

Bill No. CS for CS for SB's 662 & 232

Amendment No. ____ Barcode 090210

CHAMBER ACTION

Senate

House

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Senator Latvala moved the following amendment:

Senate Amendment

On page 8, line 17, through
page 12, line 22, delete those lines

and insert:

Section 1. 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. 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

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1 of the following divisions:

2 (a) Division of Treasury.

3 (b) Division of Consumer Services.

4 (c) Division of Insurance. Division responsibilities,
5 as provided in the Florida Insurance Code, include issuing
6 certificates of authority to insurers, regulatory oversight of
7 insurer solvency, approving policy forms and rates, performing
8 market conduct examinations, and enforcing statutes related to
9 insurers.

10 (d) Division of Financial Institutions and Securities,
11 which shall consist of the following bureaus:

12 1. Bureau of Banking;

13 2. Bureau of Securities;

14 3. Bureau of Credit Unions and Finance Entities; and

15 4. Bureau of Regulation.

16
17 Division responsibilities include licensure, examination, and
18 regulation of state-chartered financial institutions, as
19 provided in chapters 655, 657, 658, 660, 663, 665, and 667;
20 enforcing chapter 517, the Florida Securities and Investor
21 Protection Act; chapter 494, relating to mortgage brokerage
22 and mortgage lending; chapter 516, the Consumer Finance Act;
23 chapter 520, relating to retail installment sales; those
24 sections in chapter 559 relating to collection agencies;
25 chapter 560, the Money Transmitters' Code; those portions of
26 chapter 497 related to the department's responsibilities with
27 respect to cemeteries and preneed services; and certifying and
28 reviewing certified capital companies, as provided in s.
29 288.99.

30 (e) Division of Risk Management.

31 (f) Division of State Fire Marshal.

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1 (g) Division of Insurance Fraud.
2 (h) Division of Rehabilitation and Liquidation.
3 (i) Division of Information Systems.
4 (j) Division of Legal Services.
5 (k) Division of Financial Investigations.
6 (l) Division of Accounting and Auditing.
7 (m) Division of Insurance Agent and Agency Services.
8 (n) Division of Administration.
9 (o) The Division of Workers' Compensation.
10 (3) The Division of Financial Institutions and
11 Securities and the Division of Insurance shall each be headed
12 by a "director." The directors of these divisions shall act as
13 agency heads for purposes of chapter 120 and shall be
14 responsible for final agency action with regard to the
15 implementation and enforcement of statutes and rules under the
16 regulatory authority delegated to their divisions and
17 rulemaking under s. 120.54. The Director of the Division of
18 Financial Institutions and Securities and the Director of the
19 Division of Insurance shall each be appointed by the Governor,
20 in consultation with the Chief Financial Officer, subject to
21 confirmation by the Cabinet as provided in s. 6(a), Art. IV of
22 the State Constitution, and, at the request of the Governor or
23 any cabinet member, shall be subject to reconfirmation by the
24 Cabinet.
25 (a) Before appointment as director, the Director of
26 the Division of Financial Institutions and Securities must
27 have had private-sector experience working in the field of
28 financial institutions or securities or at least 5 years of
29 experience as another senior employee of a state or federal
30 agency having regulatory responsibility over financial
31 institutions or securities.

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1 (b) Before appointment as director, the Director of
2 the Division of Insurance must have had private-sector
3 experience working in an area that is under the regulatory
4 jurisdiction of the Division of Insurance or at least 5 years'
5 experience as a senior employee of a state or federal agency
6 having regulatory responsibility over an area of the business
7 of insurance.

8 (c) The Division of Financial Institutions and
9 Securities and the Division of Insurance are administratively
10 housed within the Department of Financial Services. For
11 purposes of budget and personnel matters, each of these
12 divisions shall contract with the department for a sufficient
13 number of attorneys, investigators, other professional
14 personnel, and administrative personnel as determined annually
15 in the appropriations process. The department shall provide
16 support services to each division pursuant to an agreement
17 entered into between the Chief Financial Officer and the
18 respective division director.

19 (d) The Division of Financial Investigations shall
20 function as a criminal justice agency within the meaning of s.
21 943.045(10)(e).

22 Section 3. The Division of Treasury, in addition to
23 other matters that may be assigned to or located within the
24 division, shall administer the Government Employees Deferred
25 Compensation Plan established under section 112.215, Florida
26 Statutes, for state employees.

27 Section 4. Effective July 1, 2002, the Division of
28 Workers' Compensation of the Department of Labor and
29 Employment Security is transferred by a type two transfer, as
30 defined in section 20.06(2), Florida Statutes, to the
31 Department of Insurance. For purposes of this transfer, all

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1 employees transferred to the Department of Insurance or
2 reassigned or reclassified by the Department of Insurance
3 shall be considered new employees as provided in section
4 110.213(1), Florida Statutes.

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. The Department of Banking and Finance and
14 the Department of Insurance are transferred by a type two
15 transfer, as defined in section 20.06, Florida Statutes, to
16 the Department of Financial Services.

17 Section 7. Any binding contract or interagency
18 agreement existing on or before January 7, 2003, between the
19 Department of Insurance, the Department of Banking and
20 Finance, or the Department of Labor and Employment Security,
21 or an entity or agent of such departments, and any other
22 agency, entity, or person shall continue as a binding contract
23 or agreement for the remainder of the term of the contract or
24 agreement with the successor department, agency or entity
25 responsible for the program, activity, or functions relative
26 to the contract or agreement.

27 Section 8. Sections 20.12 and 20.13 and paragraph (b)
28 of subsection (5) of section 20.171, Florida Statutes, are
29 repealed.

30 Section 9. The Chief Financial Officer is authorized
31 to organize the Department of Financial Services in a manner

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1 to promote efficiency and accountability, subject to the
2 provisions of this act.

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4 (Redesignate subsequent sections.)

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