

CHAPTER 2012-209

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 725

An act relating to insurance agents and adjusters; amending s. 626.015, F.S.; revising the definitions of “adjuster” and “home state”; amending s. 626.0428, F.S.; revising provisions relating to who may bind insurance coverage; amending s. 626.171, F.S.; providing that an applicant is responsible for the information in an application even if completed by a third party; requiring an application to include a statement about the method used to meet certain requirements; amending s. 626.191, F.S.; revising provisions relating to when an applicant may apply for a license after an initial application is denied by the Department of Financial Services; amending s. 626.221, F.S.; revising provisions relating to license examinations; conforming provisions relating to all-lines adjusters; deleting an exemption from examination for certain adjusters; amending s. 626.231, F.S.; providing for submitting an application for examination on a designee’s website; amending s. 626.241, F.S.; revising the scope of the examination for an all-lines adjuster; amending s. 626.251, F.S.; providing for e-mailing notices of examinations; amending s. 626.281, F.S.; specifying how many times an applicant may take an examination during a year; amending s. 626.2815, F.S.; revising provisions relating to continuing education requirements; providing that persons on active military duty may seek a waiver; providing for an update course and the contents of such course; deleting requirements relating specifically to certain types of insurance; providing education requirements for bail bond agents and public adjusters; eliminating the continuing education advisory board; amending s. 626.292, F.S.; conforming provisions to changes made by the act relating to all-lines adjusters; amending s. 626.311, F.S.; conforming provisions to changes made by the act relating to limited licenses; amending s. 626.321, F.S.; revising provisions relating to limited licenses; prohibiting the future issuance of new limited licenses for motor vehicle physical damage and mechanical breakdown insurance; combining limited licenses relating to credit insurance; specifying events covered by crop hail and multiple-peril crop insurance; revising in-transit and storage personal property insurance to create a limited license for portable electronics insurance; amending s. 626.342, F.S.; clarifying that the prohibition relating to the furnishing of supplies to unlicensed agents applies to all unlicensed agents; amending s. 626.381, F.S.; revising provisions relating to the reporting of administrative actions; amending s. 626.536, F.S.; clarifying requirements for reporting administrative actions taken against a licensee; amending s. 626.551, F.S.; shortening the time within which a licensee must report to the department a change in certain information; authorizing the Department of Financial Services to adopt rules relating to notification of a change of address; amending s. 626.621, F.S.; adding failure to comply with child support requirements as grounds for action against a license; amending s. 626.641, F.S.; clarifying provisions relating

to the suspension or revocation of a license or appointment; amending s. 626.651, F.S.; revising provisions relating to the suspension or revocation of licenses; amending ss. 626.730 and 626.732, F.S.; revising provisions relating to the purpose of the general lines and personal lines license and certain requirements related to general lines and personal lines agents; conforming provisions to changes made by the act relating to limited licenses; amending s. 626.8411, F.S.; revising requirements and exemptions relating to title insurance agents or agencies; amending s. 626.8419, F.S.; requiring title insurance agencies to obtain surety bonds payable to appointing title insurers under certain circumstances; providing that such surety bonds must require notification of title insurers under certain circumstances; requiring title insurance agencies to periodically provide certain evidence relating to surety bonds; restricting title insurers from providing surety bonds under certain circumstances; creating s. 626.8548, F.S.; defining the term “all-lines adjuster”; amending s. 626.855, F.S.; revising the definition of “independent adjuster”; amending s. 626.856, F.S.; revising the definition of “company employee adjuster”; repealing s. 626.858, F.S., relating to defining “nonresident company employee adjuster”; amending s. 626.8584, F.S.; revising the definition of “non-resident all-lines adjuster”; amending s. 626.863, F.S.; conforming provisions to changes made by the act relating to all-lines adjusters; amending s. 626.864, F.S.; revising provisions relating to adjuster license types; amending s. 626.865, F.S.; deleting the requirement that an applicant for public adjuster be a resident of the state; requiring an applicant for public adjuster to be licensed as a public adjuster apprentice; amending s. 626.8651, F.S.; deleting the requirement that an applicant for public adjuster apprentice be a resident of the state; providing that a limitation on the number of public adjuster apprentices does not apply to a public adjusting firm that adjusts claims exclusively for institutions that service or guarantee mortgages; amending s. 626.866, F.S.; conforming provisions to changes made by the act relating to all-lines adjusters; repealing s. 626.867, F.S., relating to qualifications for company employee adjusters; amending s. 626.869, F.S.; revising provisions relating to an all-lines adjuster license; ceasing the issuance of certain adjuster licenses; revising continuing education requirements; amending s. 626.8697, F.S.; revising provisions relating to the violation of rules resulting in the suspension or revocation of an adjuster’s license; amending s. 626.872, F.S.; conforming provisions to changes made by the act relating to all-lines adjusters; repealing s. 626.873, F.S., relating to licensure for nonresident company employee adjusters; amending s. 626.8732, F.S.; revising the requirements for nonresident public adjuster licensure; amending s. 626.8734, F.S.; amending provisions relating to nonresident all-lines adjusters; providing for verifying an applicant’s status through the National Association of Insurance Commissioners’ Producer Database; amending ss. 626.8736, 626.874, 626.875, and 626.876, F.S.; conforming provisions to changes made by the act relating to all-lines adjusters; amending s. 626.8796, F.S.; requiring a public adjusting firm that adjusts claims exclusively for institutions that guarantee or service mortgages to provide an affidavit to an insurer with certain information; amending s. 626.927, F.S.; deleting a

requirement that a licensed surplus lines agent maintain a bond; repealing s. 626.928, F.S., relating to a surplus lines agent's bond; amending ss. 626.933, 626.935, and 627.952, F.S.; conforming cross-references; amending s. 635.051, F.S.; requiring persons transacting mortgage guaranty insurance to be licensed and appointed as a credit insurance agent; amending s. 648.34, F.S.; requiring application information for bail bond agents; amending s. 648.38, F.S.; revising the notice of examination requirements for bail bond agents; amending s. 648.385, F.S.; revising continuing education courses for bail bond agents, to conform to changes made by the act; amending s. 648.421, F.S.; requiring a bail bond agent to provide notification of a change in his or her e-mail address; providing effective dates.

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

Section 1. Subsections (1) and (7) of section 626.015, Florida Statutes, are amended to read:

626.015 Definitions.—As used in this part:

(1) “Adjuster” means a public adjuster as defined in s. 626.854, a public adjuster apprentice as defined in s. 626.8541, or an all-lines adjuster as defined in s. 626.8548 independent adjuster as defined in s. 626.855, ~~or company employee adjuster as defined in s. 626.856.~~

(7) “Home state” means the District of Columbia and any state or territory of the United States in which an insuree agent or adjuster maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance agent or adjuster.

Section 2. Subsections (2) and (3) of section 626.0428, Florida Statutes, are amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(2) An ~~No~~ employee of an agent or agency may not bind insurance coverage unless licensed and appointed as an ~~a~~ general lines agent or customer representative.

(3) An ~~No~~ employee of an agent or agency may not initiate contact with any person for the purpose of soliciting insurance unless licensed and appointed as an ~~a~~ general lines agent or customer representative. As to title insurance, an employee of an agent or agency may not initiate contact with any individual proposed insured for the purpose of soliciting title insurance unless licensed as a title insurance agent or exempt from such licensure pursuant to s. 626.8417(4).

Section 3. Subsection (1) and paragraph (b) of subsection (2) of section 626.171, Florida Statutes, are amended to read:

626.171 Application for license as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary.—

(1) The department ~~may~~ shall not issue a license as agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary to any person except upon written application ~~therefor~~ filed with the department ~~it, meeting the qualifications for the license applied for as determined by the department~~ qualification therefor, and payment in advance of all applicable fees. ~~The~~ Any such application must ~~shall~~ be made under the oath of the applicant and be signed by the applicant. An applicant may permit a third party to complete, submit, and sign an application on the applicant's behalf, but is responsible for ensuring that the information on the application is true and correct and is accountable for any misstatements or misrepresentations. The department shall accept the uniform application for nonresident agent licensing. The department may adopt revised versions of the uniform application by rule.

(2) In the application, the applicant shall set forth:

(b) A statement indicating the method the applicant used or is using to meet any required prelicensing education, knowledge, experience, or instructional requirements for the type of license applied for. ~~Proof that he or she has completed or is in the process of completing any required prelicensing course.~~

However, the application must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations.

Section 4. Section 626.191, Florida Statutes, is amended to read:

626.191 Repeated applications.—The failure of an applicant to secure a license upon an application does ~~shall~~ not preclude the applicant from applying again. ~~However as many times as desired, but the department may~~ shall not consider ~~give consideration to or accept any further application by the same applicant individual for a similar license dated or filed within 30 days after subsequent to the date the department denied the last application, except as provided under in s. 626.281.~~

Section 5. Subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

(2) However, ~~an no such examination is not~~ shall be necessary for ~~in~~ any of the following cases:

(a) An applicant for renewal of appointment as an agent, customer representative, or adjuster, unless the department determines that an examination is necessary to establish the competence or trustworthiness of the such applicant.

(b) An applicant for a limited license as agent for travel insurance, motor vehicle rental personal accident insurance, baggage and motor vehicle excess liability insurance, credit life or disability insurance, credit insurance, credit property insurance, in-transit and storage personal property insurance, or portable electronics communications equipment property insurance or communication equipment inland marine insurance under s. 626.321.

(c) In the discretion of the department, an applicant for reinstatement of license or appointment as an agent, customer representative, ~~company employee adjuster~~, or all-lines independent adjuster whose license has been suspended within the 4 years before ~~prior to~~ the date of application or written request for reinstatement.

(d) An applicant who, within the 4 years before ~~prior to~~ application for license and appointment as an agent, customer representative, or adjuster, was a full-time salaried employee of the department who ~~and~~ had continuously been such an employee with responsible insurance duties for at least not less than 2 continuous years and who had been a licensee within the 4 years before ~~prior to~~ employment by the department with the same class of license as that being applied for.

(e) An applicant ~~A person~~ who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster as ~~to all property, casualty, and surety insurances may be licensed and appointed as a company employee adjuster or independent adjuster, as to these kinds of insurance, without additional written examination if an application for licensure is filed with the department within 48 months following the date of cancellation or expiration of the prior appointment.~~

~~(f) A person who has been licensed as a company employee adjuster or independent adjuster for motor vehicle, property and casualty, workers' compensation, and health insurance may be licensed as such an adjuster without additional written examination if his or her application for licensure is filed with the department within 48 months after cancellation or expiration of the prior license.~~

~~(f)(g)~~ An applicant for a temporary license, except as otherwise provided in this code.

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

~~(h)(i)~~ An applicant for license as a general lines agent, customer representative, or adjuster who has received the designation of chartered property and casualty underwriter (CPCU) from the American Institute for Property and Liability Underwriters and ~~who~~ has been engaged in the insurance business within the past 4 years, except that the applicant such an individual may be examined on pertinent provisions of this code.

