

By Senator Grant

13-59-98

1 A bill to be entitled
 2 An act relating to the Insurance Commissioner;
 3 amending s. 20.13, F.S.; transferring
 4 responsibilities of head of the Department of
 5 Insurance from the State Treasurer to an
 6 appointed Insurance Commissioner; amending s.
 7 14.24, F.S.; transferring responsibility for
 8 making an appointment; amending ss. 48.151,
 9 175.032, 175.141, 185.12, 215.02, 215.58,
 10 238.15, 240.551, 284.41, 554.105, 607.0501,
 11 617.0501, 624.305, 624.319, 624.321, 624.422,
 12 624.423, 624.502, 624.506, 624.523, 626.2815,
 13 626.742, 626.906, 626.907, 626.912, 626.937,
 14 626.9912, 626.9916, 627.944, 627.948, 628.461,
 15 628.4615, 629.401, 634.151, 634.161, 641.19,
 16 641.402, 641.454, 651.125, F.S., to conform
 17 terminology to the change made by this act;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsection (1) and paragraph (a) of
 23 subsection (3) of section 20.13, Florida Statutes, are amended
 24 to read:

25 20.13 Department of Insurance.--There is created a
 26 Department of Insurance.

27 (1) The head of the Department of Insurance is the
 28 ~~Treasurer who shall hereafter be named the "Insurance~~
 29 ~~Commissioner and Treasurer."~~The Insurance Commissioner shall
 30 be appointed by the Governor, subject to confirmation by the
 31 Senate, and shall serve at the pleasure of the Governor.

1 (3)(a) The department shall have an assistant
2 insurance commissioner ~~and treasurer~~, three deputies, and a
3 general counsel. A deputy may also serve as general counsel.

4 Section 2. Subsection (1) of section 14.24, Florida
5 Statutes, is amended to read:

6 14.24 Florida Commission on the Status of Women.--

7 (1) There is established in the Office of the Attorney
8 General the Florida Commission on the Status of Women,
9 consisting of 22 members. The Speaker of the House of
10 Representatives, the President of the Senate, the Attorney
11 General, and the Governor shall each appoint three members and
12 the Treasurer ~~Insurance Commissioner~~, the Comptroller, the
13 Secretary of State, the Commissioner of Agriculture, and the
14 Commissioner of Education shall each appoint two members, for
15 a term of 4 years, except that of the initial appointments,
16 one-half shall be for a 2-year term and one-half shall be for
17 a 4-year term. The members appointed shall include persons
18 who represent rural and urban interests and the ethnic and
19 cultural diversity of the state's population. No member shall
20 serve more than 8 consecutive years on the commission. A
21 vacancy shall be filled for the remainder of the unexpired
22 term in the same manner as the original appointment.

23 Section 3. Subsection (3) of section 48.151, Florida
24 Statutes, is amended to read:

25 48.151 Service on statutory agents for certain
26 persons.--

27 (3) The Insurance Commissioner ~~and Treasurer~~ or his or
28 her assistant or deputy or another person in charge of the
29 office is the agent for service of process on all insurers
30 applying for authority to transact insurance in this state,
31 all licensed nonresident insurance agents, all nonresident

1 disability insurance agents licensed by the Department of
2 Insurance pursuant to s. 626.835, any unauthorized insurer
3 under s. 626.906 or s. 626.937, domestic reciprocal insurers,
4 fraternal benefit societies under chapter 632, automobile
5 inspection and warranty associations, ambulance service
6 associations, and persons required to file statements under s.
7 628.461.

8 Section 4. Paragraph (a) of subsection (5) of section
9 175.032, Florida Statutes, is amended to read:

10 175.032 Definitions.--The following words and phrases
11 used in this chapter shall have the following meanings, unless
12 a different meaning is plainly required by the context:

13 (5)(a) "Firefighter" means any person employed solely
14 in a constituted fire department of any municipality or
15 special fire control district who is certified as a
16 firefighter as a condition of employment in accordance with
17 the provisions of s. 633.35 and whose duty it is to extinguish
18 fires, to protect life, and to protect property. However, for
19 purposes of this chapter only, "firefighter" also includes
20 public safety officers who are responsible for performing both
21 police and fire services, who are certified as police officers
22 or firefighters, and who are certified by their employers to
23 the Insurance Commissioner ~~and Treasurer~~ as participating in
24 this chapter prior to October 1, 1979. Effective October 1,
25 1979, public safety officers who have not been certified as
26 participating in this chapter shall be considered police
27 officers for retirement purposes and shall be eligible to
28 participate in chapter 185.

29 Section 5. Section 175.141, Florida Statutes, is
30 amended to read:

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1 175.141 Payment of excise tax credit on similar state
2 excise or license tax.--The tax herein authorized to be
3 imposed by each municipality and each special fire control
4 district shall in nowise be in addition to any similar state
5 excise or license tax imposed by part IV of chapter 624, but
6 the payor of the tax hereby authorized shall receive credit
7 therefor on his or her said state excise or license tax and
8 the balance of said state excise or license tax shall be paid
9 to the Insurance Commissioner ~~and Treasurer~~ as is now provided
10 by law.

11 Section 6. Section 185.12, Florida Statutes, is
12 amended to read:

13 185.12 Payment of excise tax credit on similar state
14 excise or license tax.--The tax herein authorized shall in
15 nowise be additional to the similar state excise or license
16 tax imposed by part IV, chapter 624, but the payor of the tax
17 hereby authorized shall receive credit therefor on his or her
18 said state excise or license tax and the balance of said state
19 excise or license tax shall be paid to the Insurance
20 Commissioner ~~and Treasurer~~ as is now provided by law.

21 Section 7. Section 215.02, Florida Statutes, is
22 amended to read:

23 215.02 Manner of paying money into the
24 Treasury.--Whenever any officer of this state or other person
25 desires to pay any money into the Treasury of the state on
26 account of his or her indebtedness to the state, the person
27 shall first go into the Department of Banking and Finance, and
28 there ascertain from the department's books the amount of his
29 or her indebtedness to the state, and thereupon the department
30 shall give that person a memorandum or certificate of the
31 amount of such indebtedness, and on what account. Second, the

1 person shall take such ~~said~~ certificate with him or her to the
2 Department of Insurance and deliver the same and pay over to
3 the Insurance Commissioner ~~and Treasurer~~ the amount called for
4 in such ~~said~~ certificate. Third, the Insurance Commissioner
5 ~~and Treasurer~~ shall receive the money, make a proper entry
6 thereof, file the certificate of the Department of Banking and
7 Finance, and give a certificate to the party paying over the
8 money, acknowledging the receipt of the money, and on what
9 account; which certificate thus received, the party shall
10 return to the Department of Banking and Finance, on receipt of
11 which the department shall give the party a receipt for the
12 amount, and enter a credit on the party's account in his or
13 her books for the amount thus paid by him or her to the
14 Insurance Commissioner ~~and Treasurer~~, and file the certificate
15 received from the Insurance Commissioner ~~and Treasurer~~.

