

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Berfield offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 37, between lines 29 and 30, insert:

5 Section 20. Paragraph (a) of subsection (3) of section  
6 626.2815, Florida Statutes, is amended to read:

7 626.2815 Continuing education required; application;  
8 exceptions; requirements; penalties.--

9 (3)(a) Each person subject to the provisions of this  
10 section must, except as set forth in paragraphs (b) and (c),  
11 complete a minimum of 24 hours of continuing education courses  
12 every 2 years in basic or higher-level courses prescribed by  
13 this section or in other courses approved by the department.  
14 Each person subject to the provisions of this section must  
15 complete, as part of his or her required number of continuing  
16 education hours, 3 hours of continuing education, approved by

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17 the department, every 2 years on the subject matter of ethics  
18 and a minimum of 2 hours of continuing education, approved by  
19 the department, every 2 years on the subject matter of  
20 unauthorized entities engaging in the business of insurance. The  
21 scope of the topic of unauthorized entities shall include the  
22 Florida Nonprofit Multiple Employer Welfare Arrangement Act and  
23 the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001  
24 et seq., as it relates to the provision of health insurance by  
25 employers to their employees and the regulation thereof.

26 Section 21. Present subsections (15) through (17) of  
27 section 626.015, Florida Statutes, are renumbered as subsections  
28 (16) through (18), respectively, and a new subsection (15) is  
29 added to said section to read:

30 626.015 Definitions.--As used in this part:

31 (15) "Personal lines agent" means a general lines agent  
32 who is limited to transacting business related to property and  
33 casualty insurance sold to individuals and families for  
34 noncommercial purposes.

35 Section 22. Subsection (3) is added to section 626.022,  
36 Florida Statutes, to read:

37 626.022 Scope of part.--

38 (3) Provisions of this part that apply to general lines  
39 agents and applicants also apply to personal lines agents and  
40 applicants, except where otherwise provided.

41 Section 23. Subsection (8) is added to section 626.241,  
42 Florida Statutes, to read:

43 626.241 Scope of examination.--

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44       (8) An examination for licensure as a personal lines agent  
45 shall consist of 100 questions and shall be limited in scope to  
46 the kinds of business transacted under such license.

47       Section 24. Subsection (1) of section 626.311, Florida  
48 Statutes, is amended to read:

49       626.311 Scope of license.--

50       (1) Except as to personal lines agents and limited  
51 licenses, the applicant for license as a general lines agent or  
52 customer representative shall qualify for all property, marine,  
53 casualty, and surety lines except bail bonds which require a  
54 separate license under chapter 648. The license of a general  
55 lines agent may also cover health insurance if health insurance  
56 is included in the agent's appointment by an insurer as to which  
57 the licensee is also appointed as agent for property or casualty  
58 or surety insurance. The license of a customer representative  
59 shall provide, in substance, that it covers all of such classes  
60 of insurance that his or her appointing general lines agent or  
61 agency is currently so authorized to transact under the general  
62 lines agent's license and appointments. No such license shall  
63 be issued limited to particular classes of insurance except for  
64 bail bonds which require a separate license under chapter 648 or  
65 for personal lines agents. Personal lines agents are limited to  
66 transacting business related to property and casualty insurance  
67 sold to individuals and families for noncommercial purposes.

68       Section 25. Section 626.727, Florida Statutes, is amended  
69 to read:

70       626.727 Scope of this part.--This part applies only to  
71 general lines agents, customer representatives, service

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72 representatives, and managing general agents, all as defined in  
73 s. 626.015. Provisions of this part which apply to general lines  
74 agents and applicants also apply to personal lines agents and  
75 applicants, except where otherwise provided.

76 Section 26. Subsection (1) of section 626.732, Florida  
77 Statutes, is amended to read:

78 626.732 Requirement as to knowledge, experience, or  
79 instruction.--

80 (1) Except as provided in subsection (3), no applicant for  
81 a license as a general lines agent or personal lines agent,  
82 except for a chartered property and casualty underwriter (CPCU),  
83 other than as to a limited license as to baggage and motor  
84 vehicle excess liability insurance, credit property insurance,  
85 credit insurance, in-transit and storage personal property  
86 insurance, or communications equipment property insurance or  
87 communication equipment inland marine insurance, shall be  
88 qualified or licensed unless within the 4 years immediately  
89 preceding the date the application for license is filed with the  
90 department the applicant has:

91 (a) Taught or successfully completed classroom courses in  
92 insurance, 3 hours of which shall be on the subject matter of  
93 ethics, satisfactory to the department at a school, college, or  
94 extension division thereof, approved by the department. To  
95 qualify for licensure as a personal lines agent, the applicant  
96 must complete a total of 52 hours of classroom courses in  
97 insurance;

98 (b) Completed a correspondence course in insurance, 3  
99 hours of which shall be on the subject matter of ethics,

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100 satisfactory to the department and regularly offered by  
101 accredited institutions of higher learning in this state and,  
102 except if he or she is applying for a limited license under s.  
103 626.321, for licensure as a general lines agent, has had at  
104 least 6 months of responsible insurance duties as a  
105 substantially full-time bona fide employee in all lines of  
106 property and casualty insurance set forth in the definition of  
107 general lines agent under s. 626.015 or, for licensure as a  
108 personal lines agent, has completed at least 3 months in  
109 responsible insurance duties as a substantially full-time  
110 employee in property and casualty insurance sold to individuals  
111 and families for noncommercial purposes;

112 (c) For licensure as a general lines agent, completed at  
113 least 1 year in responsible insurance duties as a substantially  
114 full-time bona fide employee in all lines of property and  
115 casualty insurance, exclusive of aviation and wet marine and  
116 transportation insurances but not exclusive of boats of less  
117 than 36 feet in length or aircraft not held out for hire, as set  
118 forth in the definition of a general lines agent under s.  
119 626.015, without the education requirement mentioned in  
120 paragraph (a) or paragraph (b) or, for licensure as a personal  
121 lines agent, has completed at least 6 months in responsible  
122 insurance duties as a substantially full-time employee in  
123 property and casualty insurance sold to individuals and families  
124 for noncommercial purposes without the education requirement in  
125 paragraph (a) or paragraph(b); ~~or~~

126 (d)1. For licensure as a general lines agent, completed at  
127 least 1 year of responsible insurance duties as a licensed and