~~(i)(j)~~ An applicant for license as a customer representative who has earned the designation of Accredited Advisor in Insurance (AAI) from the Insurance Institute of America, the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors, the designation of Accredited Customer Service Representative (ACSR) from the Independent Insurance Agents of America, the designation of Certified Professional Service Representative (CPSR) from the National Foundation for Certified Professional Service Representatives, the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives, or the designation of Certified Insurance Representative (CIR) from the National Association of Christian Catastrophe Insurance Adjusters. Also, an applicant for license as a customer representative who has earned an associate degree or bachelor's degree from an accredited college or university and has completed with at least 9 academic hours of property and casualty insurance curriculum, or the equivalent, or has earned the designation of Certified Customer Service Representative (CCSR) from the Florida Association of Insurance Agents, or the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in this state, or the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute, whose curriculum has been approved by the department and which ~~whose curriculum~~ includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the customer representative license. The department shall adopt rules establishing standards for the approval of curriculum.

~~(j)(k)~~ An applicant for license as a resident or nonresident all-lines an independent or company employee adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state, Professional Claims Adjuster (PCA) from the Professional Career Institute, Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, Certified Adjuster (CA) from ALL LINES Training, or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals whose curriculum has been approved by the department and which ~~whose curriculum~~ includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the all-lines adjuster license. The department shall adopt rules establishing standards for the approval of curriculum.

~~(k)(4)~~ An applicant qualifying for a license transfer under s. 626.292, if the applicant:

1. Has successfully completed the prelicensing examination requirements in the applicant's previous home state which are substantially equivalent to the examination requirements in this state, as determined by the department;

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

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

(1)(m) An applicant for a license as a nonresident agent license, if the applicant:

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

2. Held a general lines agent license, life agent license, or health agent license before ~~prior to the time~~ a written examination was required;

3. Has received the designation of chartered property and casualty underwriter (CPCU) from the American Institute for Property and Liability Underwriters and has been engaged in the insurance business within the past 4 years, if an applicant for a nonresident license as a general lines agent; or

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

Section 6. Subsection (2) of section 626.231, Florida Statutes, is amended to read:

626.231 Eligibility; application for examination.—

(2) A person required to take an examination for a license may be ~~permitted to take an examination before~~ permitted to take an examination ~~prior to submitting an application for licensure pursuant to s. 626.171 by submitting an application for examination through the department's Internet website or the website of a person designated by the department to administer the examination. The department may require~~ In the application, the applicant to provide the following information as part of the application shall set forth:

(a) His or her full name, date of birth age, social security number, e-mail address, residence address, business address, and mailing address.

(b) The type of license which ~~that~~ the applicant intends to apply for.

(c) The name of any required preclicensing course he or she has completed or is in the process of completing.

(d) The method by which the applicant intends to qualify for the type of license if other than by completing a preclicensing course.

(e) The applicant's gender (~~male or female~~).

(f) The applicant's native language.

(g) The highest level of education achieved by the applicant.

(h) The applicant's race or ethnicity (~~African American, white, American Indian, Asian, Hispanic, or other~~).

However, the application form must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations.

Section 7. Subsection (6) of section 626.241, Florida Statutes, is amended to read:

626.241 Scope of examination.—

(6) In order to reflect the differences between adjusting claims for an insurer and adjusting claims for an insured, the department shall create an examination for applicants seeking licensure as a public adjuster and a separate examination for applicants seeking licensure as an all-lines a ~~company employee adjuster or independent~~ adjuster.

(a) ~~Examinations given applicants for a license as an all-lines adjuster must shall cover adjusting in all lines of insurance, other than life and annuity; or, in accordance with the application for the license, the examination may be limited to adjusting in:~~

~~(a) Automobile physical damage insurance;~~

~~(b) Property and casualty insurance;~~

~~(c) Workers' compensation insurance; or~~

~~(d) Health insurance.~~

(b) ~~An~~ No examination for workers' ~~on worker's~~ compensation insurance or health insurance is not ~~shall be~~ required for public adjusters.

Section 8. Subsection (1) of section 626.251, Florida Statutes, is amended to read:

626.251 Time and place of examination; notice.—

(1) The department, or a person designated by the department, shall provide ~~mail-written~~ notice of the time and place of the examination to each applicant for examination and each applicant for license required to take an examination who will be eligible to take the examination as of the examination date. The notice shall be e-mailed ~~so mailed, postage prepaid, and addressed to the applicant at the e-mail his or her address shown on the application for license or examination at such other address as requested by the applicant in writing filed with the department prior to the mailing of the notice.~~ Notice is ~~shall be~~ deemed given when so mailed.

Section 9. Section 626.281, Florida Statutes, is amended to read:

626.281 Reexamination.—

(1) An ~~Any~~ applicant for license or ~~applicant for~~ examination who has either:

(a) Taken an examination and failed to make a passing grade, or

(b) Failed to appear for the examination or to take or complete the examination at the time and place specified in the notice of the department,

may take additional examinations, after filing with the department or its designee an application for reexamination together with applicable fees. The failure of an applicant to pass an examination, or the failure to appear for the examination, or to take or complete the examination does not preclude the applicant from taking subsequent examinations.

(2) Applicants may not take an examination for a license type more than five times in a 12-month period.

(3)(2) The department may require an ~~any~~ individual whose license as an agent, customer representative, or adjuster has expired or ~~has been~~ suspended to pass an examination before ~~prior to~~ reinstating or relicensing the individual as to any class of license. The examination fee must ~~shall be~~ paid for ~~as to~~ each examination.

Section 10. Section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education ~~required; application; exceptions; requirements; penalties.~~

(1) The purpose of this section is to establish requirements and standards for continuing education courses for individuals ~~persons~~ licensed to solicit, ~~or sell, or adjust~~ insurance in the state.

(2) Except as otherwise provided in this section, ~~the provisions of this section applies apply to individuals persons~~ licensed to engage in the sale of insurance or adjustment of insurance claims in this state for all lines of insurance for which an examination is required for licensing and to each insurer, employer, or appointing entity, including, but not limited to, those created or existing pursuant to s. 627.351. ~~The provisions of This section does shall not apply to an any individual who holds person holding a license for the sale of any line of insurance for which an examination is not required by the laws of this state or who holds a, nor shall the provisions of this section apply to any limited license as a crop or hail and multiple-peril crop insurance agent the department may exempt by rule. Licensees who are unable to comply with the continuing education requirements due to active duty in the military may submit a written request for a waiver to the department.~~

(3)(a) Each ~~licensee person~~ subject to the provisions of this section must, except as set forth in paragraphs (b), (c), and (d), ~~and (f),~~ complete a minimum of 24 hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department.

(a) Each ~~licensee person~~ subject to the provisions of this section must complete, ~~as part of his or her required number of continuing education hours,~~ 3 hours of continuing education, approved by the department, every 2 years on the subject matter of ethics. Each licensed general lines agent and customer representative subject to this section must complete, ~~as part of his or her required number of continuing education hours,~~ 1 hour of continuing education, approved by the department, every 2 years on the subject matter of premium discounts available on property insurance policies based on various hurricane mitigation options and the means for obtaining the discounts.

(b) A ~~licensee person~~ who has been licensed for a period of 6 or more years must complete 20 hours of continuing education every 2 years in intermediate or advanced-level courses prescribed by this section or in other courses approved by the department.

(c) A licensee who has been licensed for 25 years or more and is a CLU or a CPCU or has a Bachelor of Science degree in risk management or insurance with evidence of 18 or more semester hours in upper-level insurance-related courses must complete 10 hours of continuing education courses every 2 years in courses prescribed by this section or in other courses approved by the department.

(d) An individual ~~Any person~~ who holds a license as a customer representative, limited customer representative, title agent, motor vehicle physical damage and mechanical breakdown insurance agent, ~~crop or hail and multiple-peril crop insurance agent,~~ or as an industrial fire insurance or burglary insurance agent and who is not a licensed life or health ~~insurane~~ agent, must ~~shall be required to~~ complete 10 hours of continuing education courses every 2 years.

(e) An individual ~~Any person~~ who holds a license to solicit or sell life or health insurance and a license to solicit or sell property, casualty, surety, or surplus lines insurance must complete the continuing education requirements by completing courses in life or health insurance for one-half of the total hours required and courses in property, casualty, surety, or surplus lines insurance for one-half of the total hours required. However, a licensee who holds an industrial fire or burglary insurance license and who is a licensed life or health agent must ~~shall be required to~~ complete 4 hours of continuing education courses every 2 years related to industrial fire or burglary insurance and the remaining number of hours of continuing education courses ~~required~~ related to life or health insurance.

(f) An individual subject to chapter 648 must complete a minimum of 14 hours of continuing education courses every 2 years.

(g) Excess hours accumulated during any 2-year compliance period may be carried forward to the next compliance period.

(h) An individual teaching an approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar qualifies for the same number of classroom hours as would be granted to a person taking and successfully completing such course or seminar. Credit is limited to the number of hours actually taught unless a person attends the entire course or seminar. An individual who is an official of or employed by a governmental entity in this state and serves as a professor, instructor, or other position or office, the duties and responsibilities of which are determined by the department to require monitoring and review of insurance laws or insurance regulations and practices, is exempt from this section.

~~(4)(f)1.~~ Except as provided in subparagraph 2., Compliance with continuing education requirements is a condition precedent to the issuance, continuation, reinstatement, or renewal of any appointment subject to this section. However:

~~(a)2.a.~~ An appointing entity, except one that appoints individuals who are employees or exclusive independent contractors of the appointing entity, may not require, directly or indirectly, as a condition of such appointment or the continuation of such appointment, the taking of an approved course or program by any appointee or potential appointee which ~~that~~ is not of the appointee's choosing.

~~(b)b.~~ Any entity created or existing pursuant to s. 627.351 may require employees to take training of any type relevant to their employment but may not require appointees who are not employees to take any approved course or program unless the course or program deals solely with the appointing entity's internal procedures or products or with subjects substantially unique to the appointing entity.

~~(g)—A person teaching any approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar shall~~

~~qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar, or program. Credit shall be limited to the number of hours actually taught unless a person attends the entire course or seminar. Any person who is an official of or employed by any governmental entity in this state and serves as a professor, instructor, or in any other position or office the duties and responsibilities of which are determined by the department to require monitoring and review of insurance laws or insurance regulations and practices shall be exempt from this section.~~

~~(h) Excess classroom hours accumulated during any compliance period may be carried forward to the next compliance period.~~

~~(5)(i) For good cause shown, the department may grant an extension of time during which the requirements of imposed by this section may be completed, but such extension of time may not exceed 1 year.~~

~~(6)(j) A nonresident licensee who must complete continuing education requirements in his or her home state may use the home state requirements to also meet this state's continuing education requirements as well, if the licensee's resident's home state recognizes reciprocity with this state's continuing education requirements. A nonresident licensee whose home state does not have a continuing education requirement but is licensed for the same class of business in another state that has which does have a continuing education requirement may comply with this section by furnishing proof of compliance with the other state's requirement if that state has a reciprocal agreement with this state relative to continuing education. A nonresident licensee whose home state does not have such continuing education requirements, and who is not licensed as a nonresident licensee agent in a state that has continuing education requirements and reciprocates with this state, must meet the continuing education requirements of this state.~~

~~(7)(k) Any person who holds a license to solicit or sell life insurance in this state must complete a minimum of 3 hours in continuing education, approved by the department, on the subject of suitability in annuity and life insurance transactions. This requirement does not apply to an agent who does not have any active life insurance or annuity contracts. In applying this exemption, the department may require the filing of a certification attesting that the agent has not sold life insurance or annuities during the continuing education compliance cycle in question and does not have any active life insurance or annuity contracts. A licensee may use the hours obtained under this paragraph to satisfy the requirement for continuing education in ethics under paragraph (3)(a).~~

~~(8)(4) The following courses may be completed in order to meet the elective continuing education course requirements:~~

~~(a) Any part of the Life Underwriter Training Council Life Course Curriculum: 24 hours; Health Course: 12 hours.~~

(b) Any part of the American College “CLU” diploma curriculum: 24 hours.

