

Bill No. CS/CS/HB 681

Amendment No. Barcode 594984

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Latvala moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Effective January 7, 2003, section 17.001, Florida Statutes, is created to read:

17.001 Financial Officer.--As provided in s. 4(c), Art. IV of the State Constitution, the Chief Financial Officer is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.

Section 2. Effective January 7, 2003, section 20.121, Florida Statutes, is created to read:

20.121 Department of Financial Services.--There is created a Department of Financial Services.

(1) The head of the Department of Financial Services is the Chief Financial Officer.

(2) The Department of Financial Services shall consist of the following divisions:

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- 1 (a) Division of Treasury.
2 (b) Division of Consumer Services.
3 (c) Division of Insurance Rates and Forms. This
4 division shall have all powers and duties as provided by law
5 to the Department of Financial Services related to approval of
6 insurance rates and forms.
7 (d) Division of Insurer Services. This division shall
8 have all powers and duties as provided by law to the
9 Department of Financial Services related to insurance except
10 those related to approval of insurance rates and forms.
11 (e) Division of Financial Institutions which shall
12 consist of the following bureaus:
13 1. Bureau of Banking; and
14 2. Bureau of Credit Unions.
15 (f) Division of Risk Management.
16 (g) Division of State Fire Marshal.
17 (h) Division of Insurance Fraud.
18 (i) Division of Rehabilitation and Liquidation.
19 (j) Division of Securities.
20 (k) Division of Information Systems.
21 (l) Division of Legal Services.
22 (m) Division of Financial Investigations.
23 (n) Division of Accounting and Auditing.
24 (o) Division of Workers Compensation.
25 (p) Division of Insurance Agent and Agency Services.
26 (q) Division of Administration.
27 (3) The Division of Financial Institutions, the
28 Division of Securities, and the Division of Insurance Rates
29 and Forms shall each be headed by a "Director." The Directors
30 of these divisions shall act as agency head for purposes of
31 chapter 120, and shall be responsible for final agency action

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1 with regard to the implementation and enforcement of statutes
2 and rules under the regulatory authority delegated to their
3 division. The Director of the Division of Financial
4 Institutions, the Director of the Division of Securities, and
5 the Director of the Division of Insurance Rates and Forms
6 shall each be appointed by the Chief Financial Officer,
7 subject to confirmation by the trustees of the State Board of
8 Administration, and shall serve at the pleasure of the
9 trustees of the State Board of Administration.

10 (4) The Division of Financial Investigations shall
11 function as a criminal justice agency within the meaning of
12 ss. 943.045(10)(e).

13 (5)(a) The Division of Treasury, in addition to other
14 matters that may be assigned to or located within said
15 division, shall administer the Government Employees Deferred
16 Compensation Plan established under ss. 112.215 for state
17 employees.

18 (b) To carry out the purpose of paragraph (a), a
19 Section of Government Employee Deferred Compensation is
20 created within the Division of Treasury.

21 Section 3. Section 627.0623, Florida Statutes, is
22 amended to read:

23 627.0623 Restrictions on expenditures and
24 solicitations of insurers and affiliates.--

25 (1) As used in this section:

26 (a) "Insurer" means any entity holding a certificate
27 of authority under chapter 624, chapter 628, chapter 629,
28 chapter 632, or chapter 641.

29 (b) "Affiliate" means any insurance holding company
30 required to be registered under s. 628.801 or any subsidiary
31 of such holding company.

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1 (2) No insurer, affiliate, or officer of an insurer or
2 affiliate, and no political committee or committee of
3 continuous existence representing the interests of such
4 insurer, affiliate, or officer shall make a contribution in
5 excess of \$100, for any election, to or on behalf of the
6 Treasurer or Chief Financial Officer or to or on behalf of any
7 candidate for the office of Chief Financial Officer ~~Treasurer~~.
8 The provisions of this subsection shall not prevent any
9 candidate or members of that candidate's family from
10 contributing to that candidate's campaign as otherwise
11 permitted by law.

12 (3) The Treasurer or Chief Financial Officer or a
13 candidate for the office of Chief Financial Officer ~~Treasurer~~
14 may not accept a campaign contribution in excess of \$100 from
15 any insurer, affiliate, or officer of an insurer or affiliate,
16 or any political committee or committee of continuous
17 existence that represents such insurer, affiliate, or officer.

