

Bill No. SB 1906

Amendment No. ____ Barcode 151366

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 11 and 12,

insert:

Section 3. Subsection (6) is added to section 624.3161, Florida Statutes, to read:

624.3161 Market conduct examinations.--

(6) The department shall adopt rules as necessary to effectuate the market conduct examination process, to assure compliance by the person examined with the applicable provisions of the Insurance Code. Such rules shall not exceed the authority of the statutes involved in the market conduct examination.

Section 4. Subsection (8) is added to section 626.171, Florida Statutes, to read:

626.171 Application for license.--

(8) The department shall adopt rules to effectuate the license application process, including photo identification, background checks and credit reports, prelicensing courses,

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 the impact of criminal and law enforcement history, and other
2 relevant information in an effort to determine an applicant's
3 fitness and trustworthiness to engage in the business of
4 insurance.

5 Section 5. Paragraphs (o) and (w) of subsection (1) of
6 section 626.9541, Florida Statutes, are amended to read:

7 626.9541 Unfair methods of competition and unfair or
8 deceptive acts or practices defined.--

9 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR
10 DECEPTIVE ACTS.--The following are defined as unfair methods
11 of competition and unfair or deceptive acts or practices:

12 (o) Illegal dealings in premiums; excess or reduced
13 charges for insurance.--

14 1. Knowingly collecting any sum as a premium or charge
15 for insurance, which is not then provided, or is not in due
16 course to be provided, subject to acceptance of the risk by
17 the insurer, by an insurance policy issued by an insurer as
18 permitted by this code.

19 2. Knowingly collecting as a premium or charge for
20 insurance any sum in excess of or less than the premium or
21 charge applicable to such insurance, in accordance with the
22 applicable classifications and rates as filed with and
23 approved by the department, and as specified in the policy;
24 or, in cases when classifications, premiums, or rates are not
25 required by this code to be so filed and approved, premiums
26 and charges in excess of or less than those specified in the
27 policy and as fixed by the insurer. This provision shall not
28 be deemed to prohibit the charging and collection, by surplus
29 lines agents licensed under part VIII of this chapter, of the
30 amount of applicable state and federal taxes, or fees as
31 authorized by s. 626.916(4), in addition to the premium

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 required by the insurer or the charging and collection, by
 2 licensed agents, of the exact amount of any discount or other
 3 such fee charged by a credit card facility in connection with
 4 the use of a credit card, as authorized by subparagraph (q)3.,
 5 in addition to the premium required by the insurer. This
 6 subparagraph shall not be construed to prohibit collection of
 7 a premium for a universal life or a variable or indeterminate
 8 value insurance policy made in accordance with the terms of
 9 the contract.

10 3.a. Imposing or requesting an additional premium for
 11 a policy of motor vehicle liability, personal injury
 12 protection, medical payment, or collision insurance or any
 13 combination thereof or refusing to renew the policy solely
 14 because the insured was involved in a motor vehicle accident
 15 unless the insurer's file contains information from which the
 16 insurer in good faith determines that the insured was
 17 substantially at fault in the accident.

18 b. An insurer which imposes and collects such a
 19 surcharge or which refuses to renew such policy shall, in
 20 conjunction with the notice of premium due or notice of
 21 nonrenewal, notify the named insured that he or she is
 22 entitled to reimbursement of such amount or renewal of the
 23 policy under the conditions listed below and will subsequently
 24 reimburse him or her or renew the policy, if the named insured
 25 demonstrates that the operator involved in the accident was:

26 (I) Lawfully parked;

27 (II) Reimbursed by, or on behalf of, a person
 28 responsible for the accident or has a judgment against such
 29 person;

30 (III) Struck in the rear by another vehicle headed in
 31 the same direction and was not convicted of a moving traffic

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 violation in connection with the accident;

2 (IV) Hit by a "hit-and-run" driver, if the accident
3 was reported to the proper authorities within 24 hours after
4 discovering the accident;

5 (V) Not convicted of a moving traffic violation in
6 connection with the accident, but the operator of the other
7 automobile involved in such accident was convicted of a moving
8 traffic violation;

9 (VI) Finally adjudicated not to be liable by a court
10 of competent jurisdiction;

11 (VII) In receipt of a traffic citation which was
12 dismissed or nolle prossed; or

13 (VIII) Not at fault as evidenced by a written
14 statement from the insured establishing facts demonstrating
15 lack of fault which are not rebutted by information in the
16 insurer's file from which the insurer in good faith determines
17 that the insured was substantially at fault.

18 c. In addition to the other provisions of this
19 subparagraph, an insurer may not fail to renew a policy if the
20 insured has had only one accident in which he or she was at
21 fault within the current 3-year period. However, an insurer
22 may nonrenew a policy for reasons other than accidents in
23 accordance with s. 627.728. This subparagraph does not
24 prohibit nonrenewal of a policy under which the insured has
25 had three or more accidents, regardless of fault, during the
26 most recent 3-year period.

27 4. Imposing or requesting an additional premium for,
28 or refusing to renew, a policy for motor vehicle insurance
29 solely because the insured committed a noncriminal traffic
30 infraction as described in s. 318.14 unless the infraction is:

31 a. A second infraction committed within an 18-month

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 period, or a third or subsequent infraction committed within a
2 36-month period.

3 b. A violation of s. 316.183, when such violation is a
4 result of exceeding the lawful speed limit by more than 15
5 miles per hour.

6 5. Upon the request of the insured, the insurer and
7 licensed agent shall supply to the insured the complete proof
8 of fault or other criteria which justifies the additional
9 charge or cancellation.

10 6. No insurer shall impose or request an additional
11 premium for motor vehicle insurance, cancel or refuse to issue
12 a policy, or refuse to renew a policy because the insured or
13 the applicant is a handicapped or physically disabled person,
14 so long as such handicap or physical disability does not
15 substantially impair such person's mechanically assisted
16 driving ability.

17 7. No insurer may cancel or otherwise terminate any
18 insurance contract or coverage, or require execution of a
19 consent to rate endorsement, during the stated policy term for
20 the purpose of offering to issue, or issuing, a similar or
21 identical contract or coverage to the same insured with the
22 same exposure at a higher premium rate or continuing an
23 existing contract or coverage with the same exposure at an
24 increased premium.