16 Section 8. Subsection (2) of section 215.58, Florida
17 Statutes, is amended to read:

18 215.58 Definitions.--The following words or terms when
19 used in this act shall have the following meanings:

20 (2) "Treasurer" shall mean the State Insurance
21 ~~Commissioner and Treasurer~~.

22 Section 9. Section 238.15, Florida Statutes, is
23 amended to read:

24 238.15 Exemption of funds from taxation, execution,
25 and assignment.--The pensions, annuities or any other benefits
26 accrued or accruing to any person under the provisions of this
27 chapter and the accumulated contributions and cash securities
28 in the funds created under this chapter are exempted from any
29 state, county or municipal tax of the state, and shall not be
30 subject to execution or attachment or to any legal process
31 whatsoever, and shall be unassignable, except:

1 (1) That any teacher who has retired shall have the
2 right and power to authorize in writing the Division of
3 Retirement to deduct from his or her monthly retirement
4 allowance money for the payment of the premiums on group
5 insurance for hospital, medical and surgical benefits, under a
6 plan or plans for such benefits approved in writing by the
7 Insurance Commissioner ~~and Treasurer~~ of the state, and upon
8 receipt of such request the division shall make the monthly
9 payments as directed; and

10 (2) As may be otherwise specifically provided for in
11 this chapter.

12 Section 10. Subsection (5) and paragraph (c) of
13 subsection (8) of section 240.551, Florida Statutes, are
14 amended to read:

15 240.551 Florida Prepaid Postsecondary Education
16 Expense Program.--

17 (5) The Florida Prepaid Postsecondary Education
18 Expense Program shall be administered by the Prepaid
19 Postsecondary Education Expense Board as an agency of the
20 state. The Prepaid Postsecondary Education Expense Board is
21 hereby created as a body corporate with all the powers of a
22 body corporate for the purposes delineated in this section.
23 For the purposes of s. 6, Art. IV of the State Constitution,
24 the board shall be assigned to and administratively housed
25 within the State Board of Administration, but it shall
26 independently exercise the powers and duties specified in this
27 section. The board shall consist of seven members to be
28 composed of the ~~Insurance Commissioner and Treasurer~~, the
29 Comptroller, the Chancellor of the Board of Regents, the
30 Executive Director of the State Board of Community Colleges,
31 and three members appointed by the Governor and subject to

1 confirmation by the Senate. Each member appointed by the
2 Governor shall possess knowledge, skill, and experience in the
3 areas of accounting, actuary, risk management, or investment
4 management. Each member of the board not appointed by the
5 Governor may name a designee to serve the board on behalf of
6 the member; however, any designee so named shall meet the
7 qualifications required of gubernatorial appointees to the
8 board. Members appointed by the Governor shall serve terms of
9 3 years except that, in making the initial appointments, the
10 Governor shall appoint one member to serve for 1 year, one
11 member to serve for 2 years, and one member to serve for 3
12 years. Any person appointed to fill a vacancy on the board
13 shall be appointed in a like manner and shall serve for only
14 the unexpired term. Any member shall be eligible for
15 reappointment and shall serve until a successor qualifies.
16 Members of the board shall serve without compensation but
17 shall be reimbursed for per diem and travel in accordance with
18 s. 112.061. Each member of the board shall file a full and
19 public disclosure of his or her financial interests pursuant
20 to s. 8, Art. II of the State Constitution and corresponding
21 statute.

22 (a) The Governor shall appoint a member of the board
23 to serve as the initial chair of the board. Thereafter, the
24 board shall elect a chair annually. The board shall annually
25 elect a board member to serve as vice chair and shall
26 designate a secretary-treasurer who need not be a member of
27 the board. The secretary-treasurer shall keep a record of the
28 proceedings of the board and shall be the custodian of all
29 printed material filed with or by the board and of its
30 official seal. Notwithstanding the existence of vacancies on
31 the board, a majority of the members shall constitute a

1 quorum. The board shall take no official action in the absence
2 of a quorum. The board shall meet, at a minimum, on a
3 quarterly basis at the call of the chair.

4 (b) The board shall appoint an executive director to
5 serve as the chief administrative and operational officer of
6 the board and to perform other duties assigned to him or her
7 by the board.

8 (c) The board shall have the powers necessary or
9 proper to carry out the provisions of this section, including,
10 but not limited to, the power to:

11 1. Adopt an official seal and rules.

12 2. Sue and be sued.

13 3. Make and execute contracts and other necessary
14 instruments.

15 4. Establish agreements or other transactions with
16 federal, state, and local agencies, including state
17 universities and community colleges.

18 5. Invest funds not required for immediate
19 disbursement.

20 6. Appear in its own behalf before boards,
21 commissions, or other governmental agencies.

22 7. Hold, buy, and sell any instruments, obligations,
23 securities, and property determined appropriate by the board.

24 8. Require a reasonable length of state residence for
25 qualified beneficiaries.

26 9. Restrict the number of participants in the
27 community college plan, university plan, and dormitory
28 residence plan, respectively. However, any person denied
29 participation solely on the basis of such restriction shall be
30 granted priority for participation during the succeeding year.

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1 10. Segregate contributions and payments to the fund
2 into various accounts and funds.

3 11. Contract for necessary goods and services, employ
4 necessary personnel, and engage the services of private
5 consultants, actuaries, managers, legal counsel, and auditors
6 for administrative or technical assistance.

7 12. Solicit and accept gifts, grants, loans, and other
8 aids from any source or participate in any other way in any
9 government program to carry out the purposes of this section.

10 13. Require and collect administrative fees and
11 charges in connection with any transaction and impose
12 reasonable penalties, including default, for delinquent
13 payments or for entering into an advance payment contract on a
14 fraudulent basis.

15 14. Procure insurance against any loss in connection
16 with the property, assets, and activities of the fund or the
17 board.