18 (4) No employee of the department or the Department of
19 Financial Services may solicit a campaign contribution for the
20 Treasurer or Chief Financial Officer or any candidate for the
21 office of Chief Financial Officer ~~Treasurer~~ from any insurer,
22 affiliate, or officer of an insurer or affiliate, or any
23 political committee or committee of continuous existence that
24 represents such insurer, affiliate, or officer. For purposes
25 of this section, "employee of the department" means any person
26 employed in the Department of Insurance, or the Treasurer's
27 office, the Department of Financial Services, or the Office of
28 the Chief Financial Officer, holding a position in the Senior
29 Management Service as defined in s. 110.402; any person
30 holding a position in the Selected Exempt Service as defined
31 in s. 110.602; any person having authority over insurance

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1 policy, regulation, or supervision; or any person hired on a
2 contractual basis, having the power normally conferred upon
3 such person, by whatever title.

4 (5) The Department of Insurance and the Department of
5 Financial Services shall make available by electronic means a
6 list of persons whose names are filed with such ~~the~~ department
7 and who are insurers, affiliates, or officers subject to this
8 section. Either ~~The~~ department may charge a fee for the
9 furnishing of a list under this subsection in an amount to
10 cover the cost of preparing the list.

11 (6) Any person who commits a knowing and willful
12 violation of this section commits a misdemeanor of the first
13 degree, punishable as provided in s. 775.082 or s. 775.083.

14 Section 4. Section 655.019, Florida Statutes, is
15 amended to read:

16 655.019 Campaign contributions; limitations.--

17 (1) Notwithstanding the limits provided in s. 106.08,
18 no financial institution which is licensed or otherwise
19 authorized to do business pursuant to chapters 655-665, nor an
20 officer, executive officer, affiliate, subsidiary or service
21 corporation of a financial institution that is licensed or
22 otherwise authorized to do business pursuant to chapters
23 655-665, and no political committee or committee of continuous
24 existence representing the interests of such financial
25 institution shall make a contribution in excess of \$100, for
26 any election, to or on behalf of the Comptroller or Chief
27 Financial Officer or any candidate for the office of Chief
28 Financial Officer ~~Comptroller~~. The provisions of this
29 subsection shall not prevent any candidate or members of that
30 candidate's immediate family from contributing to that
31 candidate's campaign as otherwise permitted by law.

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1 (2) The Comptroller, Chief Financial Officer, or
2 candidate for the office of Chief Financial Officer
3 ~~Comptroller~~ may not accept a campaign contribution in excess
4 of \$100 from any financial institution which is licensed or
5 otherwise authorized to do business pursuant to chapters
6 655-665, or an officer, executive officer, affiliate,
7 subsidiary or service corporation of such financial
8 institution, or any political committee or committee of
9 continuous existence that represents that financial
10 institution.

11 (3) No employee of the department or of the Department
12 of Financial Services may solicit a campaign contribution for
13 the Comptroller or Chief Financial Officer or any candidate
14 for the office of the Chief Financial Officer ~~Comptroller~~ from
15 any person who is licensed or otherwise authorized to do
16 business by the department or the Department of Financial
17 Services or who has an application pending for licensure or
18 other authorization to do business pending with the department
19 or the Department of Financial Services, or any director,
20 officer, employee, agent, retained legal counsel, lobbyist, or
21 partner or affiliate of that person or any political committee
22 or committee of continuous existence that represents that
23 person. For purposes of this section, "employee of the
24 department" means any person employed in the department,
25 Department of Financial Services, ~~or~~ the Comptroller's office,
26 or the Office of the Chief Financial Officer, holding a
27 position in the Senior Management Service as defined in s.
28 110.402; any person holding a position in the Selected Exempt
29 Service as defined in s. 110.602; any person having authority
30 over institution policy, regulation, or supervision; or any
31 person hired on a contractual basis, having the power normally

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1 conferred upon such person, by whatever title.

2 (4) Any person who knowingly and willfully commits a
3 violation of this section commits a misdemeanor of the first
4 degree, punishable as provided in s. 775.082 or s. 775.083.

5 Section 5. This act shall not affect the validity of
6 any judicial or administrative action involving the Department
7 of Banking and Finance or the Department of Insurance pending
8 on January 7, 2003, and the Department of Financial Services
9 shall be substituted as a party in interest in any such
10 action. However, if the action involves the constitutional
11 functions of the Comptroller or Treasurer, the Chief Financial
12 Officer shall instead be substituted as a party in interest.

