

By Senator Gaetz

4-03631A-08

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1 A bill to be entitled

2 An act relating to administrative fines for violations of  
3 the Florida Insurance Code; amending s. 624.4211, F.S.;  
4 authorizing the Office of Insurance Regulation to impose  
5 administrative fines upon an insurer for each day the  
6 insurer is not in compliance with the code, up to a  
7 specified maximum amount per violation per day; requiring  
8 that the office consider certain information when  
9 determining the amount of such fines; amending s. 627.381,  
10 F.S.; providing that each violation is subject to  
11 administrative fines as prescribed by state law; providing  
12 an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsection (5) is added to section 624.4211,  
17 Florida Statutes, to read:

18 624.4211 Administrative fine in lieu of suspension or  
19 revocation.--

20 (5) The office may impose an administrative fine for each  
21 day the insurer is not in compliance with the Florida Insurance  
22 Code, up to a maximum of \$25,000 per violation per day. When  
23 determining the amount of such fine, the office shall consider:

24 (a) The degree of consumer harm caused or potentially  
25 caused by the violation;

26 (b) Whether the violation constitutes an immediate danger  
27 to the public;

28 (c) Whether the violation is a repeat violation or similar  
29 to past violations by the insurer;

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30        (d) The effect of the fine or violation on the solvency of  
31 the insurer;

32        (e) The premium volume of the company; and

33        (f) The effect of the fine on the insurer's ability to  
34 comply with the code.

35        Section 2. Subsection (1) of section 627.381, Florida  
36 Statutes, is amended to read:

37        627.381 Penalty for violation.--

38        (1) The office may, if it finds that any person or  
39 organization has violated any provision of this part, impose an  
40 administrative fine pursuant to s. 624.4211. For each violation,  
41 each day that an insurer is not in compliance with this or any  
42 other section of the Florida Insurance Code constitutes a  
43 separate violation or set of violations and each violation or set  
44 of violations is subject to administrative fines pursuant to s.  
45 624.4211.

46        Section 3. This act shall take effect July 1, 2008.