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128 appointed customer representative or limited customer  
129 representative in commercial or personal lines of property and  
130 casualty insurance and 40 hours of classroom courses approved by  
131 the department covering the areas of property, casualty, surety,  
132 health, and marine insurance; or

133 2. For licensure as a personal lines agent, completed at  
134 least 6 months of responsible duties as a licensed and appointed  
135 customer representative or limited customer representative in  
136 property and casualty insurance sold to individuals and families  
137 for noncommercial purposes and 20 hours of classroom courses  
138 approved by the department which are related to property and  
139 casualty insurance sold to individuals and families for  
140 noncommercial purposes;

141 (e)1.2- For licensure as a general lines agent, completed  
142 at least 1 year of responsible insurance duties as a licensed  
143 and appointed service representative in either commercial or  
144 personal lines of property and casualty insurance and 80 hours  
145 of classroom courses approved by the department covering the  
146 areas of property, casualty, surety, health, and marine  
147 insurance; or-

148 2. For licensure as a personal lines agent, completed at  
149 least 6 months of responsible insurance duties as a licensed and  
150 appointed service representative in property and casualty  
151 insurance sold to individuals and families for noncommercial  
152 purposes and 40 hours of classroom courses approved by the  
153 department related to property and casualty insurance sold to  
154 individuals and families for noncommercial purposes; or

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155       (f) For licensure as a personal lines agent, completed at  
156 least 3 years of responsible duties as a licensed and appointed  
157 customer representative in property and casualty insurance sold  
158 to individuals and families for noncommercial purposes.

159       Section 27. The Department of Financial Services does not  
160 have to begin issuing licenses to personal lines agents on the  
161 effective date of this act if the department has not completed  
162 the process of incorporating necessary procedures for issuing  
163 personal lines licenses into its licensing systems.

164       Section 28. Subsection (1) of section 626.747, Florida  
165 Statutes, is amended to read:

166       626.747 Branch agencies.--

167       (1) Each branch place of business established by an agent  
168 or agency, firm, corporation, or association shall be in the  
169 active full-time charge of a licensed general lines agent who is  
170 appointed to represent one or more insurers. Any agent or  
171 agency, firm, corporation, or association which has established  
172 one or more branch places of business shall be required to have  
173 at least one licensed general lines agent who is appointed to  
174 represent one or more insurers at each location of the agency  
175 including its headquarters location.

176       Section 29. Paragraph (r) is added to subsection (6) of  
177 section 627.351, Florida Statutes, to read:

178       627.351 Insurance risk apportionment plans.--

179       (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

180       (r) A salaried employee of the corporation who performs  
181 policy administration services subsequent to the effectuation of

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182 a corporation policy is not required to be licensed as an agent  
183 under the provisions of s. 626.112.

184 Section 30. Paragraphs (c) and (d) of subsection (1) of  
185 section 626.321, Florida Statutes, are amended to read:

186 626.321 Limited licenses.--

187 (1) The department shall issue to a qualified individual,  
188 or a qualified individual or entity under paragraphs (c), (d),  
189 (e), and (i), a license as agent authorized to transact a  
190 limited class of business in any of the following categories:

191 (c) Personal accident insurance.--License covering only  
192 policies of personal accident insurance covering the risks of  
193 travel, except as provided in subparagraph 2. The license may  
194 be issued only:

195 1. To a full-time salaried employee of a common carrier or  
196 a full-time salaried employee or owner of a transportation  
197 ticket agency and may authorize the sale of such ticket policies  
198 only in connection with the sale of transportation tickets, or  
199 to the full-time salaried employee of such an agent. No such  
200 policy shall be for a duration of more than 48 hours or for the  
201 duration of a specified one-way trip or round trip.

202 2. To a full-time salaried employee of a business which  
203 offers motor vehicles for rent or lease, or to a business entity  
204 ~~office of a business~~ which offers motor vehicles for rent or  
205 ~~lease if insurance sales activities authorized by the license~~  
206 ~~are limited to full-time salaried employees.~~ A business office  
207 licensed or a person licensed pursuant to this subparagraph may,  
208 as an agent of an insurer, transact insurance that provides  
209 coverage for accidental personal injury or death of the lessee

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210 and any passenger who is riding or driving with the covered  
211 lessee in the rental motor vehicle if the lease or rental  
212 agreement is for not more than 30 days, or if the lessee is not  
213 provided coverage for more than 30 consecutive days per lease  
214 period; however, if the lease is extended beyond 30 days, the  
215 coverage may be extended one time only for a period not to  
216 exceed an additional 30 days.

217 (d) Baggage and motor vehicle excess liability insurance.-  
218 -

219 1. License covering only insurance of personal effects  
220 except as provided in subparagraph 2. The license may be issued  
221 only:

222 a. To a full-time salaried employee of a common carrier or  
223 a full-time salaried employee or owner of a transportation  
224 ticket agency, which person is engaged in the sale or handling  
225 of transportation of baggage and personal effects of travelers,  
226 and may authorize the sale of such insurance only in connection  
227 with such transportation; or

228 b. To the full-time salaried employee of a licensed  
229 general lines agent, ~~a full-time salaried employee of a business~~  
230 ~~which offers motor vehicles for rent or lease,~~ or to ~~a business~~  
231 ~~office of~~ a business entity that ~~which~~ offers motor vehicles for  
232 rent or lease if insurance sales activities authorized by the  
233 license are in connection with and incidental to the rental of  
234 a motor vehicle limited to full-time salaried employees. An  
235 entity applying for a license under this sub-subparagraph:

236 (I) Is required to submit only one application for a  
237 license under s. 626.171. The requirements of s. 626.171(5)

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238 shall apply only to the officers and directors of the entity  
239 submitting the application.

240 (II) Is required to obtain a license for each office,  
241 branch office, or place of business making use of the entity's  
242 business name by applying to the department for the license on a  
243 simplified application form developed by rule of the department  
244 for this purpose.

245 (III) Is required to pay the applicable fees for a license  
246 as prescribed in s. 624.501, be appointed under s. 626.112, and  
247 pay the prescribed appointment fee under s. 624.501. A licensed  
248 and appointed entity shall be directly responsible and  
249 accountable for all acts of the licensee's employees.

250

251 The purchaser of baggage insurance shall be provided written  
252 information disclosing that the insured's homeowner's policy may  
253 provide coverage for loss of personal effects and that the  
254 purchase of such insurance is not required in connection with  
255 the purchase of tickets or in connection with the lease or  
256 rental of a motor vehicle.