25 8. No insurer may issue a nonrenewal notice on any
26 insurance contract or coverage, or require execution of a
27 consent to rate endorsement, for the purpose of offering to
28 issue, or issuing, a similar or identical contract or coverage
29 to the same insured at a higher premium rate or continuing an
30 existing contract or coverage at an increased premium without
31 meeting any applicable notice requirements.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 9. No insurer shall, with respect to premiums charged
2 for motor vehicle insurance, unfairly discriminate solely on
3 the basis of age, sex, marital status, location of the risk,
4 accidents more than 3 years old, or scholastic achievement.

5 10. Imposing or requesting an additional premium for
6 motor vehicle comprehensive or uninsured motorist coverage
7 solely because the insured was involved in a motor vehicle
8 accident or was convicted of a moving traffic violation.

9 11. No insurer shall cancel or issue a nonrenewal
10 notice on any insurance policy or contract without complying
11 with any applicable cancellation or nonrenewal provision
12 required under the Florida Insurance Code.

13 12. No insurer shall impose or request an additional
14 premium, cancel a policy, or issue a nonrenewal notice on any
15 insurance policy or contract because of any traffic infraction
16 when adjudication has been withheld and no points have been
17 assessed pursuant to s. 318.14(9) and (10). However, this
18 subparagraph does not apply to traffic infractions involving
19 accidents in which the insurer has incurred a loss due to the
20 fault of the insured.

21 (w) Soliciting or accepting new or renewal insurance
22 risks by insolvent or impaired insurer prohibited; penalty.--

23 1. Whether or not delinquency proceedings as to the
24 insurer have been or are to be initiated, but while such
25 insolvency or impairment exists, no director or officer of an
26 insurer, except with the written permission of the Department
27 of Insurance, shall authorize or permit the insurer to solicit
28 or accept new or renewal insurance risks in this state after
29 such director or officer knew, or reasonably should have
30 known, that the insurer was insolvent or impaired. "Impaired"
31 includes impairment for capital or surplus, as defined in s.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 ~~631.011(12)(9)and(13)(10).~~

2 2. Any such director or officer, upon conviction of a
3 violation of this paragraph, is guilty of a felony of the
4 third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

6 Section 6. Section 626.9552, Florida Statutes, is
7 created to read:

8 626.9552 Single interest insurance.--

9 (1) When single interest insurance is written at the
10 expense of the purchaser or borrower in connection with a
11 finance or loan transaction, a clear and concise statement
12 must be furnished the purchaser or borrower advising the
13 purchaser or borrower that the insurance effected is solely
14 for the interest of the financing entity, and that no
15 protection thereunder exists for the benefit of the purchaser
16 or borrower. When single interest insurance is written, no
17 effort may be made by the insurer to recover the amount of any
18 payment from the borrower. Single interest insurance policies
19 must be clearly stamped or printed on the declarations page,
20 "Single Interest Only----No Subrogation." Single interest
21 insurance is to be placed only after it has been determined
22 that no other kind of insurance can be placed on the risk,
23 except with the consent of the purchaser or borrower. Single
24 interest may be written in cases of inland marine installment
25 sales floater policies. If insurance cannot be obtained for
26 the dual protection of the purchaser or borrower, and the
27 seller or lender or financing entity for all the coverages
28 contemplated, or if obtained, is canceled by the insurer
29 before expiration, the seller or lender or financing entity
30 may obtain insurance to protect his or her interest in the
31 motor vehicle or other personal property, and the purchaser or

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 borrower may be required to pay the cost thereof. In such
2 event the seller or lender or financing entity shall promptly
3 notify the purchaser or borrower that such insurance cannot be
4 obtained, or has been canceled, and credit to the purchaser or
5 borrower the difference between the amount charged for dual
6 protection insurance and the actual cost of such single
7 interest insurance, less, in the event of cancellation, the
8 earned premium on the dual interest insurance for the period
9 it was in force. If the purchaser or borrower procures
10 acceptable dual interest insurance within 30 days after the
11 date of such notice and provides the seller or lender, or
12 finance entity with evidence that the premium therefore has
13 been paid, there is no charge to him or her for the single
14 interest coverage. As used in this section, the term
15 "financing entity" means a finance company, bank, or other
16 lending institution. However, those lenders licensed under the
17 Consumer Finance Act, chapter 516, must provide coverage
18 issued in the name of the borrower containing the customary
19 mortgagee or loss payee clause.

20 (2) If a certificate is issued under a master policy,
21 the same coverage as provided in an individual policy will
22 apply.

23 (3) The provisions of this section do not apply to
24 title insurance as defined in s. 624.608.

25 Section 7. Paragraph (a) of subsection (2) of section
26 627.062, Florida Statutes, is amended to read:

27 627.062 Rate standards.--

28 (2) As to all such classes of insurance:

29 (a) Insurers or rating organizations shall establish
30 and use rates, rating schedules, or rating manuals to allow
31 the insurer a reasonable rate of return on such classes of

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 insurance written in this state. Copies ~~A copy~~ of rates,
2 rating schedules, rating manuals, premium credits or discount
3 schedules, and surcharge schedules, and changes thereto, shall
4 be filed with the department under one of the following
5 procedures:

6 1. If the filing is made at least 90 days before the
7 proposed effective date and the filing is not implemented
8 during the department's review of the filing and any
9 proceeding and judicial review, then such filing shall be
10 considered a "file and use" filing. In such case, the
11 department shall finalize its review by issuance of a notice
12 of intent to approve or a notice of intent to disapprove
13 within 90 days after receipt of the filing. The notice of
14 intent to approve and the notice of intent to disapprove
15 constitute agency action for purposes of the Administrative
16 Procedure Act. Requests for supporting information, requests
17 for mathematical or mechanical corrections, or notification to
18 the insurer by the department of its preliminary findings
19 shall not toll the 90-day period during any such proceedings
20 and subsequent judicial review. The rate shall be deemed
21 approved if the department does not issue a notice of intent
22 to approve or a notice of intent to disapprove within 90 days
23 after receipt of the filing.

24 2. If the filing is not made in accordance with the
25 provisions of subparagraph 1., such filing shall be made as
26 soon as practicable, but no later than 30 days after the
27 effective date, and shall be considered a "use and file"
28 filing. An insurer making a "use and file" filing is
29 potentially subject to an order by the department to return to
30 policyholders portions of rates found to be excessive, as
31 provided in paragraph (h).

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 Section 8. Subsection (4) is added to section
2 627.0625, Florida Statutes, to read:

3 627.0625 Commercial property and casualty risk
4 management plans.--

5 (4) Commercial motor vehicle policies that are issued
6 to satisfy mandatory financial responsibility requirements of
7 a state or local government must provide first dollar coverage
8 to third-party claimants without a deductible. With respect to
9 such practices, the department may adopt rules necessary to
10 assure that claims are administered fairly as required by law.