13 Section 6. Effective January 7, 2003, the Department
14 of Banking and Finance and the Department of Insurance are
15 transferred by a type two transfer, as defined in section
16 20.06, Florida Statutes, to the Department of Financial
17 Services.

18 Section 7. Sections 20.12 and 20.13, Florida Statutes,
19 are repealed. This section takes effect January 7, 2003.

20 Section 8. By January 31, 2002, the Division of
21 Statutory Revision of the Office of Legislative Services shall
22 prepare and submit to the President of the Senate and the
23 Speaker of the House of Representatives substantive
24 legislation to conform the Florida Statutes to the provisions
25 of this act. The legislation shall not be drafted as a
26 reviser's bill. The draft shall include provisions:

27 (1) Changing the term "Comptroller" or "Treasurer" to
28 "Chief Financial Officer" with respect to functions of the
29 Chief Financial Officer where appropriate;

30 (2) Changing references to the "Department of Banking
31 and Finance" or the "Department of Insurance" to the

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1 "Department of Financial Services" where appropriate; and
2 (3) Otherwise conforming the statutes to the abolition
3 of the offices of Comptroller and Treasurer, the creation of
4 the Office of the Chief Financial Officer, the abolition of
5 the Department of Banking and Finance and the Department of
6 Insurance, and the creation of the Department of Financial
7 Services.

8 Section 9. (1) The Financial Services Transition Task
9 Force is established. The task force shall be composed of:

10 (a) One consumer representative appointed by the
11 Governor;

12 (b) Two members appointed by the President of the
13 Senate;

14 (c) Two members appointed by the Speaker of the House
15 of Representatives;

16 (d) Two members appointed by the Comptroller; and
17 (e) Two members appointed by the Insurance
18 Commissioner and Treasurer.

19 (2) The organizational meeting of the task force must
20 be held by August 1, 2001. The members of the task force shall
21 elect a chair by majority vote. Members of the task force
22 shall serve without compensation, but shall be reimbursed for
23 per diem and travel expenses as provided in section 112.061,
24 Florida Statutes.

25 (3) The purpose of the task force is to review the
26 Florida Statutes and state rules and:

27 (a) Recommend amendments to statutes and rules made
28 necessary by the changes made by this act.

29 (b) Identify any organizational problems involving,
30 without limitation, communication among divisions, technical
31 assistance, and other services and recommend solutions to the

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1 identified problems.

2 (c) Identify any issues related to technology,
3 including the coordination or incompatibility of technology
4 systems, and suggest solutions to the identified problems.

5 (d) Recommend methods to improve departmental
6 accountability, including, but not limited to, modification of
7 performance measures.

8 (4) The task force may procure information and
9 assistance from any officer or agency of the state or any
10 subdivision thereof. All such officials and agencies shall
11 give the task force all relevant information and assistance
12 with respect to any matter within their knowledge or control.

13 (5) The task force shall submit a final report to the
14 Governor, the President of the Senate, and the Speaker of the
15 House of Representatives by February 1, 2002.

16 (6) The task force terminates upon submission of its
17 final report.

18 Section 10. Except as otherwise provided in this act,
19 this act shall take effect July 1, 2001.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything after the enacting clause

25
26 and insert:

27 A bill to be entitled
28 An act relating to governmental reorganization;
29 creating s. 17.001, F.S.; establishing the
30 Office of the Chief Financial Officer; creating
31 s. 20.121, F.S.; creating the Department of

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1 Financial Services; providing for the divisions
2 of the department; specifying division
3 directors who shall act as agency head for
4 purposes of chapter 120; establishing the
5 manner of appointment and confirmation;
6 amending s. 627.0623, F.S.; limiting campaign
7 contributions from certain persons to or on
8 behalf of the Treasurer or Chief Financial
9 Officer; providing a criminal penalty for a
10 violation; amending s. 655.019, F.S.; limiting
11 campaign contributions from certain persons to
12 or on behalf of the Comptroller or Chief
13 Financial Officer; providing a criminal penalty
14 for a violation; providing that this act shall
15 not affect the validity of certain judicial and
16 administrative actions; transferring the
17 Department of Banking and Finance and the
18 Department of Insurance to the Department of
19 Financial Services; repealing s. 20.12, F.S.;
20 abolishing the Department of Banking and
21 Finance; repealing s. 20.13, F.S.; abolishing
22 the Department of Insurance; requesting the
23 Division of Statutory Revision to prepare draft
24 legislation; establishing the Financial
25 Services Transition Task Force; providing
26 membership; establishing duties; providing an
27 effective date.

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