

CHAMBER ACTION

1 The Commerce Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to information specified insurers must
7 file; amending s. 626.9913, F.S., relating to viatical
8 settlement providers; specifying a beginning date for
9 submission of a required annual statement; specifying
10 required information; specifying the period of application
11 of an unaudited financial statement; specifying
12 administrative action for failing to timely file an
13 audited financial statement; authorizing the Financial
14 Services Commission to require by rule that certain
15 statements or filings be submitted by electronic means in
16 a certain format; amending ss. 626.99175, 627.836,
17 651.026, and 651.0261, F.S., relating to life expectancy
18 providers, premium finance companies, and continuing care
19 providers; authorizing the Financial Services Commission
20 to require by rule that certain statements or filings be
21 submitted by electronic means in a certain format;
22 amending s. 628.281, F.S.; authorizing the Office of
23 Insurance Regulation to require that certain records or

Page 1 of 6

HB 1329 CS

2006
CS

24 | copies be submitted by remote electronic access; providing
25 | an effective date.

26 |

27 | Be It Enacted by the Legislature of the State of Florida:

28 |

29 | Section 1. Subsection (2) of section 626.9913, Florida
30 | Statutes, is amended to read:

31 | 626.9913 Viatical settlement provider license continuance;
32 | annual report; fees; deposit.--

33 | (2) Annually, on or before March 1, the viatical
34 | settlement provider licensee shall file a statement containing
35 | information the commission requires and shall pay to the office
36 | a license fee in the amount of \$500. After December 1, 2007, the
37 | annual statement shall include audited financial statements
38 | prepared in accordance with generally accepted accounting
39 | principles by an independent certified public accountant as of
40 | the last day of the preceding calendar year. If the audited
41 | financial statement has not been completed, however, the
42 | licensee shall include in its annual statement an unaudited
43 | financial statement for the preceding calendar year and an
44 | affidavit from an officer of the licensee stating that the audit
45 | has not been completed. In this event, the licensee shall submit
46 | the audited statement on or before June 1. The annual statement,
47 | due on or before June 1 each year, shall also provide the office
48 | with a report of all life expectancy providers who have provided
49 | life expectancies directly or indirectly to the viatical
50 | settlement provider for use in connection with a viatical
51 | settlement contract or a viatical settlement investment. A

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1329-02-c2

52 | viatical settlement provider shall include in all statements
 53 | filed with the office all information requested by the office
 54 | regarding a related provider trust established by the viatical
 55 | settlement provider. The office may require more frequent
 56 | reporting. Failure to timely file the annual statement or the
 57 | audited financial statement or to timely pay the license fee is
 58 | grounds for immediate suspension of the license. The commission
 59 | may require by rule all or part of the statements or filings
 60 | required under this section to be submitted by electronic means
 61 | in a computer-readable form compatible with the electronic data
 62 | format specified by the commission.

63 | Section 2. Subsection (13) is added to section 626.99175,
 64 | Florida Statutes, to read:

65 | 626.99175 Life expectancy providers; registration
 66 | required; denial, suspension, revocation.--

67 | (13) The commission may require by rule all or part of the
 68 | statements or filings required under this section to be
 69 | submitted by electronic means in a computer-readable format
 70 | specified by the commission.

71 | Section 3. Subsection (2) of section 627.836, Florida
 72 | Statutes, is amended to read:

73 | 627.836 Licensee's books and records; reports.--

74 | (2) Each licensee shall annually, on or before March 1,
 75 | file a report with the office giving such information as the
 76 | office may require. The report shall be made under oath and in
 77 | the form prescribed by the commission and shall be accompanied
 78 | by the annual report filing fee specified in s. 627.849. The
 79 | office may make and publish annually an analysis and

HB 1329 CS

2006
CS

80 | recapitulation of such reports. In addition, the office may
 81 | require such additional regular or special reports as it deems
 82 | ~~may deem~~ necessary. The commission may require by rule all or
 83 | part of the statements or filings required under this section to
 84 | be submitted by electronic means in a computer-readable form
 85 | compatible with the electronic data format specified by the
 86 | commission.

87 | Section 4. Paragraph (c) of subsection (1) of section
 88 | 628.281, Florida Statutes, is amended to read:

89 | 628.281 Exceptions to requirement that office, records,
 90 | and assets be maintained in this state.--

91 | (1) The provisions of s. 628.271 shall not be deemed to
 92 | prohibit or prevent an insurer from:

93 | (c) Establishing and maintaining its principal operations
 94 | offices, its usual operations records, and such of its assets as
 95 | may be necessary or convenient for the purpose, in another state
 96 | in which the insurer is authorized to transact insurance in
 97 | order that general administration of its affairs may be combined
 98 | with that of an affiliated insurer or insurers, but subject to
 99 | the following conditions:

100 | 1. That the office consent in writing to the ~~such~~ removal
 101 | of offices, records, and assets from this state upon evidence
 102 | satisfactory to it that the same will facilitate and make more
 103 | economical the operations of the insurer and will not
 104 | unreasonably diminish the service or protection thereafter to be
 105 | given the insurer's policyholders in this state and elsewhere;

106 | 2. That the insurer will continue to maintain in this
 107 | state its principal corporate office or place of business, and

HB 1329 CS

2006
CS

108 | maintain therein available to the inspection of the office
109 | complete records of its corporate proceedings and a copy of each
110 | financial statement of the insurer current within the preceding
111 | 5 years, including a copy of each interim financial statement
112 | prepared for the information of the insurer's officers or
113 | directors;

114 | 3. That, upon the written request of the office, the
115 | insurer will with reasonable promptness provide the office
116 | remote electronic access to or produce at its principal
117 | corporate offices in this state for examination or for subpoena
118 | its records or copies thereof relative to a particular
119 | transaction or transactions of the insurer as designated by the
120 | office in its request; and

121 | 4. That, if at any time the office finds that the
122 | conditions justifying the maintenance of the ~~such~~ offices,
123 | records, and assets outside this state no longer exist, or that
124 | the insurer has willfully and knowingly violated any of the
125 | conditions stated in subparagraphs 2. and 3., the office may
126 | order the return of the ~~such~~ offices, records, and assets to
127 | this state within such reasonable time, not less than 6 months,
128 | as may be specified in the order; and that for failure to comply
129 | with the ~~such~~ order, as thereafter modified or extended, if any,
130 | the office shall suspend or revoke the insurer's certificate of
131 | authority.

132 | Section 5. Subsection (9) is added to section 651.026,
133 | Florida Statutes, to read:

134 | 651.026 Annual reports.--

HB 1329 CS

2006
CS

135 (9) The commission may require by rule all or part of the
136 statements or filings required under this section to be
137 submitted by electronic means in a computer-readable form
138 compatible with the electronic data format specified by the
139 commission.

140 Section 6. Section 651.0261, Florida Statutes, is amended
141 to read:

142 651.0261 Quarterly statements.--If the office finds,
143 pursuant to rules of the commission, that such information is
144 needed to properly monitor the financial condition of a provider
145 or facility or is otherwise needed to protect the public
146 interest, the office may require the provider to file, within 45
147 days after the end of each fiscal quarter, a quarterly unaudited
148 financial statement of the provider or of the facility in the
149 form prescribed by the commission by rule. The commission may
150 require by rule all or part of the statements or filings
151 required under this section to be submitted by electronic means
152 in a computer-readable form compatible with the electronic data
153 format specified by the commission.

154 Section 7. This act shall take effect upon becoming a law.