



354454

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Finance and Tax (Pruitt) recommended the following:

Senate Amendment (with title amendment)

Delete lines 185 - 188

and insert:

Section 5. Sections 1 through 4 of this act are intended to be clarifying and remedial in nature, and do not provide a basis for assessments of tax, or refunds of tax for periods prior to July 1, 2009.

Section 6. Paragraph (r) of subsection (1) of section 624.605, Florida Statutes, is amended to read:

624.605 "Casualty insurance" defined.-



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12 (1) "Casualty insurance" includes:

13 (r) *Insurance for debt cancellation products.*—Insurance
14 that a creditor may purchase against the risk of financial loss
15 from the use of debt cancellation products with consumer loans
16 or leases or retail installment contracts. Insurance for debt
17 cancellation products is not liability insurance but shall be
18 considered credit insurance only for the purposes of s.
19 631.52(4).

20 1. For purposes of this paragraph, the term "debt
21 cancellation products" means loan, lease, or retail installment
22 contract terms, or modifications to loan, lease, or retail
23 installment contracts, under which a creditor agrees to cancel
24 or suspend all or part of a customer's obligation to make
25 payments upon the occurrence of specified events and includes,
26 but is not limited to, debt cancellation contracts, debt
27 suspension agreements, and guaranteed asset protection
28 contracts. However, the term "debt cancellation products" does
29 not include title insurance as defined in s. 624.608.

30 2. Debt cancellation products may be offered by financial
31 institutions, as defined in s. 655.005(1)(h); ~~or~~ insured
32 depository institutions, as defined in 12 U.S.C. s. 1813(c); ~~or~~
33 ~~and~~ subsidiaries of such institutions, as provided in the
34 financial institutions codes; a seller, as defined in s. 721.05,
35 or the parents, subsidiaries, or affiliated entities of a
36 seller, in connection with the sale of timeshare interests; ~~or~~
37 ~~by~~ other business entities as may be specifically authorized by
38 law. ~~and~~ Such products do ~~shall~~ not constitute insurance for
39 purposes of the Florida Insurance Code.

40 Section 7. Subsection (17) of section 721.05, Florida



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41 Statutes, is amended to read:

42 721.05 Definitions.—As used in this chapter, the term:

43 (17) "Facility" means any permanent amenity, including any
44 structure, furnishing, fixture, equipment, service, improvement,
45 or real or personal property, improved or unimproved, other than
46 an accommodation of the timeshare plan, which is made available
47 to the purchasers of a timeshare plan. The term does not include
48 an incidental benefit as defined in this section.

49 Section 8. If any provision of this act or the application
50 thereof to any person or circumstance is held invalid, the
51 invalidity does not affect other provisions or applications of
52 the act which can be given effect without the invalid provision
53 or application, and to this end the provisions of this act are
54 severable.

55 Section 9. This act shall take effect July 1, 2009.

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete lines 2 - 7

60 and insert:

61
62 An act relating to timeshares; amending ss. 125.0104,
63 125.0108, 212.03, and 212.0305, F.S.; revising
64 application of provisions imposing certain taxes upon
65 consideration paid for occupancy of certain timeshare
66 resort products; providing application and
67 construction; amending s. 624.605, F.S.; expanding the
68 list of entities authorized to offer debt cancellation
69 products for purposes of the definition of the term



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"casualty insurance" to include a seller of a
timeshare interests or the parents, subsidiaries, or
affiliated entities of a seller; amending s. 721.05,
F.S.; redefining the term "facility"; providing for
severability; providing an effective date.