

By Senator Margolis

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1 A bill to be entitled
2 An act relating to life insurance and annuity
3 contracts; amending s. 624.402, F.S.; providing
4 that a certificate of authority is not required
5 for certain life insurance policies or annuity
6 contracts issued by an insurer domiciled
7 outside the United States and covering only
8 persons who are not residents of the United
9 States; requiring that the Office of Insurance
10 Regulation determine that the insurer meets
11 certain requirements; requiring the insurer to
12 disclose certain information; providing for the
13 office to determine when the insurer is no
14 longer eligible for the exemption; providing an
15 exemption from certain taxes; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (8) is added to section 624.402,
21 Florida Statutes, to read:22 624.402 Exceptions, certificate of authority
23 required.--A certificate of authority shall not be required of
24 an insurer with respect to:25 (8)(a) Life insurance policies or annuity contracts
26 issued by an insurer domiciled outside the United States
27 covering only persons who are not residents of the United
28 States at the time of issuance, provided:29 1. The office determines that the insurer meets the
30 same requirements as an eligible surplus lines insurer as set
31 forth in s. 626.918(2).

1 2. The insurer provides to the applicant for the
2 policy or contract a copy of financial statements of the
3 insurer as of a date not earlier than 120 days prior to the
4 date of provision of such financial statements and discloses
5 in writing to the applicant, in clear and conspicuous
6 language:

7 a. The date of organization of the insurer;

8 b. The identity of and rating assigned by each
9 recognized insurance company rating organization that has
10 rated the insurer or, if applicable, that the insurer is
11 unrated;

12 c. That the insurer does not hold a certificate of
13 authority issued in Florida and that the Office of Insurance
14 Regulation does not exercise regulatory oversight over the
15 insurer; and

16 d. The identity and address of the regulatory
17 authority exercising oversight of the insurer.

18 (b) If at any time the office has reason to believe
19 that an insurer issuing policies or contracts pursuant to this
20 subsection is insolvent or in unsound financial condition,
21 does not make reasonable prompt payment of benefits, or is no
22 longer eligible under the conditions specified in this
23 subsection, it shall withdraw the eligibility of the insurer
24 to issue policies or contracts pursuant to this subsection
25 without having a certificate of authority issued by the
26 office.

27 (c) This section does not provide an exception to the
28 agent licensure requirements of chapter 626. Any insurer
29 issuing policies or contracts pursuant to this subsection
30 shall appoint the agents that it uses to sell such policies or
31 contracts, as provided in chapter 626.