257 2. A business entity that ~~office licensed pursuant to~~  
258 ~~subparagraph 1., or a person licensed pursuant to subparagraph~~  
259 ~~1. who is a full-time salaried employee of a business which~~  
260 offers motor vehicles for rent or lease, may include lessees  
261 under a master contract providing coverage to the lessor or may  
262 transact excess motor vehicle liability insurance providing  
263 coverage in excess of the standard liability limits provided by  
264 the lessor in its lease to a person renting or leasing a motor  
265 vehicle from the licensee's employer for liability arising in

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266 connection with the negligent operation of the leased or rented  
267 motor vehicle, provided that the lease or rental agreement is  
268 for not more than 30 days; that the lessee is not provided  
269 coverage for more than 30 consecutive days per lease period,  
270 and, if the lease is extended beyond 30 days, the coverage may  
271 be extended one time only for a period not to exceed an  
272 additional 30 days; that the lessee is given written notice that  
273 his or her personal insurance policy providing coverage on an  
274 owned motor vehicle may provide additional excess coverage; and  
275 that the purchase of the insurance is not required in connection  
276 with the lease or rental of a motor vehicle. The excess  
277 liability insurance may be provided to the lessee as an  
278 additional insured on a policy issued to the licensee's  
279 employer.

280 3. A business entity that ~~office licensed pursuant to~~  
281 ~~subparagraph 1., or a person licensed pursuant to subparagraph~~  
282 ~~1. who is a full-time salaried employee of a business which~~  
283 offers motor vehicles for rent or lease, may, as an agent of an  
284 insurer, transact insurance that provides coverage for the  
285 liability of the lessee to the lessor for damage to the leased  
286 or rented motor vehicle if:

287 a. The lease or rental agreement is for not more than 30  
288 days; or the lessee is not provided coverage for more than 30  
289 consecutive days per lease period, but, if the lease is extended  
290 beyond 30 days, the coverage may be extended one time only for a  
291 period not to exceed an additional 30 days;

292 b. The lessee is given written notice that his or her  
293 personal insurance policy that provides coverage on an owned

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294 motor vehicle may provide such coverage with or without a  
295 deductible; and

296 c. The purchase of the insurance is not required in  
297 connection with the lease or rental of a motor vehicle.

298 Section 31. Subsection (2) of section 628.709, Florida  
299 Statutes, is amended to read:

300 628.709 Formation of a mutual insurance holding company.--

301 (2) All of the initial shares of the capital stock of the  
302 insurance company which reorganized as a subsidiary insurance  
303 company shall be issued either to the mutual insurance holding  
304 company, or to an intermediate holding company which is wholly  
305 owned by the mutual insurance holding company. This restriction  
306 does not preclude the subsequent issuance of additional shares  
307 of stock by the subsidiary insurance company so long as the  
308 mutual insurance holding company at all times owns directly or  
309 through one or more intermediate holding companies, a majority  
310 of the voting shares of the capital stock of the subsidiary  
311 insurance company. The membership interests of the policyholders  
312 of the subsidiary insurance company shall become membership  
313 interests in the mutual insurance holding company. Policyholders  
314 of the subsidiary insurance company which was formerly the  
315 mutual insurer shall be members of the mutual insurance holding  
316 company in accordance with the articles of incorporation and  
317 bylaws of the mutual insurance holding company. At the time of  
318 formation, policyholders of any other subsidiary insurance  
319 company of the mutual insurance holding company shall not be  
320 members of the mutual insurance holding company unless:

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321       (a) They are policyholders of a subsidiary which was a  
322 mutual insurer which merged with the holding company pursuant to  
323 s. 628.715; or

324       (b) They are policyholders of an affiliated stock  
325 insurance company, provided such policyholders were members of  
326 the mutual insurance company at the time the mutual insurance  
327 company policies were assumed by the affiliated stock insurance  
328 company and the assumption occurred in connection with the  
329 conversion.

330  
331       Subsequent to formation, membership shall be governed by s.  
332 628.727.

333       Section 32. Subsection (6) is added to section 631.021,  
334 Florida Statutes, to read:

335       631.021 Jurisdiction of delinquency proceeding; venue;  
336 change of venue; exclusiveness of remedy; appeal.--

337       (6) The domiciliary court acquiring jurisdiction over  
338 persons subject to this chapter may exercise exclusive  
339 jurisdiction to the exclusion of all other courts, except as  
340 limited by the provisions of this chapter. Upon the issuance of  
341 an order of conservation, rehabilitation, or liquidation, the  
342 Circuit Court of Leon County shall have exclusive jurisdiction  
343 with respect to assets or property of any insurer subject to  
344 such proceedings and claims against said insurer's assets or  
345 property.

346       Section 33. Subsection (6) is added to section 631.041,  
347 Florida Statutes, to read:

348       631.041 Automatic stay; relief from stay; injunctions.--

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349       (6) The estate of an insurer in rehabilitation or  
350 liquidation which is injured by any willful violation of an  
351 applicable stay or injunction shall be entitled to actual  
352 damages, including costs and attorney's fees, and, in  
353 appropriate circumstances, the receivership court may impose  
354 additional sanctions.

355       Section 34. Section 631.0515, Florida Statutes, is amended  
356 to read:

357       631.0515 Appointment of receiver; insurance holding  
358 company.--A delinquency proceeding pursuant to this chapter  
359 constitutes the sole and exclusive method of dissolving,  
360 liquidating, rehabilitating, reorganizing, conserving, or  
361 appointing a receiver of a Florida corporation which is not  
362 insolvent as defined by s. 607.01401(16); which through its  
363 shareholders, board of directors, or governing body is  
364 deadlocked in the management of its affairs; and which directly  
365 or indirectly owns all of the stock of a Florida domestic  
366 insurer. The department may petition for an order directing it  
367 to rehabilitate such corporation if the interests of  
368 policyholders or the public will be harmed as a result of the  
369 deadlock. The department shall use due diligence to resolve the  
370 deadlock. Whether or not the department petitions for an order,  
371 the circuit court shall not have jurisdiction pursuant to s.  
372 607.271, s. 607.274, or s. 607.277 to dissolve, liquidate, or  
373 appoint receivers with respect to, a Florida corporation which  
374 directly or indirectly owns all of the stock of a Florida  
375 domestic insurer and which is not insolvent as defined by s.  
376 607.01401(16). However, a managing general agent or holding

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377 company with a controlling interest in a domestic insurer in  
378 this state is subject to jurisdiction of the court under the  
379 provisions of s. 631.025.

