

Bill No. CS for SB 764

Barcode 154806

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

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Senator Aronberg moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Freedom to Travel Act."

Section 2. Paragraph (dd) is added to subsection (1) of section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.--

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.--The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(dd) Life insurance limitations based on past foreign travel experiences or future foreign travel plans.--

1. An insurer may not refuse life insurance to, refuse to continue the life insurance of, or limit the amount, extent, or kind of life insurance coverage available to an individual based solely on the individual's past lawful

Barcode 154806

1 foreign travel experiences.

2 2. An insurer may not refuse life insurance to, refuse  
3 to continue the life insurance of, or limit the amount,  
4 extent, or kind of life insurance coverage available to an  
5 individual based solely on the individual's future lawful  
6 travel plans unless the insurer can demonstrate and the Office  
7 of Insurance Regulation determines that:

8 a. Individuals who travel are a separate actuarially  
9 supportable class whose risk of loss is different from those  
10 individuals who do not travel; and

11 b. Such risk classification is based upon sound  
12 actuarial principles and actual or reasonably anticipated  
13 experience that correlates to the risk of travel to a specific  
14 destination.

15 3. The commission may adopt rules pursuant to ss.  
16 120.536(1) and 120.54 necessary to implement this paragraph  
17 and may provide for limited exceptions that are based upon  
18 national or international emergency conditions that affect the  
19 public health, safety, and welfare and that are consistent  
20 with public policy.

21 4. Each market conduct examination of a life insurer  
22 conducted pursuant to s. 624.3161 shall include a review of  
23 every application under which such insurer refused to issue  
24 life insurance, refused to continue life insurance, or limited  
25 the amount, extent, or kind of life insurance issued, based  
26 upon future lawful travel plans.

27 5. The administrative fines provided in s. 624.4211(2)  
28 and (3) shall be trebled for violations of this paragraph.

29 6. The Office of Insurance Regulation shall report to  
30 the President of the Senate and the Speaker of the House of  
31 Representatives by March 1, 2007, and on the same date

Bill No. CS for SB 764

Barcode 154806

1 annually thereafter, on the implementation of this paragraph.  
 2 The report shall include, but not be limited to, the number of  
 3 applications under which life insurance was denied,  
 4 continuance was refused, or coverage was limited based on  
 5 future travel plans, the number of insurers taking such  
 6 action, and the reason for taking each such action.

7 Section 3. This act shall take effect July 1, 2006.

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

14 and insert:

15 A bill to be entitled

16 An act relating to travel-limited life  
 17 insurance coverage; providing a short title;  
 18 amending s. 626.9541, F.S.; specifying  
 19 prohibited activities by insurers for life  
 20 insurance coverage relating to lawful travel  
 21 experiences or plans; authorizing the Financial  
 22 Services Commission to adopt rules and provide  
 23 certain limited exceptions based on emergency  
 24 conditions and public policy; requiring market  
 25 conduct examinations of life insurers to  
 26 include a review of certain applications;  
 27 providing for trebling certain administrative  
 28 fines for certain violations; requiring the  
 29 Office of Insurance Regulation to report  
 30 annually to the Legislature; providing report  
 31 requirements; providing an effective date.