(c) Any part of the Insurance Institute of America’s program in general insurance: 12 hours.

(d) Any part of the American Institute for Property and Liability Underwriters’ Chartered Property Casualty Underwriter (CPCU) professional designation program: 24 hours.

(e) Any part of the Certified Insurance Counselor program: 21 hours.

(f) Any part of the Accredited Advisor in Insurance: 21 hours.

(g) In the case of title agents, completion of the Certified Land Closer (CLC) professional designation program and receipt of the designation: 24 hours.

(h) In the case of title agents, completion of the Certified Land Searcher (CLS) professional designation program and receipt of the designation: 24 hours.

(i) Any insurance-related course that ~~which~~ is approved by the department and taught by an accredited college or university per credit hour granted: 12 hours.

(j) Any course, including courses relating to agency management or errors and omissions, developed or sponsored by an ~~any~~ authorized insurer or recognized agents’ association or insurance trade association or an ~~any~~ independent study program of instruction, subject to approval by the department, qualifies for the equivalency of the number of classroom hours assigned ~~thereto~~ by the department. However, unless otherwise provided in this section, continuing education hours may not be credited toward meeting the requirements of this section unless the course is provided by classroom instruction or results in a monitored examination. A monitored examination is not required for:

1. An independent study program of instruction presented through interactive, online technology that the department determines has sufficient internal testing to validate the student’s full comprehension of the materials presented; or

2. An independent study program of instruction presented on paper or in printed material which ~~that~~ imposes a final closed book examination that meets the requirements of the department’s rule for self-study courses. The examination may be taken without a proctor if ~~provided~~ the student presents to the provider a sworn affidavit certifying that the student did not consult any written materials or receive outside assistance of any kind or from any person, directly or indirectly, while taking the examination. If the student is an employee of an agency or corporate entity, the student’s supervisor or a manager or owner of the agency or corporate entity must also sign the sworn

affidavit. If the student is self-employed, a sole proprietor, or a partner, or if the examination is administered online, the sworn affidavit must also be signed by a disinterested third party. The sworn affidavit must be received by the approved provider before ~~prior to~~ reporting continuing education credits to the department.

~~(9)(k)~~ Each person or entity sponsoring a course for continuing education credit must furnish, within 21 ~~30~~ days after completion of the course, in a form satisfactory to the department or its designee, a ~~written and certified~~ roster showing the name and license number of all persons successfully completing such course and requesting credit, ~~accompanied by the required fee.~~

~~(10)(5)~~ The department ~~may immediately terminate or shall refuse to renew the appointment of an any agent or adjuster who has been notified by the department that who has not had his or her continuing education requirements have not been certified,~~ unless the agent or adjuster has been granted an extension or waiver by the department. The department may not issue a new appointment of the same or similar type, ~~with any insurer,~~ to a ~~licensee an agent who was denied a renewal appointment for failing failure to complete continuing education as required until the licensee agent completes his or her continuing education requirement.~~

~~(6)(a)~~ ~~There is created an 11-member continuing education advisory board to be appointed by the Chief Financial Officer. Appointments shall be for terms of 4 years. The purpose of the board is to advise the department in determining standards by which courses may be evaluated and categorized as basic, intermediate, or advanced. The board shall submit recommendations to the department of changes needed in such criteria not less frequently than every 2 years. The department shall require all approved course providers to submit courses for approval to the department using the criteria. All materials, brochures, and advertisements related to the approved courses must specify the level assigned to the course.~~

~~(b)~~ The board members shall be appointed as follows:

1. ~~Seven members representing agents of which at least one must be a representative from each of the following organizations: the Florida Association of Insurance Agents; the Florida Association of Insurance and Financial Advisors; the Professional Insurance Agents of Florida, Inc.; the Florida Association of Health Underwriters; the Specialty Agents' Association; the Latin American Agents' Association; and the National Association of Insurance Women. Such board members must possess at least a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, or education or possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC. In addition, each member must possess 5 years of classroom instruction experience or 5 years of experience in the development or design of educational programs or 10 years of experience as a licensed resident agent. Each organization may submit to the department a list of recommendations for appointment. If one~~

organization does not submit a list of recommendations, the Chief Financial Officer may select more than one recommended person from a list submitted by other eligible organizations.

~~2.—Two members representing insurance companies at least one of whom must represent a Florida Domestic Company and one of whom must represent the Florida Insurance Council. Such board members must be employed within the training department of the insurance company. At least one such member must be a member of the Society of Insurance Trainers and Educators.~~

~~3.—One member representing the general public who is not directly employed in the insurance industry. Such board member must possess a minimum of a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, training, or education.~~

~~4.—One member, appointed by the Chief Financial Officer, who represents the department.~~

~~(c)—The members of the board shall serve at the pleasure of the Chief Financial Officer. Each board member shall be entitled to reimbursement for expenses pursuant to s. 112.061. The board shall designate one member as chair. The board shall meet at the call of the chair or the Chief Financial Officer.~~

~~(11)(7) The department may contract services relative to the administration of the continuing education program to a private entity. The contract shall be procured as a contract for a contractual service pursuant to s. 287.057.~~

Section 11. Effective October 1, 2014, subsections (3) and (7) of section 626.2815, Florida Statutes, as amended by this act, are amended, and subsections (8) through (11) of that section are redesignated as subsections (7) through (10), respectively, to read:

626.2815 Continuing education requirements.—

(3) Each licensee except a title insurance agent subject to this section must, except as set forth in paragraphs (b), (c), (d), and (f), complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must

complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section minimum of 24 hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department.

~~(a) Except as provided in paragraphs (b), (c), (d), (e), and (i), each licensee must also complete 19 3 hours of elective continuing education courses; approved by the department, every 2 years on the subject matter of ethics. Each licensed general lines agent and customer representative must complete 1 hour of continuing education, approved by the department, every 2 years on the subject matter of premium discounts available on property insurance policies based on various hurricane mitigation options and the means for obtaining the discounts.~~

~~(b) A licensee who has been licensed for 6 or more years must also complete a minimum of 15 20 hours of elective continuing education every 2 years in intermediate or advanced-level courses prescribed by this section or in other courses approved by the department.~~

~~(c) A licensee who has been licensed for 25 years or more and is a CLU or a CPCU or has a Bachelor of Science degree in risk management or insurance with evidence of 18 or more semester hours in upper-level insurance-related courses must also complete a minimum of 5 10 hours of elective continuing education courses every 2 years in courses prescribed by this section or in other courses approved by the department.~~

~~(d) An individual who holds a license as a customer representative, limited customer representative, title agent, motor vehicle physical damage and mechanical breakdown insurance agent, or an industrial fire insurance or burglary insurance agent and who is not a licensed life or health agent, must also complete a minimum of 5 10 hours of continuing education courses every 2 years.~~

~~(e) An individual who holds a license to solicit or sell life or health insurance and a license to solicit or sell property, casualty, surety, or surplus lines insurance must complete courses in life or health insurance for one-half of the total hours required and courses in property, casualty, surety, or surplus lines insurance for one-half of the total hours required. However, a licensee who holds an industrial fire or burglary insurance license and who is a licensed life or health agent must complete 4 hours of continuing education courses every 2 years related to industrial fire or burglary insurance and the remaining number of hours of continuing education courses related to life or health insurance.~~

~~(e)(f)~~ An individual subject to chapter 648 must complete the 5-hour update course and a minimum of 9 14 hours of elective continuing education courses every 2 years.

(f) Elective continuing education courses for public adjusters must be specifically designed for public adjusters and approved by the department. Notwithstanding this subsection, public adjusters for workers' compensation insurance or health insurance are not required to take continuing education courses pursuant to this section.

(g) Excess hours accumulated during any 2-year compliance period may be carried forward to the next compliance period.

(h) An individual teaching an approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar qualifies for the same number of classroom hours as would be granted to a person taking and successfully completing such course or seminar. Credit is limited to the number of hours actually taught unless a person attends the entire course or seminar. An individual who is an official of or employed by a governmental entity in this state and serves as a professor, instructor, or other position or office, the duties and responsibilities of which are determined by the department to require monitoring and review of insurance laws or insurance regulations and practices, is exempt from this section.

(i) For compliance periods beginning on or after October 1, 2014, any person who holds a license as a title insurance agent must complete a minimum of 10 hours of continuing education credit every 2 years in title insurance and escrow management specific to this state and approved by the department, which shall include at least 3 hours of continuing education on the subject matter of ethics, rules, or compliance with state and federal regulations relating specifically to title insurance and closing services.

~~(7) Any person who holds a license to solicit or sell life insurance in this state must complete a minimum of 3 hours in continuing education, approved by the department, on the subject of suitability in annuity and life insurance transactions. This requirement does not apply to an agent who does not have any active life insurance or annuity contracts. In applying this exemption, the department may require the filing of a certification attesting that the agent has not sold life insurance or annuities during the continuing education compliance cycle in question and does not have any active life insurance or annuity contracts. A licensee may use the hours obtained under this paragraph to satisfy the requirement for continuing education in ethics under paragraph (3)(a).~~

Section 12. Subsections (1) and (2) of section 626.292, Florida Statutes, are amended to read:

626.292 Transfer of license from another state.—

(1) ~~An~~ Any individual licensed in good standing in another state may apply to the department to have the license transferred to this state to obtain a Florida resident agent or all-lines adjuster license for the same lines of authority covered by the license in the other state.

(2) To qualify for a license transfer, an individual applicant must meet the following requirements:

(a) The individual must ~~shall~~ become a resident of this state.

(b) The individual must ~~shall~~ have been licensed in another state for a minimum of 1 year immediately preceding the date the individual became a resident of this state.

(c) The individual must ~~shall~~ submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of the applicant's home state identifying the type of license and lines of authority under the license and stating that, at the time the license from the home state was canceled, the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested.

2. A set of the ~~individual~~ applicant's fingerprints in accordance with s. 626.171(4).

(d) The individual must ~~shall~~ satisfy preclicensing education requirements in this state, unless the completion of preclicensing education requirements was a prerequisite for licensure in the other state and the preclicensing education requirements in the other state are substantially equivalent to the preclicensing requirements of this state as determined by the department. This paragraph does not apply to all-lines adjusters.

(e) The individual must ~~shall~~ satisfy the examination requirement under s. 626.221, unless exempted ~~exempt thereunder~~.

Section 13. Subsections (2) and (3) of section 626.311, Florida Statutes, are amended to read:

626.311 Scope of license.—

(2) Except with respect as to a limited license as a credit life ~~or disability~~ insurance agent, the license of a life agent covers ~~shall cover~~ all classes of life insurance business.

(3) Except with respect as to a limited license as a travel ~~personal~~ accident insurance agent, the license of a health agent covers ~~shall cover~~ all kinds of health insurance; and such ~~no~~ license may not ~~shall~~ be issued limited to a particular class of health insurance.