380 Section 35. Paragraph (a) of subsection (7) of section  
381 631.141, Florida Statutes, is amended to read:

382 631.141 Conduct of delinquency proceeding; domestic and  
383 alien insurers.--

384 (7)(a) In connection with a delinquency proceeding, the  
385 department may appoint one or more special agents to act for it,  
386 and it may employ such counsel, clerks, and assistants as it  
387 deems necessary. The compensation of the special agents,  
388 counsel, clerks, or assistants and all expenses of taking  
389 possession of the insurer and of conducting the proceeding shall  
390 be fixed by the receiver, subject to the approval of the court,  
391 and shall be paid out of the funds or assets of the insurer.  
392 Such expenses are administrative expenses and are recoverable by  
393 the receiver in any actions in which the receiver is authorized  
394 or entitled to recover its administrative expenses. Within the  
395 limits of duties imposed upon them, special agents shall possess  
396 all the powers given to and, in the exercise of those powers,  
397 shall be subject to all duties imposed upon the receiver with  
398 respect to such proceeding.

399 Section 36. Section 631.205, Florida Statutes, is amended  
400 to read:

401 631.205 Reinsurance proceeds.--All reinsurance proceeds  
402 payable under a contract of reinsurance to which the insolvent  
403 insurer is a party are to be paid directly to the domiciliary  
404 receiver as general assets of the receivership estate unless the

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405 reinsurance contract contains a clause which specifically names  
406 the insolvent insurer's insured as a direct beneficiary of the  
407 reinsurance contract. The entry of an order of conservation,  
408 rehabilitation, or liquidation shall not be deemed an  
409 anticipatory breach of any reinsurance contract, nor shall  
410 insolvency or notice of insolvency be grounds for retroactive  
411 revocation or retroactive cancellation of any reinsurance  
412 contracts by the reinsurer.

413 Section 37. Section 631.206, Florida Statutes, is created  
414 to read:

415 631.206 Arbitration.--If an insurer in receivership has  
416 entered into an agreement containing an arbitration provision  
417 for resolution of disputes, that provision is void and shall be  
418 replaced by operation of law with the following provision:

419  
420 Any controversy or claim arising out of or relating to this  
421 contract, or the breach thereof, shall be settled by arbitration  
422 pursuant to the American Arbitration Association Commercial  
423 Arbitration Rules and chapter 682, Florida Statutes, and  
424 judgment on the award rendered by the arbitrators shall be  
425 entered by the receivership court. Venue shall be in Leon  
426 County, Florida. Disputes shall be submitted to a panel of three  
427 arbitrators, one to be chosen by each party and the third by the  
428 two so chosen. Arbitrators shall be selected from a list of  
429 potential qualified arbitrators with 10 years' experience  
430 involving the insurance industry. If the parties do not agree  
431 upon the qualifications of a mediator, each party shall select

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432 its mediator from a list of potential mediators approved by the  
433 receivership court.

434 Section 38. Subsection (1) of section 631.261, Florida  
435 Statutes, is amended, and subsection (4) is added to said  
436 section, to read:

437 631.261 Voidable transfers.--

438 (1)(a) Any transfer of, or lien upon, the property of an  
439 insurer or affiliate which is made or created within 4 months  
440 prior to the commencement of any delinquency proceeding under  
441 this chapter which gives ~~with the intent of giving to any~~  
442 creditor of the insurer a preference or enables ~~of enabling~~ the  
443 creditor to obtain a greater percentage of her or his debt than  
444 any other creditor of the same class, ~~and which is accepted by~~  
445 ~~such creditor having reasonable cause to believe that such~~  
446 ~~preference will occur,~~ shall be voidable.

447 (b) Any transfer of, or lien upon, the property of an  
448 insurer or affiliate which is made or created between 4 months  
449 and 1 year prior to the commencement of any delinquency  
450 proceeding under this chapter is void if such transfer or lien  
451 inured to the benefit of a director, officer, employee,  
452 stockholder, member, subscriber, affiliate, managing general  
453 agent, or insider or any relative of any director, officer,  
454 employee, stockholder, member, subscriber, affiliate, managing  
455 general agent, or insider.

456 (4) For purposes of this section, a transfer is not made  
457 or created until the insurer or affiliate has acquired rights in  
458 the property transferred.

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459 Section 39. Subsection (2) of section 631.262, Florida  
460 Statutes, is amended to read:

461 631.262 Transfers prior to petition.--

462 (2) Transfers shall be deemed to have been made or  
463 suffered, or obligations incurred, when perfected according to  
464 the following criteria:

465 (a) A transfer of property other than real property shall  
466 be deemed to be made or suffered when it becomes so far  
467 perfected that no subsequent lien obtainable by legal or  
468 equitable proceedings on a simple contract could become superior  
469 to the rights of the transferee.†

470 (b) A transfer of real property shall be deemed to be made  
471 or suffered when it becomes so far perfected that no subsequent  
472 bona fide purchaser from the insurer could obtain rights  
473 superior to the rights of the transferee.†

474 (c) A transfer which creates an equitable lien shall not  
475 be deemed to be perfected if there are available means by which  
476 a legal lien could be created.†

477 (d) Any transfer not perfected prior to the filing of a  
478 petition in a delinquency proceeding shall be deemed to be made  
479 immediately before the filing of a successful petition.†

480 (e) For the purposes of this section, a transfer is not  
481 made until the insurer or affiliate has acquired rights in the  
482 property transferred.

483 (f)(e) Paragraphs (a)-(e) ~~(a)-(d)~~ apply whether or not  
484 there are or were creditors who might have obtained any liens or  
485 persons who might have become bona fide purchasers.

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486 Section 40. Subsection (6) is added to section 631.263,  
487 Florida Statutes, to read:

488 631.263 Transfers after petition.--

489 (6) For the purposes of this section, a transfer is not  
490 made until the insurer or affiliate has acquired rights in the  
491 property transferred.

492 Section 41. Subsection (3) of section 631.54, Florida  
493 Statutes, is amended to read:

494 631.54 Definitions.--As used in this part:

495 (3) "Covered claim" means an unpaid claim, including one  
496 of unearned premiums, which arises out of, and is within the  
497 coverage, and not in excess of, the applicable limits of an  
498 insurance policy to which this part applies, issued by an  
499 insurer, if such insurer becomes an insolvent insurer ~~after~~  
500 ~~October 1, 1970,~~ and the claimant or insured is a resident of  
501 this state at the time of the insured event or the property from  
502 which the claim arises is permanently located in this state.

