

By Senator Alexander

17-1135-06

1 A bill to be entitled

2 An act relating to insurance; amending ss.

3 626.9913, 627.836, 651.026, and 651.0261, F.S.,

4 relating to viatical settlement providers,

5 premium finance companies, and continuing care

6 providers; authorizing the Financial Services

7 Commission to require by rule that certain

8 statements or filings be submitted by

9 electronic means in a certain format; amending

10 s. 628.281, F.S.; authorizing the Office of

11 Insurance Regulation to require that certain

12 records or copies be submitted by remote

13 electronic access; providing an effective date.

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

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17 Section 1. Subsection (2) of section 626.9913, Florida

18 Statutes, is amended to read:

19 626.9913 Viatical settlement provider license

20 continuance; annual report; fees; deposit.--

21 (2) Annually, on or before March 1, the viatical

22 settlement provider licensee shall file a statement containing

23 information the commission requires and shall pay to the

24 office a license fee in the amount of \$500. The annual

25 statement shall include audited financial statements prepared

26 in accordance with generally accepted accounting principles by

27 an independent certified public accountant as of the last day

28 of the preceding calendar year. If the audited financial

29 statement has not been completed, however, the licensee shall

30 include in its annual statement an unaudited financial

31 statement and an affidavit from an officer of the licensee

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

1 stating that the audit has not been completed. In this event,
2 the licensee shall submit the audited statement on or before
3 June 1. The annual statement shall also provide the office
4 with a report of all life expectancy providers who have
5 provided life expectancies directly or indirectly to the
6 viatical settlement provider for use in connection with a
7 viatical settlement contract or a viatical settlement
8 investment. A viatical settlement provider shall include in
9 all statements filed with the office all information requested
10 by the office regarding a related provider trust established
11 by the viatical settlement provider. The office may require
12 more frequent reporting. Failure to timely file the annual
13 statement or to timely pay the license fee is grounds for
14 immediate suspension of the license. The commission may by
15 rule require all or part of the statements or filings required
16 under this section to be submitted by electronic means in a
17 computer-readable form compatible with the electronic data
18 format specified by the commission.

19 Section 2. Subsection (2) of section 627.836, Florida
20 Statutes, is amended to read:

21 627.836 Licensee's books and records; reports.--

22 (2) Each licensee shall annually, on or before March
23 1, file a report with the office giving such information as
24 the office may require. The report shall be made under oath
25 and in the form prescribed by the commission and shall be
26 accompanied by the annual report filing fee specified in s.
27 627.849. The office may make and publish annually an analysis
28 and recapitulation of such reports. In addition, the office
29 may require such additional regular or special reports as it
30 ~~deems may deem~~ necessary. The commission may by rule require
31 all or part of the statements or filings required under this

1 section to be submitted by electronic means in a
2 computer-readable form compatible with the electronic data
3 format specified by the commission.

4 Section 3. Paragraph (c) of subsection (1) of section
5 628.281, Florida Statutes, is amended to read:

6 628.281 Exceptions to requirement that office,
7 records, and assets be maintained in this state.--

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

10 (c) Establishing and maintaining its principal
11 operations offices, its usual operations records, and such of
12 its assets as may be necessary or convenient for the purpose,
13 in another state in which the insurer is authorized to
14 transact insurance in order that general administration of its
15 affairs may be combined with that of an affiliated insurer or
16 insurers, but subject to the following conditions:

17 1. That the office consent in writing to the ~~such~~
18 removal of offices, records, and assets from this state upon
19 evidence satisfactory to it that the same will facilitate and
20 make more economical the operations of the insurer and will
21 not unreasonably diminish the service or protection thereafter
22 to be given the insurer's policyholders in this state and
23 elsewhere;

24 2. That the insurer will continue to maintain in this
25 state its principal corporate office or place of business, and
26 maintain therein available to the inspection of the office
27 complete records of its corporate proceedings and a copy of
28 each financial statement of the insurer current within the
29 preceding 5 years, including a copy of each interim financial
30 statement prepared for the information of the insurer's
31 officers or directors;

1 3. That, upon the written request of the office, the
2 insurer will with reasonable promptness provide the office
3 remote electronic access to or produce at its principal
4 corporate offices in this state for examination or for
5 subpoena its records or copies thereof relative to a
6 particular transaction or transactions of the insurer as
7 designated by the office in its request; and

8 4. That, if at any time the office finds that the
9 conditions justifying the maintenance of ~~the such~~ offices,
10 records, and assets outside this state no longer exist, or
11 that the insurer has willfully and knowingly violated any of
12 the conditions stated in subparagraphs 2. and 3., the office
13 may order the return of ~~the such~~ offices, records, and assets
14 to this state within such reasonable time, not less than 6
15 months, as may be specified in the order; and that for failure
16 to comply with ~~the such~~ order, as thereafter modified or
17 extended, if any, the office shall suspend or revoke the
18 insurer's certificate of authority.

19 Section 4. Subsection (9) is added to section 651.026,
20 Florida Statutes, to read:

21 651.026 Annual reports.--

22 (9) The commission may by rule require all or part of
23 the statements or filings required under this section to be
24 submitted by electronic means in a computer-readable form
25 compatible with the electronic data format specified by the
26 commission.

27 Section 5. Section 651.0261, Florida Statutes, is
28 amended to read:

29 651.0261 Quarterly statements.--If the office finds,
30 pursuant to rules of the commission, that such information is
31 needed to properly monitor the financial condition of a

1 provider or facility or is otherwise needed to protect the
2 public interest, the office may require the provider to file,
3 within 45 days after the end of each fiscal quarter, a
4 quarterly unaudited financial statement of the provider or of
5 the facility in the form prescribed by the commission by rule.
6 The commission may by rule require all or part of the
7 statements or filings required under this section to be
8 submitted by electronic means in a computer-readable form
9 compatible with the electronic data format specified by the
10 commission.

11 Section 6. This act shall take effect upon becoming a
12 law.

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15 SENATE SUMMARY

16 Authorizes the Financial Services Commission to require
17 by rule that certain statements or filings be submitted
18 by electronic means in a certain format. Authorizes the
19 Office of Insurance Regulation to require that certain
20 records or copies be submitted by remote electronic
21 access.
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