18 15. Impose reasonable time limits on use of the
19 tuition benefits provided by the program. However, any such
20 limitation shall be specified within the advance payment
21 contract.

22 16. Delineate the terms and conditions under which
23 payments may be withdrawn from the fund and impose reasonable
24 fees and charges for such withdrawal. Such terms and
25 conditions shall be specified within the advance payment
26 contract.

27 17. Provide for the receipt of contributions in lump
28 sums or installment payments.

29 18. Establish other policies, procedures, and criteria
30 to implement and administer the provisions of this section.

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1 19. Require that purchasers of advance payment
2 contracts verify, under oath, any requests for contract
3 conversions, substitutions, transfers, cancellations, refund
4 requests, or contract changes of any nature. Verification
5 shall be accomplished as authorized and provided for in s.
6 92.525(1)(a).

7 (d) The board shall administer the fund in a manner
8 that is sufficiently actuarially sound to defray the
9 obligations of the program. The board shall annually evaluate
10 or cause to be evaluated the actuarial soundness of the fund.
11 If the board perceives a need for additional assets in order
12 to preserve actuarial soundness, the board may adjust the
13 terms of subsequent advance payment contracts to ensure such
14 soundness.

15 (e) The board, acting with the approval of the State
16 Board of Administration, shall establish a comprehensive
17 investment plan for the purposes of this section. The
18 comprehensive investment plan shall specify the investment
19 policies to be utilized by the board in its administration of
20 the fund. The board may place assets of the fund in savings
21 accounts or use the same to purchase fixed or variable life
22 insurance or annuity contracts, securities, evidence of
23 indebtedness, or other investment products pursuant to the
24 comprehensive investment plan and in such proportions as may
25 be designated or approved under that plan. Such insurance,
26 annuity, savings, or investment products shall be underwritten
27 and offered in compliance with the applicable federal and
28 state laws, regulations, and rules by persons who are duly
29 authorized by applicable federal and state authorities.
30 Within the comprehensive investment plan, the board may
31 authorize investment vehicles, or products incident thereto,

1 as may be available or offered by qualified companies or
2 persons. A contract purchaser may not direct the investment of
3 his or her contribution to the trust fund, and a contract
4 beneficiary may not direct the contribution made on his or her
5 behalf to the trust fund. Board members and employees of the
6 board are not prohibited from purchasing advance payment
7 contracts by virtue of their fiduciary responsibilities as
8 members of the board or official duties as employees of the
9 board.

10 (f) The board may delegate responsibility for
11 administration of the comprehensive investment plan required
12 in paragraph (e) to a person the board determines to be
13 qualified. Such person shall be compensated by the board.
14 Directly or through such person, the board may contract with a
15 private corporation or institution to provide such services as
16 may be a part of the comprehensive investment plan or as may
17 be deemed necessary or proper by the board or such person,
18 including, but not limited to, providing consolidated billing,
19 individual and collective recordkeeping and accountings, and
20 asset purchase, control, and safekeeping.

21 (g) The board shall annually prepare or cause to be
22 prepared a report setting forth in appropriate detail an
23 accounting of the fund and a description of the financial
24 condition of the program at the close of each fiscal year.
25 Such report shall be submitted to the President of the Senate,
26 the Speaker of the House of Representatives, and members of
27 the State Board of Education on or before March 31 each year.
28 In addition, the board shall make the report available to
29 purchasers of advance payment contracts. The board shall
30 provide to the Board of Regents and the State Board of
31 Community Colleges by March 31 each year complete advance

1 payment contract sales information including projected
2 postsecondary enrollments of qualified beneficiaries. The
3 accounts of the fund shall be subject to annual audits by the
4 Auditor General or his or her designee.

5 (h) Notwithstanding any other provision of this
6 section, the board may adopt rules necessary to enable the
7 program to retain its status as a "qualified state prepaid
8 program" in order to maintain its tax exempt status or other
9 similar status of the program, purchasers, and qualified
10 beneficiaries under the Internal Revenue Code of 1986, as
11 defined in s. 220.03(1). The board shall inform purchasers of
12 changes to the tax or securities status of contracts purchased
13 through the program.

14 (i) The board shall solicit proposals for the
15 marketing of the Florida Prepaid Postsecondary Education
16 Expense Program pursuant to s. 287.057. The entity designated
17 pursuant to this paragraph shall serve as a centralized
18 marketing agent for the program and shall be solely
19 responsible for the marketing of the program. Any materials
20 produced for the purpose of marketing the program shall be
21 submitted to the board for review. No such materials shall be
22 made available to the public before the materials are approved
23 by the board. Any educational institution may distribute
24 marketing materials produced for the program; however, all
25 such materials shall have been approved by the board prior to
26 distribution. Neither the state nor the board shall be liable
27 for misrepresentation of the program by a marketing agent.

28 (j) The board may establish a direct-support
29 organization which is:

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1 1. A Florida corporation, not for profit, incorporated
2 under the provisions of chapter 617 and approved by the
3 Secretary of State.

4 2. Organized and operated exclusively to receive,
5 hold, invest, and administer property and to make expenditures
6 to or for the benefit of the program.

7 3. An organization which the board, after review, has
8 certified to be operating in a manner consistent with the
9 goals of the program and in the best interests of the state.
10 Unless so certified, the organization may not use the name of
11 the program.

12 4. Subject to an annual postaudit by an independent
13 certified public accountant in accordance with rules
14 promulgated by the board. The annual audit shall be submitted
15 to the State Board of Administration and the Auditor General
16 for review. The State Board of Administration and Auditor
17 General shall have the authority to require and receive from
18 the organization or its independent auditor any detail or
19 supplemental data relative to the operation of the
20 organization. The identity of donors who desire to remain
21 anonymous shall be confidential and exempt from the provisions
22 of s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution, and such anonymity shall be maintained in the
24 auditor's report. Information received by the organization
25 that is otherwise confidential or exempt by law shall retain
26 such status. Any sensitive, personal information regarding
27 contract beneficiaries, including their identities, is exempt
28 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
29 the State Constitution.

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1 The chair of the board and the executive director shall be
2 directors of the direct-support organization and shall jointly
3 name three other individuals to serve as directors of the
4 organization.

5 (k) The board may endorse insurance coverage written
6 exclusively for the purpose of protecting advance payment
7 contracts, and the purchasers or beneficiaries thereof, which
8 may be issued in the form of a group life policy and which is
9 exempt from the provisions of part V of chapter 627.

