

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF AGENT AND AGENCY SERVICES

NOTICE OF PROPOSED RULE DEVELOPMENT

RULE CHAPTER NO.	RULE CHAPTER TITLE:
69B-211, F.A.C.	Insurance Representatives
RULE NUMBER:	RULE TITLE:
69B-211.110, F.A.C.	Purpose.
69B-211.120, F.A.C.	Scope.
69B-211.130, F.A.C.	Definitions.
69B-211.140, F.A.C.	<u>Providers</u> Entities .
69B-211.150, F.A.C.	<u>Supervising Instructor for bail bond agent courses</u> School- Officials .
69B-211.160, F.A.C.	Instructors.
69B-211.170, F.A.C.	Courses.
69B-211.180, F.A.C.	<u>Course Offering Schedule</u> and Attendance Records.
69B-211.190, F.A.C.	Certification of Students.
69B-211.200, F.A.C.	Attendance (<u>repealed</u>).
69B-211.210, F.A.C.	<u>Postsecondary</u> Exempted Courses.
69B-211.220, F.A.C.	Examinations (<u>repealed</u>).
69B-211.230, F.A.C.	Fees.
69B-211.240, F.A.C.	Facilities.
69B-211.250, F.A.C.	Advertising.
69B-211.260, F.A.C.	Study Aids.

- 69B-211.270, F.A.C. Prohibited Practices (repealed).
- 69B-211.280, F.A.C. Falsification of Reports (repealed).
- 69B-211.290, F.A.C. Submission of Forms through the Education Database.
- 69B-211.300, F.A.C. Transition Time in the Event of Rule Changes.
- 69B-211.310, F.A.C. Grounds for disapproval or suspension or revocation of approval of a provider, school official, or instructor; other penalties ~~Penalties~~.

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish required procedures for submitting documentation through the Department's online Education Database which can be accessed at <http://www.myfloridacfo.com>. The proposed rule changes the term entities to providers.

This proposed rule also clarifies certain requirements for providers, instructors, school officials, and students of classroom and correspondence (including online) pre-licensing courses. The proposed rule adds requirements for mediation training for motor vehicle insurance claims under Section 627.745, F.S., and Rule 69B-176.022, F.A.C, property insurance claims under 627.7015, F.S., or to act as a neutral evaluator of sinkhole insurance claims under Section 627.7074, F.S.

SUBJECT AREA TO BE ADDRESSED: Requirements and standards for pre-licensing courses.

SPECIFIC AUTHORITY: 624.308(1), 626.2817, F.S.

LAW IMPLEMENTED: 624.307(1), 624.418, 624.4211, 624.501, 626.221, 626.2817, 626.611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.954(1), 627.7015, 627.7074, 627.745, 648.34, 648.386, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, October 21, 2008 @ 9:30 A.M.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Lyra Erath, Senior Management Analyst Supervisor, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850) 413-5497.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.110 Purpose.

The purpose of this rule part is to establish requirements and standards for all pre-licensing courses and providers of the entities which provide pre-licensing courses for persons seeking to qualify for licensure or certification by the Department through education. This rule part also establishes curriculum standards for special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.221, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34,648.386 ~~648.37~~ FS. History—New 4-11-94, Formerly 4-211.110, Amended_____.

69B-211.120 Scope.

These rules, except Rule 69B-211.320, F.A.C., shall apply to all providers entities, instructors, school officials, and students of pre-licensing courses and mediation training and shall govern the implementation and enforcement of pre-licensing requirements. Rule 69B-211.320, F.A.C. establishes curriculum standards for special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.221, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.120, Amended _____.

69B-211.130 Definitions.

For purposes of these rules, the following definitions shall apply.

(1) "Accredited institution of higher learning" or "college" means a university, a ~~four-year~~ college, a community college, a technical college, or extension division thereof ~~or a junior college~~, which is accredited by an accrediting agency.

(2) "Accrediting agency" means the Council for Higher Education Accreditation or a national or regional accrediting agency recognized by the Council for Higher Education Accreditation. ~~an agency with membership in the Council on Post-Secondary Accreditation, including:~~

~~(a) The Southern Association of Colleges and Schools.~~

~~(b) The Middle States Association of Colleges and Schools.~~

~~(c) The New England Association of Colleges and Schools.~~

~~(d) The North Central Association of Colleges and Schools.~~

~~(e) The Northwest Association of Secondary and Higher Schools.~~

~~(f) The Western College Association of Colleges and Higher Schools.~~

~~(3) "Administrative record" means any document relating to course approval, course offerings, attendance, course completions or credits, and any other records required to be kept by the Florida Insurance Code, and any rule or order of the Department.~~

~~(3) (4) "Approved" or "qualified," with regard to a provider ~~an entity~~, course, ~~school official~~, or instructor, means that the Education Unit Section, Bureau of Agent and Agency Licensing, has determined that the provider ~~entity~~, course, ~~school official~~, or instructor, has met the criteria set forth in Rules 69B-211.140-.170, F.A.C., for approval or qualification ~~and as set forth in Form DFS-H2-464, "Application for Entity/Course Approval," which is adopted in Rule 69B-228.180, F.A.C., and in Form DFS-H2-398, "Certification of Instructor," which is adopted in Rule 69B-228.180, F.A.C.~~~~

~~(4) (5) "Audit" means:~~

~~(a) Department activity to monitor the offering of courses or examinations, including visits to classrooms, examination test sites, and administrative offices where provider records ~~are documentation of individual attendance and completion records and documentation of instructor credentials is maintained.~~~~

~~(b) Re-evaluation by the Department of Audit ~~also means approved means re-evaluating~~ classroom course outlines and self-study programs based on current guidelines.~~

(5) "Course" and "pre-licensing course" mean an educational program or training program that is designed to qualify an individual to apply for a license or certification to participate in certain insurance activities or to qualify an individual to apply for certification as a mediator. This term does not include special designation courses taken pursuant to Section 626.221, F.S. and Rule 69B-211.320, F.A.C. This term includes:

(a) "Classroom courses" which means courses that are designed to be presented to a group of students in a classroom setting using live lecture, video, satellite (webcast) or other audio-video presentation; and

(b) "Correspondence courses" which means courses designed to be presented to individual students by sending the students physical documents or through an online course;

(c) "Online courses" which means a type of correspondence course that is delivered by the provider and taken by a student through use of a computer with a connection to the Internet or a host computer.

(6) "Department" means the Florida Department of Financial Services.

~~(6) "Authorized insurer" means an insurer licensed by the Office of Insurance Regulation with a Certificate of Authority.~~

(7) "Education database" means the Department's online application process on its website for all activity relating to approval of providers, courses, course offerings, and instructors and to filing of rosters and other information relating to pre-licensing courses and mediation training required by rule or statute to be filed with the Department. The Education Database is accessed at <http://www.myfloridacfo.com>.