11 Section 9. Subsection (8) of section 627.0651, Florida
12 Statutes, is amended to read:

13 627.0651 Making and use of rates for motor vehicle
14 insurance.--

15 (8) Rates are not unfairly discriminatory if averaged
16 broadly among members of a group; nor are rates unfairly
17 discriminatory even though they are lower than rates for
18 nonmembers of the group. However, such rates are unfairly
19 discriminatory if they are not actuarially measurable and
20 credible and sufficiently related to actual or expected loss
21 and expense experience of the group so as to assure that
22 nonmembers of the group are not unfairly discriminated
23 against. Use of a single United States Postal Service zip code
24 as a rating territory shall be deemed unfairly discriminatory.
25 An insurer may not impose a surcharge or discount for
26 liability coverages based on the type of vehicle without
27 providing acceptable actuarial justification.

28 Section 10. Section 627.385, Florida Statutes, is
29 created to read:

30 627.385 Conduct of residual market board members.--

31 (1)(a) For various insurance coverages, a residual

Bill No. SB 1906

Amendment No. Barcode 151366

1 market has been created by legislation to provide a market of
2 last resort for individuals unable to secure coverage in the
3 voluntary market.

4 (b) Each residual market's enabling legislation calls
5 for the establishment of a board of governors or directors
6 that operates subject to a plan of operation. The board, in
7 carrying out its obligations, must engage in business
8 transactions in order to provide and administer the required
9 coverage and maintain adequate funds to support the plan. In
10 order for the board to fully execute its responsibilities
11 required by law, conflict of interest or inappropriate
12 activity by board members, or the appearance thereof, with
13 regard to member insurers or policyholders of the residual
14 market mechanism must be avoided. The Legislature has
15 determined that the provisions set forth in subsection (2) are
16 necessary to protect the public interest by ensuring fair,
17 reasonable, and beneficial board practice and activity.

18 (c) This section applies to the Florida Medical
19 Malpractice Joint Underwriting Association, the Florida
20 Automobile Joint Underwriting Association, the Florida
21 Workers' Compensation Joint Underwriting Association, the
22 Florida Comprehensive Health Association, the Florida
23 Windstorm Underwriting Association, the Florida Property and
24 Casualty Joint Underwriting Association, the Florida
25 Residential Property and Casualty Joint Underwriting
26 Association, and the board members thereof.

27 (2) To ensure that the board is free from potential
28 conflict or inappropriate behavior the following are adopted
29 in the plan of operation of the subject residual market in
30 this state.

31 (a) A board member may not act as a servicing carrier

Bill No. SB 1906

Amendment No. Barcode 151366

1 or administering entity for the subject plan, other than a
2 claim adjustment contract open to all members of the plan.

3 (b) A board member or board member representative may
4 not use his or her position to foster or facilitate any
5 special pecuniary gain for himself or herself, his or her
6 member company, or any other entity in which the board member
7 or board member representative or the member company has a
8 substantial financial interest, except as otherwise provided
9 in paragraph (a).

10 (c) A board member or board member representative may
11 not use his or her position on the board to secure or promote
12 any business relationship from which he or she may derive a
13 financial gain.

14 (d) A board member or designee may not receive any
15 gift or gratuity, except as provided in s. 112.3248, other
16 than meals, while acting in his or her capacity as a board
17 member.

18 (3) Board members and board member representatives
19 shall maintain reasonable board expenses based on state travel
20 policy as set forth in s. 112.061. The board shall develop a
21 detailed policy regarding board member travel, which policy
22 must be based on s. 112.061 and is subject to the approval of
23 the department.

24 Section 11. Section 627.4065, Florida Statutes, is
25 created to read:

26 627.4065 Insured's right to return policy; notice.--A
27 health insurance policy issued or issued for delivery in this
28 state must have printed or stamped thereon or attached thereto
29 a notice in a prominent place stating in substance that the
30 policyholder may return the policy to the insurer within 10
31 days after its delivery and may have the premium paid refunded

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 if, after examination of the policy or contract, the
 2 policyholder is not satisfied with it for any reason. The
 3 notice must provide that if the policyholder, pursuant to such
 4 notice, returns the policy or contract to the insurer at its
 5 home office or branch office or to the agent through whom it
 6 was purchased, it is considered void from the beginning and
 7 the parties are in the same position as if no policy or
 8 contract had been issued. This section does not apply to group
 9 policies, single premium nonrenewable policies or travel
 10 accident policies.

11 Section 12. Section 627.41345, Florida Statutes, is
 12 created to read:

13 627.41345 Certificate of insurance.--An insurer or
 14 agent may not issue or sign a certificate of insurance that
 15 contains terms or conditions that differ from those in the
 16 policy under which the certificate of insurance is issued. In
 17 the event of a conflict, the terms of the policy under which
 18 the certificate of insurance is issued shall control.

19 Section 13. Subsection (9) is added to section
 20 627.7015, Florida Statutes, to read:

21 627.7015 Alternative procedure for resolution of
 22 disputed property insurance claims.--

23 (9) For purposes of this section, the term "claim"
 24 refers to any dispute between an insurer and an insured
 25 relating to a material issue of fact other than a dispute:

26 (a) With respect to which the insurer has a reasonable
 27 basis to suspect fraud;

28 (b) Where, based on agreed-upon facts as to the cause
 29 of loss, there is no coverage under the policy;

30 (c) With respect to which the insurer has a reasonable
 31 basis to believe that the claimant has intentionally made a

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 material misrepresentation of fact which is relevant to the
2 claim, and the entire request for payment of a loss has been
3 denied on the basis of the material misrepresentation; or

4 (d) Where the amount in controversy is less than \$500,
5 unless the parties agree to mediate a dispute involving a
6 lesser amount.

7 Section 14. Section 627.7276, Florida Statutes, is
8 amended to read:

9 627.7276 Notice of limited coverage.--

10 (1) The following notice of limited coverage shall An
11 automobile policy that does not contain coverage for bodily
12 injury and property damage must be clearly stamped or printed
13 on any automobile insurance policy that provides coverage only
14 for first-party damage to the insured vehicle, but does not
15 provide coverage for bodily injury liability, property damage
16 liability, or personal injury protection to the effect that
17 such coverage is not included in the policy in the following
18 manner:

19
20 "THIS POLICY DOES NOT PROVIDE BODILY INJURY
21 LIABILITY, AND PROPERTY DAMAGE LIABILITY, OR
22 PERSONAL INJURY PROTECTION INSURANCE OR ANY
23 OTHER COVERAGE FOR WHICH A SPECIFIC PREMIUM
24 CHARGE IS NOT MADE, AND DOES NOT COMPLY WITH
25 ANY FINANCIAL RESPONSIBILITY LAW OR WITH THE
26 FLORIDA MOTOR VEHICLE NO-FAULT LAW."