10 (8) The board shall solicit proposals for the
11 operation of the Florida Prepaid Postsecondary Education
12 Expense Program pursuant to s. 287.057, through which the
13 board shall contract for the services of a records
14 administrator, a trustee services firm, and one or more
15 product providers.

16 (c)1. The product providers shall be the entities
17 designated by the board to develop investment portfolios on
18 behalf of the board to achieve the purposes of this section.
19 Product providers shall be limited to authorized insurers as
20 defined in s. 624.09, banks as defined in s. 658.12,
21 associations as defined in s. 665.012, authorized Securities
22 and Exchange Commission investment advisers, and investment
23 companies as defined in the Investment Company Act of 1940.
24 All product providers shall have their principal place of
25 business and corporate charter located and registered in the
26 United States. In addition, each product provider shall agree
27 to meet the obligations of the board to qualified
28 beneficiaries if moneys in the fund fail to offset the
29 obligations of the board as a result of imprudent investing by
30 such provider. Each authorized insurer shall evidence superior
31 performance overall on an acceptable level of surety in

1 meeting its obligations to its policyholders and other
2 contractual obligations. Only qualified public depositories
3 approved by the ~~State Insurance Commissioner~~ and Treasurer
4 shall be eligible for board consideration. Each investment
5 company shall provide investment plans as specified within the
6 request for proposals.

7 2. The goals of the board in selecting a product
8 provider company shall be to provide all purchasers with the
9 most secure, well-diversified, and beneficially administered
10 postsecondary education expense plan possible, to allow all
11 qualified firms interested in providing such services equal
12 consideration, and to provide such services to the state at no
13 cost and to the purchasers at the lowest cost possible.

14 Evaluations of proposals submitted pursuant to this paragraph
15 shall include, but not be limited to, the following criteria:

16 a. Fees and other costs charged to purchasers that
17 affect account values or operational costs related to the
18 program.

19 b. Past and current investment performance, including
20 investment and interest rate history, guaranteed minimum rates
21 of interest, consistency of investment performance, and any
22 terms and conditions under which moneys are held.

23 c. Past experience and ability to provide timely and
24 accurate service in the areas of records administration,
25 benefit payments, investment management, and complaint
26 resolution.

27 d. Financial history and current financial strength
28 and capital adequacy to provide products, including operating
29 procedures and other methods of protecting program assets.

30 Section 11. Section 284.41, Florida Statutes, is
31 amended to read:

1 284.41 Transfer of personnel and funds to the Division
2 of Risk Management; extension of ~~Insurance Commissioner and~~
3 ~~Treasurer's~~ public official bond.--

4 (1) All personnel and funds otherwise allocated to the
5 Department of Insurance for this purpose are ~~hereby~~
6 transferred to the Division of Risk Management.

7 (2) The administration of parts I, II, and III of this
8 chapter shall be a function of the Division of Risk
9 Management.

10 (3) The current public official bond covering the
11 Insurance Commissioner ~~and Treasurer~~ is ~~hereby~~ extended to
12 include the trust funds hereby created.

13 Section 12. Subsection (1) of section 554.105, Florida
14 Statutes, is amended to read:

15 554.105 Chief inspector.--

16 (1) The Insurance Commissioner ~~and Treasurer~~ shall
17 appoint a chief inspector, who shall have not less than 5
18 years' experience in the construction, installation,
19 inspection, operation, maintenance, or repair of high
20 pressure, high temperature water boilers and who shall hold a
21 commission from the National Board of Boiler and Pressure
22 Vessel Inspectors or a certificate of competency from the
23 department.

24 Section 13. Subsection (2) of section 607.0501,
25 Florida Statutes, is amended to read:

26 607.0501 Registered office and registered agent.--

27 (2) This section does not apply to corporations that
28 ~~which~~ are required by law to designate the Insurance
29 Commissioner ~~and Treasurer~~ as their attorney for the service
30 of process, associations subject to the provisions of chapter
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1 665, and banks and trust companies subject to the provisions
2 of the financial institutions codes.

3 Section 14. Subsection (2) of section 617.0501,
4 Florida Statutes, is amended to read:

5 617.0501 Registered office and registered agent.--

6 (2) This section does not apply to corporations that
7 ~~which~~ are required by law to designate the Insurance
8 Commissioner ~~and Treasurer~~ as their attorney for the service
9 of process.

10 Section 15. Subsection (1) of section 624.305, Florida
11 Statutes, is amended to read:

12 624.305 Prohibited interests, rewards.--

13 (1) No employee of the department, including the
14 Insurance Commissioner, ~~and Treasurer~~ shall:

15 (a) Be financially interested, directly or indirectly,
16 in any insurer or insurance agency authorized to transact
17 insurance in this state, or in any insurance transaction
18 except as a policyholder or claimant under a policy; or

19 (b) Be given or receive any fee, compensation, loan,
20 gift, or other thing of value in addition to the compensation
21 and expense allowance provided by law, for any service
22 rendered or to be rendered in her or his capacity as a
23 department employee.

24 Section 16. Paragraph (b) of subsection (3) of section
25 624.319, Florida Statutes, is amended to read:

26 624.319 Examination and investigation reports.--

27 (3)

28 (b) Lists of insurers or regulated companies are
29 confidential and exempt from the provisions of s. 119.07(1)
30 if:

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1 1. The financial solvency, condition, or soundness of
2 such insurers or regulated companies is being monitored by the
3 department;

4 2. The list is prepared to internally coordinate
5 regulation by the department of the financial solvency,
6 condition, or soundness of the insurers or regulated
7 companies; and

8 3. The Insurance Commissioner determines ~~and Treasurer~~
9 ~~determine~~ that public inspection of such list could impair the
10 financial solvency, condition, or soundness of such insurers
11 or regulated companies.

12 Section 17. Subsection (1) of section 624.321, Florida
13 Statutes, is amended to read:

14 624.321 Witnesses and evidence.--

15 (1) As to any examination, investigation, or hearing
16 being conducted under this code, the Insurance Commissioner
17 ~~and Treasurer~~ or her or his designee:

18 (a) May administer oaths, examine and cross-examine
19 witnesses, receive oral and documentary evidence; and

20 (b) Shall have the power to subpoena witnesses, compel
21 their attendance and testimony, and require by subpoena the
22 production of books, papers, records, files, correspondence,
23 documents, or other evidence which is relevant to the inquiry.

