an individual holding  
214 only a limited license for travel insurance, motor vehicle  
215 rental insurance, credit insurance, in-transit and storage  
216 personal property insurance, or portable electronics or eyewear  
217 insurance.218 Section 4. Section 626.8685, Florida Statutes, is amended  
219 to read:220 626.8685 Portable electronics or eyewear insurance claims;  
221 exemption; licensure restriction.—222 (1) This part does not apply to any individual who collects  
223 claims information from, or furnishes claims information to,  
224 insureds or claimants, and who conducts data entry, including  
225 entering data into an automated claims adjudication system,  
226 provided that the individual is an employee of a business entity  
227 licensed under this chapter, or its affiliate, and no more than  
228 25 such persons are under the supervision of one licensed  
229 independent adjuster or licensed agent who is exempt from  
230 licensure pursuant to s. 626.862. For purposes of this  
231 subsection, the term "automated claims adjudication system"  
232 means a preprogrammed computer system designed for the

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233 collection, data entry, calculation, and final resolution of  
234 portable electronics or eyewear insurance claims that:

235 (a) May be used only by a licensed independent adjuster,  
236 licensed agent, or supervised individual operating pursuant to  
237 this subsection;

238 (b) Must comply with all claims payment requirements of the  
239 insurance code; and

240 (c) Must be certified as compliant with this subsection by  
241 a licensed independent adjuster that is an officer of a licensed  
242 business entity under this chapter.

243 (2) Notwithstanding any other provision of law, a resident  
244 of Canada may not be licensed as a nonresident independent  
245 adjuster for purposes of adjusting portable electronics  
246 insurance or eyewear claims unless the person has successfully  
247 obtained an adjuster's license in another state.

248 Section 5. This act shall take effect July 1, 2026.