~~(7) "Auto mediator" refers to the qualification for appointment to mediate motor vehicle claims under Section 627.745, Florida Statutes, and Rule 69B-176.022, F.A.C.~~

(8) "Incomplete application" or "incomplete form" means that an application, accompanying documentation or form does not contain all required information or contains incorrect information or does not contain any required accompanying documentation or is not submitted in accordance with the submission procedures in Rule 69B-211.290 F.A.C., as required by the application or form or by any statute or rule of the Department. An application or form which contains errors, omissions, or which requires additional or clarifying information is an incomplete application or form.

~~(8) "Class" means a course designed to be presented live by lecture which has an approved instructor in the classroom and which may have an infinite number of offerings. Each offering must not exceed 12 months between the beginning and ending date.~~

(9) "Instructor" means an individual who has been approved by the Department to teach an approved course or training program. This term includes supervising instructors for bail bond agent courses. Additional qualifications for supervising bail bond instructors are in Rule 69B-211.150, F.A.C.

~~(9) "Contact person" means the person at the entity level with authority to transact business for the entity through contracts, licenses, or other means, usually as the owner or corporate officer, and who designates the school official to represent the entity.~~

(10) "Mediator" means an individual who qualifies to mediate motor vehicle insurance claims under Section 627.745, Florida Statutes, and Rule 69B-176.022,

F.A.C, property insurance claims under 627.7015, Florida Statutes, or to act as a neutral evaluator of sinkhole insurance claims under Section 627.7074, Florida Statutes.

~~(10) "Course" means an educational program which is required to qualify for a license, or a training program for a certification of authority to participate in certain insurance activities. A course may be taken by class or correspondence study methods as prescribed by rule or statute.~~

(11) "Provider" means any individual, partnership, organization, association, corporation, or other entity approved by the Department to conduct pre-licensing courses or mediation training.

~~(11) "Department" means the Florida Department of Financial Services.~~

(12) "Provider records" means any documents relating to course approval, course offerings, attendance, course completions or credits, and any other records required to be kept by the Florida Insurance Code, and any rule or order of the Department.

~~(12) "Disciplinary action" means administrative action which has been taken against an individual or entity as a licensee or approved course provider, instructor, or school official for which probation, suspension, or revocation of any license (issued by this or any other state, country, or territory) or approved status has occurred or for which a fine has been entered for a wrongdoing against a consumer or other party.~~

(13) "School official" means an individual designated by a provider to function as the primary contact point for the Department.

~~(13) "Entity" means any person, partnership, organization, association, or corporation, which is approved by the Department to conduct pre-licensing courses.~~

~~(14) "Entity officer" refers to the individual who the entity internally designates to serve as the person upon whom the Department can rely to serve as a means of communicating with the entity. The entity officer has full authority to represent the entity and bind the entity to business transactions. The entity officer is designated to the Department on Form DFS-H2-464, "Application for Entity/Course Approval," which is adopted in Rule 69B-228.180, F.A.C.~~

~~(15) "Incomplete application" or "incomplete form" means that an application or form does not contain all correct information to be placed thereon, or on any required accompanying documentation, as required by the application or form or by any statute or rule of the Department. An application or form which contains errors, omissions, or which requires additional or clarifying information is an incomplete application or form.~~

~~(16) "In-house" means courses or services available only for employees of an entity or for members of an association.~~

~~(17) "Instructor" means a natural person who has been approved by the Department and who teaches or otherwise instructs an approved pre-licensing classroom course or program.~~

~~(18) "Pre-Licensing course" means a program of instruction required for an individual seeking licensure or certification to hold a particular position or title.~~

~~(19) "Public," when used in the context of a course or service, means a course or service which is available to any person, in contrast to an "in-house" course or service.~~

~~(20) "Public School" means a school operated by a city, county, or state governmental entity within the State of Florida.~~

~~(21) "School official" means a natural person appointed by an approved entity to be responsible for the timely filing of all required Department forms and documentation for courses, except for Form DFS-H2-464, "Application for Entity/Course Approval," which is adopted in Rule 69B-228.180, F.A.C., to conduct qualification or training courses, and for the maintenance of necessary administrative records including class information, instructor qualification, and attendance records. The school official is designated to the Department on Form DFS-H2-1137, "Application For School Official Approval," which is adopted in Rule 69B-228.180, F.A.C.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.130, Amended.

69B-211.140 Providers Entities.

(1) ~~A provider authorized to offer~~ An entity which offers a pre-licensing course, except for the ~~title agent qualification course,~~ which is required for licensure or certification, must be approved by the Department prior to offering any pre-licensing course and operated by or for an authorized insurance company, insurance company association, insurance agent association, other insurance trade association or society, public school or accredited institution of higher learning. Application for provider entity approval shall be concurrent with initial application for course approval and shall be submitted, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., by the provider ~~the entity officer~~ on Form DFS-H2-464, "Application for Course Provider

~~/Entity Approval,"~~ which is adopted in Rule 69B-228.180, F.A.C. The provider shall designate a school official who will function as the primary contact point for the Department on this form.

(2) Each provider is ~~Each entity must appoint a school official to be responsible for submission of all required documentation through the Department's Education Database in accordance with the submission procedures in Rule 69B-211.290 F.A.C. for filing all necessary forms, other than Form DFS-H2-464, "Application for Entity/Course Approval,"~~ Each provider is also responsible and for the conduct of classes, and instructors.

(3) A provider that ~~school which~~ offers a title agent qualification classroom course must be operated by or for an authorized title insurance company, a company association limited to title insurance companies, agent association limited to title agents, other trade association or society with members exclusively from the title industry, accredited institutions of higher learning, or trade and vocational schools licensed with ~~by~~ the Florida Department of Education.

~~(4) An entity which offers health care risk manager programs, health care education programs, or risk manager education programs, must be approved by the Department and operated by or for:~~

- ~~(a) Licensed health care facility.~~
- ~~(b) Licensed health care professional.~~
- ~~(c) Health care administrator.~~
- ~~(d) Authorized insurer.~~
- ~~(e) Non-profit education institute.~~

~~(f) Accredited Institution of higher learning.~~

~~(g) Independent program of instruction.~~

~~(h) Hospital Rehabilitation facility.~~

~~(i) Other medical facility.~~

~~(5) (4) A provider that~~ ~~An entity which~~ offers a mediator training program must be approved by ~~Department~~ operated by and for an entity approved by the Florida Supreme Court to conduct mediator training or be an accredited institution of higher learning.

(5) A provider that offers classroom courses for general lines or personal lines agents must be an accredited institution of higher learning, school, or extension division thereof. For the purposes of this subsection, the term "school" means a training program within an authorized insurance company, an insurance company association, an insurance agents association, or an insurance trade association or society. A provider that offers correspondence courses for general lines or personal lines agents must be an accredited institution of higher learning in the state of Florida.

(6) The term "independent program of study" for the life agent requirement in section 626.7851, F.S., and the health agent requirement in section 626.8311, F.S., is defined as any provider that offers pre-licensing correspondence courses designed to be presented to individual students.

~~(6) (7) General Requirements.~~

(a) Providers ~~Entities~~ shall maintain the records of each individual completing a course for 4 ~~3~~ years from the date of completion.

(b) ~~Providers~~ ~~Entities~~ are responsible for the actions of their school officials, instructors, speakers, and monitors.