24 Section 18. Section 624.422, Florida Statutes, is
25 amended to read:

26 624.422 Service of process; appointment of Insurance
27 Commissioner ~~and Treasurer~~ as process agent.--

28 (1) Each licensed insurer, whether domestic, foreign,
29 or alien, shall be deemed to have appointed the Insurance
30 Commissioner ~~and Treasurer~~ and her or his successors in office
31 as its attorney to receive service of all legal process issued

1 against it in any civil action or proceeding in this state;
2 and process so served shall be valid and binding upon the
3 insurer.

4 (2) Prior to its authorization to transact insurance
5 in this state, each insurer shall file with the department
6 designation of the name and address of the person to whom
7 process against it served upon the Insurance Commissioner ~~and~~
8 ~~Treasurer~~ is to be forwarded. The insurer may change the
9 designation at any time by a new filing.

10 (3) Service of process upon the Insurance Commissioner
11 ~~and Treasurer~~ as the insurer's attorney pursuant to such an
12 appointment shall be the sole method of service of process
13 upon an authorized domestic, foreign, or alien insurer in this
14 state.

15 Section 19. Section 624.423, Florida Statutes, is
16 amended to read:

17 624.423 Serving process.--

18 (1) Service of process upon the Insurance Commissioner
19 ~~and Treasurer~~ as process agent of the insurer (under s.
20 624.422) shall be made by serving copies in triplicate of the
21 process upon the Insurance Commissioner and Treasurer or upon
22 her or his assistant, deputy, or other person in charge of her
23 or his office. Upon receiving such service, the Insurance
24 Commissioner ~~and Treasurer~~ shall file one copy in her or his
25 office, return one copy with her or his admission of service,
26 and promptly forward one copy of the process by registered or
27 certified mail to the person last designated by the insurer 0o
28 receive the same, as provided under s. 624.422(2).

29 (2) Where process is served upon the Insurance
30 Commissioner ~~and Treasurer~~ as an insurer's process agent, the
31 insurer shall not be required to answer or plead except within

1 20 days after the date upon which the Insurance Commissioner
2 ~~and Treasurer~~ mailed a copy of the process served upon her or
3 him as required by subsection (1).

4 (3) Process served upon the Insurance Commissioner ~~and~~
5 ~~Treasurer~~ and copy thereof forwarded as in this section
6 provided shall for all purposes constitute valid and binding
7 service thereof upon the insurer.

8 Section 20. Section 624.502, Florida Statutes, is
9 amended to read:

10 624.502 Service of process fee.--In all instances as
11 provided in any section of the insurance code and s. ss.
12 48.151(3) ~~and 638.161~~ in which service of process is
13 authorized to be made upon the Insurance Commissioner ~~and~~
14 ~~Treasurer~~, the plaintiff shall pay to the department a fee of
15 \$15 for such service of process, which fee shall be deposited
16 into the Insurance Commissioner's Regulatory Trust Fund.

17 Section 21. Subsections (1) and (3) of section
18 624.506, Florida Statutes, are amended to read:

19 624.506 County tax; deposit and remittance.--

20 (1) The Insurance Commissioner ~~and Treasurer~~ shall
21 deposit in the Agents and Solicitors County Tax Trust Fund all
22 moneys accepted as county tax under this part. She or he shall
23 keep a separate account for all moneys so collected for each
24 county and, after deducting therefrom the service charges
25 provided for in s. 215.20, shall remit the balance to the
26 counties.

27 (3) The Comptroller shall annually, as of January 1
28 following the date of collection, and thereafter at such other
29 times as the Insurance Commissioner ~~and Treasurer~~ may elect,
30 draw her or his warrants on the State Treasury payable to the
31

1 respective counties entitled to receive the same for the full
2 net amount of such taxes to each county.

3 Section 22. Paragraph (n) of subsection (1) of section
4 624.523, Florida Statutes, is amended to read:

5 624.523 Insurance Commissioner's Regulatory Trust
6 Fund.--

7 (1) There is created in the State Treasury a trust
8 fund designated "Insurance Commissioner's Regulatory Trust
9 Fund" to which shall be credited all payments received on
10 account of the following items:

11 (n) All sums received by the Insurance Commissioner
12 ~~and Treasurer~~ as fees for her or his services as
13 service-of-process agent.

14 Section 23. Paragraphs (a) and (c) of subsection (6)
15 of section 626.2815, Florida Statutes, are amended to read:

16 626.2815 Continuing education required; application;
17 exceptions; requirements; penalties.--

18 (6)(a) There is created an 11-member continuing
19 education advisory board to be appointed by the Insurance
20 Commissioner ~~and Treasurer~~. Appointments shall be for terms of
21 4 years. The purpose of the board is to advise the department
22 in determining standards by which courses may be evaluated and
23 categorized as basic, intermediate, or advanced. The board
24 shall establish such criteria and the department shall
25 implement such criteria by January 1, 1997. The board shall
26 submit recommendations to the department of changes needed in
27 such criteria not less frequently than every 2 years
28 thereafter. The department shall require all approved course
29 providers to submit courses for approval to the department
30 using the criteria. All materials, brochures, and

31

1 advertisements related to the approved courses must specify
2 the level assigned to the course.

3 (c) The members of the board shall serve at the
4 pleasure of the Insurance Commissioner ~~and Treasurer~~. Each
5 board member shall be entitled to reimbursement for expenses
6 pursuant to s. 112.061. The board shall designate one member
7 as chair. The board shall meet at the call of the chair or
8 the Insurance Commissioner ~~and Treasurer~~.

9 Section 24. Section 626.742, Florida Statutes, is
10 amended to read:

11 626.742 Nonresident agents; service of process.--

12 (1) Each licensed nonresident agent shall appoint the
13 Insurance Commissioner ~~and Treasurer~~ as his or her attorney to
14 receive service of legal process issued against the agent in
15 this state, upon causes of action arising within this state
16 out of transactions under the agent's license and appointment.
17 Service upon the Insurance Commissioner ~~and Treasurer~~ as
18 attorney shall constitute effective legal service upon the
19 agent.

20 (2) The appointment of the Insurance Commissioner ~~and~~
21 ~~Treasurer~~ for service of process shall be irrevocable for as
22 long as there could be any cause of action against the agent
23 arising out of his or her insurance transactions in this
24 state.

25 (3) Duplicate copies of such legal process against
26 such agent shall be served upon the Insurance Commissioner ~~and~~
27 ~~Treasurer~~ by a person competent to serve a summons.