27
28 (2) This legend must appear on the policy declaration
29 page ~~and on the filing back of the policy~~ and be printed in a
30 contrasting color from that used on the policy and in type
31 larger than the largest type used in the text thereof, as an

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 overprint or by a rubber stamp impression.

2 Section 15. Section 627.795, Florida Statutes, is
3 created to read:

4 627.795 Policy exceptions.--

5 (1) A title insurance commitment must be issued on all
6 real estate closing transactions when a title insurance policy
7 is to be issued, except for multiple conveyances on the same
8 property such as timesharing.

9 (2) A gap exception may not be deleted on a commitment
10 until the time of closing.

11 Section 16. Subsection (1) of section 627.918, Florida
12 Statutes, is amended to read:

13 627.918 Reporting formats.--

14 (1) The department shall require that the reporting
15 provided for in this part be made on forms adopted ~~established~~
16 by the department or in a format compatible with the
17 department's ~~its~~ electronic data processing equipment. The
18 department shall adopt by rule standards for such approval.

19 Section 17. Subsection (3) of section 641.3108,
20 Florida Statutes, is amended to read:

21 641.3108 Notice of cancellation of contract.--

22 (3) In the case of a health maintenance contract
23 issued to an employer or person holding the contract on behalf
24 of the subscriber group, the health maintenance organization
25 may make the notification through the employer or group
26 contract holder, and, if the health maintenance organization
27 elects to take this action through the employer or group
28 contract holder, the organization shall be deemed to have
29 complied with the provisions of this section upon notifying
30 the employer or group contract holder of the requirements of
31 this section and requesting the employer or group contract

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 holder to forward to all subscribers the notice required
2 herein. If a subscriber group contract is not renewed due to
3 claim experience, the subscriber group is entitled to receive
4 information concerning its loss ratio. If requested by a
5 subscriber group, a detailed claim experience record may be
6 provided at a reasonable expense. The record shall maintain
7 subscriber confidentiality.

8 Section 18. Section 626.9651, Florida Statutes, is
9 created to read:

10 626.9651 Privacy.--The department shall adopt rules
11 consistent with other provisions of the Insurance Code to
12 govern the use of a consumer's nonpublic personal financial
13 and health information. These rules shall be based on,
14 consistent with, and not more restrictive than the National
15 Association of Insurance Commissioners' Privacy of Consumer
16 Financial and Health Information Regulation adopted September
17 26, 2000, by the National Association of Insurance
18 Commissioners, provided, however, the rules shall permit the
19 use and disclosure of nonpublic personal health information
20 for scientific, medical, or public policy research in
21 accordance with federal law. In addition, these rules shall
22 be consistent with, and not more restrictive than, the
23 standards contained in Title V of the Gramm-Leach-Bliley Act
24 of 1999 (Pub. L. No. 106-102). Any health insurer or health
25 maintenance organization determined by the department to be in
26 compliance with, or to be actively undertaking compliance
27 with, the consumer privacy protection rules promulgated by the
28 United States Department of Health and Human Services, in
29 conformance with the Health Insurance Portability and
30 Affordability Act, shall be deemed in compliance with this
31 section. This section shall take effect July 1, 2001.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 Section 19. Section 631.001, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section.

4 See s. 631.001, F.S., for present text.)

5 631.001 Construction; purposes.--

6 (1) The underlying purposes and policies of the
7 provisions of this part, which are integral elements of the
8 regulation of the business of insurance and are of vital
9 public interest and concern, are to:

10 (a) Protect the interests of insureds, claimants,
11 creditors, and the public.

12 (b) Provide a comprehensive scheme for the
13 receivership of insurers.

14 (c) Establish this state as a reciprocal state in
15 those states which, in substance and effect, enact the
16 National Association of Insurance Commissioners Rehabilitation
17 and Liquidation Model Act or the Uniform Insurers Liquidation
18 Act.

19 (d) Make more efficient the administration of insurer
20 receiverships on an interstate and international basis.

21 (e) Provide prompt corrective measures for any
22 potentially dangerous condition in an insurer.

23 (f) Implement improved methods for rehabilitating
24 insurers, which methods involve the cooperation and management
25 expertise of the insurance industry.

26 (g) Enhance the efficiency and economy of liquidation
27 through clarification and specification of the law to minimize
28 legal uncertainty and litigation.

29 (h) Lessen the problems of interstate rehabilitation
30 and liquidation of an entity subject to the provisions of this
31 part by facilitating cooperation between states in the

Bill No. SB 1906

Amendment No. Barcode 151366

1 liquidation process and by extension of the scope of personal
2 jurisdiction over debtors of the insurer outside this state.

3 (i) Establish a system which equitably apportions any
4 unavoidable loss.

5 (j) Maximize recovery of assets for the benefit of the
6 insurer and its policyholders, creditors, and estate.

7 (2) This part shall be liberally construed to effect
8 the purposes stated in subsection (1) and shall specifically
9 authorize the department in its capacity as administrator,
10 conservator, rehabilitator, receiver, liquidator, or similar
11 capacity to pursue any actions for damages or other recoveries
12 on behalf of the insurer and its policyholders, creditors, and
13 estate.

14 (3) This part may be cited as the "Insurers
15 Rehabilitation and Liquidation Act."

16 Section 20. Section 631.011, Florida Statutes, is
17 amended to read:

18 631.011 Definitions.--For the purpose of this part,
19 the term:

20 (1) "Affiliate" means any entity which exercises
21 control over or is controlled by the insurer, directly or
22 indirectly through:

23 (a) Equity ownership of voting securities;

24 (b) Common managerial control; or

25 (c) Collusive participation by the management of the
26 insurer and affiliate in the management of the insurer or the
27 affiliate.

28 (2) "Ancillary state" means, any state other than a
29 domiciliary state.

30 (3) "Assets," as used in this section ~~subsections~~
31 ~~(8)-(10)~~, means only allowed assets as defined in chapter 625.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 (4) "Bona fide holder for value" means a holder who,
2 while not possessing information that would lead a reasonable
3 person in the holder's position to believe that the insurer is
4 financially impaired, and while unaware of the imminence or
5 pendency of any receivership proceeding against the insurer,
6 has, in the exercise of reasonable business judgment,
7 exchanged his or her own funds, assets, or property for funds,
8 assets, or property of the insurer having an equivalent market
9 value.