Section 14. Subsections (1) and (4) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified applicant individual, ~~or a qualified individual or entity under paragraphs (c), (d), (e), and (i)~~; a license as agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

(a) *Motor vehicle physical damage and mechanical breakdown insurance.* License covering insurance against only the loss of or damage to a ~~any~~ motor vehicle ~~that which~~ is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles. Such license also covers insurance against the failure of an original or replacement part to perform any function for which it was designed. ~~The applicant for such a license shall pass a written examination covering motor vehicle physical damage insurance and mechanical breakdown insurance. A licensee under this paragraph may not~~ No individual while so licensed shall hold a license as an agent for as to any other or additional kind or class of insurance coverage except as to a limited license for credit insurance life and disability insurances as provided in paragraph (e). Effective October 1, 2012, all licensees holding such limited license and appointment may renew the license and appointment, but no new or additional licenses may be issued pursuant to this paragraph, and a licensee whose limited license under this paragraph has been terminated, suspended, or revoked may not have such license reinstated.

(b) *Industrial fire insurance or burglary insurance.*—License covering only industrial fire insurance or burglary insurance. The applicant for such a license must ~~shall~~ pass a written examination covering such insurance. ~~A licensee under this paragraph may not~~ No individual while so licensed shall hold a license as an agent for as to any other or additional kind or class of insurance coverage except for as to life insurance and health insurance insurances.

(c) *Travel insurance.*—License covering only policies and certificates of travel insurance, which are subject to review by the office under s. 624.605(1)(q). Policies and certificates of travel insurance may provide coverage for risks incidental to travel, planned travel, or accommodations while traveling, including, but not limited to, accidental death and dismemberment of a traveler; trip cancellation, interruption, or delay; loss of or damage to personal effects or travel documents; baggage delay; emergency medical travel or evacuation of a traveler; or medical, surgical, and hospital expenses related to an illness or emergency of a traveler. ~~Any~~ Such policy or certificate may be issued for terms longer than 60 days, but ~~each policy or certificate, other than a policy or certificate providing coverage for air ambulatory services only, each policy or certificate must be limited to coverage for travel or use of accommodations of no longer than 60 days. The license may be issued only:~~

1. To a full-time salaried employee of a common carrier or a full-time salaried employee or owner of a transportation ticket agency and may authorize the sale of such ticket policies only in connection with the sale of transportation tickets, or to the full-time salaried employee of such an agent. No Such policy may not shall be for a duration of more than 48 hours or more than ~~for~~ the duration of a specified one-way trip or round trip.

2. To an entity or individual that is:

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

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

c. A managing entity operating a timeshare plan approved under chapter 721;

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

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

A licensee shall require each employee who offers policies or certificates under this subparagraph to receive initial training from a general lines agent or an insurer authorized under chapter 624 to transact insurance within this state. For an entity applying for a license as a travel insurance agent, the fingerprinting requirement of this section applies only to the president, secretary, and treasurer and to any other officer or person who directs or controls the travel insurance operations of the entity.

(d) *Motor vehicle rental insurance.*—

1. License covering only insurance of the risks set forth in this paragraph when offered, sold, or solicited with and incidental to the rental or lease of a motor vehicle and which applies only to the motor vehicle that is the subject of the lease or rental agreement and the occupants of the motor vehicle:

a. Excess motor vehicle liability insurance providing coverage in excess of the standard liability limits provided by the lessor in the lessor's lease to a person renting or leasing a motor vehicle from the licensee's employer for liability arising in connection with the negligent operation of the leased or rented motor vehicle.

b. Insurance covering the liability of the lessee to the lessor for damage to the leased or rented motor vehicle.

c. Insurance covering the loss of or damage to baggage, personal effects, or travel documents of a person renting or leasing a motor vehicle.

d. Insurance covering accidental personal injury or death of the lessee and any passenger who is riding or driving with the covered lessee in the leased or rented motor vehicle.

2. Insurance under a motor vehicle rental insurance license may be issued only if the lease or rental agreement is for no more than 60 days, the lessee is not provided coverage for more than 60 consecutive days per lease period, and the lessee is given written notice that his or her personal insurance policy providing coverage on an owned motor vehicle may provide coverage of such risks and that the purchase of the insurance is not required in connection with the lease or rental of a motor vehicle. If the lease is extended beyond 60 days, the coverage may be extended one time only for a period not to exceed an additional 60 days. Insurance may be provided to the lessee as an additional insured on a policy issued to the licensee's employer.

3. The license may be issued only to the full-time salaried employee of a licensed general lines agent or to a business entity that offers motor vehicles for rent or lease if insurance sales activities authorized by the license are in connection with and incidental to the rental or lease of a motor vehicle.

a. A license issued to a business entity that offers motor vehicles for rent or lease encompasses ~~shall encompass~~ each office, branch office, or place of business making use of the entity's business name in order to offer, solicit, and sell insurance pursuant to this paragraph.

b. The application for licensure must list the name, address, and phone number for each office, branch office, or place of business that is to be covered by the license. The licensee shall notify the department of the name, address, and phone number of any new location that is to be covered by the license before the new office, branch office, or place of business engages in the sale of insurance pursuant to this paragraph. The licensee must ~~shall~~ notify the department within 30 days after closing or terminating an office, branch office, or place of business. Upon receipt of the notice, the department shall delete the office, branch office, or place of business from the license.

c. A licensed and appointed entity is directly responsible and accountable for all acts of the licensee's employees.

(e) *Credit life or disability insurance.*—License covering only credit life, credit or disability insurance, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (GAP) insurance, and any other form of insurance offered in connection with an extension of credit which is limited to partially or wholly extinguishing a credit obligation that the department determines should be designated a form of limited line credit insurance. Effective October 1, 2012, all valid licenses held by persons for any of the lines of insurance listed in this paragraph shall be converted to a credit insurance license. Licensees who wish to obtain a new license reflecting such change must request a duplicate license and pay a \$5 fee as specified in s. 624.501(15). The license may be issued only to an individual employed by a

life or health insurer as an officer or other salaried or commissioned representative, to an individual employed by or associated with a lending or financial institution or creditor, or to a lending or financial institution or creditor, and may authorize the sale of such insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. No individual while so licensed shall hold a license as an agent as to any other or additional kind or class of life or health insurance coverage. ~~An entity holding a limited license under this paragraph is also authorized to sell credit insurance and credit property insurance.~~

~~(f) *Credit insurance.*—License covering only credit insurance, as such insurance is defined in s. 624.605(1)(i), and no individual or entity so licensed shall, during the same period, hold a license as an agent as to any other or additional kind of life or health insurance with the exception of credit life or disability insurance as defined in paragraph (c). The same licensing provisions as outlined in paragraph (c) apply to entities licensed as credit insurance agents under this paragraph.~~

~~(g) *Credit property insurance.*—A license covering only credit property insurance may be issued to any individual except an individual employed by or associated with a financial institution as defined in s. 655.005 and authorized to sell such insurance only with respect to a borrower or debtor, not to exceed the amount of the loan.~~

~~(f)(h) *Crop hail and multiple-peril crop insurance.*—License for insurance covering crops subject to unfavorable weather conditions, fire or lightning, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils which is provided by the private insurance market, or which is subsidized by the Federal Group Insurance Corporation including multi-peril crop insurance only crop hail and multiple-peril crop insurance.~~ Notwithstanding any other provision of law, the limited license may be issued to a bona fide salaried employee of an association chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001 et seq., who satisfactorily completes the examination prescribed by the department pursuant to s. 626.241(5). The limited agent must be appointed by, and his or her limited license requested by, a licensed general lines agent. All business transacted by the limited agent must be on ~~shall be in~~ behalf of, in the name of, and countersigned by the agent by whom he or she is appointed. Sections 626.561 and 626.748, relating to records, apply to all business written pursuant to this section. The limited licensee may be appointed by and licensed for only one general lines agent or agency.

~~(g)(i) *In-transit and storage personal property insurance; communications equipment property insurance, communications equipment inland marine insurance, and communications equipment service warranty agreement sales.*~~

1.—A License for insurance covering only the insurance of personal property not held for resale, covering the risks of transportation or storage in rented or leased motor vehicles, trailers, or self-service storage facilities; as the latter are defined in s. 83.803. Such license, may be issued, without examination, only to employees or authorized representatives of lessors who rent or lease motor vehicles, trailers, or self-service storage facilities and who are authorized by an insurer to issue certificates or other evidences of insurance to lessees of such motor vehicles, trailers, or self-service storage facilities under an insurance policy issued to the lessor. A person licensed under this paragraph must ~~shall~~ give a prospective purchaser of in-transit or storage personal property insurance written notice that his or her homeowner's policy may provide coverage for the loss of personal property and that the purchase of such insurance is not required under the lease terms.

2.—A license covering only communications equipment, for the loss, theft, mechanical failure, malfunction of or damage to, communications equipment. The license may be issued only to:

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

b.—The lead business location of a retail vendor of communications equipment and its branch locations; or

c.—Employees, agents, or authorized representatives of a retail vendor of communications equipment.

The license authorizes the sale of such policies, or certificates under a group master policy, only with respect to the sale of, or provision of communications service for, communications equipment. A general lines agent is not required to obtain a license under this subparagraph to offer or sell communications equipment property insurance or communication equipment inland marine insurance. The license also authorizes sales of service warranty agreements covering only communications equipment to the same extent as if licensed under s. 634.419 or s. 634.420. The provisions of this chapter requiring submission of fingerprints do not apply to communications equipment licenses issued to qualified entities under this subparagraph. Licensees offering policies under this subparagraph must receive initial training from, and have a contractual relationship with, a general lines agent. For the purposes of this subparagraph, the term “communications equipment” means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, and other devices or accessories used to originate or receive communications signals or service, and includes services related to the use of such devices, such as consumer access to a wireless network; however, the term does not include telecommunications switching equipment, transmission wires, cell site transceiver equipment, or other equipment and systems used by telecommunications companies to provide telecommunications service to consumers. A branch location of a retail vendor of communications equipment licensed pursuant to paragraph (2)(b) may, in lieu of obtaining an appointment from an insurer or warranty

association as provided in paragraph (2)(c), obtain a single appointment from the associated lead business location licensee licensed under paragraph (2)(a) and pay the prescribed appointment fee under s. 624.501 provided the lead business location has a single appointment from each insurer or warranty association represented and such appointment provides that it applies to the lead business location and all of its branch locations. Any branch location individually appointed by an insurer under paragraph (2)(c) prior to January 1, 2006, may replace its appointments with an appointment from its lead location at no charge. Branch location appointments shall be renewed on the first annual anniversary of licensure of the lead business location occurring more than 24 months after the initial appointment date and every 24 months thereafter. Notwithstanding s. 624.501, after July 1, 2006, the renewal fee applicable to such branch location appointments shall be \$30 per appointment.

(h) *Portable electronics insurance.*—License for property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics.

1. The license may be issued only to:

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

b. The lead business location of a retail vendor that sells portable electronics insurance. The lead business location must have a contractual relationship with a general lines agent.

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

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

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

c. At each location where the insurance is offered, brochures or other written materials that provide the information required by this subparagraph are made available to all prospective customers. The brochures or written materials may include information regarding portable electronics insurance, service warranty agreements, or other incidental services or benefits offered by a licensee.