28 (4) Upon receiving such service, the Insurance
29 Commissioner ~~and Treasurer~~ shall forthwith send one of the
30 copies of the process, by registered mail with return receipt
31

1 requested, to the defendant agent at his or her last address
2 of record with the department.

3 (5) The Insurance Commissioner ~~and Treasurer~~ shall
4 keep a record of the day and hour of service upon him or her
5 of all such legal process.

6 Section 25. Section 626.906, Florida Statutes, is
7 amended to read:

8 626.906 Acts constituting Insurance Commissioner ~~and~~
9 ~~Treasurer~~ as process agent.--Any of the following acts in this
10 state, effected by mail or otherwise, by an unauthorized
11 foreign insurer, alien insurer, or person representing or
12 aiding such an insurer is equivalent to and shall constitute
13 an appointment by such insurer or person representing or
14 aiding such insurer of the Insurance Commissioner ~~and~~
15 ~~Treasurer~~, and his or her successor or successors in office,
16 to be its true and lawful attorney, upon whom may be served
17 all lawful process in any action, suit, or proceeding
18 instituted by or on behalf of an insured or beneficiary,
19 arising out of any such contract of insurance; and any such
20 act shall be signification of the insurer's or person's
21 agreement that such service of process is of the same legal
22 force and validity as personal service of process in this
23 state upon such insurer or person representing or aiding such
24 insurer:

25 (1) The issuance or delivery of contracts of insurance
26 to residents of this state or to corporations authorized to do
27 business therein;

28 (2) The solicitation of applications for such
29 contracts;

30 (3) The collection of premiums, membership fees,
31 assessments, or other considerations for such contracts; or

1 (4) Any other transaction of insurance.

2 Section 26. Subsection (1) of section 626.907, Florida
3 Statutes, is amended to read:

4 626.907 Service of process; judgment by default.--

5 (1) Service of process upon an insurer or person
6 representing or aiding such insurer pursuant to s. 626.906
7 shall be made by delivering to and leaving with the Insurance
8 Commissioner ~~and Treasurer~~ or some person in apparent charge
9 of his or her office two copies thereof. The Insurance
10 Commissioner ~~and Treasurer~~ shall forthwith mail by registered
11 mail one of the copies of such process to the defendant at the
12 defendant's last known principal place of business and shall
13 keep a record of all process so served upon him or her. The
14 service of process is sufficient, provided notice of such
15 service and a copy of the process are sent within 10 days
16 thereafter by registered mail by plaintiff or plaintiff's
17 attorney to the defendant at the defendant's last known
18 principal place of business, and the defendant's receipt, or
19 receipt issued by the post office with which the letter is
20 registered, showing the name of the sender of the letter and
21 the name and address of the person to whom the letter is
22 addressed, and the affidavit of the plaintiff or plaintiff's
23 attorney showing a compliance herewith are filed with the
24 clerk of the court in which the action is pending on or before
25 the date the defendant is required to appear, or within such
26 further time as the court may allow.

27 Section 27. Section 626.912, Florida Statutes, is
28 amended to read:

29 626.912 Exemptions from ss. 626.904-626.911.--The
30 provisions of ss. 626.904-626.911 do not apply to any action,
31 suit, or proceeding against any unauthorized foreign insurer,

1 alien insurer, or person representing or aiding such an
2 insurer arising out of any contract of insurance:

3 (1) Covering reinsurance, wet marine and
4 transportation, commercial aircraft, or railway insurance
5 risks;

6 (2) Against legal liability arising out of the
7 ownership, operation, or maintenance of any property having a
8 permanent situs outside this state;

9 (3) Against loss of or damage to any property having a
10 permanent situs outside this state; or

11 (4) Issued under and in accordance with the Surplus
12 Lines Law, when such insurer or person representing or aiding
13 such insurer enters a general appearance or when such contract
14 of insurance contains a provision designating the Insurance
15 Commissioner ~~and Treasurer~~ and his or her successor or
16 successors in office or designating a Florida resident agent
17 to be the true and lawful attorney of such unauthorized
18 insurer or person representing or aiding such insurer upon
19 whom may be served all lawful process in any action, suit, or
20 proceeding instituted by or on behalf of an insured or person
21 representing or aiding such insurer or beneficiary arising out
22 of any such contract of insurance; and service of process
23 effected on such Insurance Commissioner ~~and Treasurer~~, his or
24 her successor or successors in office, or such resident agent
25 shall be deemed to confer complete jurisdiction over such
26 unauthorized insurer or person representing or aiding such
27 insurer in such action.

28 Section 28. Subsections (2), (3), and (4) of section
29 626.937, Florida Statutes, are amended to read:

30 626.937 Actions against insurer; service of process.--
31

1 (2) The unauthorized insurer accepting the risk or
2 issuing the policy shall be deemed thereby to have authorized
3 service of process against it in the manner and to the effect
4 as provided in this section, and to have appointed the
5 Insurance Commissioner ~~and Treasurer~~ as its agent for service
6 of process issuing upon any cause of action arising in this
7 state under any such policy, contract, or insurance.

8 (3) Each unauthorized insurer requesting eligibility
9 pursuant to s. 626.918 shall file with the department its
10 appointment of the Insurance Commissioner ~~and Treasurer~~ and
11 his or her successors in office, on a form as furnished by the
12 department, as its attorney to receive service of all legal
13 process issued against it in any civil action or proceeding in
14 this state, and agreeing that process so served shall be valid
15 and binding upon the insurer. The appointment shall be
16 irrevocable, shall bind the insurer and any successor in
17 interest as to the assets or liabilities of the insurer, and
18 shall remain in effect as long as there is outstanding in this
19 state any obligation or liability of the insurer resulting
20 from its insurance transactions therein.

21 (4) At the time of such appointment of the Insurance
22 Commissioner ~~and Treasurer~~ as its process agent, the insurer
23 shall file with the department designation of the name and
24 address of the person to whom process against it served upon
25 the Insurance Commissioner ~~and Treasurer~~ is to be forwarded.
26 The insurer may change the designation at any time by a new
27 filing.

28 Section 29. Paragraph (e) of subsection (5) of section
29 626.9912, Florida Statutes, is amended to read:

30 626.9912 Viatical settlement provider license
31 required; application for license.--

1 (5) Upon the filing of a sworn application and the
2 payment of the license fee, the department shall investigate
3 each applicant and may issue the applicant a license if the
4 department finds that the applicant:

5 (e) Has designated the Insurance Commissioner ~~and~~
6 ~~Treasurer~~ as its agent for service of process.

