

CHAPTER 2015-180

Committee Substitute for Committee Substitute for House Bill No. 1133

An act relating to the Division of Insurance Agent and Agency Services; amending s. 626.015, F.S.; revising the definition of “general lines agent,” to remove certain restrictions regarding health insurance; amending s. 626.0428, F.S.; revising licensure requirements of certain agents in charge of an agency’s place of business; amending s. 626.221, F.S.; revising examination requirements for applicants for a license as a general lines agent, personal lines agent, or all-lines adjuster; creating examination requirements and qualifications for exemption from examinations for personal lines agents, life agents, and health agents; revising examination requirements for applicants qualifying for license transfer and applicants that hold a comparable license in another state; amending s. 626.241, F.S.; revising the scope of license examinations for agents and adjusters; amending s. 626.2817, F.S.; revising requirements of certain prelicensure education courses for insurance agents and other licensees; amending s. 626.311, F.S.; conforming provisions to changes made by the act; amending s. 626.732, F.S.; revising requirements relating to knowledge, experience, and instruction for applicants for a license as a general lines or personal lines agent; amending s. 626.7351, F.S.; revising qualifications for a customer representative’s license; amending s. 626.7354, F.S.; deleting a prohibition on a customer representative’s compensation including commissions but prohibiting the compensation from being based primarily on commissions; amending s. 626.748, F.S.; requiring agents to maintain certain records for a specified time period after policy expiration; amending s. 626.753, F.S.; authorizing certain agents and customer representatives to share commissions; amending ss. 626.7851 and 626.8311, F.S.; revising requirements relating to the knowledge, experience, or instruction for life agents and health agents, respectively; amending s. 626.9541, F.S.; providing that certain provisions relating to illegal dealings in premiums are applicable notwithstanding any other provision of law; amending s. 627.4553, F.S.; requiring an insurance agent to provide and retain certain information upon surrender of an annuity or life insurance policy under certain circumstances; defining the term “surrender”; amending s. 631.341, F.S.; authorizing certain notices of insolvency to be delivered to policyholders by certain methods; providing an effective date.

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

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

626.015 Definitions.—As used in this part:

(5) “General lines agent” means an agent transacting any one or more of the following kinds of insurance:

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

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

626.0428 Agency personnel powers, duties, and limitations.—

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

Section 3. Paragraphs (k) and (l) of subsection (2) of section 626.221, Florida Statutes, are redesignated as paragraphs (n) and (o), respectively, and amended, subsection (1) and paragraphs (g) through (l) of subsection (2) are amended, and new paragraphs (k), (l), and (m) are added to subsection (2) of that section, to read:

626.221 Examination requirement; exemptions.—

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

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

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

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

(i) An applicant for license as a general lines agent or an all-lines adjuster who has received a degree in insurance from an accredited institution of higher learning approved by the department, except that the applicant may be examined on pertinent provisions of this code. Qualifying degrees must indicate a minimum of 18 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, health, and commercial insurance ~~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 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 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) An applicant for license as an ~~a~~ resident or nonresident all-lines adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state, Associate in Claims (AIC) from the Insurance Institute of America, 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 AE21 incorporated the Association of Property and Casualty Claims Professionals whose curriculum has been approved by the department and which 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) An applicant for license as a personal lines agent who has received a degree from an accredited institution of higher learning approved by the department, except that the applicant may be examined on pertinent provisions of this code. Qualifying degrees must indicate a minimum of 9 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, and inland marine insurance.

(l) An applicant for license as a life agent who has received a degree from an accredited institution of higher learning approved by the department, except that the applicant may be examined on pertinent provisions of this code. Qualifying degrees must indicate a minimum of 9 credit hours of

insurance instruction, including specific instruction in the areas of life insurance, annuities, and variable insurance products.

(m) An applicant for license as a health agent who has received a degree from an accredited institution of higher learning approved by the department, except that the applicant may be examined on pertinent provisions of this code. Qualifying degrees must indicate a minimum of 9 credit hours of insurance instruction, including specific instruction in the area of health insurance products.

~~(n)(k)~~ 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 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 been engaged in the insurance business within the past 4 years if applying to transfer a life or health agent license.~~

(o)(4) An applicant for a license as a nonresident agent if the applicant holds a comparable license in another state with similar examination requirements as this state:

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

626.241 Scope of examination.—

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

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

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

(8) An examination for licensure as a personal lines agent ~~shall consist of 100 questions and~~ shall be limited in scope to the kinds of business transacted under such license.