3. Individuals not licensed to sell portable electronics insurance may not be paid commissions based on the sale of such coverage. However, a licensee

who uses a compensation plan for employees and authorized representatives which includes supplemental compensation for the sale of noninsurance products, in addition to a regular salary or hourly wages, may include incidental compensation for the sale of portable electronics insurance as a component of the overall compensation plan.

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

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

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

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

d. Summarize the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable if the customer fails to comply with equipment return requirements; and

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

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

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

7. A licensee may bill and collect the premium for the purchase of portable electronics insurance provided that:

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

customer for the insurance must be separately itemized on the customer's bill.

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

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

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

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

10. The provisions of this chapter requiring submission of fingerprints do not apply to licenses issued to qualified entities under this paragraph.

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

12. For purposes of this paragraph:

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

b. "Portable electronics" means personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices, including

cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories, and service related to the use of such devices.

c. “Portable electronics transaction” means the sale or lease of portable electronics or a related service, including portable electronics insurance.

(4) Except as otherwise expressly provided, a person applying for or holding a limited license is shall be subject to the same applicable requirements and responsibilities that as apply to general lines agents in general, if licensed as to motor vehicle physical damage and mechanical breakdown insurance, ~~credit property insurance~~, industrial fire insurance or burglary insurance, motor vehicle rental insurance, credit insurance, crop hail and multiple-peril crop insurance, in-transit and storage personal property insurance, or portable electronics insurance ~~communications equipment property insurance or communications equipment inland marine insurance, baggage and motor vehicle excess liability insurance, or credit insurance~~; or as apply to life agents or health agents in general, as applicable ~~the case may be~~, if licensed as to travel ~~personal accident insurance or credit life or credit disability insurance.~~

Section 15. Section 626.342, Florida Statutes, is amended to read:

626.342 Furnishing supplies to unlicensed life, ~~health, or general lines~~ agent prohibited; civil liability.—

(1) An insurer, a managing general agent, an insurance agency, or an agent, directly or through a ~~any~~ representative, may not furnish to an ~~any~~ agent any blank forms, applications, stationery, or other supplies to be used in soliciting, negotiating, or effecting contracts of insurance on its behalf unless such blank forms, applications, stationery, or other supplies relate to a class of business for with respect to ~~to~~ which the agent is licensed and appointed, whether for that insurer or another insurer.

(2) An ~~Any~~ insurer, general agent, insurance agency, or agent who furnishes any of the supplies specified in subsection (1) to an ~~any~~ agent or prospective agent not appointed to represent the insurer and who accepts from or writes any insurance business for such agent or agency is subject to civil liability to an ~~any~~ insured of such insurer to the same extent and ~~in the same manner as if such agent or prospective agent had been appointed or authorized by the insurer or such agent to act~~ on ~~in~~ its or his or her behalf. The provisions of this subsection do not apply to insurance risk apportionment plans under s. 627.351.

(3) This section does not apply to the placing of surplus lines business under the provisions of ss. 626.913-626.937.

Section 16. Subsection (1) of section 626.381, Florida Statutes, is amended to read:

626.381 Renewal, continuation, reinstatement, or termination of appointment.—

(1) The appointment of an appointee continues ~~shall continue~~ in force until suspended, revoked, or otherwise terminated, but ~~is~~ subject to a renewal request filed by the appointing entity in the appointee's birth month as to natural persons or the month the original appointment was issued ~~license date~~ as to entities and every 24 months thereafter, accompanied by payment of the renewal appointment fee and taxes as prescribed in s. 624.501.

Section 17. Section 626.536, Florida Statutes, is amended to read:

626.536 Reporting of administrative actions.—~~Each agent and insurance agency shall submit to the department.~~ Within 30 days after the final disposition of an any administrative action taken against a licensee ~~the agent~~ or insurance agency by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee or insurance agency must submit a copy of the order, consent to order, or other relevant legal documents to the department. The department may adopt rules to administer ~~implementing~~ the provisions of this section.

Section 18. Section 626.551, Florida Statutes, is amended to read:

626.551 Notice of change of address, name.—~~A Every~~ licensee must ~~shall~~ notify the department, in writing, within 30 ~~60~~ days after a change of name, residence address, principal business street address, mailing address, contact telephone numbers, including a business telephone number, or e-mail address. A licensee ~~licensed agent~~ who has moved his or her principal place of residence and principal place of business from this state shall have his or her license and all appointments immediately terminated by the department. Failure to notify the department within the required time ~~period~~ shall result in a fine not to exceed \$250 for the first offense and, ~~for subsequent offenses,~~ a fine of at least \$500 or suspension or revocation of the license pursuant to s. 626.611, s. 626.6115, ~~or s. 626.621, or s. 626.6215 for a subsequent offense.~~ The department may adopt rules to administer and enforce this section.

Section 19. Subsection (14) is added to section 626.621, Florida Statutes, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or

continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(14) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify, enforce, or collect support.

Section 20. Subsection (4) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(4) During the period of suspension or revocation of a the license or appointment, and until the license is reinstated or, if revoked, a new license issued, the former licensee or appointee may shall not engage in or attempt or profess to engage in any transaction or business for which a license or appointment is required under this code or directly or indirectly own, control, or be employed in any manner by an any insurance agent, or agency, or adjuster, or adjusting firm.

Section 21. Subsection (1) of section 626.651, Florida Statutes, is amended to read:

626.651 Effect of suspension, revocation upon associated licenses and appointments and licensees and appointees.—

(1) Upon suspension, revocation, or refusal to renew or continue any one license of a licensee an agent or customer representative, or upon suspension or revocation of eligibility to hold a license or appointment, the department shall at the same time likewise suspend or revoke all other licenses, appointments, or status of eligibility held by the licensee or appointee under this code.

Section 22. Subsection (4) of section 626.730, Florida Statutes, is amended, and subsection (5) of that section is created, to read:

626.730 Purpose of license.—

(4) This section does not prohibit the licensing under a licensee holding a limited license for credit insurance or as to motor vehicle physical damage and mechanical breakdown insurance from being or credit property insurance of any person employed by or associated with a motor vehicle sales or financing agency, a retail sales establishment, or a consumer loan office for the purpose of insuring, other than a consumer loan office owned by or affiliated with a financial institution as defined in s. 655.005, with respect

to insurance of the interest of such entity agency in a motor vehicle sold or financed by it or in personal property if used as collateral for a loan.

(5) This section does not apply ~~with respect~~ to the interest of a real estate mortgagee in or as to insurance covering such interest or in the real estate subject to such mortgage.

Section 23. Section 626.732, Florida Statutes, is amended to read:

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

(1) Except as provided in subsection (4) ~~(3)~~, an ~~no~~ applicant for a license as a general lines agent ~~or personal lines agent~~, except for a chartered property and casualty underwriter (CPCU), may not other than as to a limited license as to baggage and motor vehicle excess liability insurance, credit property insurance, credit insurance, in-transit and storage personal property insurance, or communications equipment property insurance or communication equipment inland marine insurance, shall be qualified or licensed unless, within the 4 years immediately preceding the date the application for license is filed with the department, the applicant has:

(a) Taught or successfully completed classroom courses in insurance, 3 hours of which must ~~shall~~ be on the subject matter of ethics, ~~satisfactory to the department at a school, college, or extension division thereof, approved by the department. To qualify for licensure as a personal lines agent, the applicant must complete a total of 52 hours of classroom courses in insurance;~~

(b) Completed a correspondence course in insurance, 3 hours of which must ~~shall~~ be on the subject matter of ethics, which is ~~satisfactory to the department and regularly offered by accredited institutions of higher learning in this state or extensions thereof and approved by the department, and have,~~ except if he or she is applying for a limited license under s. 626.321, ~~for licensure as a general lines agent, has had at least 6 months of responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance set forth in the definition of general lines agent under s. 626.015 or, for licensure as a personal lines agent, has completed at least 3 months in responsible insurance duties as a substantially full-time employee in property and casualty insurance sold to individuals and families for noncommercial purposes;~~

(c) ~~For licensure as a general lines agent, Completed at least 1 year in responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance, exclusive of aviation and wet marine and transportation insurances but not exclusive of boats of less than 36 feet in length or aircraft not held out for hire, as set forth in the definition of a general lines agent under s. 626.015, but without the education requirement described mentioned in paragraph (a) or paragraph (b) or, for licensure as a personal lines agent, has completed at least 6 months in responsible insurance duties as a substantially full-time employee in~~

~~property and casualty insurance sold to individuals and families for noncommercial purposes without the education requirement in paragraph (a) or paragraph (b);~~

(d)1.— ~~For licensure as a general lines agent, Completed at least 1 year of responsible insurance duties as a licensed and appointed customer representative or limited customer representative in commercial or personal lines of property and casualty insurance and 40 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance; or~~

2.— ~~For licensure as a personal lines agent, completed at least 6 months of responsible duties as a licensed and appointed customer representative or limited customer representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 20 hours of classroom courses approved by the department which are related to property and casualty insurance sold to individuals and families for noncommercial purposes;~~

(e)1.— ~~For licensure as a general lines agent, Completed at least 1 year of responsible insurance duties as a licensed and appointed service representative in either commercial or personal lines of property and casualty insurance and 80 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance,; or~~

2.— ~~For licensure as a personal lines agent, completed at least 6 months of responsible insurance duties as a licensed and appointed service representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 40 hours of classroom courses approved by the department related to property and casualty insurance sold to individuals and families for noncommercial purposes; or~~

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

(a) Taught or successfully completed classroom courses in insurance, 3 hours of which must be on the subject matter of ethics, at a school, college, or extension division thereof, approved by the department. To qualify for licensure, the applicant must complete a total of 52 hours of classroom courses in insurance;

(b) Completed a correspondence course in insurance, 3 hours of which must be on the subject matter of ethics, which is regularly offered by accredited institutions of higher learning in this state or extensions thereof and approved by the department, and completed at least 3 months of responsible insurance duties as a substantially full-time employee in the

area of property and casualty insurance sold to individuals and families for noncommercial purposes;

(c) Completed at least 6 months of responsible insurance duties as a substantially full-time employee in the area of property and casualty insurance sold to individuals and families for noncommercial purposes, but without the education requirement described in paragraph (a) or paragraph (b);

(d) Completed at least 6 months of responsible duties as a licensed and appointed customer representative or limited customer representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 20 hours of classroom courses approved by the department which are related to property and casualty insurance sold to individuals and families for noncommercial purposes;

(e) Completed at least 6 months of responsible insurance duties as a licensed and appointed service representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 40 hours of classroom courses approved by the department related to property and casualty insurance sold to individuals and families for noncommercial purposes; or

(f) For licensure as a personal lines agent, Completed at least 3 years of responsible duties as a licensed and appointed customer representative in property and casualty insurance sold to individuals and families for noncommercial purposes.

(3)(2) If Where an applicant's qualifications as required under subsection (1) or subsection (2) in paragraph (1)(b) or paragraph (1)(e) are based in part upon the periods of employment in at responsible insurance duties prescribed therein, the applicant shall submit with the license application for license, on a form prescribed by the department, an the affidavit of his or her employer setting forth the period of such employment, that the employment same was substantially full-time, and giving a brief abstract of the nature of the duties performed by the applicant.

(4)(3) An individual who was or became qualified to sit for an agent's, customer representative's, or adjuster's examination at or during the time he or she was employed by the department or office and who, while so employed, was employed in responsible insurance duties as a full-time bona fide employee may shall be permitted to take an examination if application for such examination is made within 90 days after the date of termination of his or her employment with the department or office.

