

Amendment No. 10

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee
 3 Representative Santiago offered the following:

Amendment (with title amendment)

Between lines 1021 and 1022, insert:

Section 26. Paragraph (a) of subsection (3) of section
 626.99296, Florida Statutes, is amended to read:

626.99296 Transfers of structured settlement payment
 rights.—

(3) CONDITIONS TO TRANSFERS OF STRUCTURED SETTLEMENT
 PAYMENT RIGHTS AND STRUCTURED SETTLEMENT AGREEMENTS.—

(a) A direct or indirect transfer of structured settlement
 payment rights is not effective and a structured settlement
 obligor or annuity issuer is not required to make a payment
 directly or indirectly to a transferee of structured settlement
 payment rights unless the transfer is authorized in advance in a

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18 final order by a court of competent jurisdiction in the county
19 in which the payee resides, which is based on the written
20 express findings by the court that:

21 1. The transfer complies with this section and does not
22 contravene other applicable law;

23 2. At least 10 days before the date on which the payee
24 first incurred an obligation with respect to the transfer, the
25 transferee provided to the payee a disclosure statement in bold
26 type, no smaller than 14 points in size, which specifies:

27 a. The amounts and due dates of the structured settlement
28 payments to be transferred;

29 b. The aggregate amount of the payments;

30 c. The discounted present value of the payments, together
31 with the discount rate used in determining the discounted
32 present value;

33 d. The gross amount payable to the payee in exchange for
34 the payments;

35 e. An itemized listing of all brokers' commissions,
36 service charges, application fees, processing fees, closing
37 costs, filing fees, referral fees, administrative fees, legal
38 fees, and notary fees and other commissions, fees, costs,
39 expenses, and charges payable by the payee or deductible from
40 the gross amount otherwise payable to the payee;

41 f. The net amount payable to the payee after deducting all
42 commissions, fees, costs, expenses, and charges described in
43 sub-subparagraph e.;

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44 g. The quotient, expressed as a percentage, obtained by
45 dividing the net payment amount by the discounted present value
46 of the payments, which must be disclosed in the following
47 statement: "The net amount that you will receive from us in
48 exchange for your future structured settlement payments
49 represent percent of the estimated current value of the
50 payments based upon the discounted value using the applicable
51 federal rate";

52 h. The effective annual interest rate, which must be
53 disclosed in the following statement: "Based on the net amount
54 that you will receive from us and the amounts and timing of the
55 structured settlement payments that you are turning over to us,
56 you will, in effect, be paying interest to us at a rate of
57 percent per year"; and

58 i. The amount of any penalty and the aggregate amount of
59 any liquidated damages, including penalties, payable by the
60 payee in the event of a breach of the transfer agreement by the
61 payee;

62 3. The payee has established that the transfer is in the
63 best interests of the payee, taking into account the welfare and
64 support of the payee's dependents;

65 4. The payee has received, or waived his or her right to
66 receive, independent professional advice regarding the legal,
67 tax, and financial implications of the transfer;

68 5. The transferee has given written notice of the
69 transferee's name, address, and taxpayer identification number

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70 to the annuity issuer and the structured settlement obligor and
71 has filed a copy of the notice with the court;

72 6. The transfer agreement provides that if the payee is
73 domiciled in this state, any disputes between the parties will
74 be governed in accordance with the laws of this state and that
75 the domicile state of the payee is the proper venue to bring any
76 cause of action arising out of a breach of the agreement; and

77 7. The court has determined that the net amount payable to
78 the payee is fair, just, and reasonable under the circumstances
79 then existing.

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83 **T I T L E A M E N D M E N T**

84 Remove line 88 and insert:
85 changes made by the act; amending s. 626.99296, F.S.; specifying
86 a court in the county where the payee resides must authorize a
87 transfer of structured settlement payment rights in order for
88 the transfer to be effective; amending s. 627.062, F.S.;