

HB 1003

2008

1                   A bill to be entitled  
2           An act relating to annuity products; amending s.  
3           627.4554, F.S.; providing that any person who  
4           purchases an annuity product in this state and who is  
5           75 years of age or older at the time of purchase may  
6           rescind without penalty the contract for the sale of  
7           such annuity product for any reason at any time within  
8           a period of 1 year after the date on which such  
9           product is purchased; requiring that a person  
10          rescinding such contract notify the insurer or  
11          insurer's agent of rescission in writing; requiring  
12          that a person rescinding such contract or agreement  
13          receive from the insurer a full refund of any costs  
14          paid to the insurer or insurer's agent for the annuity  
15          product or related services upon receipt by the  
16          insurer or insurer's agent of the written notice of  
17          rescission; requiring that an insurer licensed to  
18          provide annuity products in this state include certain  
19          provisions in a contract for such product; providing  
20          an effective date.

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

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24           Section 1. Subsection (9) is added to section 627.4554,  
25   Florida Statutes, to read:

26           627.4554 Annuity investments by seniors.--

27           (9) RESCISSION.--Any person who purchases an annuity  
28   product in this state and is 75 years of age or older at the

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29 time of purchase may rescind without penalty a contract for the  
30 sale of such annuity product for any reason at any time within a  
31 period of 1 year after the date on which such product is  
32 purchased.

33 (a) Such rescission must be made in writing and may be  
34 delivered to the insured or any agent of the insured selling  
35 annuity products.

36 (b) A person rescinding a contract or agreement for such  
37 annuity product shall receive from the insurer a full refund of  
38 any costs paid to the insurer or insurer's agent for such  
39 product or related services upon receipt by the insurer of the  
40 written notice of rescission.

41 (c) Any insurer licensed to write or sell annuities or  
42 annuity products in this state must include provisions in any  
43 contract or agreement for the purchase of that insurer's annuity  
44 products allowing a person 75 years of age or older who  
45 purchases an annuity product from that insurer or an agent of  
46 that insurer to rescind such contract or agreement in accordance  
47 with this subsection and providing that person with a full  
48 refund of any costs paid to the insurer or insurer's agent for  
49 such product or related services. Failure to include such  
50 provisions constitutes a violation of this code, subject to the  
51 appropriate penalties.

52 Section 2. This act shall take effect July 1, 2008.