(5)(4) Classroom and correspondence courses under subsections (1) and (2) subsection (1) must include instruction on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities must shall include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement

Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers and the regulation thereof.

(6) This section does not apply to an individual holding only a limited license for travel insurance, motor vehicle rental insurance, credit insurance, in-transit and storage personal property insurance, or portable electronics insurance.

Section 24. Section 626.8411, Florida Statutes, is amended to read:

626.8411 Application of Florida Insurance Code provisions to title insurance agents or agencies.—

(1) The following provisions of part II,—as applicable to general lines agents or agencies, also apply to title insurance agents or agencies:

(a) Section 626.734, relating to liability of certain agents.

~~(b) Section 626.175, relating to temporary licenses.~~

~~(b)(e)~~ Section 626.747, relating to branch agencies.

(c) Section 626.749, relating to place of business in residence.

(d) Section 626.753, relating to sharing of commissions.

(e) Section 626.754, relating to rights of agent following termination of appointment.

(2) The following provisions of part I do not apply to title insurance agents or title insurance agencies:

(a) Section 626.112(7), relating to licensing of insurance agencies.

(b) Section 626.231, relating to eligibility for examination.

(c) Section 626.572, relating to rebating, when allowed.

(d) Section 626.172, relating to agent in full-time charge.

Section 25. Subsection (1) of section 626.8419, Florida Statutes, is amended to read:

626.8419 Appointment of title insurance agency.—

(1) The title insurer engaging or employing the title insurance agency must file with the department, on ~~printed~~ forms furnished by the department, an application certifying that the proposed title insurance agency meets all of the following requirements:

(a) The agency must have obtained a fidelity bond in an amount, not less than \$50,000, acceptable to the insurer appointing the agency. If a fidelity

bond is unavailable generally, the department must adopt rules for alternative methods to comply with this paragraph.

(b) The agency must have obtained errors and omissions insurance in an amount acceptable to the insurer appointing the agency. The amount of the coverage may not be less than \$250,000 per claim and an aggregate limit with a deductible no greater than \$10,000. If errors and omissions insurance is unavailable generally, the department must adopt rules for alternative methods to comply with this paragraph.

(c) Notwithstanding s. 626.8418(2), the agency must have obtained a surety bond in an amount not less than \$35,000 made payable to the title insurer or title insurers appointing the agency. The surety bond must be for the benefit of any appointing title insurer damaged by a violation by the title insurance agency of its contract with the appointing title insurer. If the surety bond is payable to multiple title insurers, the surety bond must provide that each title insurer is to be notified in the event a claim is made upon the surety bond or the bond is terminated.

(d) The surety bond must remain in effect and unimpaired as long as the agency is appointed by a title insurer. The agency must provide written proof to the appointing title insurer or insurers on an annual basis evidencing that the surety bond is still in effect and unimpaired.

(e) A title insurer may not provide the surety bond directly or indirectly on behalf of the agency.

Section 26. Section 626.8548, Florida Statutes, is created to read:

626.8548 “All-lines adjuster” defined.—An “all-lines adjuster” is a person who is self-employed or employed by an insurer, a wholly owned subsidiary of an insurer, or an independent adjusting firm or other independent adjuster, and who undertakes on behalf of an insurer or other insurers under common control or ownership to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss, or damage. The term does not apply to life insurance or annuity contracts.

Section 27. Section 626.855, Florida Statutes, is amended to read:

626.855 “Independent adjuster” defined.—An “independent adjuster” means a ~~is any person licensed as an all-lines adjuster who is self-appointed~~ self-employed or appointed and ~~is associated with or~~ employed by an independent adjusting firm or other independent adjuster, and who undertakes on behalf of an insurer to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss, or damage.

Section 28. Section 626.856, Florida Statutes, is amended to read:

626.856 “Company employee adjuster” defined.—A “company employee adjuster” means is a person licensed as an all-lines adjuster who is appointed and employed on an insurer’s staff of adjusters or a wholly owned subsidiary of the insurer, and who undertakes on behalf of such insurer or other insurers under common control or ownership to ascertain and determine the amount of any claim, loss, or damage payable under a contract of insurance, or undertakes to effect settlement of such claim, loss, or damage.

Section 29. Section 626.858, Florida Statutes, is repealed.

Section 30. Section 626.8584, Florida Statutes, is amended to read:

626.8584 “Nonresident all-lines independent adjuster” defined.—A “non-resident all-lines independent adjuster” means is a person who:

(1) Is not a resident of this state;

(2) Is a currently licensed as an independent adjuster in his or her state of residence for all lines of insurance except life and annuities ~~the type or kinds of insurance for which the licensee intends to adjust claims in this state or, if a resident of a state that does not license such independent adjusters, meets the qualifications has passed the department’s adjuster examination as prescribed in s. 626.8734(1)(b); and~~

(3) Is licensed as an all-lines adjuster and self-appointed or appointed and a self-employed independent adjuster or associated with or employed by an independent adjusting firm or other independent adjuster, by an insurer admitted to do business in this state or a wholly-owned subsidiary of an insurer admitted to do business in this state, or by other insurers under the common control or ownership of such insurer.

Section 31. Section 626.863, Florida Statutes, is amended to read:

626.863 Claims referrals to Licensed independent adjusters required; ~~insurers’ responsibility.—~~

(1) An insurer may ~~shall~~ not knowingly refer any claim or loss for adjustment in this state to any person purporting to be or acting as an independent adjuster unless the person is currently licensed as an all-lines adjuster and appointed as an independent adjuster under this code.

(2) Before referring any claim or loss, the insurer shall ascertain from the department whether the proposed independent adjuster is currently licensed as an all-lines adjuster and appointed as an independent adjuster ~~such~~. Having ~~once~~ ascertained that a particular person is so licensed and appointed, the insurer may assume that he or she will continue to be so licensed and appointed until the insurer has knowledge, or receives information from the department, to the contrary.

(3) This section does not apply to catastrophe or emergency adjusters as provided ~~for~~ in this part.

Section 32. Section 626.864, Florida Statutes, is amended to read:

626.864 Adjuster license types.—

(1) A qualified individual may be licensed ~~and appointed~~ as either:

(a) A public adjuster; or

(b) An all-lines independent adjuster; ~~or~~

(c) ~~A company employee adjuster.~~

(2) The same individual ~~may shall~~ not be concurrently licensed ~~appointed as a public adjuster and an all-lines adjuster to more than one of the adjuster types referred to in subsection (1).~~

(3) An all-lines adjuster may be appointed as an independent adjuster or company employee adjuster, but not both concurrently.

Section 33. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

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

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services ~~and a bona fide resident of this state.~~

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster, or has been licensed and employed as a resident insurance company adjuster or independent adjuster in this state on a continual basis for the past year.

(e) Is licensed as a public adjuster apprentice under s. 626.8651 and complies with the requirements of that license throughout the licensure period.

Section 34. Paragraph (b) of subsection (1) and subsection (7) of section 626.8651, Florida Statutes, are amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services ~~and is a resident of this state.~~

(7) An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However, a supervising public adjuster may not be responsible for more than three public adjuster apprentices simultaneously and shall be accountable for the acts of all public adjuster apprentices which are related to transacting business as a public adjuster apprentice. This subsection does not apply to a public adjusting firm that adjusts claims primarily for commercial entities with operations in more than one state and that does not directly or indirectly perform adjusting services for insurers or individual homeowners.

Section 35. Section 626.866, Florida Statutes, is amended to read:

626.866 ~~All-lines adjuster~~ Independent adjuster's qualifications.—The department shall issue ~~a license to an applicant for an all-lines adjuster independent adjuster's license to an applicant~~ upon determining that the applicable license fee specified in s. 624.501 has been paid and that the applicant possesses the following qualifications:

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

(2) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(3) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(4) Has had sufficient experience, training, or instruction concerning the adjusting of damage or loss under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and the effects of the provisions of such types of contracts, and possesses adequate knowledge of the insurance laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom he or she may

have relations as an insurance adjuster and to adjust all claims in accordance with the policy or contract and the insurance laws of this state.

(5) Has passed any required written examination or has met one of the exemptions prescribed under s. 626.221.

Section 36. Section 626.867, Florida Statutes, is repealed.

Section 37. Section 626.869, Florida Statutes, is amended to read:

626.869 License, adjusters; continuing education.—

(1) ~~Having An applicant for a license as an all-lines adjuster qualifies the licensee to adjust may qualify and his or her license when issued may cover adjusting in any one of the following classes of insurance:~~

(a) all lines of insurance except life and annuities.

(b) ~~Motor vehicle physical damage insurance.~~

(c) ~~Property and casualty insurance.~~

(d) ~~Workers' compensation insurance.~~

(e) ~~Health insurance.~~

~~No examination on workers' compensation insurance or health insurance shall be required for public adjusters.~~

(2) All individuals who on October 1, 1990, hold an adjuster's license and appointment limited to fire and allied lines, including marine or casualty or boiler and machinery, may remain licensed and appointed under the limited license and may renew their appointment, but a ~~no~~ license or appointment that which has been terminated, not renewed, suspended, or revoked may ~~not shall~~ be reinstated, and ~~no~~ new or additional licenses or appointments may not shall be issued.

(3) All individuals who on October 1, 2012, hold an adjuster's license and appointment limited to motor vehicle physical damage and mechanical breakdown, property and casualty, workers' compensation, or health insurance may remain licensed and appointed under such limited license and may renew their appointment, but a license that has been terminated, suspended, or revoked may not be reinstated, and new or additional licenses may not be issued. The applicant's application for license shall specify which of the foregoing classes of business the application for license is to cover.

(4)(a) An Any individual holding a license as a public adjuster or an all-lines a company employee adjuster must complete all continuing education requirements as specified in s. 626.2815. or independent adjuster for 24 consecutive months or longer must, beginning in his or her birth month and every 2 years thereafter, have completed 24 hours of courses, 2 hours of which relate to ethics, in subjects designed to inform the licensee regarding

the current insurance laws of this state, so as to enable him or her to engage in business as an insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and the laws of this state.

~~(b) Any individual holding a license as a public adjuster for 24 consecutive months or longer, beginning in his or her birth month and every 2 years thereafter, must have completed 24 hours of courses, 2 hours of which relate to ethics, in subjects designed to inform the licensee regarding the current laws of this state pertaining to all lines of insurance other than life and annuities, the current laws of this state pertaining to the duties and responsibilities of public adjusters as set forth in this part, and the current rules of the department applicable to public adjusters and standard or representative policy forms used by insurers, other than forms for life insurance and annuities, so as to enable him or her to engage in business as an adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and laws of this state. In order to receive credit for continuing education courses, public adjusters must take courses that are specifically designed for public adjusters and approved by the department, provided, however, no continuing education course shall be required for public adjusters for workers' compensation insurance or health insurance.~~

~~(c) The department shall adopt rules necessary to implement and administer the continuing education requirements of this subsection. For good cause shown, the department may grant an extension of time during which the requirements imposed by this section may be completed, but such extension of time may not exceed 1 year.~~

~~(d) A nonresident public adjuster must complete the continuing education requirements provided by this section; provided, a nonresident public adjuster may meet the requirements of this section if the continuing education requirements of the nonresident public adjuster's home state are determined to be substantially comparable to the requirements of this state's continuing education requirements and if the resident's state recognizes reciprocity with this state's continuing education requirements. A nonresident public adjuster whose home state does not have such continuing education requirements for adjusters, and who is not licensed as a nonresident adjuster in a state that has continuing education requirements and reciprocates with this state, must meet the continuing education requirements of this section.~~

(5) The regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups shall be as provided for in s. 626.2816.

