

Bill No. CS for CS for SB 1980

Barcode 401062

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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05/05/2006 12:03 PM

11 Senator Garcia moved the following **amendment to amendment**
12 (021596):

14 **Senate Amendment (with title amendment)**

15 On page 125, line 16, through
16 page 128, line 16, delete those lines

18 and insert:

19 Section 38. (1) For the 2006-2007 fiscal year, the
20 sum of \$250 million is appropriated on a nonrecurring basis
21 from the General Revenue Fund to the Insurance Regulatory
22 Trust Fund in the Department of Financial Services for
23 purposes of the Florida Comprehensive Hurricane Damage
24 Mitigation Program specified in s. 215.5586, Florida Statutes,
25 as created by this act. The department shall establish a
26 separate account within the trust fund for accounting
27 purposes.

28 (2) The sum of \$250 million is appropriated from the
29 Insurance Regulatory Trust Fund in the Department of Financial
30 Services for the purposes set forth in subsection (1). The
31 department may expend up to 1 percent of the funds

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1 appropriated to administer the program. Beginning October 15,
 2 2007, and quarterly thereafter, the Chief Financial Officer
 3 shall provide a report to the Executive Office of the Governor
 4 and the chair and vice chair of the Legislative Budget
 5 Commission containing information regarding expenditures made
 6 for the purposes set forth in subsection (1).

7 (3) Notwithstanding the provisions of s. 216.301,
 8 Florida Statutes, to the contrary, the unexpended balance of
 9 appropriations authorized in subsections (1) and (2) shall not
 10 revert until June 30, 2009.

11 Section 39. The sum of \$250 million is appropriated
 12 from the General Revenue Fund on a nonrecurring basis to the
 13 State Board of Administration for purposes of the Insurance
 14 Capital Build-Up Incentive Program established pursuant to s.
 15 215.5595, Florida Statutes, as created by this act. Costs and
 16 fees incurred by the board in administering this program,
 17 including fees for investment services, shall be paid from
 18 funds appropriated by the Legislature for this program, but
 19 are limited to 1 percent of the amount appropriated.
 20 Notwithstanding the provisions of s. 216.301, Florida
 21 Statutes, to the contrary, the unexpended balance of this
 22 appropriation shall not revert until June 30, 2007.

23 Section 40. (1) The Legislature finds that the
 24 hurricanes of 2004 and 2005 caused unprecedented property
 25 damage that led to increased property insurance premiums and
 26 deficits in state-created insurance entities, resulted in
 27 assessments that were recouped by insurers from policyholders,
 28 and future assessments are expected to be levied against
 29 insurers and policyholders. Hurricane damage and losses
 30 require permanent residents who are homeowners and mobile
 31 homeowners to incur extraordinary costs associated with

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1 preparing and protecting their families and property from
2 potential or actual storm damage. Florida has experienced a
3 budget surplus in the 2005-2006 fiscal year, which is due in
4 part to escalating property and construction material prices
5 that are paid disproportionately by permanent residents of
6 homes and mobile homes. The Legislature intends to provide
7 insurance premium and related tax relief and refund to these
8 Floridians a portion of the budget surplus.

9 (2) For the 2006-2007 fiscal year, the sum of \$715
10 million is appropriated from nonrecurring funds in the General
11 Revenue Fund to the Department of Financial Services to be
12 used to issue a refund of insurance premiums and related state
13 taxes paid in 2006 and expected to be paid in 2007 of up to
14 \$140 per eligible household, and as further provided in this
15 section. As used in this section, the term "department" means
16 the Department of Financial Services.

17 (3) The refund shall be issued in the form of a check
18 drawn on the General Revenue Fund. Each check shall be payable
19 to the owner of an eligible household. If there are multiple
20 owners of an eligible household, the check shall be made
21 jointly payable to the multiple owners. Not more than one
22 refund shall be paid to any owner or coowner of an eligible
23 household. Refund checks shall be mailed as soon as practical.

24 (4)(a) The department shall determine the number of
25 refund checks and the identity of payees.

26 (b) The Department of Revenue and the Department of
27 Highway Safety and Motor Vehicles shall assist the department
28 in compiling the list of eligible households, mailing the
29 refund checks, and reviewing petitions of eligible households
30 for refunds. The list must be in the format specified by the
31 department.