(c) ~~Providers~~ ~~Entities~~ shall ~~submit~~ ~~notify~~, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., to the Bureau of Agent and Agency Licensing, Education ~~Unit~~ ~~Section~~, within ~~60~~ 30 days of a change of school official, telephone number, ~~or their~~ mailing address or administrative office address, using a completed Form DFS-H2-465, "Course Provider ~~School~~ Information Update," which is adopted in Rule 69B-228.180, F.A.C.

~~(7) Lists of approved providers offering courses to the public will be provided upon request with a \$5.00 fee as prescribed by Section 624.501(20)(c), Florida Statutes.~~

~~(8) Disapproval. Any one of the following criteria shall constitute grounds for the Department to disapprove an Application For Entity/Course Approval:~~

~~(a) An entity officer or a school official having been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.~~

~~(b) Disciplinary action has been taken against an entity officer or school official.~~

~~(c) The application is incomplete.~~

~~(d) The entity, or an entity officer, school official, or course associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074,

627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.140, Amended_____.

Substantial rewording of Rule 69B-211.150 follows. See Florida Administrative Code for present text.

69B-211.150 Supervising Instructor for bail bond agent courses ~~School~~ Officials.

Each bail bond agent course must have a supervising instructor who is approved by the Department. The Supervising Instructor shall be present at all classes. The responsibilities and qualifications for the supervising instructor are set forth in Section 648.386, Florida Statutes. Initial application for Supervising Instructor approval is part of the application for provider approval in accordance with Rule 69B-211.140. If a provider wants to appoint a new or additional supervising instructor after approval of the initial supervising instructor, the provider shall submit, in accordance with the submission procedures in Rule 69B-211.290 F.A.C., an application for approval on Form DFS-H2-1269, Application for Supervising Instructor Approval, which is adopted in Rule 69B-228-180.-

Specific Authority ~~624.308(1), 626.2817~~ FS. Law Implemented ~~624.307(1), 624.501, 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.386~~ ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.150, Amended_____.

69B-211.160 Instructors.

(1) Instructors must be approved by the Department prior to teaching any course subject to this rule part. To qualify to be an instructor, an individual must meet the applicable education or experience requirement set forth in subsection (2) below. When an approved provider submits an application for instructor approval, in accordance with the submission procedures in Rule 69B-211.290 F.A.C., the provider shall verify that the individual is qualified to be an instructor before certifying the individual's experience or education to the Department. Certification of the experience or education shall be received by the Department and approved prior to the person instructing a course. Certification shall be on Form DFS-H2-398, "Certification of Instructor," which is adopted in Rule 69B-228.180, F.A.C.

(2) Any individual who has a bachelor's degree or higher from an accredited institution of higher learning with at least 50% of course work in property and casualty insurance is qualified to be an instructor for property and casualty insurance courses. Any individual who has a bachelor's degree or higher from an accredited institution of higher learning with at least 50% of course work in life and health insurance is qualified to be an instructor for life, health and variable annuity insurance courses. Other individuals must meet the following experience requirements in order to qualify to be an instructor:

(a) For general lines insurance courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines insurance agent.

(b) For personal lines insurance courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines or personal lines insurance agent.

(c) For customer representative courses, at least 5 years of experience being actively engaged in the business of insurance as a resident general lines insurance agent or customer representative.

(d) For limited customer representative courses, at least 2 years experience being actively engaged in the business of personal lines auto insurance as a resident general lines or personal lines agent or as a customer representative or limited customer representative.

(e) For bail bond courses, at least two years of experience being actively engaged in business as a bail bond agent licensed in Florida. Additional qualifications for supervising bail bond instructors are in Rule 69B-211.150, F.A.C.

(f) For surplus lines courses, at least two years of experience being actively engaged in business as a resident surplus lines insurance agent.

(g) For title insurance courses, at least 2 years of experience being actively engaged in business as a licensed resident title insurance agent or actively engaged in title insurance as a member of the Florida Bar.

(h) For courses covering life, health, and variable annuity insurance, at least 2 years of experience being actively engaged in the business of insurance as a resident life, health and variable annuity insurance agent.

(i) For courses covering life and variable annuity insurance, at least 2 years of experience being actively engaged in the business of insurance as a resident life and variable annuity insurance agent.

(j) For courses covering health insurance only, at least two years of experience being actively engaged in the business of insurance as a resident life, health and variable annuity, life and health, or health insurance agent.

(k) For Motor Vehicle Physical Damage or Mechanical Breakdown Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of motor vehicle physical damage and mechanical breakdown insurance, or

2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a motor vehicle physical damage agent, general lines agent, customer representative or limited customer representative, successful completion of a general lines agent, customer representative, or motor vehicle physical damage agent license exam.

(l) For Industrial Fire Agent courses, by:

1. Persons with at least 2 years of professional or non-clerical experience in the area of industrial fire and burglary insurance, or

2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a general lines agent, customer representative, or industrial fire agent, successful completion of a general lines agent, customer representative, or industrial fire agent license exam.

(m) For mediation training, certification as a mediator by the Florida Supreme Court or successful completion of a 40-hour mediator training program approved by the Department or the Florida Supreme Court.-

~~(2) Certification of the instructor's experience or education shall be furnished by the approved entity or the instructor, received by the Department and approved prior to the beginning of the course on Form DFS-H2-398, "Certification of Instructor." A processing fee of \$10.00 must accompany each new Certification of Instructor Form. The fee payment shall be made by check or money order to Department of Financial Services, Education Section, Revenue Processing, P. O. Box 6100, Tallahassee, Florida 32399. Individuals may submit Certification of Instructor Forms independent of any school with only the applying instructor's signature. If an individual submits a certification form, a resume must be attached. The Department shall initiate administrative action for failure to have only approved instructors teach at an approved pre-licensing course. Instructors need only be certified one time for each license-qualification course or training program. The same form can be used for both.~~

~~(3) The Department will not approve an instructor for any of the following reasons:~~

~~(a) The Certification of Instructor Form is incomplete.~~

~~(b) Disciplinary action has been taken against any license or eligibility for a license issued by this or any other state, country, or territory, or the instructor has otherwise violated any insurance regulation, including this rule part.~~

~~(c) The instructor has been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.~~

~~(d) The instructor has not otherwise met the qualifications specified in this rule or has violated any provision of this rule part.~~

~~(4) If an instructor has been denied approval by the Department to instruct pre-licensing courses, a six-month waiting period must elapse before a new certification request may be submitted.~~

~~(5) The Department will review existing records of approved instructors and disapprove and remove any instructor found to have had any disciplinary action taken against any license issued by this or any other state, country, or territory, at any time before or after being approved as instructor. School officials shall verify eligibility of instructors before submitting for approval.~~

(3) ~~(6)~~ No change.

(4) ~~(7)~~ Instructors shall deny credit to anyone who disrupts the class, sleeps, reads books, newspapers, or other non-course materials, uses a cellular phone, or is absent from class other than for authorized breaks. Based on the course providers' policies, refunds may be given. It will be a violation of this rule part for an instructor or school official to knowingly allow any of the foregoing activities during class. Penalties will be assessed against participant, instructor, and provider ~~school~~, as provided in Rule 69B-211.310, F.A.C.