Section 38. Paragraph (c) of subsection (2) of section 626.8697, Florida Statutes, is amended to read:

626.8697 Grounds for refusal, suspension, or revocation of adjusting firm license.—

(2) The department may, in its discretion, deny, suspend, revoke, or refuse to continue the license of any adjusting firm if it finds that any of the following applicable grounds exist with respect to the firm or any owner, partner, manager, director, officer, or other person who is otherwise involved in the operation of the firm:

(c) Violation of an ~~any~~ order or rule of the department, office, or commission.

Section 39. Subsections (1) and (5) of section 626.872, Florida Statutes, are amended to read:

626.872 Temporary license.—

(1) The department may, ~~in its discretion~~, issue a temporary license as an all-lines independent adjuster ~~or as a company employee adjuster~~, subject to the following conditions:

(a) The applicant must be an employee of an adjuster currently licensed by the department, ~~an employee of an authorized insurer, or an employee of an established adjusting firm or corporation~~ who ~~which~~ is supervised by a currently licensed all-lines independent adjuster.

~~(b) The application must be accompanied by 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 employer.~~

~~(b)(e)~~ The applicant must be a natural person of at least 18 years of age, ~~must be a bona fide resident of this state, must be trustworthy, and must have a such business reputation that~~ as would reasonably ~~ensure~~ assure that the applicant will conduct his or her business as an adjuster fairly and in good faith and without detriment to the public.

~~(c)(d)~~ The applicant's employer is responsible for the adjustment acts of the temporary ~~any licensee under this section~~.

~~(d)(e)~~ The applicable license fee ~~specified~~ must be paid before issuance of the temporary license.

~~(e)(f)~~ The temporary license ~~is~~ shall be effective for a period of 1 year, but ~~is~~ subject to earlier termination at the request of the employer, ~~or if the licensee fails to take an examination as an all-lines independent adjuster or company employee adjuster within 6 months after issuance of the temporary license, or if~~ the temporary license is suspended or revoked by the department.

(5) The department may shall not issue a temporary license as an all-lines independent adjuster ~~or as a company employee adjuster~~ to an any individual who has ever held such a license in this state.

Section 40. Section 626.873, Florida Statutes, is repealed.

Section 41. Paragraph (e) of subsection (1) and subsection (2) of section 626.8732, Florida Statutes, are amended to read:

626.8732 Nonresident public adjuster's qualifications, bond.—

(1) The department shall, upon application therefor, issue a license to an applicant for a nonresident public adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(e) Has been licensed and employed as a public adjuster in the applicant's state of residence on a continual basis for the past year ~~3 years~~, or, if the applicant's state of residence does not issue licenses to individuals who act as public adjusters, the applicant has been licensed and employed as a resident insurance company or independent adjuster, ~~insurance agent, insurance broker, or other insurance representative~~ in his or her state of residence or any other state on a continual basis for the past year ~~3 years~~. ~~This paragraph does not apply to individuals who are licensed to transact only life insurance and annuity business.~~

(2) The applicant shall furnish the following with his or her application:

(a) A complete set of his or her fingerprints. The applicant's fingerprints must be certified by an authorized law enforcement officer. The department may not authorize an applicant to take the required examination or issue a nonresident public adjuster's license to the applicant until the department has received a report from the Florida Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

(b) If currently licensed as a resident public adjuster in the applicant's state of residence, a certificate or letter of authorization from the licensing authority of the applicant's state of residence, stating that the applicant holds a current or comparable license to act as a public adjuster and has held the license continuously for the past year ~~3 years~~. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

(c) If the applicant's state of residence does not require licensure as a public adjuster and the applicant has been licensed as a resident insurance adjuster, agent, broker, ~~or other insurance representative~~ in his or her state

of residence or any other state, a certificate or letter of authorization from the licensing authority stating that the applicant holds or has held a license to act as such an insurance adjuster, ~~agent, or other insurance representative~~ and has held the license continuously for the past year 3 years. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether or not the adjuster, ~~agent, or other insurance representative~~ has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

Section 42. Section 626.8734, Florida Statutes, is amended to read:

626.8734 Nonresident all-lines adjuster license independent adjuster's qualifications.—

(1) The department shall, ~~upon application therefor,~~ issue a license to an applicant for a nonresident all-lines adjuster independent adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

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

(b) Has passed to the satisfaction of the department a written Florida all-lines adjuster independent adjuster's examination of the scope prescribed in s. 626.241(6); however, the requirement for the examination does not apply to any of the following:

1. An applicant who is licensed as an all-lines ~~a resident independent~~ adjuster in his or her home state ~~if of residence when that state has entered into~~ requires the passing of a written examination in order to obtain the license and a reciprocal agreement with the appropriate official of that state has been entered into by the department; or

2. An applicant who is licensed as a nonresident all-lines independent adjuster in a state other than his or her home state ~~of residence when the state of licensure requires the passing of a written examination in order to obtain the license and a reciprocal agreement with the appropriate official of the state of licensure has been entered into~~ with ~~by~~ the department.

(c) Is licensed as an all-lines adjuster and is self appointed, or appointed and employed by an independent adjusting firm or other independent adjuster, or is an employee of an insurer admitted to do business in this state, a wholly owned subsidiary of an insurer admitted to business in this state, or other insurers under the common control or ownership of such insurers self-employed or associated with or employed by an independent adjusting firm or other independent adjuster. Applicants licensed as nonresident all-lines independent adjusters under this section must be appointed as an independent adjuster or company employee adjuster ~~such~~ in accordance with the

provisions of ss. 626.112 and 626.451. Appointment fees ~~as in the amount~~ specified in s. 624.501 must be paid to the department in advance. The appointment of a nonresident independent adjuster continues ~~shall continue~~ in force until suspended, revoked, or otherwise terminated, but ~~is~~ subject to biennial renewal or continuation by the licensee in accordance with ~~procedures prescribed in~~ s. 626.381 for licensees in general.

(d) Is trustworthy and has such business reputation as would reasonably ensure ~~assure~~ that he or she will conduct his or her business as a nonresident ~~all-lines independent~~ adjuster fairly and in good faith and without detriment to the public.

(e) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts; is sufficiently informed as to the terms and effects of the ~~provisions of those types of insurance contracts;~~ and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom he or she may have business as an all-lines independent adjuster.

(2) The applicant must ~~shall~~ furnish the following with his or her application:

(a) A complete set of his or her fingerprints. The applicant's fingerprints must be certified by an authorized law enforcement officer.

(b) If currently licensed as an all-lines ~~a resident independent~~ adjuster in the applicant's home ~~state of residence,~~ a certificate or letter of authorization from the licensing authority of the applicant's home ~~state of residence,~~ stating that the applicant holds a current license to act as an all lines independent adjuster. ~~The~~ Such certificate or letter of authorization must be signed by the insurance commissioner, or his or her deputy or the appropriate licensing official, and must disclose whether the adjuster has ever had a ~~any~~ license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action. Such certificate or letter is not required if the nonresident applicant's licensing status can be verified through the Producer Database maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries.

(c) If the applicant's home ~~state of residence~~ does not require licensure as an all-lines independent adjuster and the applicant has been licensed as a resident insurance adjuster, agent, broker, or other insurance representative in his or her home ~~state of residence~~ or any other state within the past 3 years, a certificate or letter of authorization from the licensing authority stating that the applicant holds or has held a license to act as an insurance adjuster, agent, or other insurance representative. The certificate or letter of authorization must be signed by the insurance commissioner, or his or her

deputy or the appropriate licensing official, and must disclose whether the adjuster, agent, or other insurance representative has ever had a any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action. Such certificate or letter is not required if the nonresident applicant's licensing status can be verified through the Producer Database maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries.

(3) The usual and customary records pertaining to transactions under the license of a nonresident all-lines independent adjuster must be retained for at least 3 years after completion of the adjustment and must be made available in this state to the department upon request. The failure of a nonresident all-lines independent adjuster to properly maintain records and make them available to the department upon request constitutes grounds for the immediate suspension of the license issued under this section.

(4) ~~After licensure as a nonresident independent adjuster, As a condition of doing business in this state as a nonresident independent adjuster, the appointee must~~ licensee must annually on or before January 1, on a form prescribed by the department, submit an affidavit to the department certifying that the licensee is familiar with and understands the insurance laws and administrative rules of this state and the provisions of the contracts negotiated or to be negotiated. Compliance with this filing requirement is a condition precedent to the issuance, continuation, reinstatement, or renewal of a nonresident independent adjuster's appointment.

Section 43. Section 626.8736, Florida Statutes, is amended to read:

626.8736 Nonresident independent or public adjusters; service of process.—

(1) Each licensed nonresident ~~independent or public adjuster or all-lines adjuster appointed as an independent adjuster~~ shall appoint the Chief Financial Officer and his or her successors in office as his or her attorney to receive service of legal process issued against such the nonresident independent or public adjuster in this state, upon causes of action arising within this state out of transactions under his license and appointment. Service upon the Chief Financial Officer as attorney constitutes ~~shall constitute~~ effective legal service upon the nonresident independent or public adjuster.

(2) The appointment of the Chief Financial Officer for service of process ~~is shall be irrevocable for as long as there could be any cause of action against the nonresident independent or public adjuster or all-lines adjuster appointed as an independent adjuster~~ arising out of his or her insurance transactions in this state.

(3) Duplicate copies of legal process against the nonresident ~~independent or public adjuster or all-lines adjuster~~ appointed as an independent adjuster shall be served upon the Chief Financial Officer by a person competent to serve a summons.

(4) Upon receiving the service, the Chief Financial Officer shall ~~forthwith~~ send one of the copies of the process, by registered mail with return receipt requested, to the defendant nonresident ~~independent or public adjuster or all-lines adjuster~~ appointed as an independent adjuster at his or her last address of record with the department.

(5) The Chief Financial Officer shall keep a record of the day and hour of service upon him or her of all legal process received under this section.

Section 44. Subsection (1) of section 626.874, Florida Statutes, is amended to read:

626.874 Catastrophe or emergency adjusters.—

(1) In the event of a catastrophe or emergency, the department may issue a license, for the purposes and under the conditions ~~which it shall fix~~ and for the period of emergency as it shall determine, to persons who are residents or nonresidents of this state, who are at least 18 years of age, who are United States citizens or legal aliens who possess work authorization from the United States Bureau of Citizenship and Immigration Services, and who are not licensed adjusters under this part but who have been designated and certified to it as qualified to act as adjusters by ~~all-lines independent resident adjusters, or~~ by an authorized insurer, or by a licensed general lines agent to adjust claims, losses, or damages under policies or contracts of insurance issued by such insurers. The fee for the license ~~is shall be~~ as provided in s. 624.501(12)(c).

