

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Johnson offered the following:

**Amendment (with title amendment)**

Between lines 5605 and 5606, insert:

Section 45. Effective upon this act becoming a law, to be applied retroactively to the date upon which HB 513, enacted during the 2003 Regular Session of the Legislature, becomes a law, and notwithstanding the provisions of HB 513 enacted during the 2003 Regular Session of the Legislature, subsection (11) of section 626.7451, Florida Statutes 2002, is not amended and is reenacted to read:

626.7451 Managing general agents; required contract provisions.--No person acting in the capacity of a managing general agent shall place business with an insurer unless there is in force a written contract between the parties which sets forth the responsibility for a particular function, specifies

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27 the division of responsibilities, and contains the following  
28 minimum provisions:

29 (11) A licensed managing general agent, when placing  
30 business with an insurer under this code, may charge a per-  
31 policy fee not to exceed \$25. In no instance shall the aggregate  
32 of per-policy fees for a placement of business authorized under  
33 this section, when combined with any other per-policy fee  
34 charged by the insurer, result in per-policy fees which exceed  
35 the aggregate amount of \$25. The per-policy fee shall be a  
36 component of the insurer's rate filing and shall be fully  
37 earned.

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39 For the purposes of this section and ss. 626.7453 and 626.7454,  
40 the term "controlling person" or "controlling" has the meaning  
41 set forth in s. 625.012(5)(b)1., and the term "controlled  
42 person" or "controlled" has the meaning set forth in s.  
43 625.012(5)(b)2.

44 Section 46. Effective upon this act becoming a law, to be  
45 applied retroactively to the date upon which CS/SB 2364, 2nd  
46 Engrossed, enacted during the 2003 Regular Session of the  
47 Legislature, becomes law, and notwithstanding the provisions of  
48 CS/SB 2364, 2nd Engrossed, enacted during the 2003 Regular  
49 Session of the Legislature, paragraph (a) of subsection (5) of  
50 section 627.7295, Florida Statutes 2002, is not amended and is  
51 reenacted to read:

52 627.7295 Motor vehicle insurance contracts.--

53 (5)(a) A licensed general lines agent may charge a per-  
54 policy fee not to exceed \$10 to cover the administrative costs  
55 of the agent associated with selling the motor vehicle insurance

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56 policy if the policy covers only personal injury protection  
 57 coverage as provided by s. 627.736 and property damage liability  
 58 coverage as provided by s. 627.7275 and if no other insurance is  
 59 sold or issued in conjunction with or collateral to the policy.  
 60 The per-policy fee must be a component of the insurer's rate  
 61 filing and may not be charged by an agent unless the fee is  
 62 included in the filing. The fee is not considered part of the  
 63 premium except for purposes of the department's review of  
 64 expense factors in a filing made pursuant to s. 627.062.

65  
 66 ===== T I T L E A M E N D M E N T =====

67 Remove line 118, and insert:

68 noncompliance; providing for rules; reenacting without amendment  
 69 s. 626.7451(11), F.S., notwithstanding the provisions of HB 513,  
 70 enacted during the 2003 Regular Session of the Legislature;  
 71 providing for retroactive application; reenacting without  
 72 amendment s. 627.7295(5)(a), F.S., notwithstanding the  
 73 provisions of CS/SB 2364, 2nd Engrossed, enacted during the 2003  
 74 Regular Session of the Legislature; repealing s. 440.1925,