

Chapter 10 Continuing Education Changes

Changes were made to Chapter 69B-228, F.A.C. in April 2017 affecting all licensees required to comply with Continuing Education requirements. Because the requirements affect the majority of our licensees, we'd like to bring some of the changes to your attention:

69B-228.030, F.A.C.

(1) "Advertising" means the making of a representation in any form in connection with a provider of education or other business in order to promote continuing education credits. Forms of communication include, but are not limited to: television, radio, internet including social media, newspaper, text messaging or other means of instant messaging, email, or other forms of electronic communication.

(3) "Audit" means:

(a) Department activity to monitor or evaluate classroom, seminar, webcast, interactive online, and correspondence courses, examination sites, administrative offices, and provider and licensee records. (4) "Blended course" means a course that consists of a combination of the classroom, self-study correspondence or self-study online study methods.

(5) "Classroom course" means a course that is designed to be presented to a group of students by a live instructor using lecture, video, webcast, virtual or other audio-video presentation.

(6) "Completion," when used in the context of:

(a) Correspondence course, Self-study, means a passing grade of 70 percent or better on the final examination. (7) "Compliance date" means the last day of the licensee's birth month, after holding any license for which continuing education is required for 24 consecutive months a license for which continuing education is required.

(8) "Correspondence course" means a self-study course designed to be presented to students through physical documents or other media.

(12) "Credit hour" means a minimum of 50 minutes of classroom instruction or, for self-study courses, 50 minutes of time that is determined by the Department to be necessary to study text material in order to successfully complete the final examination

(14) "Education Database" means the Department's online system for activity relating to approval of providers, school officials, courses, course offerings, instructors, and the filing of rosters and other information relating to continuing education courses required by rule or statute to be filed with the Department. The Education Database is accessed at <http://www.myfloridacfo.com/division/agents>.

(15) "Guest lecturer" or "speaker" means a natural person, not employed by the provider, who speaks at an approved seminar and whose resume is furnished by the course provider with the course application.

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

(30) "Virtual classroom course" means a type of classroom course in which instruction is provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.

(31) "Webcast classroom course" means a type of classroom course delivered through interaction with a live instructor via the internet.

69B-228.060, F.A.C.

(8)(a) Instructors and supervising instructors shall have the authority and responsibility to deny credit to anyone who disrupts the class or is inattentive.

(b) Based on the course providers' policies, refunds may be given.

(b)(c) It shall be considered a violation of this rule if an instructor knowingly allows the following activities of students during approved class time, if knowingly allowed by an instructor, supervising instructor, or school official, shall be considered to be a violation of this rule chapter:

1. Sleeping;
2. Reading of non-course books, newspapers, or other non-course material;
3. Using a cellular phone or other electronic device except to take class notes or to complete mathematical or other course-related exercises;
4. Leaving the class other than during an authorized breaks or emergency.

69B-228-220, F.A.C.

(1)(b) Continuing education credit may not be earned for attending or instructing at any subsequent offering of the same continuing education course within a 24 month period. (Note: previously, courses could not be repeated within a 36 month period)

69B-228.230, F.A.C. Extensions

We occasionally receive inquiries whether the Department grants extensions for CE compliance. The following law provides guidance on this topic.

(1) A request for an extension of time to complete continuing education requirements must be submitted to the Department on Form DFS-H2-460, Request for Extension of Time, which is incorporated by reference in Rule 69B-228.180, F.A.C., a minimum of 15 days prior to the compliance date.

(2) The Department shall grant an extension of time of 90 days to complete the minimum continuing education requirement to an individual upon a showing of good cause.

(3) "Good cause" means an incident or occurrence which is beyond the control of the applicant and which prevents compliance. Examples of good cause include: Disabling accident, illness, or declared national emergency.

(4) A granted request for extension of time shall only apply to a single compliance cycle.

(5) Receiving an extension to complete continuing education does not eliminate the requirement to maintain an active appointment within a 48 month period to retain licensure.

(6) Failure to complete continuing education requirements before the expiration of a granted extension shall result in the termination of appointments as prescribed in subsection 626.2815(10), F.S.

(7) A maximum of four (4) 90-day extensions may be granted for each compliance period if acceptable documentation is received by the Department.

(8) Licensees who are unable to comply with the continuing education requirements due to active duty in the military shall submit a written request for a waiver to the Department pursuant to subsection 626.2815(2), F.S.