10 ~~(5)(4)~~ "Court" refers to the circuit court in which
11 the receivership proceeding is pending.

12 ~~(6)(5)~~ "Delinquency proceeding" means any proceeding
13 commenced against an insurer pursuant to this chapter for the
14 purpose of liquidating, rehabilitating, reorganizing, or
15 conserving such insurer.

16 ~~(7)(6)~~ "Domiciliary state" means the state in which an
17 insurer is incorporated or organized or, in the case of an
18 insurer incorporated or organized in a foreign country, the
19 state in which such insurer, having become authorized to do
20 business in such state, has, at the commencement of a
21 delinquency proceeding, the largest amount of its assets held
22 in trust and assets held on deposit for the benefit of its
23 policyholders or policyholders and creditors in the United
24 States; and any such insurer is deemed to be domiciled in such
25 state.

26 (8) "Fair consideration" means that consideration
27 which is given for property or assets of an insurer when, in
28 exchange for the property or assets and in good faith,
29 property is conveyed, services are rendered, or an enforceable
30 obligation not invalidated by the receivership proceedings is
31 created, having a value to the insurer of not less than the

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 value of the property or assets given in exchange.

2 (9)(7) "Foreign country" means territory not in any
3 state.

4 (10)(8) "General assets" means all property, real,
5 personal, or otherwise, not specifically mortgaged, pledged,
6 deposited, or otherwise encumbered for the security or benefit
7 of specified persons or a limited class or classes of persons,
8 and as to such specifically encumbered property the term
9 includes all such property or its proceeds in excess of the
10 amount necessary to discharge the sum or sums secured thereby.
11 Assets held in trust and assets held on deposit for the
12 security or benefit of all policyholders or all policyholders
13 and creditors in the United States shall be deemed general
14 assets.

15 (11) "Good faith," as applied to a transferee or
16 transferor under this part, means honesty in fact and
17 intention and includes the exercise of reasonable business
18 judgment, together with the absence of information that would
19 lead a reasonable person in the same position to know that the
20 insurer is financially impaired or insolvent and together with
21 the absence of knowledge regarding the imminence or pendency
22 of any receivership proceeding against the insurer.

23 (12)(9) "Impairment of capital" means that the minimum
24 surplus required to be maintained in s. 624.408 has been
25 dissipated and the insurer is not possessed of assets at least
26 equal to all its liabilities together with its total issued
27 and outstanding capital stock, if a stock insurer, or the
28 minimum surplus or net trust fund required by s. 624.407, if a
29 mutual, reciprocal, or business trust insurer.

30 (13)(10) "Impairment of surplus" means that the
31 surplus of a stock insurer, the additional surplus of a mutual

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 or reciprocal insurer, or the additional net trust fund of a
2 business trust insurer does not comply with the requirements
3 of s. 624.408.

4 (14)~~(11)~~ "Insolvency" means that all the assets of the
5 insurer, if made immediately available, would not be
6 sufficient to discharge all its liabilities or that the
7 insurer is unable to pay its debts as they become due in the
8 usual course of business. When the context of any provision of
9 this code so indicates, insolvency also includes and is
10 defined as "impairment of surplus," as defined in subsection
11 ~~(13)~~~~(9)~~, and "impairment of capital," as defined in subsection
12 ~~(12)~~~~(8)~~.

13 (15)~~(12)~~ "Insurer," in addition to persons so defined
14 under s. 624.03, also includes persons purporting to be
15 insurers or organizing, or holding themselves out as
16 organizing, in this state for the purpose of becoming insurers
17 and all insurers who have insureds resident in this state.

18 (16)~~(13)~~ "Liabilities," as used in subsections (12)
19 and (14)~~(8)~~~~(10)~~, means all liabilities, including those
20 specifically required in s. 625.041.

21 (17)~~(14)~~ "Person" includes natural persons,
22 corporations, partnerships, trusts, estates, and sole
23 proprietorships.

24 (18) "Property," with respect to an insolvent entity,
25 includes all right, title, and interest of the insolvent
26 entity whether legal or equitable, tangible or intangible, or
27 choate or inchoate and includes choses in action, contract
28 rights, and any other interest recognized under the laws of
29 this state. When an order of conservation, rehabilitation, or
30 liquidation is entered, the term also includes entitlements
31 that existed prior to the entry of the order and those that

Bill No. SB 1906

Amendment No. Barcode 151366

1 may arise by operation of the provisions of this chapter or
2 other provisions of law allowing the department to avoid prior
3 transfers or assert other rights in its capacity as receiver.
4 The term also includes all records and data that are otherwise
5 the property of the insolvent insurer, however stored,
6 including, but not limited to, claims and claim files,
7 application files, litigation files, premium records, rate
8 books, underwriting manuals, personnel records, or financial
9 records, or similar records within the possession, custody, or
10 control of a managing general agent, third-party
11 administrator, management company, accountant, attorney,
12 affiliate, or other person. The term does not include
13 privileged or confidential documents of an insolvent insurer
14 generated by a third party.

15 ~~(19)~~~~(15)~~ "Receiver" means a receiver, liquidator,
16 rehabilitator, or conservator, as the context may require.

17 ~~(20)~~~~(16)~~ "Reciprocal state" means any state other than
18 this state in which in substance and effect the provisions of
19 the Insurers Rehabilitation and Liquidation Act are in force,
20 including the provisions requiring that the commissioner of
21 insurance or equivalent insurance supervisory official be the
22 receiver of a delinquent insurer.

23 ~~(21)~~~~(17)~~ "Secured claim" means any claim secured by
24 mortgage, trust deed, pledge, deposit as security, escrow, or
25 otherwise but does not include a special deposit claim, a
26 claim against general assets, or a claim based on mere
27 possession. The term also includes a claim which more than 4
28 months before the commencement of a delinquency proceeding in
29 the state of the insurer's domicile has become a lien upon
30 specific assets by reason of judicial process.

31 ~~(22)~~~~(18)~~ "Special deposit claim" means any claim

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 secured by a deposit made pursuant to statute for the security
 2 or benefit of a limited class or classes of persons, but not
 3 including any general assets.

4 (23)(19) "State" is as defined in s. 624.08.