(5) ~~(8)~~ The approved provider entity of health care risk manager and auto mediator training programs shall submit, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., ~~supply~~ a resume of the instructor to the Department with the Certification of Instructor Form. The resume must include information detailing the

instructor's education and experience history which would allow the Department to make an informed decision regarding the qualifications of the instructor.

~~(6) (9) An approved instructor may teach for more than one provider entity. A new Form DFS-H2-398 is not required for each entity. A certification of courses form is required for each course type as described in subsection 69B-211.170(3), F.A.C.~~

~~(10) Instruction in qualification classroom courses shall be provided:~~

~~(a) For General Lines Agent/Customer Representative courses, by:~~

~~1. Persons with at least 5 years of experience actively engaged in the transaction of general lines insurance, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in property and casualty insurance and if not already licensed as a general lines agent or customer representative, successful completion of a general lines agent or customer representative license exam respectively.~~

~~(b) For Limited Customer Representatives courses, by:~~

~~1. Persons with 2 years professional or non-clerical experience in the transaction of personal lines auto insurance, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in property and casualty insurance and if not already licensed as a general lines agent, customer representative or limited customer representative, successful completion of the limited customer representative license exam.~~

~~(c) For Motor Vehicle Physical Damage or Mechanical Breakdown Agent courses, by:~~

~~1. Persons with at least 2 years of professional or non-clerical experience in the area of motor vehicle physical damage and mechanical breakdown insurance, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a motor vehicle physical damage agent, general lines agent, customer representative or limited customer representative, successful completion of a general lines agent, customer representative, or motor vehicle physical damage agent license exam.~~

~~(d) For Industrial Fire Agent courses, by:~~

~~1. Persons with at least 2 years of professional or non-clerical experience in the area of industrial fire and burglary insurance, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a general lines agent, customer representative, or industrial fire agent, successful completion of a general lines agent, customer representative, or industrial fire agent license exam.~~

~~(e) For Bail Bondsman:~~

~~1. Persons with at least two years of experience in the area in which they teach,~~
and

~~2. If not already licensed as a bail bondsman, successful completion of the bail bondsman license exam.~~

~~(f) For Bail Bond Runner:~~

~~1. Persons with at least two years of experience in the area in which they teach,~~
and

~~2. If not already licensed as a bail bondsman or bail bond runner, successful completion of a bail bondsman or bail bond runner exam.~~

~~(g) For Surplus Lines Agent:~~

~~1. Persons with at least two years of experience in the area of surplus lines insurance, or~~

~~2. A degree from a four year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a surplus lines agent or general lines agent, successful completion of a surplus lines agent or general lines agent license exam.~~

~~(h) For Title Agent, provide instruction regarding:~~

~~1. Policies, Contracts, Rules and Regulations:~~

~~a. 5 years of professional or non-clerical experience in the area of title or general lines insurance, or~~

~~b. Degree from a 4 year accredited institution of higher learning with at least 50% of course work in insurance, or~~

~~c. A law degree and 2 years of experience in the subject area.~~

~~2. Closings:~~

~~a. 5 years of experience in the preparation of closing statements either in a title agency, law firm, bank, mortgage company, or other financial institution, or~~

~~b. Possession of a law degree and 2 years of experience in the subject area.~~

~~3. Searches:~~

~~a. 5 years of experience in abstracting, title searches, examinations of title, or~~

~~b. Possession of a law degree and 2 years of experience in the subject area.~~

~~(i) For Life, Health, and Variable Annuity Agent including Administrative Agent:~~

~~1. Persons with at least 2 years of professional or non-clerical experience in the area they will teach of life insurance, health insurance, or annuities, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance and if not already licensed as a life, health, and variable annuity agent, successful completion of the life, health, and variable annuity license exams.~~

~~(j) For Health Only Agent:~~

~~1. Persons with at least two years of professional or non-clerical experience in health insurance, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance, and if not already licensed as a health agent, successful completion of the health agent license exam.~~

~~(k) For Life and Variable Annuity Only Agent:~~

~~1. Person with at least 2 years of professional or non-clerical experience in life insurance and variable annuities, or~~

~~2. A degree from a four-year accredited institution of higher learning with at least 50% of course work in insurance, and if not already licensed as a life and variable annuity agent, successful completion of the life and variable annuity license exam.~~

~~(l) For Health Care Risk Manager:~~

~~1. To provide instruction for risk management curriculum:~~

~~a. A certified health care risk manager, or~~

~~b. Persons with at least 5 years of professional or non-clerical experience in all lines of insurance and risk management, or~~

~~c. Persons with a degree from a four-year accredited institution of higher learning with at least 50% of course work in property and casualty insurance, and if not already licensed as a general lines agent or health care risk manager, successful completion of the general lines agent license exam or the 120-hour risk manager program.~~

~~2. To provide instruction for health care curriculum:~~

~~a. A health care risk manager, or~~

~~b. A health care administrator, or~~

~~c. A health care professional, or~~

~~d. Persons with at least 5 years of professional or non-clerical experience in the medical profession, or~~

~~e. A degree from a four-year accredited institution of higher learning with at least 50% of course work in nursing or other medical professions, and if not already licensed as a medical professional or health care risk manager, successful completion of the 80-hour health care training program.~~

~~(m) For Auto Mediator:~~

~~1. To provide instruction on mediation skills:~~

~~a. Persons with at least 5 years of mediation experience (minimum of 20 mediation conferences with no less than 10 non-family civil mediation cases), or have conducted a minimum of 20 non-family civil mediation cases and have conducted, as a primary trainer or training assistant, 5 non-family civil mediation training programs, or~~

~~have conducted a minimum of 10 mediation training programs as a primary trainer or training assistant, and~~

~~b. If not already certified as a mediator, successful completion of the 40-hour mediator training program.~~

~~2. To critique role plays, moderate small group discussions and to participate in role play simulations:~~

~~a. Persons trained by a Florida Supreme Court certified training program in circuit civil mediation and have completed a Florida Supreme Court sponsored "Train the Trainer" program and have one year non-family civil mediation experience (minimum 5 mediation conferences) or~~

~~b. Has conducted, as a primary trainer or training assistant, 5 non-family civil mediation programs or have 3 years mediation experience (minimum 20 family or circuit civil mediation cases) or~~

~~c. Have served as a training assistant in at least two Supreme Court certified circuit mediation training programs within the last 2 years.~~

~~3. To provide instruction regarding interpersonal dynamics: Persons with a degree from a four-year accredited institution of higher learning and with their major study concentration area in mental health, behavioral or social science.~~

~~4. To provide instruction on circuit civil mediation process: Persons who have 2 years or 20 cases in Florida non-family circuit mediation.~~

~~5. To provide instruction in other specialized areas: Persons with a degree from a four-year accredited institution of higher learning and with their major study concentration area in the specific specialized areas.~~

~~(11) No activities outside of the pre-licensing qualification course outline may be conducted during classroom hours.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History-New 4-11-94, Formerly 4-211.160, Amended _____.

69B-211.170 Courses.