(a) The waiver request must include a copy of the military orders.

(b) The timeframe for active duty, as listed within the military orders, must fall within the compliance

Are You Compliant with Your CE or Not?

To be CE compliant requires more than just taking CE courses. Below are a few suggestions for remaining CE compliant:

CE requirements change. You should regularly review your CE status through your MyProfile account. Your total hours have specific allocation requirements that must be met. Be sure to take all the right categories of CE courses.

Check for late hours. Hours taken after your due date will still post on your compliance evaluation screen, but they will be noted as "Late". Though your hours requirement may have been met, late completion of your continuing education requirement will result in penalties.

Check prior evaluation periods. Always check previous compliance periods to make sure you are not delinquent for a prior period. Be sure to click on VIEW ENFORCEMENT NOTICE just below the Not Compliant text to check for any outstanding fines.

Check your transcript. The same course cannot be taken with the same provider within a two-year period and receive credit. This is noted on your transcript as a duplicate course. You will need to take a different course to meet your CE requirement.

Remember, your CE compliance date is your DUE date, not your DO date.

Because many factors may affect your continuing education requirement (e.g. licenses held, number of years licensed, etc.), we encourage you to periodically check your MyProfile account to determine your individual continuing education compliance requirements and status. You will also be able to find more approved CE courses after logging in to your MyProfile account versus the public search option, which limits the results to the first 100 course offerings.

Fingerprinting Requirement of Licensed Firms/Entities Reminder

If there is a change in ownership or control of any entity licensed under Chapter 626, F.S., or if a new partner, officer, or director is employed or appointed, a set of fingerprints of the new owner, partner, officer, or director must be filed with the Department within 30 days after the change. This includes insurance agencies, title insurance agencies, travel agencies holding a travel insurance license, managing general agents, firm reinsurance intermediary brokers, as well as others. The acquisition of 10 percent or more of the voting securities of a licensed entity is considered a change of ownership or control. Please note that for insurance agencies, fingerprints need not be filed for any individual who is currently licensed and appointed.

If you are required to be fingerprinted, you must do so through Florida's vendor, MorphoTrust USA, formerly L-1 Enrollment. You can register, request fingerprint cards to be mailed to you, and pay for fingerprinting by visiting www.L1enrollment.com/FLInsurance or by calling 1-800-528-1358. The fingerprinting fee is \$45.80 plus local taxes.

[See s.626.202, Florida Statutes]

Make Sure You Don't Miss Important Information From the Department

Licensees should routinely check their MyProfile accounts for messages from the Department. They send an email notification when a message has been sent to remind you to check your MyProfile account, but on rare occasions you may not receive that email. For this reason, we suggest you add our domains dfs.state.fl.us and MyFloridaCFO.com to your email software's Trusted or Safe Senders List to ensure you are able to receive email notifications from us. Licensees who have a valid email address on file with the Department, as required by law, are sent important email notifications when something affecting their application, license, continuing education, or appointment(s) occurs. Additionally, we will keep you informed with warnings regarding new schemes and scams being marketed to licensees. You can update your contact information through your MyProfile account. We want to keep you informed in a timely manner of pertinent information. You are still required to abide by the Florida Insurance Code regardless of whether you read the information we provide or attempt to provide.

Public Adjusters - Are You Ready For Hurricane Season?

The time to be sure your license is in compliance is now - not when a storm is heading our way! This is a short checklist to ensure your license is in good standing:

- Is your license active?
- Are you self-appointed or appointed by an adjusting firm?
- Do you have the required \$50,000 surety bond?
- Are you compliant with your continuing education requirements?
- Has a primary adjuster been designated for your firm?
- Is all contact information up-to-date? You can update it at MyProfile.
- Are any apprentices licensed and appointed?
- Do you have your Department issued license with you?

Public Adjusters - Conflict of Interest

Public adjusters are reminded to avoid conflicts of interest while performing the duties under their license. A public adjuster may not participate, directly or indirectly in:

- the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the licensee
- may not engage in any other activities that may be reasonably construed as a conflict of interest, including soliciting or accepting any remuneration from, of any kind or nature, directly or indirectly; and may not have a financial interest in any salvage, repair, or any other business entity that obtains business in connection with any claim that the public adjuster has a contract or an agreement to adjust. [Sec. 626.8795, F.S.]