5 Section 21. Section 631.025, Florida Statutes, is
 6 created to read:

7 631.025 Persons and entities subject to this
 8 part.--Delinquency proceedings authorized by this part may be
 9 initiated against any insurer as defined in s. 631.011(15) if
 10 the statutory grounds are present as to that insurer, and the
 11 receivership court may exercise jurisdiction over any person
 12 required to cooperate with the department pursuant to s.
 13 631.391 and over all persons made subject to the court's
 14 jurisdiction by other provisions of law. Such persons include,
 15 but are not limited to:

16 (1) A person who is transacting or has transacted
 17 insurance business in or from this state and against whom
 18 claims arising from that business exist or may exist in the
 19 future.

20 (2) A person who purports to transact an insurance
 21 business in this state, and any person or entity who acts as
 22 an insurer, transacts insurance, or otherwise engages in
 23 insurance activities in or from this state, with or without a
 24 certificate of authority or proper authority from the
 25 department.

26 (3) An insurer who has insureds residing in this
 27 state.

28 (4) All other persons organized or in the process of
 29 organizing with the intent to transact an insurance business
 30 in this state.

31 Section 22. Paragraph (d) of subsection (1) of section

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 631.041, Florida Statutes, is amended, and subsection (6) is
2 added to that section, to read:

3 631.041 Automatic stay; relief from stay;
4 injunctions.--

5 (1) An application or petition under s. 631.031
6 operates as a matter of law as an automatic stay applicable to
7 all persons and entities, other than the receiver, which shall
8 be permanent and survive the entry of an order of
9 conservation, rehabilitation, or liquidation, and which shall
10 prohibit:

11 (d) Any act to create, perfect, or enforce a lien
12 against property of the insurer, except that a secured claim
13 as defined in s. 631.011(21)(17) may proceed under s. 631.191
14 after the order of liquidation is entered;

15 (6) No statute of limitations or defense of laches
16 shall run with respect to any action by or against an insurer
17 between the filing of a petition for conservation,
18 rehabilitation, or liquidation against an insurer and the
19 order granting or denying that petition. If the petition is
20 denied, any action against the insurer that might have been
21 commenced when the petition was filed may be commenced for at
22 least 60 days after the order denying such relief.

23 Section 23. Section 631.113, Florida Statutes, is
24 created to read:

25 631.113 Extension of time.--

26 (1) The running of any unexpired statute of
27 limitations as to any claims brought by the administrator,
28 conservator, rehabilitator, receiver, or liquidator, or an
29 official or agency exercising powers pursuant to this chapter
30 seeking damages or other recoveries on behalf of an insurer,
31 its policyholders, its creditors, or its estate, shall be

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 tolled for a period of 4 years from the entry of an order
2 placing the administrator, conservator, rehabilitator,
3 receiver, liquidator, or similar official or agency over the
4 insurer, provided, if the delinquency proceedings brought
5 pursuant to this chapter against the insurer terminate in less
6 than 4 years, such tolling shall cease at the time when the
7 proceedings are finally concluded, including all appeals
8 therefrom. Further, the right of action does not accrue and
9 the limitations period for any such action does not run during
10 the time when the insurer is controlled by parties acting
11 contrary to the company's interests or when the facts giving
12 rise to such claim are fraudulently concealed from regulatory
13 authorities or from any members of company management. The
14 provisions of chapter 95 shall be construed so as to be
15 consistent with the provisions of this section. The receiver
16 may institute any action or proceeding on behalf of the estate
17 of the insurer while any statute of limitation is tolled
18 pursuant to this section. The tolling shall be in addition to
19 any other applicable tolling provision.

20 (2) For actions not covered by subsection (1), if any
21 unexpired time period is fixed, by any agreement or in any
22 proceeding, for doing any act for the benefit of the estate,
23 the receiver shall have 180 days, or such longer period as the
24 receivership court may allow for good cause shown, from the
25 entry of the order of rehabilitation or liquidation to perform
26 the act.

27 Section 24. Present subsections (6) through (9) of
28 section 631.141, Florida Statutes, are renumbered as
29 subsections (7) through (10), respectively, and a new
30 subsection (6) is added to that section to read:

31 631.141 Conduct of delinquency proceeding; domestic

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 and alien insurers.--

2 (6) The department as receiver is vested with and may
 3 assert all rights belonging to policyholders, creditors, and
 4 the estate as well as all rights of the entity or entities in
 5 receivership, except to the extent that an individual claim is
 6 personal and unique to that claimant and recovery thereon
 7 could not inure to the benefit of the estate or to other
 8 claimants.

9 Section 25. Paragraph (d) of subsection (6) of section
 10 631.154, Florida Statutes, is amended to read:

11 631.154 Funds or other property in the possession of
 12 third person.--

13 (6) Should the receiver be successful in establishing
 14 its claim or any part thereof, the receiver shall be entitled
 15 to recover judgment for the following:

16 (d) All costs, investigative and other expenses, which
 17 include the department's in-house staff and staff attorney's
 18 expenses, costs, and salaries, expended in ~~necessary~~ to the
 19 recovery of the property or funds, and reasonable attorney's
 20 fees.

21 Section 26. Section 631.156, Florida Statutes, is
 22 created to read:

23 631.156 Investigation by the department.--

24 (1) Preliminary or incidental to a petition for
 25 receivership proceedings, the department may, and if appointed
 26 receiver shall, undertake a full investigation to determine
 27 the causes and reasons for the insolvency, the discovery and
 28 location of assets to be recovered, the recovery of such
 29 assets, whether the filing of false statements with the
 30 department contributed to the insolvency, and, in conjunction
 31 with the department's Division of Insurance Fraud or any other

Bill No. SB 1906

Amendment No. Barcode 151366

1 appropriate agency of state or federal government, whether any
2 law of this state, any other state, or the Federal Government
3 relating to the solvency of the insurer has been violated. In
4 the furtherance of such investigation, the department may:

5 (a) Examine and review any and all documents that are
6 reasonably calculated to disclose or lead to the disclosure of
7 the causes and reasons for the insolvency, the discovery and
8 location of assets to be recovered, the recovery of such
9 assets, the truth or falsity of statements filed with the
10 department, and whether any law of this state, any other
11 state, or the Federal Government has been violated.

12 (b) Take statements or depositions under oath of any
13 person whose testimony is reasonably calculated to disclose or
14 lead to the disclosure of the causes and reasons for the
15 insolvency, the discovery of and location of assets to be
16 recovered, the recovery of such assets, the truth or falsity
17 of statements filed with the department, and whether any law
18 of this state, any other state, or the Federal Government has
19 been violated.

20 (c) Request the court having jurisdiction over the
21 receivership proceedings to issue any necessary subpoenas.