(1) All courses must be approved by the Department prior to being offered and all course materials, other than outlines and study manuals prepared by the Department, must be submitted to the Department and approved by the Department prior to use. An application for approval of a course must be submitted in accordance with the submission procedures in Rule 69B-211.290, F.A.C. All classes, courses, and course materials must be based on the Department's applicable outline and utilize the current edition of the Department's study manual for the subject matter of the course. The provider must provide a copy of the study manual to each student or require each student to obtain a copy of the study manual. All courses and training programs must be taught by an instructor who has been approved by the Department. A comprehensive final examination covering the course content shall be given at the end of each course. All time used for the examination shall be in addition to the required classroom hours. Pre-licensing courses are either qualification courses or training programs.

(2) Courses ~~Qualification courses~~ may be classroom or correspondence courses as required for each specific license type. Course outlines are prepared by the

Department and furnished to the approved school official by the Department. The following course outlines are hereby incorporated by reference and shall be used in the course described in the title of the outline: “40-Hour Life Agent Qualification Course Including Health and Variable Annuities,” (2-94); “40-Hour Health Agent Qualification Course,” (2-94); “Surplus Lines Qualification Course: 60-Hour Class Outline,” (10-90); “20-Hour Basic Certification Course Outline in the Criminal Justice System for Bail Bond Runner,” (10-90); “Title Agents Qualification Course Outline,” (2-94); “Customer Representative Course Outline,” (2-94); “Limited Consumer Representative Course Outline,” (2-94); “General Lines Agents Qualification Course Outline,” (2-94); “Industrial Fire and Burglary Course Outline — 20 Hours,” (2-94); “80-Hour Basic Certification Course Outline In The Criminal Justice System For Bail Bondsmen,” (2-94); “Life Agent Qualification Course Including Variable Annuities Outline — 40 Hours,” (2-94). The Department outline must be used by each approved provider entity unless an original outline from the provider school official is approved by the Department prior to being implemented. Outlines submitted to the Department for approval may be required to include the subject matter of ethics and unauthorized entities engaging in the business of insurance in accordance with the scope and the hourly requirements of the applicable statute(s). Copies of the outline are to be furnished to the students by the school official prior to the commencement of class. Correspondence course outlines or lesson plans are prepared by the approved entity and must be submitted for review annually by the Department if any modification or change is made, to insure that the materials are up-to-date. Any change in the course outline or in the course content must be approved by the Department prior to being implemented.

~~(3) Qualification courses are required for the following:~~

~~(a) General Lines Agent.~~

~~(b) Customer representative.~~

~~(c) Limited Customer Representative.~~

~~(d) Life agent including health and variable annuity.~~

~~(e) Administrative Agent.~~

~~(f) Life agent including variable annuity.~~

~~(g) Health only agent.~~

~~(h) Life only agent.~~

~~(i) Industrial Fire Agent.~~

~~(j) Bail Bondsman.~~

~~(k) Bail Bond Runner.~~

~~(l) Surplus Lines Agent.~~

~~(m) Title Agent.~~

~~(3) (4) Training programs for mediators shall only be presented in a classroom~~

~~are classroom only courses and are required for the following:~~

~~(a) Health Care Risk Manager.~~

~~(b) Auto Mediator.~~

~~(4) Applications for online courses shall include the following:~~

~~(a) Online access for the Department to review the course or a copy of course~~

~~software with instructions;~~

~~(b) Any supplemental workbook, lesson plan, or study guide;~~

~~(c) Details of how course access is controlled;~~

(d) Procedures to monitor student identity at registration and throughout the duration of the course, including any examinations;

(e) Details of how students are provided access to qualified experts or other persons authorized by the provider who can respond to questions regarding course requirements and material. Qualified experts must be available on a ratio of one per every 30 students enrolled at any one time;

(f) Details of how a student's progress is assessed and how feedback is provided to the student upon completion of approximately each quarter of the course material;

(g) Details of how online testing is administered to determine the level of the student's comprehension of course material;

(h) Lesson plans and examinations for each chapter of the applicable approved study manual and a comprehensive examination;

(i) An electronic copy of all course content.

(5) Students in interactive online correspondence courses are required to acknowledge their understanding that the online course examination must be completed unassisted by any person, the course material or other materials. The student acknowledgement shall also include a statement that the student understands that a violation of such standards shall result in an administrative sanction and the loss of course credit.

~~(5) All instruction of courses approved under this rule must be by approved instructors. Insurance courses taken for college credit through accredited institutions of higher learning are exempt from this rule.~~

(6) Each course must cover all subjects in the appropriate approved outline for the type of license.

~~(6) Classroom courses shall be offered by a Department approved entity and instructed by a Department approved instructor in accordance with an outline approved by the Department. Correspondence courses shall be offered by a Department approved entity in accordance with the study manual authorized by the Department. Each correspondence course must include lesson plans and examinations for each applicable chapter of the designated study manual and a comprehensive examination. Correspondence course lesson completions may not be credited to the classroom hours required.~~

(7) Courses must provide the following number of hours of instruction, covering all subjects in the approved outline:

(a) A general lines agent course: 200 hours except for individuals who qualify for a reduced number of hours for classroom instruction pursuant to Section 626.732(d) or (e), Florida Statutes.

(b) A personal lines agent course: 52 hours of classroom instruction except for individuals who qualify for a reduced number of hours for classroom instruction pursuant to Section 626.732(d) or (e), Florida Statutes.

(c) A customer representative course -100 hours.

(d) A limited customer representative course - 40 hours.

(e) A motor vehicle physical damage agent course - 25 hours.

(f) An industrial fire agent course - 20 hours.

(g) Bail bond agent courses - 120 hours of classroom instruction in the criminal justice system and a correspondence course for bail bond agents approved by the department.

(h) A surplus lines agent course - 60 hours.

(i) A title agent course - 40 hours of classroom instruction.

(j) A health only agent course - 40 hours.

(k) A life, health, and variable annuities course - 40 hours.

(l) A life and variable annuities agent course - 40 hours.

(m) A mediator training program - 40 hours of classroom instruction in mediation theory, mediation process and techniques, standards of conduct for mediators, conflict management and intervention skills, and insurance nomenclature.