503 "Covered claim" shall not include:

504 (a) Any amount due any reinsurer, insurer, insurance pool,  
505 or underwriting association, sought directly or indirectly  
506 through a third party, as subrogation, contribution,  
507 indemnification, or otherwise; or

508 (b) Any claim that would otherwise be a covered claim  
509 under this part that has been rejected by any other state  
510 guaranty fund on the grounds that an insured's net worth is  
511 greater than that allowed under that state's guaranty law .

512 Member insurers shall have no right of subrogation,  
513 contribution, indemnification, or otherwise, sought directly or

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514 indirectly through a third party, against the insured of any  
515 insolvent member.

516 Section 42. Subsection (2) of section 631.904, Florida  
517 Statutes, is amended to read:

518 631.904 Definitions.--As used in this part, the term:

519 (2) "Covered claim" means an unpaid claim, including a  
520 claim for return of unearned premiums, which arises out of, is  
521 within the coverage of, and is not in excess of the applicable  
522 limits of, an insurance policy to which this part applies, which  
523 policy was issued by an insurer and which claim is made on  
524 behalf of a claimant or insured who was a resident of this state  
525 at the time of the injury. The term "covered claim" does not  
526 include any amount sought as a return of premium under any  
527 retrospective rating plan; any amount due any reinsurer,  
528 insurer, insurance pool, or underwriting association, as  
529 subrogation recoveries or otherwise; any claim that would  
530 otherwise be a covered claim that has been rejected by any other  
531 state guaranty fund on the grounds that the insured's net worth  
532 is greater than that allowed under that state's guaranty fund or  
533 liquidation law, except this exclusion from the definition of  
534 covered claim shall not apply to claims of employers who, prior  
535 to April 30, 2004, entered into an agreement with the  
536 corporation preserving the employer's right to seek coverage of  
537 claims rejected by another state's guaranty fund; or any return  
538 of premium resulting from a policy that was not in force on the  
539 date of the final order of liquidation. Member insurers have no  
540 right of subrogation against the insured of any insolvent  
541 insurer. This provision shall be applied retroactively to cover

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542 | claims of an insolvent self-insurance fund resulting from  
543 | accidents or losses incurred prior to January 1, 1994,  
544 | regardless of the date the petition in circuit court was filed  
545 | alleging insolvency and the date the court entered an order  
546 | appointing a receiver.

547 |       Section 43. Section 634.1815, Florida Statutes, is created  
548 | to read:

549 |       634.1815 Rebating; when allowed.--

550 |       (1) No salesperson shall rebate any portion of his or her  
551 | commission except as follows:

552 |       (a) The rebate shall be available to all consumers in the  
553 | same actuarial class.

554 |       (b) The rebate shall be in accordance with a rebating  
555 | schedule filed by the salesperson with the service agreement  
556 | company issuing the service agreement to which the rebate  
557 | applies. The service agreement company shall maintain a copy of  
558 | all rebating schedules for a period of 3 years.

559 |       (c) The rebating schedule shall be uniformly applied so  
560 | all consumers who purchase the same service agreement through  
561 | the salesperson for the same coverage shall receive the same  
562 | percentage rebate.

563 |       (d) The rebate schedule shall be prominently displayed in  
564 | public view in the salesperson's place of business, and a copy  
565 | shall be made available to consumers on request at no charge.

566 |       (e) The age, sex, place of residence, race, nationality,  
567 | ethnic origin, marital status, or occupation of the consumer  
568 | shall not be used in determining the percentage of the rebate or  
569 | whether a rebate is available.

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570       (2) No rebate shall be withheld or limited in amount based  
571 on factors which are unfairly discriminatory.

572       (3) No rebate shall be given which is not reflected on the  
573 rebate schedule.

574       (4) No rebate shall be refused or granted based upon the  
575 purchase of or failure to purchase collateral business.

576       Section 44. Section 634.3205, Florida Statutes, is created  
577 to read:

578       634.3205 Rebating; when allowed.--

579       (1) No sales representative shall rebate any portion of  
580 his or her commission except as follows:

581       (a) The rebate shall be available to all consumers in the  
582 same actuarial class.

583       (b) The rebate shall be in accordance with a rebating  
584 schedule filed by the sales representative with the home  
585 warranty association issuing the home warranty to which the  
586 rebate applies. The home warranty association shall maintain a  
587 copy of all rebating schedules for a period of 3 years.

588       (c) The rebating schedule shall be uniformly applied so  
589 all consumers who purchase the same home warranty through the  
590 sales representative for the same coverage shall receive the  
591 same percentage rebate.

592       (d) The rebate schedule shall be prominently displayed in  
593 public view in the sales representative's place of business, and  
594 a copy shall be made available to consumers on request at no  
595 charge.

596       (e) The age, sex, place of residence, race, nationality,  
597 ethnic origin, marital status, or occupation of the consumer

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598 shall not be used in determining the percentage of the rebate or  
599 whether a rebate is available.

600 (2) No rebate shall be withheld or limited in amount based  
601 on factors which are unfairly discriminatory.

602 (3) No rebate shall be given which is not reflected on the  
603 rebate schedule.

604 (4) No rebate shall be refused or granted based upon the  
605 purchase of or failure to purchase collateral business.

606 Section 45. Subsection (8) is added to section 634.406,  
607 Florida Statutes, to read:

608 634.406 Financial requirements.--

609 (8) An association licensed under this part and holding no  
610 other license under part I or part II of this chapter is not  
611 required to establish an unearned premium reserve or maintain  
612 contractual liability insurance and may allow its premiums to  
613 exceed the ratio to net assets limitation of this section if the  
614 association complies with the following:

615 (a) The association or, if the association is a direct or  
616 indirect wholly owned subsidiary of a parent corporation, its  
617 parent corporation has, and maintains at all times, a minimum  
618 net worth of at least \$100 million and provides the office with  
619 the following:

620 1. A copy of the association's annual audited financial  
621 statements or the audited consolidated financial statements of  
622 the association's parent corporation, prepared by an independent  
623 certified public accountant in accordance with generally  
624 accepted accounting principles, which clearly demonstrate the  
625 net worth of the association or its parent corporation to be

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626 \$100 million and a quarterly written certification to the office  
627 that such entity continues to maintain the net worth required  
628 under this paragraph.