7 Section 30. Paragraph (e) of subsection (7) and
8 subsection (8) of section 626.9916, Florida Statutes, are
9 amended to read:

10 626.9916 Viatical settlement broker license required;
11 application for license.--

12 (7) Upon the filing of a sworn application and the
13 payment of the license fee and all other applicable fees under
14 this act, the department shall investigate each applicant and
15 may issue the applicant a license if the department finds that
16 the applicant:

17 (e) Has designated the Insurance Commissioner ~~and~~
18 ~~Treasurer~~ as its agent for service of process.

19 (8) An applicant for a nonresident viatical settlement
20 broker license must, in addition to designating the Insurance
21 Commissioner ~~and Treasurer~~ as agent for service of process as
22 required by this section, also furnish the department with the
23 name and address of a resident of this state upon whom notices
24 or orders of the department or process affecting the applicant
25 or licensee may be served. After issuance of the license, the
26 licensee must also notify the department of change of the
27 person to receive such notices, orders, or process; such
28 change is not effective until acknowledged by the department.

29 Section 31. Paragraph (c) of subsection (1) of section
30 627.944, Florida Statutes, is amended to read:

31

1 627.944 Risk retention groups not certificated in this
2 state.--Risk retention groups certificated or licensed in
3 states other than this state and seeking to do business as a
4 risk retention group in this state must observe and abide by
5 the laws of this state as follows:

6 (1) NOTICE OF OPERATIONS AND DESIGNATION OF
7 COMMISSIONER AS AGENT.--Before offering insurance in this
8 state, a risk retention group shall submit to the department:

9 (c) A statement of registration that ~~which~~ designates
10 the Insurance Commissioner ~~and Treasurer~~ or her or his
11 designee as its agent for the purpose of receiving service of
12 legal documents of process.

13 Section 32. Subsection (2) of section 627.948, Florida
14 Statutes, is amended to read:

15 627.948 Notice and registration requirements of
16 purchasing groups.--

17 (2) The purchasing group shall register with and
18 designate the Insurance Commissioner ~~and Treasurer~~ or her or
19 his designee as its agent solely for the purpose of receiving
20 service of legal documents or process. This requirement shall
21 not apply in the case of a purchasing group:

22 (a) Which:

- 23 1. Was domiciled before April 1, 1986.
24 2. Is domiciled on and after October 27, 1986, in any
25 state of the United States.

26 (b) Which:

- 27 1. Before October 27, 1986, purchased insurance from
28 an insurance carrier licensed in any state; and
29 2. Since October 27, 1986, purchased its insurance
30 from an insurance carrier licensed in any state.
31

1 (c) Which was a purchasing group under the
2 requirements of the Product Liability Risk Retention Act of
3 1981 before October 27, 1986.

4 (d) Which does not purchase insurance that was not
5 authorized for purposes of an exemption under that act, as in
6 effect before October 27, 1986.

7 Section 33. Subsection (8) of section 628.461, Florida
8 Statutes, is amended to read:

9 628.461 Acquisition of controlling stock.--

10 (8) No vote by the stockholder of record, or by any
11 other person, of any security acquired in contravention of the
12 provisions of this section is valid. Any acquisition of any
13 security contrary to the provisions of this section is void.
14 Upon the petition of the domestic stock insurer or controlling
15 company, the circuit court for the county in which the
16 principal office of such domestic stock insurer is located
17 may, without limiting the generality of its authority, order
18 the issuance or entry of an injunction or other order to
19 enforce the provisions of this section. There shall be a
20 private right of action in favor of the domestic stock insurer
21 or controlling company to enforce the provisions of this
22 section. No demand upon the department that it perform its
23 functions shall be required as a prerequisite to any suit by
24 the domestic stock insurer or controlling company against any
25 other person, and in no case shall the department be deemed a
26 necessary party to any action by such domestic stock insurer
27 or controlling company to enforce the provisions of this
28 section. Any person who makes or proposes an acquisition
29 requiring the filing of a statement pursuant to this section,
30 or who files such a statement, shall be deemed to have thereby
31 designated the Insurance Commissioner ~~and Treasurer~~, or his or

1 her assistant or deputy or another person in charge of his or
2 her office, as such person's agent for service of process
3 under this section, and shall thereby be deemed to have
4 submitted himself or herself to the administrative
5 jurisdiction of the department and to the jurisdiction of the
6 circuit court.

7 Section 34. Subsection (9) of section 628.4615,
8 Florida Statutes, is amended to read:

9 628.4615 Specialty insurers; acquisition of
10 controlling stock, ownership interest, assets, or control;
11 merger or consolidation.--

12 (9) No vote by the stockholder of record, or by any
13 other person, of any security acquired in contravention of the
14 provisions of this section is valid. Any acquisition contrary
15 to the provisions of this section is void. Upon the petition
16 of the specialty insurer or the controlling company, the
17 circuit court for the county in which the principal office of
18 the specialty insurer is located may, without limiting the
19 generality of its authority, order the issuance or entry of an
20 injunction or other order to enforce the provisions of this
21 section. There shall be a private right of action in favor of
22 the specialty insurer or controlling company to enforce the
23 provisions of this section. No demand upon the department
24 that it perform its functions shall be required as a
25 prerequisite to any suit by the specialty insurer or
26 controlling company against any other person, and in no case
27 shall the department be deemed a necessary party to any action
28 by the specialty insurer or controlling company to enforce the
29 provisions of this section. Any person who makes or proposes
30 an acquisition requiring the filing of an application pursuant
31 to this section, or who files such an application, shall be

1 deemed to have thereby designated the Insurance Commissioner
2 ~~and Treasurer~~, or his or her assistant or deputy or another
3 person in charge of his or her office, as such person's agent
4 for service of process under this section and shall thereby be
5 deemed to have submitted himself or herself to the
6 administrative jurisdiction of the department and to the
7 jurisdiction of the circuit court.