22 (d) Examine and review the books, records, and
23 documents of any affiliate, controlling person, officer,
24 director, manager, trustee, agent, adjuster, employee, or
25 independent contractor of any insurer or affiliate and any
26 other person who possesses any executive authority over, or
27 who exercises or has exercised any control over, any segment
28 of the affairs of the insurer or affiliate, to the extent such
29 examination is reasonably calculated to disclose or lead to
30 the disclosure of the causes and reasons for the insolvency,
31 the discovery and location of assets to be recovered, the

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 recovery of such assets, the truth or falsity of statements
2 filed with the department, and whether any law of this state,
3 any other state, or the Federal Government has been violated.

4 (2) In its capacity as receiver, the department may
5 provide documents, books and records, other investigative
6 products, work product, and analysis, including copies of any
7 or all of the foregoing items, to the Division of Insurance
8 Fraud or any other appropriate agency of state or federal
9 government. The sharing of information, investigative
10 products, or analysis shall not waive any work product or
11 other privilege that would otherwise apply under common law,
12 chapter 119, or any other law.

13 (3) The department, as the court's receiver, is
14 granted the discretion to determine what books, records,
15 documents, or testimony would be reasonably calculated to
16 disclose or lead to the disclosure of the causes and reasons
17 for the insolvency, the discovery and location of assets to be
18 recovered, the recovery of the assets, the truth or falsity of
19 statements filed with the department, and whether any law of
20 this state or of the United States has been violated, subject
21 to the court's power to review such determination or appoint a
22 general master to review such determination. A party
23 asserting that any documents requested by the department under
24 this section are not subject to review, or that any particular
25 testimony may not be obtained, shall present such contention
26 by written motion to the receivership court within 20 days
27 after receipt of the request and shall be fully responsible
28 for the loss of any evidence which occurs after the department
29 first informs said party of its request therefor. The court
30 shall, as expeditiously as possible, determine whether the
31 department has abused its discretion in seeking such evidence

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 or testimony, with the objecting party having the burden of
2 proof. A party who fails to produce the requested evidence or
3 testimony without filing a proper timely objection, or who
4 having unsuccessfully asserted such objection fails thereafter
5 to furnish the evidence or testimony, within the time provided
6 by the court or the department, shall be subject to the
7 contempt powers of the court, in addition to any other
8 applicable penalties which may be provided in the Florida
9 Insurance Code or other law.

10 Section 27. Section 631.157, Florida Statutes, is
11 created to read:

12 631.157 Civil action by the receiver.--

13 (1) Any person who is engaged in the business of
14 insurance or who acts as or is an officer, director, agent, or
15 employee of any person engaged in the business of insurance,
16 or is involved, other than as an insured or beneficiary under
17 a policy of insurance, in a transaction relating to the
18 conduct of affairs of such a business, and who willfully
19 obtains or uses, as defined in s. 812.012(2), any asset or
20 property, including, but not limited to, moneys, funds,
21 premiums, credits, or other property of an insurer, shall be
22 liable to the department as receiver for the use and benefit
23 of an insolvent insurer's estate, creditors, and
24 policyholders, as follows:

25 (a) If such obtaining or using did not jeopardize the
26 safety and soundness of an insurer and was not a significant
27 cause of such insurer's being placed in conservation,
28 rehabilitation, or liquidation, such person shall be liable
29 only for the full amount of any asset obtained or used, plus
30 prejudgment interest provided by law.

31 (b) If such obtaining or using jeopardized the safety

Bill No. SB 1906

Amendment No. Barcode 151366

1 and soundness of an insurer or was a significant cause of such
2 insurer's being placed in conservation, rehabilitation, or
3 liquidation, such person shall be liable for triple the full
4 amount of any asset obtained or used, plus prejudgment
5 interest provided by law on the original amount.

6 (2) Any person who is engaged in the business of
7 insurance or who acts as or is an officer, director, agent, or
8 employee of any person engaged in the business of insurance,
9 or is involved, other than as an insured or beneficiary under
10 a policy of insurance, in a transaction relating to the
11 conduct of affairs of such a business, and who, while having
12 actual knowledge or such constructive knowledge as should have
13 been obtained through reasonable inquiry by a person in such
14 position, if such person knowingly misreports, or knowingly
15 makes any false entry of, a material fact in any book, report,
16 or statement of an insurer with the intent to deceive such
17 insurer, including any officer, employee, or agent of such
18 insurer, the department, or any agent or examiner appointed by
19 the department to examine the affairs of such person or of the
20 insurer, concerning the financial condition or solvency of
21 such business, shall be liable to the department as receiver
22 for the use and benefit of an insolvent insurer's estate,
23 creditors, and policyholders, as follows:

24 (a) If such misreporting did not jeopardize the safety
25 and soundness of an insurer and was not a significant cause of
26 such insurer's being placed in conservation, rehabilitation,
27 or liquidation, such person shall be liable only for the full
28 amount of any asset misreported.

29 (b) If such misreporting jeopardized the safety and
30 soundness of an insurer or was a significant cause of such
31 insurer's being placed in conservation, rehabilitation, or

Bill No. SB 1906

Amendment No. Barcode 151366

1 liquidation, such person shall be liable for triple the full
2 amount of any asset misreported.

3 (3) If the asset or property that has been obtained or
4 used was reported to the department as being available to the
5 insurer as an admitted asset and such asset is unavailable to
6 the receiver for payment of the obligations of the insurer at
7 the time when a receivership proceeding is instituted, the
8 obtaining or using shall be presumed to have jeopardized the
9 safety and soundness of the insurer and to have been a
10 significant cause of such insurer's being placed in
11 conservation, rehabilitation, or liquidation, with the burden
12 of proof on the defendants to show otherwise.

13 (4) If the receiver is successful in establishing a
14 claim under this section, the receiver shall be entitled to
15 recover all of its costs, investigative and other expenses,
16 which shall include the department's in-house staff and staff
17 attorney's expenses, costs, and salaries, expended in the
18 prosecution of the action, and reasonable attorney's fees.
19 The receiver shall be exempt from the provisions of s. 57.111.

20 (5) An action under this section may be brought at any
21 time before the expiration of 4 years after the entry of the
22 initial order of rehabilitation or liquidation under this part
23 but shall be filed before the time the receivership proceeding
24 is closed or dismissed.

25 Section 28. Paragraph (b) of subsection (1) of section
26 631.57, Florida Statutes, is amended to read:

27 631.57 Powers and duties of the association.--

28 (1) The association shall:

29 (b) Be deemed the insurer to the extent of its
30 obligation on the covered claims, and, to such extent, shall
31 have all rights, duties, defenses, and obligations of the

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 insolvent insurer as if the insurer had not become insolvent.
2 In no event shall the association be liable for any penalties
3 or interest.