629 2. The association's, or its parent corporation's, Form  
630 10K, Form 10Q, or Form 20F as filed with the United States  
631 Securities and Exchange Commission or such other documents  
632 required to be filed with a recognized stock exchange, which  
633 shall be provided on a quarterly and annual basis within 10 days  
634 after the last date each such report must be filed with the  
635 Securities and Exchange Commission, the National Association of  
636 Security Dealers Automated Quotation system, or other recognized  
637 stock exchange.

638  
639 Failure to timely file the documents required under this  
640 paragraph may, at the discretion of the office, subject the  
641 association to suspension or revocation of its license under  
642 this part. An association or parent corporation demonstrating  
643 compliance with subparagraph 1. and subparagraph 2. must  
644 maintain outstanding debt obligations, if any, rated in the top  
645 four rating categories by a recognized rating service.

646 (b) If the net worth of a parent corporation is used to  
647 satisfy the net worth provisions of paragraph (a), the following  
648 provisions must be met:

649 1. The parent corporation must guarantee all service  
650 warranty obligations of the association, wherever written, on a  
651 form approved in advance by the office. No cancellation,  
652 termination, or modification of the guarantee shall become  
653 effective unless the parent corporation provides the office

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654 written notice at least 90 days before the effective date of the  
655 cancellation, termination, or modification and the office  
656 approves the request in writing. Prior to the effective date of  
657 cancellation, termination, or modification of the guarantee, the  
658 association must demonstrate to the satisfaction of the office  
659 compliance with all applicable provisions of this part,  
660 including whether the association will meet the requirements of  
661 this section by the purchase of contractual liability insurance,  
662 establishing required reserves, or other method allowed under  
663 this section. If the association or parent corporation does not  
664 demonstrate to the satisfaction of the office compliance with  
665 all applicable provisions of this part, it shall immediately  
666 cease writing new and renewal business upon the effective date  
667 of the cancellation, termination, or modification.

668 2. The association must maintain at all times net assets  
669 of at least \$750,000.

670 Section 46. Section 634.4225, Florida Statutes, is created  
671 to read:

672 634.4225 Rebating; when allowed.--

673 (1) No sales representative shall rebate any portion of  
674 his or her commission except as follows:

675 (a) The rebate shall be available to all consumers in the  
676 same actuarial class.

677 (b) The rebate shall be in accordance with a rebating  
678 schedule filed by the sales representative with the association  
679 issuing the service warranty to which the rebate applies. The  
680 association shall maintain a copy of all rebating schedules for  
681 a period of 3 years.

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682       (c) The rebating schedule shall be uniformly applied so  
683 all consumers who purchase the same service warranty through the  
684 sales representative for the same coverage shall receive the  
685 same percentage rebate.

686       (d) The rebate schedule shall be prominently displayed in  
687 public view in the sales representative's place of business, and  
688 a copy shall be made available to consumers on request at no  
689 charge.

690       (e) The age, sex, place of residence, race, nationality,  
691 ethnic origin, marital status, or occupation of the consumer  
692 shall not be used in determining the percentage of the rebate or  
693 whether a rebate is available.

694       (2) No rebate shall be withheld or limited in amount based  
695 on factors which are unfairly discriminatory.

696       (3) No rebate shall be given which is not reflected on the  
697 rebate schedule.

698       (4) No rebate shall be refused or granted based upon the  
699 purchase of or failure to purchase collateral business.

700       Section 47. Subsection (2) of section 624.4072, Florida  
701 Statutes, is amended to read:

702       624.4072 Minority-owned property and casualty insurers;  
703 limited exemption for taxation and assessments.--

704       (2) Subsection (1) applies only to personal lines and  
705 commercial lines residential property insurance policies as  
706 defined in s. 627.4025, and applies only to an insurer that has  
707 employees in this state and has a home office or a regional  
708 office in this state. With respect to any tax year or  
709 assessment year, beginning with the original enactment of this

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710 section, the exemptions provided by subsection (1) apply only if  
711 during the year ~~an average of at least 10 percent of the~~  
712 insurer's Florida residential property policies in force  
713 included coverage of covered properties located in enterprise  
714 zones designated pursuant to s. 290.0065.

715 Section 48. Subsection (1) of section 627.0629, Florida  
716 Statutes, is amended to read:

717 627.0629 Residential property insurance; rate filings.--

718 (1)(a) Effective June 1, 2002, a rate filing for  
719 residential property insurance must include actuarially  
720 reasonable discounts, credits, or other rate differentials, or  
721 appropriate reductions in deductibles, for properties on which  
722 fixtures or construction techniques demonstrated to reduce the  
723 amount of loss in a windstorm have been installed or  
724 implemented. The fixtures or construction techniques shall  
725 include, but not be limited to, fixtures or construction  
726 techniques which enhance roof strength, roof covering  
727 performance, roof-to-wall strength, wall-to-floor-to-foundation  
728 strength, opening protection, and window, door, and skylight  
729 strength. Credits, discounts, or other rate differentials for  
730 fixtures and construction techniques which meet the minimum  
731 requirements of the Florida Building Code must be included in  
732 the rate filing. All insurance companies must make a rate filing  
733 which includes the credits, discounts, or other rate  
734 differentials by February 28, 2003.

735 (b) An insurer may petition the office for a hardship  
736 exemption from the requirements of this section. In applying for  
737 such an exemption, the insurer must demonstrate:

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738 1.a. That the number of policies written is insufficient  
739 or of insufficient size to determine the appropriate credit,  
740 discount, or other rate differential or reduction in  
741 deductibles; or

742 b. That the premium derived from the number of policies  
743 written is so low as to render any credit, discount, or other  
744 rate differential or appropriate reduction in deductibles not  
745 cost-effective;

746 3. That the cost of complying is greater to the insurer  
747 than the resultant likely savings by virtue of any such credit,  
748 discount, or other rate differential or appropriate reduction in  
749 deductibles due to the actuarially demonstrated or actual small  
750 number of policyholders likely to qualify for or qualifying for  
751 the discount, credit, or other rate differential or appropriate  
752 reduction in deductibles;

753 4. That the type and condition of the market generally and  
754 specifically to the insurer is such that the discount, credit,  
755 or other rate differential or appropriate reduction in  
756 deductibles is not actuarially justified;

757 5. That granting the exemption is in the best interest of  
758 the insurer; and

759 6. That granting the exemption will not place the insurer  
760 in an unfair competitive position with respect to other insurers  
761 in the marketplace.