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1 (c) If the number of refund checks determined pursuant
 2 to paragraph (a) multiplied by \$140 exceeds the appropriation
 3 available for such purpose, the department shall reduce the
 4 refund amount per check in an amount sufficient to reduce the
 5 sum of the refunds to equal the appropriation. Otherwise, the
 6 refund amount per check shall be \$140.

7 (5) After the department has mailed refund checks to
 8 all known eligible households, the department shall specify a
 9 time period during which eligible households that have not
 10 received a refund check may petition the department for a
 11 refund check. Denial of the application represents final
 12 agency action and is subject to judicial review under s.
 13 120.68, Florida Statutes. Failure to file a petition with the
 14 department during the time period specified by the department
 15 constitutes a waiver of any claim for a refund under this
 16 section. The refund amount per check shall be the amount per
 17 check determined pursuant to paragraph (3)(c).

18 (6) Any person who knowingly and willfully gives false
 19 information for the purpose of claiming a refund under this
 20 section commits a misdemeanor of the first degree, punishable
 21 as provided in s. 775.082, Florida Statutes, or by a fine not
 22 exceeding \$5,000, or both.

23 (7) Notwithstanding s. 17.26, Florida Statutes,
 24 warrants that are not presented within 6 months after issuance
 25 shall be void. The uncashed amounts shall be available for
 26 making refund payments pursuant to this act.

27 (8) As used in this section, the term "eligible
 28 household" means:

29 (a) A permanent residence as defined in s. 196.012,
 30 Florida Statutes, who qualifies for the homestead exemption
 31 under s. 6, Art. VII of the State Constitution and s. 196.031,

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1 Florida Statutes, as shown on the 2006 property tax rolls as
2 certified by the county property appraiser to the Department
3 of Revenue pursuant to s. 193.1142, Florida Statutes; or

4 (b) A mobile home that does not qualify pursuant to
5 paragraph (a), owned by a person who permanently resides in
6 that mobile home, and for which the annual registration is
7 current as of July 1, 2006, pursuant to chapter 320, Florida
8 Statutes. Permanent residency must be established pursuant to
9 the factors listed in s. 196.015, Florida Statutes.

10 (9) From the funds appropriated by this section:

11 (a) The amount of \$705,350,000 may be used by the
12 Department of Financial Services for refund checks that are
13 initially mailed to owners of all known eligible households;

14 (b) The amount of \$2.2 million may be transferred to,
15 and used by, the Department of Revenue for the purpose of
16 administering this section;

17 (c) The amount of \$150,000 may be transferred to and
18 used by the Department of Highway Safety and Motor Vehicles
19 for the purpose of administering this section;

20 (d) The amount of \$2.3 million may be used by the
21 Department of Financial Services for the purpose of
22 administering this act; and

23 (e) The amount of \$5 million may be used by the
24 Department of Financial Services for refund payments pursuant
25 to applications filed after the initial refund checks are
26 mailed to owners of all known eligible households. Any unused
27 portion of the appropriation available for refund payments
28 initially mailed to owners of all known eligible households
29 shall be available for refund payments pursuant to
30 applications filed during the time period specified by the
31 department.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 140, lines 2-21, delete those lines

4

5 and insert:

6 providing appropriations; making legislative
7 findings regarding hurricane damage and the
8 impact on insurance premiums; providing
9 legislative intent to provide insurance premium
10 and related tax relief; requiring the
11 Department of Financial Services to issue
12 refunds of up to a specified amount per
13 eligible household; providing for the refund
14 check to be drawn on the General Revenue Fund;
15 providing limitations on refunds; requiring the
16 Department of Revenue and the Department of
17 Highway Safety and Motor Vehicles to assist the
18 department in responsibilities related to the
19 refunds; providing a method for calculating the
20 amount of the refund; requiring the department
21 to establish a time period during which an
22 eligible household not in receipt of a refund
23 may petition for a refund; providing that
24 denial of an application represents final
25 agency action that is subject to judicial
26 review under s. 120.68, F.S.; providing a
27 penalty for giving false information; providing
28 that warrants not presented within 6 months are
29 void; defining the term "eligible household";
30 allocating the appropriations for providing and
31 administering the refunds; repealing s.