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

626.2817 Regulation of course providers, instructors, and school officials, ~~and monitor groups~~ involved in precensure education for insurance agents and other licensees.—

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

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

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

(4) The department shall adopt rules to establish a process for determining compliance with the precensure requirements of this chapter and chapter 648. The department shall adopt rules prescribing the forms necessary to administer the precensure requirements.

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

626.311 Scope of license.—

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

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

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

(1) Except as provided in subsection (4), an applicant for a license as a general 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 200 hours of coursework in property, casualty, surety, health, and marine insurance approved by the department ~~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;~~

~~(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 have 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;~~

~~(b)(e)~~ 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 as set forth in the definition of a general lines agent under

s. 626.015, but without the education requirement described in paragraph (a) or paragraph (b); or

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

~~(e)~~ Completed at least 1 year of responsible insurance duties as a licensed and appointed ~~service representative in 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.

(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 60 hours of coursework in property, casualty, and inland marine insurance approved by the department 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;~~

~~(b)(e)~~ 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); or~~

~~(c)(d)~~ Completed at least 6 months of responsible insurance duties as a licensed and appointed customer representative, ~~or limited customer representative, or service 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) 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) If an applicant's qualifications as required under subsection (1) or subsection (2) are based in part upon periods of employment in responsible insurance duties, the applicant shall submit with the license application, ~~on a form prescribed by the department,~~ an attestation affidavit of his or her employment employer setting forth the period of such employment, ~~that the employment was substantially full-time,~~ and giving a brief abstract of the nature of the duties performed by the applicant.

(4) 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 take an examination if application for such examination is made within 4 years ~~90 days~~ after the date of termination of employment with the department or office.

(5) ~~Classroom and correspondence Courses under subsections (1) and (2) 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 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.~~

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

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

(3) Within 4 ~~the 2~~ years ~~next~~ preceding the date that the application for license was filed with the department, the applicant has earned the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative

(CPSR) from the National Foundation for CPSR; the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject; or a degree from an accredited institution of higher learning approved by the department when the degree includes a minimum of 9 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, and inland marine insurance. The department shall adopt rules establishing standards for the approval of curriculum completed a course in insurance, 3 hours of which shall be on the subject matter of ethics, approved by the department or has had at least 6 months' experience in responsible insurance duties as a substantially full-time employee. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities 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 such acts relate to the provision of health insurance by employers and the regulation of such insurance.

~~(7) The applicant has passed any required examination for license required under s. 626.221.~~

Section 9. Subsection (3) of section 626.7354, Florida Statutes, is amended to read:

626.7354 Customer representative's powers; agent's or agency's responsibility.—

(3) A customer representative shall be a salaried employee of the agent or agency. His or her compensation ~~shall not include commissions and~~ shall not be primarily based on commissions or the production of applications, insurance, or premiums.

Section 10. Section 626.748, Florida Statutes, is amended to read:

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

Section 11. Subsection (1) of section 626.753, Florida Statutes, is amended to read:

626.753 Sharing commissions; penalty.—

(1)(a) An agent may divide or share in commissions only with other agents appointed and licensed to write the same kind or kinds of insurance, or may divide commissions with a customer representative.

(b) This section shall not be construed to prevent the payment or receipt of renewal commissions or other deferred commissions or pensions to or by any person solely because such person has ceased to hold a license to act as an insurance agent or customer representative, and shall not prevent the payment of renewal commissions or other deferred commissions to any incorporated insurance agency solely because any of its stockholders has ceased to hold a license to act as an insurance agent or customer representative.

(c) A customer representative may share in commissions with an agent.