762  
763 The office may grant the exemption upon its determination that  
764 the conditions and standards set forth in this paragraph have  
765 been met. The exemption is valid for 3 years after the date

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766 granted. With respect to any petition for renewal of the  
767 exemption, the chief executive officer of the insurer must  
768 certify that there has been no material change in the conditions  
769 under which the exemption was granted.

770 Section 49. Section 627.066, Florida Statutes, is  
771 repealed.

772 Section 50. Paragraph (d) of subsection (2) of section  
773 627.0651, Florida Statutes, is amended to read:

774 627.0651 Making and use of rates for motor vehicle  
775 insurance.--

776 (2) Upon receiving notice of a rate filing or rate change,  
777 the office shall review the rate or rate change to determine if  
778 the rate is excessive, inadequate, or unfairly discriminatory.  
779 In making that determination, the office shall in accordance  
780 with generally accepted and reasonable actuarial techniques  
781 consider the following factors:

782 (d) Investment income reasonably expected by the insurer,  
783 consistent with the insurer's investment practices, from  
784 investable premiums anticipated in the filing, plus any other  
785 expected income from currently invested assets representing the  
786 amount expected on unearned premium reserves and loss reserves.  
787 Such investment income shall not include income from invested  
788 surplus. The commission may adopt rules utilizing reasonable  
789 techniques of actuarial science and economics to specify the  
790 manner in which insurers shall calculate investment income  
791 attributable to motor vehicle insurance policies written in this  
792 state and the manner in which such investment income is used in  
793 the calculation of insurance rates. Such manner shall

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794 contemplate the use of a positive underwriting profit allowance  
795 in the rates that will be compatible with a reasonable rate of  
796 return plus provisions for contingencies. ~~The total of the~~  
797 ~~profit and contingency factor as specified in the filing shall~~  
798 ~~be utilized in computing excess profits in conjunction with s.~~  
799 ~~627.066.~~ In adopting such rules, the commission shall in all  
800 instances adhere to and implement the provisions of this  
801 paragraph.

802 Section 51. Subsection (4) of section 628.6017, Florida  
803 Statutes, is amended to read:

804 628.6017 Converting assessable mutual insurer.--

805 (4) An assessable mutual insurer becoming a stock insurer  
806 or a nonassessable mutual insurer shall not be subject to ~~s.~~  
807 ~~627.215~~ or s. 627.351(5) for 5 years following authorization of  
808 the conversion by the office. ~~However, the converted stock~~  
809 ~~insurer or nonassessable mutual insurer shall file all necessary~~  
810 ~~data required by s. 627.215. Such amounts otherwise subject to~~  
811 ~~s. 627.215(10) shall be maintained as surplus as to~~  
812 ~~policyholders and not be available for dividends for a period of~~  
813 ~~5 years.~~

814 Section 52. Effective upon this act becoming a law, and  
815 contingent upon the enactment of SB 2910, HB 1629, or similar  
816 legislation, subsection (20) of section 627.64872, Florida  
817 Statutes, is created to read:

818 627.64872 Florida Health Insurance Plan.--

819 (20) COMBINING MEMBERSHIP OF THE FLORIDA COMPREHENSIVE  
820 HEALTH ASSOCIATION.--

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821 (a)1. Upon implementation of the Florida Health Insurance  
822 Plan, the Florida Comprehensive Health Association, as specified  
823 in s. 627.6488, is abolished as a separate nonprofit entity and  
824 shall be subsumed under the Board of Directors of the Florida  
825 Health Insurance Plan. All individuals actively enrolled in the  
826 Florida Comprehensive Health Association shall be enrolled in  
827 the plan subject to its rules and requirements, except as  
828 otherwise specified in this section. Maximum lifetime benefits  
829 paid to an individual in the plan may not exceed the amount  
830 established under subsection (16), and benefits previously paid  
831 for any individual by the Florida Comprehensive Health  
832 Association shall be used in the determination of the total  
833 lifetime benefits paid under the plan.

834 2. All persons enrolled in the Florida Comprehensive  
835 Health Association upon implementation of the Florida Health  
836 Insurance Plan are eligible only for the benefits authorized  
837 under subsection (16). Persons identified by this section shall  
838 convert to the benefits authorized under subsection (16) no  
839 later than January 1, 2005.

840 3. Except as otherwise provided in this section, the  
841 Florida Comprehensive Health Association shall operate under the  
842 existing plan of operation without modification until the  
843 adoption of the new plan of operation for the Florida Health  
844 Insurance Plan.

845 (b) As a condition of doing business in this state, an  
846 insurer shall pay an assessment to the board in the amount  
847 prescribed by this paragraph. For operating losses incurred on  
848 or after July 1, 2004, by persons previously enrolled in the

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849 Florida Comprehensive Health Association, each insurer shall  
850 annually be assessed by the board in the following calendar year  
851 a portion of such incurred operating losses of the plan. Such  
852 portion shall be determined by multiplying such operating losses  
853 by a fraction, the numerator of which equals the insurer's  
854 earned premium pertaining to direct writings of health insurance  
855 in the state during the calendar year proceeding that for which  
856 the assessment is levied, and the denominator of which equals  
857 the total of all such premiums earned by participating insurers  
858 in the state during such calendar year. For the purposes of this  
859 section only, the term "health insurance" means any hospital and  
860 medical expense incurred policy, minimum premium plan, stop-loss  
861 coverage, health maintenance organization contract, prepaid  
862 health clinic contract, multiple-employer welfare arrangement  
863 contract, or fraternal benefit society health benefits contract,  
864 whether sold as an individual or group policy or contract. The  
865 term does not include any policy covering medical payment  
866 coverage or personal injury protection coverage in a motor  
867 vehicle policy, coverage issued as a supplement to liability  
868 insurance, or workers' compensation.

869 Section 53. Section 624.428, Florida Statutes, is amended  
870 to read:

871 624.428 Licensed agent law, life and health insurances.--

872 (1) No ~~life~~ insurer shall deliver or issue for delivery in  
873 this state any policy of life insurance, master group life  
874 insurance contract, master credit life policy or agreement,  
875 annuity contract, or contract or policy of health insurance,  
876 unless the application for such policy or contract is taken by,

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877 and the delivery of such policy or contract is made through, a  
878 resident or nonresident ~~an~~ insurance agent of the insurer duly  
879 licensed and appointed under the law of this state, who shall  
880 receive the usual commission due to an agent from such insurer.