~~(7) General Lines Agent Courses.~~

~~(a) A general lines agent course shall consist of:~~

~~1. Two hundred hours of classroom instruction in all lines of insurance except life and annuities or,~~

~~2. A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of general lines qualification classroom courses.~~

~~(b) An applicant qualifying for a license as a general lines agent by completing a correspondence course shall also satisfy the experience requirement of Section 626.732(1)(b), Florida Statutes.~~

~~(8) Customer Representative Courses. A customer representative course shall consist of:~~

~~(a) 100 hours of classroom instruction in all lines of insurance except life and annuities or,~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of customer representative qualification classroom courses.~~

~~(9) Limited Customer Representative Courses. A limited customer representative course shall consist of:~~

~~(a) 40 hours of classroom instruction in private passenger automobile insurance only and related statutes and rules, or~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of limited customer representative qualification classroom courses.~~

~~(10) Motor Vehicle Physical Damage Courses. A motor vehicle physical damage agent course shall consist of:~~

~~(a) 25 hours of classroom instruction in motor vehicle physical damage and mechanical breakdown insurance only and related statutes and rules or,~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of motor vehicle physical damage qualification classroom courses.~~

~~(11) Industrial Fire Agent Courses. An industrial fire agent course shall consist of:~~

~~(a) 20 hours of classroom instruction in industrial fire and burglary insurance only and related statutes and rules or,~~

~~(b) A correspondence course, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of industrial fire agent qualification classroom courses.~~

~~(12) Bail Bondsman Courses. A bail bondsman course shall consist of:~~

~~(a) 80 hours of classroom instruction in the criminal justice system, and~~

~~(b) A correspondence course, covering the subjects of bail bonds.~~

~~(13) Bail Bond Runner Courses. A bail bond runner course shall consist of 20 hours of classroom instruction in the criminal justice system.~~

~~(14) Surplus Lines Agent Courses. A surplus lines agent course shall consist of 60 hours of classroom instruction in surplus and excess lines of insurance.~~

~~(15) Title Agent Courses. A title agent course shall consist of: 40 hours of classroom instruction in title insurance including closing procedures, escrow handling, examination of Title, abstracting and title searches. Correspondence course completions may not be credited as classroom hours.~~

~~(16) Life, Health, and Variable Annuities Agent Courses. A life, health, and variable annuities including administrative agent course shall consist of:~~

~~(a) 40 hours of classroom instruction in life insurance, health insurance and variable annuities, or~~

~~(b) A correspondence course equivalent to a minimum of 40 hours of classroom instruction in life insurance, health insurance, and variable annuities.~~

~~(17) Health Agent Courses. A health only agent course shall consist of:~~

~~(a) 40 hours of classroom instruction only in health insurance, or~~

~~(b) A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of health agent qualification classroom courses.~~

~~(18) Life and Variable Annuity Agent Courses. A life and variable annuities agent course shall consist of:~~

~~(a) 40 hours of classroom instruction in life insurance and variable annuities or,~~

~~(b) A correspondence course, which is offered at least once per year by an accredited institution of higher learning in this state, covering all subjects in the approved outline, as specified in subsection 69B-211.170(2), F.A.C., of life and variable annuity agent qualification classroom courses for a minimum of 40 hours of classroom instruction in life insurance and variable annuities.~~

~~(19) Health Care Risk Manager Courses. A health care risk manager course shall consist of 384 hours of classroom instruction in health care and risk management.~~

~~(20) Risk Management Education Programs. A risk management education program shall consist of 120 hours of classroom instruction in risk management.~~

~~(21) Health Care Education Programs. A Health Care Education Program shall consist of 80 hours of classroom instruction in health care information and procedure.~~

~~(22) Mediator Training Programs. A mediator training program shall consist of 40 hours of classroom instruction in mediation theory, mediation process and techniques, standards of conduct for mediators, conflict management and intervention skills, and insurance nomenclature.~~

~~(8) (23) Course Audits. The Department may reserves the right to audit courses and provider administrative records with or without notice to the sponsoring entity. Audits will result in notice to the sponsoring provider entity of deficiencies found and of corrective action required by the provider entity where warranted. The Department will reduce the number of approved credit hours for the course or disapprove the course entirely if the provider entity fails to correct the deficiencies.~~

~~(24) Disapproval. Any one of the following criteria shall constitute grounds for the Department to disapprove an Application For Entity/Course Approval:~~

~~(a) An entity officer or a school official having been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.~~

~~(b) Disciplinary action has been taken against an entity officer or school official.~~

~~(c) The application is incomplete.~~

~~(d) The course or entity, or an entity officer or a school official associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History-New 4-11-94, Formerly 4-211.170, Amended_____.

69B-211.180 Course Offering Schedule and Attendance Records.

(1) Each provider ~~school official~~ shall submit, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., a course offering on ~~furnish, in duplicate,~~ a properly completed Form DFS-H2-397, "Schedule of Course Offerings ~~Classes,~~" which is adopted in Rule 69B-228.180, F.A.C., for each course ~~class~~ offering for each location, containing the dates and times that classes meet, a schedule of examinations and other requested data. ~~The application must be submitted to schedule shall be received and approved by the Department at least 30 days prior to the beginning of the course. Received is determined by the Department's date stamp. Upon approval, the~~ The Department will assign a course offering ~~Class Number~~ to each Schedule of Classes ~~to identify each specific course class offering.~~ This number must be entered on Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C. ~~on the Roster, Form DFS-H2-400. A stamped self-addressed return envelope must be submitted for return of the duplicates.~~

(2) Changes to approved course offerings ~~schedules~~ must be requested by the provider at least 5 days prior to the date of the course offering in accordance with the submission procedures in Rule 69B-211.290, F.A.C. in writing and must be approved by the Department prior to the date when the change will be effective. ~~The original approved duplicate schedule must be revised and resubmitted in duplicate with a stamped self-addressed return envelope.~~

(3) Classroom courses must:

(a) Be in session on scheduled dates during specified hours.

(b) Be held in an area readily accessible for audit by an authorized Department employee.

(c) Not last for more than 10 hours in any one day or conclude after 10:00 p.m.

~~(3) Classes must be in session on scheduled dates during specified hours.~~

~~(4) The class must be held in an area readily accessible for audit by an authorized Department employee.~~

~~(5) No class shall last for more than 10 hours in any one day or conclude after 10:00 p.m.~~

~~(6) Entities may, at their discretion, submit Schedules of Classes for approved courses on a quarterly or annual basis and file revisions in duplicate. Entities shall not begin class without acknowledgment of approval by the Department.~~

(4) (7) The student's driver's license or other government issued photo ID must be used for verification of identity by the school official or instructor for each course offering. It shall be grounds for the Department to institute administrative action if a Roster is submitted which includes the name of a student who was not in attendance.

(5) Each approved provider shall maintain, in accordance with the submission procedures in Rule 69B-211.290, F.A.C., accurate class attendance records on Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.180, Amended _____.

69B-211.190 Certification of Students.

(1) The provider shall submit to the Department in accordance with the submission procedures in Rule 69B-211.290, F.A.C., a completed Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C., of all students who have satisfactorily completed the course. The Roster must be received by the Department within 7 business days after the final examination is administered.

(2) Form DFS-H2-399, "Certificate of Completion," which is adopted in Rule 69B-228.180, F.A.C., shall be issued to each person satisfactorily completing a course. "Satisfactory completion" as used herein shall mean ~~attendance of no less than 75% of classroom hours and~~ that the student achieves a minimum score of 70 percent on the final examination, except for a student in a bail bond agent course who must achieve a minimum score of 80 percent on the final examination, and that students who take classroom courses attend no less than 75 percent of the required classroom hours. ~~for the overall coursework. The school official shall send a completed Form DFS-H2-400, "Roster," which is adopted in Rule 69B-228.180, F.A.C., of all students who completed the course to the Department. The Roster must be received by the Department within 20 days after the final test is administered. Date received is evidenced by the date received stamp in the Bureau of Agent & Agency Licensing. Form DFS-H2-399, "Certificate of Completion," shall be completed by the school official and furnished to each student. Rosters received by the Department 20 days after the completion date of the course will be considered late. A stamped self-addressed return envelope must be submitted with each Roster or combination of Rosters.~~

(3) At the discretion of the provider, students may miss a class and attend a makeup class to complete the attendance requirement upon a showing of good cause. "Good cause" means an incident or occurrence which is beyond the control of the applicant and which prevents compliance. Examples of good cause include: a disabling accident, illness, call to military duty, or a declared national emergency. The provider may hold makeup sessions to accommodate any student.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.190, Amended_____.

