

CHAPTER 97-75

Committee Substitute for House Bill No. 1001

An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

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

Section 1. Section 626.7355, Florida Statutes, is created to read:

626.7355 Temporary license as customer representative pending examination.—

(1) The department shall issue a temporary customer representative's license with respect to a person who has applied for such license upon finding that the person:

(a) Has filed an application for a customer representative's license or a limited customer representative's license and has paid any fees required under s. 624.501(5) in connection with such application for a customer representative's license or limited customer representative's license.

(b) Is a natural person at least 18 years of age.

(c) Is a bona fide resident of this state or is a resident of another state sharing a common boundary with this state. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license, of a license in his name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

(d) Has such business reputation as would reasonably assure that the applicant will conduct his or her business as a temporary customer representative fairly and in good faith and without detriment to the public.

(e) Is employed at the time of application for license, and at all times throughout the existence of the temporary license, by only one general lines agency or licensed general lines agent.

(f) Is supervised by one licensed and appointed general lines agent who will oversee the work of the applicant and be responsible for the applicant's acts under this section. Any individual who is currently serving an administrative probation imposed by the department shall not be permitted to act

as the designated supervising general lines agent to supervise the activities of a temporary licensee.

(g) Within the last 5 years, has not been convicted, found guilty or pleaded nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of any municipality, county, state, territory, or country, whether or not a judgment of conviction has been entered.

(h) Is not the subject of pending criminal, administrative, or civil charges in any state or federal court anywhere in the United States or its possessions or any other country.

(i) Is not the subject of pending criminal probation for a felony crime or any misdemeanor crimes which are punishable by imprisonment of 1 year or more or participating in a pre-trial intervention program or on administrative probation by the department.

(2) There must be no more than one temporary customer representative licensee in the general lines agency location where the temporary licensee is housed and the temporary licensee shall be housed wholly and completely within the actual confines of the office of the agent or agency whom he or she represents. Such agency must be in compliance with the provisions of s. 626.592, commonly referred to as the Primary Agent Law, for the most recent reporting period. No such temporary licensee may be employed from any location except where his or her designated supervising general lines agent spends his or her full time. No general lines agency location may employ more than two temporary customer representative licensees in one calendar year.

(3) The temporary licensee cannot be the only person conducting the business of insurance in the office at any time.

(4) The applicant's employer and supervising general lines agent shall be responsible for the acts of any licensee under this section.

(5) The applicant shall furnish the following with his application:

(a) Evidence that the applicant is enrolled in a customer representative educational qualification course which has been approved by the department.

(b) A certificate of employment and a report as to the applicant's integrity and moral character on a form prescribed by the department and executed by the supervising general lines insurance agent.

(6) Under the temporary license, the licensee shall have the authority to handle only such classes of business as his or her supervising general lines agent is licensed and appointed to handle except as provided herein. A temporary licensee shall not transact life or health insurance business under this license.

(7) In no event shall a temporary licensee licensed under this section perform any of the functions for which a customer representative or general

lines agent's license is required after expiration of the temporary license without having passed the written examination as for a regular customer representative or general lines agent's license and have subsequently been licensed and appointed as such by the department.

(8) The temporary license shall be effective for a period of 90 days, but shall be subject to earlier termination at the request of the employer or if suspended or revoked by the department.

(9) The department shall not issue a temporary customer representative's license to any individual who has ever held such a temporary license in this state.

(10) Applicants licensed as temporary customer representatives pursuant to this section shall be appointed as such in accordance with the provisions of ss. 626.112 and 626.451.

(11) The temporary customer representative's license shall expire 90 days after issuance. The effective date of the license and appointment shall be the date the supervising general lines agent certifies that the applicant is an employee of the agent or agency, provided the applicant meets the requirements for the license as provided in this section. The application for license and supporting documentation shall be mailed to the department within 48 hours after the supervising agent certifies that the applicant is an employee of the agent or agency for purposes of obtaining a license under this section.

(12) The department shall have the authority to take administrative action against the license of a temporary licensee or supervising general lines insurance agent for conduct which is a violation of any provision of this section or other provisions of the Insurance Code or rules of the department.

Section 2. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 16, 1997.

Filed in Office Secretary of State May 12, 1997.