Section 45. Subsection (1) of section 626.875, Florida Statutes, is amended to read:

626.875 Office and records.—

(1) ~~Each appointed Every~~ licensed independent adjuster and every licensed public adjuster ~~must shall have and maintain in this state a place of business in this state which is~~ accessible to the public and keep therein the usual and customary records pertaining to transactions under the license. This provision ~~does shall not be deemed to prohibit maintenance of such an office in the home of the licensee.~~

Section 46. Section 626.876, Florida Statutes, is amended to read:

626.876 Exclusive employment; public adjusters, independent adjusters.

(1) ~~An No~~ individual licensed and appointed as a public adjuster ~~may not~~ shall be so employed during the same period by more than one public adjuster or public adjuster firm or corporation.

(2) ~~An~~ No individual licensed ~~as an all-lines adjuster~~ and appointed as an independent adjuster ~~may not~~ shall be so employed during the same period by more than one independent adjuster or independent adjuster firm or corporation.

Section 47. Subsection (2) of section 626.8796, Florida Statutes, is amended to read:

626.8796 Public adjuster contracts; fraud statement.—

(2) A public adjuster contract relating to a property and casualty claim must contain the full name, permanent business address, and license number of the public adjuster; the full name of the public adjusting firm; and the insured's full name and street address, together with a brief description of the loss. The contract must state the percentage of compensation for the public adjuster's services; the type of claim, including an emergency claim, nonemergency claim, or supplemental claim; the signatures of the public adjuster and all named insureds; and the signature date. If all of the named insureds' signatures are not available, the public adjuster must submit an affidavit signed by the available named insureds attesting that they have authority to enter into the contract and settle all claim issues on behalf of the named insureds. An unaltered copy of the executed contract must be remitted to the insurer within 30 days after execution. A public adjusting firm that adjusts claims primarily for commercial entities with operations in more than one state and that does not directly or indirectly perform adjusting services for insurers or individual homeowners is deemed to comply with the requirements of this subsection if, at the time a proof of loss is submitted, the public adjusting firm remits to the insurer an affidavit signed by the public adjuster or public adjuster apprentice that identifies:

(a) The full name, permanent business address, and license number of the public adjuster or public adjuster apprentice.

(b) The full name of the public adjusting firm.

(c) The insured's full name and street address, together with a brief description of the loss.

(d) An attestation that the compensation for public adjusting services will not exceed the limitations provided by law.

(e) The type of claim, including an emergency claim, nonemergency claim, or supplemental claim.

Section 48. Subsections (5), (6), and (7) of section 626.927, Florida Statutes, are amended to read:

626.927 Licensing of surplus lines agent.—

(5)—The applicant must file and thereafter maintain the bond as required under s. 626.928.

~~(5)(6)~~ Examinations as to surplus lines, as required under subsections (1) and (2), are shall be subject to the provisions of part I as applicable to applicants for licenses in general. ~~No such examination shall be required as to persons who held a Florida surplus lines agent's license as of January 1, 1959, except when examinations subsequent to issuance of an initial license are provided for in general under part I.~~

~~(6)(7)~~ An ~~Any~~ individual who has been licensed by the department as a surplus lines agent as provided in this section may be subsequently appointed without additional written examination if his or her application for appointment is filed with the department within 48 months after ~~next following~~ the date of cancellation or expiration of the prior appointment. The department may, ~~in its discretion,~~ require an ~~any~~ individual to take and successfully pass an examination as for original issuance of license as a condition precedent to the reinstatement or continuation of the licensee's current license or reinstatement or continuation of the licensee's appointment.

Section 49. Section 626.928, Florida Statutes, is repealed.

Section 50. Section 626.933, Florida Statutes, is amended to read:

626.933 Collection of tax and service fee.—If the tax or service fee payable by a surplus lines agent under the ~~this~~ Surplus Lines Law is not so paid within the time prescribed, it ~~the same~~ shall be recoverable in a suit brought by the department against the surplus lines agent ~~and the surety or sureties on the bond filed by the surplus lines agent under s. 626.928.~~ The department may authorize the Florida Surplus Lines Service Office to file suit on its behalf. All costs and expenses incurred in a suit brought by the office which are not recoverable from the agent or surety shall be borne by the office.

Section 51. Subsection (1) of section 626.935, Florida Statutes, is amended to read:

626.935 Suspension, revocation, or refusal of surplus lines agent's license.—

(1) The department shall deny an application for, suspend, revoke, or refuse to renew the appointment of a surplus lines agent and all other licenses and appointments held by the licensee under this code, on ~~upon~~ any of the following grounds:

(a) Removal of the licensee's office from the licensee's state of residence.

(b) Removal of the accounts and records of his or her surplus lines business from this state or the licensee's state of residence during the period when such accounts and records are required to be maintained under s. 626.930.

(c) Closure of the licensee's office for a period of more than 30 consecutive days.

(d) Failure to make and file his or her affidavit or reports when due as required by s. 626.931.

(e) Failure to pay the tax or service fee on surplus lines premiums, as provided for in the this Surplus Lines Law.

~~(f) Failure to maintain the bond as required by s. 626.928.~~

~~(f)(g)~~ Suspension, revocation, or refusal to renew or continue the license or appointment as a general lines agent, service representative, or managing general agent.

~~(g)(h)~~ Lack of qualifications as for an original surplus lines agent's license.

~~(h)(i)~~ Violation of this Surplus Lines Law.

~~(i)(j)~~ For any other applicable cause for which the license of a general lines agent could be suspended, revoked, or refused under s. 626.611 or s. 626.621.

Section 52. Paragraph (b) of subsection (1) of section 627.952, Florida Statutes, is amended to read:

627.952 Risk retention and purchasing group agents.—

(1) Any person offering, soliciting, selling, purchasing, administering, or otherwise servicing insurance contracts, certificates, or agreements for any purchasing group or risk retention group to any resident of this state, either directly or indirectly, by the use of mail, advertising, or other means of communication, shall obtain a license and appointment to act as a resident general lines agent, if a resident of this state, or a nonresident general lines agent if not a resident. Any such person shall be subject to all requirements of the Florida Insurance Code.

(b) Any person required to be licensed and appointed under by this subsection, in order to place business through Florida eligible surplus lines carriers, must shall, if a resident of this state, be licensed and appointed as a surplus lines agent. ~~Any such person,~~ If not a resident of this state, such person must shall be licensed and appointed as a surplus lines agent in her or his state of residence and shall file and thereafter maintain a fidelity bond in favor of the people of the State of Florida executed by a surety company admitted in this state and payable to the State of Florida; ~~provided, however, any activities carried out by such nonresident is pursuant to this part shall be~~ limited to the provision of insurance for purchasing groups. The bond must shall be continuous in form and ~~maintained~~ in the amount of not less than \$50,000, aggregate liability set out in s. 626.928. The bond must shall remain in force and effect until the surety is released from liability by the

department or until the bond is canceled by the surety. The surety may cancel the bond and be released from further liability thereunder upon 30 days' prior written notice to the department. The cancellation does ~~shall~~ not affect any liability incurred or accrued thereunder before the termination of the 30-day period. Upon receipt of a notice of cancellation, the department shall immediately notify the agent.

Section 53. Subsections (1) and (2) of section 635.051, Florida Statutes, are amended to read:

635.051 Licensing and appointment of mortgage guaranty insurance agents.—

(1) Effective October 1, 2012, a person may not transact mortgage guaranty insurance unless licensed and appointed as a credit insurance agent in accordance with the applicable provisions of the insurance code. Mortgage guaranty licenses held by persons on October 1, 2012, shall be transferred to a credit insurance agent license. Persons who wish to obtain a new license identification card that reflects this change must submit the \$5 fee as prescribed in s. 624.501(15). Agents of mortgage guaranty insurers shall be licensed and appointed and shall be subject to the same qualifications and requirements applicable to general lines agents under the laws of this state, except that:

~~(a) Particular preliminary specialized education or training is not required of an applicant for such an agent's license, and continuing education is not required for renewal of the agent's appointment if, as part of the application for license and appointment, the insurer guarantees that the applicant will receive the necessary training to enable him or her properly to hold himself or herself out to the public as a mortgage guaranty insurance agent and if the department, in its discretion, accepts such guaranty;~~

~~(b) The agent's license and appointment shall be a limited license, limited to the handling of mortgage guaranty insurance only; and~~

~~(c) An examination may be required of an applicant for such a license if the insurer fails to provide the guaranty described in paragraph (a).~~

(2) Any general lines agent licensed under chapter 626 is qualified to represent a mortgage guaranty insurer without additional licensure ~~examination~~.

Section 54. Subsection (1) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(1) An application for licensure as a bail bond agent must be submitted on forms prescribed by the department. The application must include the applicant's full name; date of birth; social security number; residence,

business, and mailing addresses; contact telephone numbers, including a business telephone number; and e-mail address.

Section 55. Subsection (2) of section 648.38, Florida Statutes, is amended to read:

648.38 Licensure examination for bail bond agents; time; place; fees; scope.—

(2) The department or a person designated by the department shall provide ~~mail-written~~ notice of the time and place of the examination to each applicant for licensure required to take an examination who will be eligible to take the examination as of the examination date. The notice shall be e-mailed ~~so mailed~~, postage prepaid, and addressed to the applicant at the e-mail ~~his or her~~ address shown on his or her application for licensure ~~or at such other address as requested by the applicant in writing filed with the department prior to the mailing of the notice.~~ Notice shall be deemed given when so mailed.

Section 56. Section 648.385, Florida Statutes, is amended to read:

648.385 Continuing education required; application; exceptions; requirements; penalties.—

(1) The purpose of this section is to establish requirements and standards for continuing education courses for persons authorized to write bail bonds in this state.

(2)(a) Each person subject to the ~~provisions of this chapter~~ must complete a minimum of 14 hours of continuing education courses every 2 years as specified in s. 626.2815 ~~in courses approved by the department.~~ Compliance with continuing education requirements is a condition precedent to the issuance, continuation, or renewal of any appointment subject to the provisions of this chapter.

(b) ~~A person teaching any approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar, or program. Credit shall be limited to the number of hours actually taught unless a person attends the entire course or seminar.~~

(c) ~~For good cause shown, the department may grant an extension of time during which the requirements imposed by this section may be completed, but such extension of time may not exceed 1 year.~~

(3)(a) ~~Any bail-related course developed or sponsored by any authorized insurer or recognized bail bond agents' association, or any independent study program of instruction, subject to approval by the department, qualifies for the equivalency of the number of classroom hours assigned to such course by the department. However, unless otherwise provided in this section,~~

~~continuing education credit may not be credited toward meeting the requirements of this section unless the course is provided by classroom instruction or results in a monitored examination.~~

~~(b) Each person or entity sponsoring a course for continuing education credit must furnish, within 30 days after completion of the course, in a form satisfactory to the department or its designee, a written and certified roster showing the name and license number of all persons successfully completing such course and requesting credit, accompanied by the required fee. The department shall refuse to issue, continue, or renew the appointment of any bail bond agent who has not had the continuing education requirements certified unless the agent has been granted an extension by the department.~~

Section 57. Section 648.421, Florida Statutes, is amended to read:

648.421 Notice of change of address or telephone number.—Each licensee under this chapter shall notify in writing the department, insurer, managing general agent, and the clerk of each court in which the licensee is registered within 10 working days after a change in the licensee's principal business address or telephone number. The licensee shall also notify the department within 10 working days after a change of the name, address, or telephone number of each agency or firm for which he or she writes bonds and any change in the licensee's name, home address, e-mail address, or telephone number.

Section 58. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2012.

Approved by the Governor May 4, 2012.

Filed in Office Secretary of State May 4, 2012.