69B-211.200 Attendance (repealed).

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History-New 4-11-94, Formerly 4-211.200, Repealed_____.

69B-211.210 Postsecondary Exempted Courses.

(1) An accredited institution of higher learning is exempted from the requirements of this rule part with regard to classroom courses that are part of the institution's curriculum for which students receive academic credits that count toward pursuit of an associate, bachelor or higher level academic degree. An accredited institution of higher learning is not exempted from the requirements of this rule part with regard to

correspondence courses that are based on the Department's outlines and study manuals for qualifying students for a particular license.

~~(1) General Lines Agents:~~

~~(a) Completed fifteen (15) semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

(2) In lieu of completing courses that have been filed and approved under this rule part, an individual can apply academic credit earned in a course approved by the Department for that class and type license from an accredited institution of higher learning to satisfy the educational requirements to qualify to apply for that class and type license of this rule part. An individual can also satisfy these educational requirements by teaching a college-credit course approved by the Department at an accredited institution of higher learning.

~~(2) Customer Representatives and Limited Customer Representatives:~~

~~(a) Completed 6 semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

(3) In order for a course to be "approved" by the Department for purposes of credit, the individual must provide proof of completion, proof of accreditation of the institution, and must provide a summary of the course material which contains sufficient information for the Department to determine the number of clock hours attributable to

the subject matter of the licensure sought. Examples of a summary are a course syllabus, course outline, course catalogue description, or other descriptive summary of the course. Each clock hour that a course is held represents an hour of the pre-licensing requirement. For example, a 3-hour college-level course which is provided on a semester system is equivalent to 40 clock hours of classroom instruction in an approved pre-licensing course, as approved pursuant to Rule 69B-211.170, F.A.C. The hours must be in the specific subject matter of the licensure which the individual is seeking. Only the clock hours attributable to the subject matter of the licensure sought will be applied to fulfill this requirement.

~~(3) Motor Vehicle Physical Damage and Mechanical Breakdown Agents:~~

~~(a) Completed 3 semester hours of college credit, or its equivalent, in casualty (including automobile physical damage) insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

(4) In order for an individual to fulfill their educational requirements with courses from an accredited institution of higher learning, the following number of semester hours of college credit, or its equivalent is required for each class and type of license:

(a) General Lines license - 15 hours in insurance.

(b) Customer Representative license - 9 hours in insurance.

(c) Limited Customer Representative license - 3 hours in insurance.

(d) Personal Lines license - 6 hours in motor vehicle and residential property insurance.

(e) Motor Vehicle Physical Damage and Mechanical Breakdown license - 3 hours in casualty (including automobile physical damage) insurance.-

(f) Industrial Fire license - 3 hours-in property insurance.-

(g) Bail bond license - 9 hours in the criminal justice system, and a correspondence course for bail bond agents approved by the department.

(h) Life, Health, and Variable Annuity license - 3 hours in life insurance, health insurance and annuities.

(i) A Life and Variable Annuity license - 3 hours in life insurance and annuities

(j) Health only license - 3 hours in health insurance.

(k) Title license - 3 hours in real estate or real property law.

~~(4) Industrial Fire Agents:~~

~~(a) Completed 3 semester hours of college credit, or its equivalent, in property insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(5) Bail Bondsmen:~~

~~(a) At least 6 semester hours of college credit, or its equivalent, in the criminal justice system, and~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(6) Bail Bond Runners: At least 3 semester hours of college credit, or its equivalent, in the criminal justice system.~~

~~(7) Surplus Lines Agents:~~

~~Completed 60 hours of classroom instruction in surplus or excess lines insurance at an accredited institution of higher learning.~~

~~(8) Life Including Variable Annuity Agents:~~

~~(a) Completed 3 semester hours of college credit, or its equivalent, in life insurance, health insurance and annuities at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(9) Health Agents:~~

~~(a) Completed 3 semester hours of college credit, or its equivalent, in health insurance at an accredited institution of higher learning, or~~

~~(b) Completed a correspondence course as prescribed by Rule 69B-211.170, F.A.C.~~

~~(10) Health Care Risk Managers — Risk Management Education Program: Completed 15 semester hours of college credit, or its equivalent, in property and casualty insurance at an accredited institution of higher learning.~~

~~(11) Title Agents: Completed 3 semester hours of college credit, or its equivalent, in real estate or real property law.~~

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.386 648.37 FS. History-New 4-11-94, Formerly 4-211.210, Amended.

69B-211.220 Examinations (repealed).

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History-New 4-11-94, Formerly 4-211.220, Repealed.

69B-211.230 Fees.

(1) Fees for courses shall be reasonable and clearly identified to students.

(2) If a course is cancelled for any reason, all fees shall be refunded ~~are refundable~~ by the course provider in full ~~unless the refund policy is clearly defined in the enrollment application and indicates otherwise. In all instances, fees must be refunded~~ within 45 days of cancellation.

(3) In the event a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full. The fees must be refunded within 45 days of postponement unless the student has notified the provider ~~sponsor~~ that he or she has chosen to participate in the postponed course.

(4) A provider shall ~~sponsor may~~ have a refund policy addressing a student's cancellation or failure to complete a course. The , ~~as long as that policy shall be~~ is clearly set forth in the course application provided to prospective students.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, ~~626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37~~ FS. History-New 4-11-94, Formerly 4-211.230, Amended.

69B-211.240 Facilities.

Classroom courses and monitored exams for correspondence courses ~~With the exception of correspondence courses, each course~~ shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of participants and is ~~as~~ suitable for classroom-type instruction. The provider ~~sponsor~~ may limit the number of participants enrolled in a course.

Specific Authority 624.308(1) FS. *Law Implemented* 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. *History*—New 4-11-94.

69B-211.250 Advertising.

(1) No change.

(2) No change.

(3) Advertising shall display the name and provider number of the course provider and the Florida course identification number.

(4)(a) Advertising relating to approved courses shall include the following statement: "This course has been approved by the Florida Department of Financial Services as a pre-licensing insurance education course."

(b) The statement shall be prominently displayed on any pamphlet, advertisement, or circular.

(5) An approved course provider that places, or causes to be placed, advertisement for courses bears sole responsibility for the content of the advertisement and its compliance with all applicable regulations.

Specific Authority 624.308(1), 626.2817, 626.9611 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.9541(1), 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.250, Amended _____.

69B-211.260 Study Aids.