8 Section 35. Subsection (2) of section 629.401, Florida
9 Statutes, is amended to read:

10 629.401 Insurance exchange.--

11 (2) The operation of this subsection shall become
12 effective with respect to any exchange only after a
13 determination by the Insurance Commissioner ~~and Treasurer~~ that
14 the exchange may operate in an economic and beneficial manner.
15 A committee shall be appointed to write the constitution and
16 bylaws of the proposed exchange, to make such other
17 recommendations as may be necessary to assure maximum
18 coordination of the operations of the exchange with existing
19 insurance industry operations, and to assure maximum economic
20 benefits to the state from the operations of the exchange. The
21 committee shall consist of 13 members, 6 to be appointed by
22 the Insurance Commissioner ~~and Treasurer~~, 2 each to be
23 appointed by the Speaker of the House of Representatives and
24 the President of the Senate, 1 each to be appointed by the
25 minority leader of the House of Representatives and the
26 minority leader of the Senate, and 1 to be the Insurance
27 Commissioner ~~and Treasurer~~ or his or her designated
28 representative. The chair shall be elected by a majority of
29 the committee. The committee shall transmit such proposed
30 constitution and bylaws and such other recommendations to the
31 Insurance Commissioner ~~and Treasurer~~ and to the Legislature no

1 later than 5 days prior to the adjournment of a regular annual
2 legislative session or no later than 5 days prior to the
3 commencement of any special or organizational legislative
4 session. Subject to the disapproval of the constitution and
5 bylaws by either house of the Legislature by resolution before
6 the end of such legislative session, the exchange shall have
7 full authority to function pursuant to its constitution and
8 bylaws 60 days after the end of the session. The initial
9 board of governors of the exchange shall consist of 14
10 members, 3 appointed by the Insurance Commissioner ~~and~~
11 ~~Treasurer~~, 3 by the Speaker of the House of Representatives, 3
12 by the President of the Senate, 1 by the minority leader of
13 the House of Representatives, 1 by the minority leader of the
14 Senate, and 3 by the Governor, to serve until the first
15 election pursuant to the constitution or bylaws.

16 Section 36. Section 634.151, Florida Statutes, is
17 amended to read:

18 634.151 Service of process; appointment of
19 commissioner as process agent.--

20 (1) Each company applying for authority to transact
21 business in this state, whether domestic or foreign, shall
22 file with the department its appointment of the Insurance
23 Commissioner ~~and Treasurer~~ and her or his successors in
24 office, on a form as furnished by the department, as its
25 attorney to receive service of all legal process issued
26 against it in any civil action or proceeding in this state and
27 agreeing that process so served shall be valid and binding
28 upon the company. The appointment shall be irrevocable, shall
29 bind the company and any successor in interest as to the
30 assets or liabilities of the company, and shall remain in
31 effect as long as there is outstanding in this state any

1 obligation or liability of the company resulting from its
2 service agreement transactions therein.

3 (2) At the time of such appointment of the Insurance
4 Commissioner ~~and Treasurer~~ as its process agent the company
5 shall file with the department a designation of the name and
6 address of the person to whom process against it served upon
7 the Insurance Commissioner ~~and Treasurer~~ is to be forwarded.
8 The company may change the designation at any time by a new
9 filing.

10 Section 37. Section 634.161, Florida Statutes, is
11 amended to read:

12 634.161 Service of process; method.--

13 (1) Service of process upon the Insurance Commissioner
14 ~~and Treasurer~~ as process agent of the company shall be made by
15 serving copies in triplicate of the process upon the Insurance
16 Commissioner ~~and Treasurer~~ or upon her or his assistant,
17 deputy, or other person in charge of her or his office. Upon
18 receiving such service, the Insurance Commissioner ~~and~~
19 ~~Treasurer~~ shall file one copy with the department, return one
20 copy with her or his admission of service, and promptly
21 forward one copy of the process by registered or certified
22 mail to the person last designated by the company to receive
23 the same, as provided under s. 634.151.

24 (2) Process served upon the Insurance Commissioner ~~and~~
25 ~~Treasurer~~ and copy thereof forwarded as in this section
26 provided shall for all purposes constitute valid and binding
27 service thereof upon the company.

28 Section 38. Subsection (11) of section 641.19, Florida
29 Statutes, is amended to read:

30 641.19 Definitions.--As used in this part, the term:
31

1 (11) "Guaranteeing organization" is an organization
2 that which is domiciled in the United States; that which has
3 authorized service of process against it; and that which has
4 appointed the Insurance Commissioner ~~and Treasurer~~ as its
5 agent for service of process issuing upon any cause of action
6 arising in this state, based upon any guarantee entered into
7 under this part.

8 Section 39. Subsection (3) of section 641.402, Florida
9 Statutes, is amended to read:

10 641.402 Definitions.--As used in this part, the term:

11 (3) "Guaranteeing organization" means an organization
12 that which is domiciled in the United States; that which has
13 authorized service of process against it; and that which has
14 appointed the Insurance Commissioner ~~and Treasurer~~ as its
15 agent for service of process in connection with any cause of
16 action arising in this state, based upon any guarantee entered
17 into under this part.

18 Section 40. Section 641.454, Florida Statutes, is
19 amended to read:

20 641.454 Civil action to enforce prepaid health clinic
21 contract; attorney's fees; court costs.--In any civil action
22 brought to enforce the terms and conditions of a prepaid
23 health clinic contract, the prevailing party is entitled to
24 recover reasonable attorney's fees and court costs. This
25 section shall not be construed to authorize a civil action
26 against the department, its employees, or the Insurance
27 Commissioner ~~and Treasurer~~ or against the Department of Health
28 ~~and Rehabilitative Services~~, the employees of the Department
29 of Health ~~and Rehabilitative Services~~, or the Secretary of
30 Health ~~and Rehabilitative Services~~.

31

1 Section 41. Subsection (4) of section 651.125, Florida
2 Statutes, is amended to read:

3 651.125 Criminal penalties; injunctive relief.--

4 (4) Any action brought by the department against a
5 provider shall not abate by reason of a sale or other transfer
6 of ownership of the facility used to provide care, which
7 provider is a party to the action, except with the express
8 written consent of the ~~Treasurer~~ and Insurance Commissioner.

9 Section 42. Notwithstanding any other provision of
10 this act, the Treasurer shall continue to perform all duties
11 that he is performing as head of the Department of Insurance
12 on June 30, 1998, until an Insurance Commissioner appointed by
13 the Governor under this act assumes office.

14 Section 43. This act shall take effect July 1, 1998.

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17 SENATE SUMMARY

18 Changes the head of the Department of Insurance from the
19 Treasurer to an Insurance Commissioner appointed by the
20 Governor and confirmed by the Senate.
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