

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee

3 Representative Nelson offered the following:

4  
 5 **Amendment (with title amendment)**

6 Between lines 843 and 844, insert:

7 Section 16. Section 626.931, Florida Statutes, is amended  
 8 to read:

9 626.931 ~~Agent affidavit and Insurer reporting~~  
 10 requirements.—

11 ~~(1) Each surplus lines agent shall on or before the 45th~~  
 12 ~~day following each calendar quarter file with the Florida~~  
 13 ~~Surplus Lines Service Office an affidavit, on forms as~~  
 14 ~~prescribed and furnished by the Florida Surplus Lines Service~~  
 15 ~~Office, stating that all surplus lines insurance transacted by~~  
 16 ~~him or her during such calendar quarter has been submitted to~~  
 17 ~~the Florida Surplus Lines Service Office as required.~~

18 ~~(2) The affidavit of the surplus lines agent shall include~~  
 19 ~~efforts made to place coverages with authorized insurers and the~~  
 20 ~~results thereof.~~

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21        (1)~~(3)~~ Each foreign insurer accepting premiums shall, on  
22 or before the end of the month following each calendar quarter,  
23 file with the Florida Surplus Lines Service Office a verified  
24 report of all surplus lines insurance transacted by such insurer  
25 for insurance risks located in this state during such calendar  
26 quarter.

27        (2)~~(4)~~ Each alien insurer accepting premiums shall, on or  
28 before June 30 of each year, file with the Florida Surplus Lines  
29 Service Office a verified report of all surplus lines insurance  
30 transacted by such insurer for insurance risks located in this  
31 state during the preceding calendar year.

32        (3)~~(5)~~ The department may waive the filing requirements  
33 described in subsections (1) ~~(3)~~ and (2) ~~(4)~~.

34        (4)~~(6)~~ Each insurer's report and supporting information  
35 shall be in a computer-readable format as determined by the  
36 Florida Surplus Lines Service Office or shall be submitted on  
37 forms prescribed by the Florida Surplus Lines Service Office and  
38 shall show for each applicable agent:

39        (a) A listing of all policies, certificates, cover notes,  
40 or other forms of confirmation of insurance coverage or any  
41 substitutions thereof or endorsements thereto and the  
42 identifying number; and

43        (b) Any additional information required by the department  
44 or Florida Surplus Lines Service Office.

45        Section 17. Paragraph (a) of subsection (2) of section  
46 626.932, Florida Statutes, is amended to read:

47        626.932 Surplus lines tax.—

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48 (2) (a) The surplus lines agent shall make payable to the  
49 department the tax related to each calendar quarter's business  
50 as reported to the Florida Surplus Lines Service Office, and  
51 remit the tax to the Florida Surplus Lines Service Office on or  
52 before the 45th day following each calendar quarter ~~at the same~~  
53 ~~time as provided for the filing of the quarterly affidavit,~~  
54 ~~under s. 626.931.~~ The Florida Surplus Lines Service Office shall  
55 forward to the department the taxes and any interest collected  
56 pursuant to paragraph (b), within 10 days after ~~of~~ receipt.

57 Section 18. Subsection (1) of section 626.935, Florida  
58 Statutes, is amended to read:

59 626.935 Suspension, revocation, or refusal of surplus  
60 lines agent's license.-

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

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

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

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

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

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75        (d)~~(e)~~ Failure to pay the tax or service fee on surplus  
76 lines premiums, as provided in the Surplus Lines Law.

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

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

82        (g)~~(h)~~ Violation of this Surplus Lines Law.

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

86        Section 19. Subsection (1) of section 626.936, Florida  
87 Statutes, is amended to read:

88        626.936 Failure to file reports or pay tax or service fee;  
89 administrative penalty.—

90        (1) Any licensed surplus lines agent who neglects to file  
91 a report ~~or an affidavit~~ in the form and within the time  
92 required or provided for in the Surplus Lines Law may be fined  
93 up to \$50 per day for each day the neglect continues, beginning  
94 the day after the report ~~or affidavit~~ was due until the date the  
95 report ~~or affidavit~~ is received. All sums collected under this  
96 section shall be deposited into the Insurance Regulatory Trust  
97 Fund.

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**T I T L E   A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 635 (2013)

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103        Remove line 77 and insert:  
104        reference; amending s. 626.931, F.S.; deleting provisions  
105        requiring a surplus lines agent to file a quarterly affidavit  
106        with the Florida Surplus Lines Service Office; amending s.  
107        626.932, F.S.; revising due date of surplus lines tax; amending  
108        s. 626.935, F.S.; conforming provision to changes made by the  
109        act; amending s. 626.936, F.S.; conforming provisions to changes  
110        made by the act; amending s. 626.9914, F.S.; conforming a  
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