4 Section 29. Section 631.3995, Florida Statutes, is
5 created to read:

6 631.3995 Closing of estate; Closed Estate Fund Trust
7 Account.--

8 (1) When all assets justifying the expense of
9 collection and distribution have been marshaled and
10 distributed under this part, the department shall petition the
11 court to terminate the liquidation proceedings and to close
12 the estate. The court may grant such other relief as may be
13 appropriate, including, but not limited to, a full discharge
14 of all liability and responsibility of the liquidator, the
15 reservation of assets for administrative expenses incurred in
16 the closing of the estate, and any other actions the
17 department feels necessary or appropriate for closing the
18 estate.

19 (2) Any remaining reserved assets that are provided
20 for in subsection (1) and that may not be practicably or
21 economically distributed to claimants shall be deposited into
22 a segregated account to be known as the Closed Estate Fund
23 Trust Account, if created by law. The department may use
24 moneys held in the account for paying the administrative
25 expenses of companies subject to this part that lack
26 sufficient assets to allow the department to perform its
27 duties and obligations under this part. An annual audit of the
28 Closed Estate Fund Trust Account shall be performed regardless
29 of its balance.

30 (3) The department may petition the court to reopen
31 the proceedings for good cause shown, including the marshaling

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 of additional assets, and the court may enter such other
2 orders as may be deemed appropriate.

3 Section 30. Subsection (3) of section 631.54, Florida
4 Statutes, is amended to read:

5 631.54 Definitions.--As used in this part:

6 (3) "Covered claim" means an unpaid claim, including
7 one of unearned premiums, which arises out of, and is within
8 the coverage, and not in excess of, the applicable limits of
9 an insurance policy to which this part applies, issued by an
10 insurer, if such insurer becomes an insolvent insurer after
11 October 1, 1970, and the claimant or insured is a resident of
12 this state at the time of the insured event or the property
13 from which the claim arises is permanently located in this
14 state. "Covered claim" shall not include any amount due any
15 reinsurer, insurer, insurance pool, or underwriting
16 association, as subrogation, contribution, indemnification,
17 ~~recoveries~~ or otherwise. Member insurers shall have no right
18 of subrogation against the insured of any insolvent member.

19 Section 31. Section 817.2341, Florida Statutes, is
20 created to read:

21 817.2341 Crimes by or affecting persons engaged in the
22 administration of any insurer or entity organized pursuant to
23 chapter 624 or chapter 641.--

24 (1)(a) Any person who makes a false entry of a
25 material fact in any book, report, or statement relating to a
26 transaction of an insurer or entity organized pursuant to
27 chapter 624 or chapter 641, intending thereby to deceive any
28 person about the financial condition or solvency of such
29 insurer or entity, commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 insert:
2 amending ss. 624.3161, 626.171, F.S.; directing
3 the department to adopt rules relating to
4 market conduct examinations and license
5 applications; amending s. 626.9541, F.S.;
6 revising provisions relating to unfair
7 competition and deceptive practices; creating
8 626.9552, F.S.; providing standards for single
9 interest insurance; amending s. 627.062, F.S.;
10 providing for filing forms for rate standards;
11 amending s. 627.0625, F.S.; authorizing the
12 department to adopt rules relating to
13 third-party claimants; amending s. 627.0651,
14 F.S.; prohibiting motor vehicle insurers from
15 imposing a surcharge or a discount due to
16 certain factors; creating s. 627.385, F.S.;
17 providing rules of conduct for residual market
18 board members; creating s. 627.4065, F.S.;
19 providing for notice of right to return health
20 insurance policies; creating s. 627.41345,
21 F.S.; prohibiting an insurer or agent from
22 issuing or signing certain certificates of
23 insurance; providing that the terms of the
24 policy control in case of conflict; amending s.
25 627.7015, F.S.; defining the term "claim" for
26 purposes of alternative procedures for
27 resolving disputed property insurance claims;
28 amending s. 627.7276, F.S.; providing for
29 notice of coverage of automobile policies;
30 creating s. 627.795, F.S.; providing guidelines
31 for title insurance policies; amending s.

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 627.918, F.S.; directing the department to
2 adopt rules relating to reporting formats;
3 amending s. 641.3108, F.S.; requiring health
4 maintenance organizations to provide certain
5 information to subscriber groups whose contract
6 is not renewed for certain reasons; creating s.
7 626.9651, F.S.; directing the department to
8 adopt rules to govern the use of a consumer's
9 nonpublic personal financial and health
10 information by health insurers and health
11 maintenance organizations; providing standards
12 governing the rules; amending s. 631.001, F.S.;
13 providing construction and purposes; providing
14 a short title; amending s. 631.011, F.S.;
15 providing additional definitions; creating s.
16 631.025, F.S.; specifying application to
17 certain persons and entities; amending s.
18 631.041, F.S.; limiting application of certain
19 time restrictions; correcting a
20 cross-reference; creating s. 631.113, F.S.;
21 providing for tolling certain time limitations
22 in certain actions; amending s. 631.141, F.S.;
23 vesting the Department of Insurance with
24 certain rights as receiver; amending s.
25 631.154, F.S.; including certain costs and
26 expenses of the department in costs and
27 expenses entitled to be recovered by the
28 receiver under certain circumstances; creating
29 s. 631.156, F.S.; providing for investigations
30 by the department preliminary or incidental to
31 receivership proceedings; providing department

Bill No. SB 1906

Amendment No. ____ Barcode 151366

1 powers; authorizing the department to provide
2 certain information in such investigations;
3 granting the department certain discretionary
4 powers; creating s. 631.157, F.S.; imposing
5 liability on certain persons or entities for
6 certain actions; specifying amounts of damages;
7 providing construction; providing costs and
8 expenses entitled to be recovered by the
9 receiver under certain circumstances; providing
10 a time certain for bringing certain actions;
11 amending s. 631.57, F.S.; clarifying that the
12 association has the same legal defenses
13 available to the insolvent insurer; creating s.
14 631.3995, F.S.; providing procedures and
15 requirements for closing an estate; providing
16 for deposit of certain assets into the Closed
17 Estate Fund Trust Account; providing for uses
18 of such account; providing for reopening
19 certain proceedings; amending s. 631.54, F.S.;
20 revising a definition; creating s. 817.2341,
21 F.S.; providing criminal penalties for certain
22 activities;

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