881 (2) Each such insurer shall maintain a licensed and  
882 appointed resident or nonresident agent at all times for the  
883 purpose of and through whom policies or contracts issued or  
884 delivered in this state shall be serviced.

885 (3) This section does not apply to policies of insurance  
886 or annuity contracts on nonresidents which are applied for  
887 outside, and delivered in, the state or to reissuance of  
888 insurance policies or endorsements thereto which are part of a  
889 mass reissuance of such policies or endorsements and do not  
890 involve a change of premium or payment of agent's commissions.

891 Section 54. Section 627.0915, Florida Statutes, is amended  
892 to read:

893 627.0915 Rate filings; workers' compensation, drug-free  
894 workplace, and safe employers.—

895 (1) The office shall approve rating plans for workers'  
896 compensation and employer's liability insurance that give  
897 specific identifiable consideration in the setting of rates to  
898 employers that either implement a drug-free workplace program  
899 pursuant to s. 440.102 and rules adopted under such section ~~by~~  
900 ~~the commission~~ or implement a safety program pursuant to  
901 provisions of the rating plan or implement both a drug-free  
902 workplace program and a safety program. The plans must be  
903 actuarially sound and must state the savings anticipated to  
904 result from such drug-testing and safety programs.

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905       (2) An insurer offering a rate plan approved under this  
 906 section shall notify the employer at the time of a written offer  
 907 of insurance and at the time of each renewal of the policy of  
 908 the availability of the premium discount where a drug fee  
 909 workplace plan is used by the employer pursuant to s. 440.102  
 910 and related rules. The Financial Services Commission may adopt  
 911 rules to implement the provisions of this subsection.

912  
 913 ===== T I T L E   A M E N D M E N T =====

914       On page 3, between lines 10 and 11, insert:  
 915 amending s. 626.2815, F.S.; deleting certain minimum continuing  
 916 education requirements; amending s. 626.015, F.S.; defining the  
 917 term "personal lines agent"; amending s. 626.022, F.S.;  
 918 providing for application; amending s. 626.241, F.S.; limiting  
 919 the scope of personal lines agent examinations; amending s.  
 920 626.311, F.S.; limiting the types of business that may be  
 921 transacted by personal lines agents; amending s. 626.727, F.S.;  
 922 providing that certain provisions apply to personal lines  
 923 agents; amending s. 626.732, F.S.; revising certain education  
 924 and experience requirements for personal lines agents; amending  
 925 s. 626.747, F.S.; requiring branch agencies to have certain  
 926 licensed agents at each location; amending s. 627.351, F.S.;  
 927 providing that certain employees of the Citizens' Property  
 928 Insurance Corporation need not be licensed as agents; providing  
 929 that the act does not require the Department of Financial  
 930 Services to begin issuing certain licenses by the effective date  
 931 of the act, under specified conditions; amending s. 626.321,  
 932 F.S.; limiting the types of business that may be transacted by

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2038

Amendment No. (for drafter's use only)

933 | personal lines agents; amending s. 628.709, F.S.; revising  
934 | membership criteria for mutual insurance holding companies  
935 | relating to policyholders of subsidiary insurance companies;  
936 | amending s. 631.021, F.S.; authorizing certain domiciliary  
937 | courts to exercise exclusive jurisdiction over certain persons  
938 | under certain circumstances; specifying the Circuit Court of  
939 | Leon County as having exclusive jurisdiction over certain  
940 | proceedings and claims; amending s. 631.041, F.S.; entitling the  
941 | estates of certain injured insurers to actual damages;  
942 | authorizing a receivership court to impose additional sanctions;  
943 | amending s. 631.0515, F.S.; subjecting certain managing general  
944 | agents or holding companies to court jurisdiction under certain  
945 | circumstances; amending s. 631.141, F.S.; specifying certain  
946 | expenses as administrative and recoverable by a receiver in  
947 | certain proceedings; amending s. 631.205, F.S.; specifying that  
948 | entry of certain orders does not constitute anticipatory breach  
949 | of certain contracts or serve as grounds for certain adverse  
950 | contract actions by a reinsurer; creating s. 631.206, F.S.;  
951 | voiding certain contractual arbitration provisions by insurers  
952 | in receivership; specifying a replacement arbitration provision;  
953 | amending s. 631.261, F.S.; voiding certain transfers or liens  
954 | made by certain persons prior to certain delinquency  
955 | proceedings; specifying a criterion for making certain  
956 | transfers; amending ss. 631.262 and 631.263, F.S.; specifying a  
957 | criterion for making certain transfers; amending ss. 631.54 and  
958 | 631.904, F.S.; revising the definition of covered claim;  
959 | excluding certain claims rejected by another state's guaranty  
960 | fund under certain circumstances; providing an exception;

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2038

Amendment No. (for drafter's use only)

961 denying member insurers any right to indemnification or  
962 contribution sought through third parties; creating s. 634.1815,  
963 F.S.; providing conditions under which a salesperson of a motor  
964 vehicle service agreement company may rebate his or her  
965 commission; creating s. 634.3205, F.S.; providing conditions  
966 under which a sales representative of a home warranty  
967 association may rebate his or her commission; amending s.  
968 634.406, F.S.; providing conditions under which a service  
969 warranty association is exempt from certain premium reserve and  
970 liability insurance requirements and may allow premiums to  
971 exceed certain limits; creating s. 634.4225, F.S.; providing  
972 conditions under which a sales representative of a service  
973 warranty association may rebate his or her commission; amending  
974 s. 624.4072, F.S.; specifying applicability of certain  
975 exemptions for minority-owned property and casualty insurers;  
976 amending s. 627.0629, F.S.; authorizing an exemption for certain  
977 insurers under certain circumstances; repealing s. 627.066,  
978 F.S., relating to insurance profits; amending ss. 627.0651 and  
979 628.6017, F.S., to conform; creating s. 627.64872(20), F.S.;  
980 defining the term "health insurance" for purposes of this  
981 section; creating s. 17.0416, F.S.; amending s. 624.428, F.S.;  
982 clarifying provisions relating to resident agent requirements  
983 for insurers issuing specified types of life insurance policies;  
984 amending s. 627.0915, F.S.; providing for notice by insurers to  
985 employers of the availability of premium discounts where drug  
986 free workplace programs are used; authorizing the Financial  
987 Services Commission to adopt rules;

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