Section 12. Section 626.7851, Florida Statutes, is amended to read:

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

(1) Successfully completed 40 hours of coursework classroom courses in life insurance, annuities, and variable contracts approved by the department, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to 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 life insurance by employers to their employees and the regulation thereof;

(2) Successfully completed a minimum of 60 hours of coursework in multiple areas of insurance, which included life insurance, annuities, and variable contracts, approved by the department, 3 hours of which shall be on the subject matter of ethics. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance;

(3) Earned or maintained an active designation as Chartered Financial Consultant (ChFC) from the American College of Financial Services; or Fellow, Life Management Institute (FLMI) from the Life Management Institute Successfully completed a correspondence course in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher

~~learning in this state or by independent programs of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to 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 life insurance by employers to their employees and the regulation thereof;~~

~~(4)(3) Held an active license in life, or life and health, insurance in another state. This provision may not be used utilized unless the other state grants reciprocal treatment to licensees formerly licensed in the state Florida; or~~

~~(5)(4) Been employed by the department or office for at least 1 year, full time in life or life and health insurance regulatory matters and who was not terminated for cause, and application for examination is made within 4 years 90 days after the date of termination of his or her employment with the department or office.~~

Section 13. Section 626.8311, Florida Statutes, is amended to read:

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

(1) Successfully completed 40 hours of coursework classroom courses in health insurance, approved by the department, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to 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 to their employees and the regulation thereof;

(2) Successfully completed a minimum of 60 hours of coursework in multiple areas of insurance, which included health insurance, approved by the department, 3 hours of which shall be on the subject matter of ethics. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance;

(3) Earned or maintained an active designation as a Registered Health Underwriter (RHU), Chartered Healthcare Consultant (ChHC), or Registered Employee Benefits Consultant (REBC) from the American College of Financial Services; Certified Employee Benefit Specialist (CEBS) from the Wharton School of the University of Pennsylvania; or Health Insurance Associate (HIA) from America’s Health Insurance Plans Successfully

~~completed a correspondence course in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state or by independent programs of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to 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 to their employees and the regulation thereof;~~

~~(4)(3)~~ Held an active license in health, ~~or life and health,~~ insurance in another state. This provision may not be utilized unless the other state grants reciprocal treatment to licensees formerly licensed in Florida; or

~~(5)(4)~~ Been employed by the department or office for at least 1 year, full time in health insurance regulatory matters and who was not terminated for cause, and application for examination is made within 4 years ~~90 days~~ after the date of termination of his or her employment with the department or office.

Section 14. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

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

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

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the office, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. Notwithstanding any other provision of law, this provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a

credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

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

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

(I) Lawfully parked;

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

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

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

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

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

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

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer’s file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an

insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

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

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

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

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

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

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

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

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

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

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

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

Section 15. Section 627.4553, Florida Statutes, is amended to read:

627.4553 Recommendations to surrender.—

(1) If an insurance agent recommends the surrender of an annuity or life insurance policy containing a cash value and does not recommend that the proceeds from the surrender be used to fund or purchase another annuity or life insurance policy, before execution of the surrender, the insurance agent, ~~or insurance company if no agent is involved,~~ shall provide written, on a form that satisfies the requirements of the rule adopted by the department, information relating to the annuity or policy to be surrendered. Such information shall include, but is not limited to, the amount of any estimated surrender charge, the loss of any minimum interest rate guarantees, the possibility amount of any tax consequences ~~resulting from the transaction,~~ the amount of any forfeited death benefit, and a description of the value of any other investment performance guarantees being forfeited as a result of the transaction. The agent shall maintain a copy of the information and the date that the information was provided to the owner. This section also applies to a person performing insurance agent activities pursuant to an exemption from licensure under this part.

(2) For purposes of this section, the term “surrender” means the voluntary surrender, by the owner’s request, of the annuity or life insurance policy before its maturity date, in exchange for the policy’s current cash surrender value which results in a surrender or termination of the policy or contract. The term excludes any involuntary termination that is otherwise required by the terms of the policy contract and excludes all transactions other than a surrender, such as maturity, policy loan, lapse for nonpayment of premium, or withdrawal of policy or contract values, annuitization, or exercise of reduced-paid-up or extended-term nonforfeiture options.

Section 16. Subsection (2) of section 631.341, Florida Statutes, is amended to read:

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

(2) Unless, within 15 days subsequent to the date of such notice, all agents referred to in subsection (1) have either replaced or reinsured in a

solvent authorized insurer the insurance coverages placed by or through such agent in the delinquent insurer, such agents shall then, by registered or certified mail, or by e-mail with delivery receipt required, send to the last known address of any policyholder a written notice of the insolvency of the delinquent insurer.

Section 17. This act shall take effect July 1, 2015.

Approved by the Governor June 16, 2015.

Filed in Office Secretary of State June 16, 2015.