Each school official shall, prior to the commencement of a qualification course or training program class, furnish to each student the name, distributor contact information, and distributor location of current study manual(s) prepared for the Department through contract entered into in accordance with Chapter 287, Florida Statutes, and verify the first day of class that each student has a copy of the latest edition of the approved study manual(s), if any. The approved course outline, laws, Department rules and rules of other governmental agencies relating to the specific license or certification, samples of current insurance policies and related forms pertaining to the course shall be furnished to the student by the approved entity. Study manuals are required for the following:

(1) General Lines Agent, Customer Representative, or Limited Customer Representative Course.

(2) Industrial Fire Agent.

(3) Life, Health, and Variable Annuity Agent ~~including Administrative Agent, life-only agent and health only agent.~~

(4) Title Agent.

(5) Surplus Lines Agent.

*Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817,
626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074,
627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.260,
Amended_____.*

69B-211.270 Prohibited Practices (repealed).

*Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a),
626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, FS. History-New
4-11-94, Formerly 4-211.270, Repealed_____.*

69B-211.280 Falsification of Reports (repealed).

*Specific Authority 624.308(1), FS. Law Implemented 624.307(1), 624.418, 626.611,
626.621, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745,
648.34, FS. History-New 4-11-94, Formerly 4-211.280, Repealed_____.*

**Substantial rewording of Rule 69B-211.290 follows. See Florida
Administrative Code for present text.**

69B-211.290 Submission of Forms through the Education Database.

(1) The Department has established an online application process on its website
for all activity relating to approval of providers, courses, course offerings, and instructors
and to filing of rosters and other information relating to pre-licensing courses and

mediation training required by rule or statute to be filed with the Department. The system is called the “Education Database” and it is accessed at <http://www.myfloridacfo.com>.

(2) All forms necessary to comply with filing requirements outlined in this rule part shall be filed through the Department’s Education Database. All forms necessary to comply with filing requirements outlined in this rule are adopted and incorporated by reference in Rule 69B-228.180, F.A.C.

(3) The Education Database In-Box notification process will provide written verification of all application approvals. If, during the review process, the Department requests additional information through the Education Database, the provider shall respond to the request for additional information using the Education Database.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 626.2817, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.290, Amended_____.

69B-211.300 Transition Time in the Event of Rule Changes.

Any entity whose status or course is affected by the effective date of this rule part or amendment of this rule part shall have up to 90 days to bring their program or status into compliance with this rule part and amendments. Requirements for fees, form processing, conduct of classes and examinations, instructors, speakers, students, and school officials, shall apply immediately.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a),

626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 648.37 FS. History–New 4-11-94, Formerly 4-211.300.

69B-211.310 Grounds for disapproval or suspension or revocation of approval of a provider, school official, or instructor; other penalties Penalties.

(1) An application or Certification of Instructor Form that remains incomplete for a period of 6 months after receipt by the Department will be considered null and void.

(2) The Department shall deny an application for, suspend, revoke, or refuse to renew or continue the application of a provider, school official, or instructor if it finds that any one or more of the following grounds exist:

(a) The individual has had any license or eligibility for a license to engage in the business of insurance suspended or revoked by this or any other state, country, or territory, or the individual has otherwise violated any insurance regulation, including this rule part.

(b) The individual has had an administrative fine imposed against any license to engage in the business of insurance as a result of allegations of:

1. Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment;

2. Fraudulent or dishonest practices in the conduct of the business of insurance.

(c) The individual has been found guilty of or has pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any

other country which involves moral turpitude or the business of insurance, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(d) The individual has not otherwise met the qualifications specified in this rule or has violated any provision of this rule part.

(e) The individual lacks the knowledge, competence, fitness or trustworthiness to fulfill the educational objectives of Sections 626.2815, 626.2817, 627.7015, 627.7074, 627.745, 648.385, and 648.386, F.S.

(f) The individual submitted a Course Roster to the Department which included the name of an individual who did not successfully complete the course or issued a Certificate of Completion to an individual who did not successfully complete a course.

(3) The Department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or continue approval of the application of a provider, school official, or instructor if it finds that any one or more of the following grounds exist:

(a) The individual has been found guilty of or has pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country which does not involve moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(b) The individual has had an administrative fine imposed against any license to engage in the business of insurance except as a result of allegations that require disapproval or suspension or revocation of approval pursuant to subsection (2) above.

(4) The Department shall impose the following penalties on a provider upon a Department finding of a violation of this rule part, or Sections 626.2815, 626.2817, 648.385, and 648.386 ~~626.869(5)~~, Florida Statutes, by providers ~~entities~~, school officials, instructors, or monitors, to the extent necessary to provide restitution or otherwise remedy the violation and to prevent future violations:

(a) ~~(1)~~ Order the refund of all course tuition and fees to licensees.

(b) ~~(2)~~ Require providers ~~entities, school officials, instructors, and/or monitors~~ to provide licensees with a suitable course to replace the course that was found in violation.

~~(3) Withdraw approval of courses sponsored by such provider for a period of 2 years.~~

(5) ~~(4)~~ Suspend or revoke the authority to instruct or deny the approval of an instructor, speaker, lecturer, or monitor if the Department finds a violation of any provision of Section 626.611 or 626.621, Florida Statutes, or any subsection of this rule part, or the person has had any disciplinary action taken against any license relating to the business of insurance issued by this or any other state, country, or territory at any time before or after being approved in this state. The degree of penalty in subparagraph ~~(3)~~ will depend on the degree of impact on education, number of students affected, and frequency of the offense.

(6) ~~(5)~~ No change.

(7) The following fines shall be assessed on a provider, unless otherwise specified, for the following ~~apply to~~ specific instances of misconduct, and are not exclusive of other penalties set forth in this rule part:

(a) Failure to file or late ~~Late~~ filing of required forms in accordance with the applicable submission procedures and timeframes by statute or this rule part original forms on approved courses - \$100 per form. ~~Lateness shall be evidenced by the Department date received stamp. Forms are required to be original and facsimile transmissions will not be accepted to prevent late filing status. Changes to information on approved original forms shall be sent to the Department as soon as knowledge of the change occurs.~~

(b) Advertising, soliciting attendance for, or providing, any course before the Department has notified the school official of the approved status of the course application or course offering- \$1,000 per incident.

(c) Instruction of any portion of the course ~~class~~ by an unapproved instructor - \$500 penalty to instructor and sponsoring entity.

(d) Failure to maintain course completion and attendance records for audit for 4 ~~3~~ years following the completion date of each offering - \$500 per audit.

(e) Falsification of any document, form, outline or information filed with the Department in connection with any course - \$1,000 per violation.

(f) Failure to use only the approved outline on file with the Department - \$500 per violation.

(g) Failure to conduct a course for the total required hours - \$500 per violation.
~~Failure to notify the Department within 30 days of a change of address - \$100 per violation.~~

(8) If an instructor has been denied approval by the Department to instruct pre-licensing courses or mediation training, a 6-month waiting period must elapse before a new application may be submitted.

Specific Authority 624.308(1), 626.2817 FS. Law Implemented 624.307(1), 624.418, 624.4211, 626.2817, 626.611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.7015, 627.7074, 627.745, 648.34, 648.386 ~~648.37~~ FS. History-New 4-11-94, Formerly 4-211.310, Amended _____.