

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Holder offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 742-767 and insert:

5 be marketed service warranties to residents of this state.

6 (b) The person submits a letter of notification that
7 provides the following information to the office upon the start
8 of business from this state and annually thereafter by March 1:

9 1. The type of products offered and a statement certifying
10 that the products are not regulated in the state in which the
11 person is transacting business or that the person is licensed in
12 the state in which the person is transacting business.

13 2. The name of the person, the state of domicile, the home
14 address and address in this state of the person, the names of
15 the owners and their percentage of ownership, the names of the
16 officers and directors, the name, e-mail, and telephone number

392891

Approved For Filing: 4/28/2011 12:45:22 PM

Amendment No.

17 of a contact person, the states in which the person is
18 transacting business, and how many individuals are employed in
19 this state.

20 (c) If the person ceases to do business from this state,
21 the person shall provide written notification to the office
22 within 30 days after cessation of business.

23 (6)(5) Any person who provides, offers to provide, or
24 holds oneself out as providing or offering to provide a service
25 warranty to residents of in this state ~~or from this state~~
26 without holding a subsisting license commits, in addition to any
27 other violation, a misdemeanor of the first degree, punishable
28 as provided in s. 775.082 or s. 775.083.

29 Section 14. Section 627.442, Florida Statutes, is amended
30 to read:

31 627.442 Insurance contracts.—

32 (1) A person who requires a workers' compensation
33 insurance policy pursuant to a construction contract may not
34 reject a workers' compensation insurance policy issued by a
35 self-insurance fund that is subject to part V of chapter 631
36 based upon the self-insurance fund not being rated by a
37 nationally recognized insurance rating service.

38 (2) Notwithstanding s. 440.381(3), premium audits are not
39 required for workers' compensation coverage, other than an audit
40 required by the insurance policy or an order of the office, or
41 at least once each policy period, if requested by the insured.

42 Section 15. Subsections (4) and (7) of section 627.7295,
43 Florida Statutes, are amended to read:

44 627.7295 Motor vehicle insurance contracts.—

392891

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Amendment No.

45 (4) If subsection (7) does not apply, the insurer may
46 cancel the policy in accordance with this code except that,
47 notwithstanding s. 627.728, an insurer may not cancel a new
48 policy or binder during the first 60 days immediately following
49 the effective date of the policy or binder except for nonpayment
50 of premium ~~unless the reason for the cancellation is the~~
51 ~~issuance of a check for the premium that is dishonored for any~~
52 ~~reason.~~

53 (7) A policy of private passenger motor vehicle insurance
54 or a binder for such a policy may be initially issued in this
55 state only if, before the effective date of such binder or
56 policy, the insurer or agent has collected from the insured an
57 amount equal to 2 months' premium. An insurer, agent, or premium
58 finance company may not, directly or indirectly, take any action
59 resulting in the insured having paid from the insured's own
60 funds an amount less than the 2 months' premium required by this
61 subsection. This subsection applies without regard to whether
62 the premium is financed by a premium finance company or is paid
63 pursuant to a periodic payment plan of an insurer or an
64 insurance agent. This subsection does not apply if an insured or
65 member of the insured's family is renewing or replacing a policy
66 or a binder for such policy written by the same insurer or a
67 member of the same insurer group. This subsection does not apply
68 to an insurer that issues private passenger motor vehicle
69 coverage primarily to active duty or former military personnel
70 or their dependents. This subsection does not apply if all
71 policy payments are paid pursuant to a payroll deduction plan or
72 an automatic electronic funds transfer payment plan from the
392891

Approved For Filing: 4/28/2011 12:45:22 PM

Amendment No.

73 ~~policyholder, provided that the first policy payment is made by~~
74 ~~cash, cashier's check, check, or a money order.~~ This subsection
75 and subsection (4) do not apply if all policy payments to an
76 insurer are paid pursuant to an automatic electronic funds
77 transfer payment plan from an agent, a managing general agent,
78 or a premium finance company and if the policy includes, at a
79 minimum, personal injury protection pursuant to ss. 627.730-
80 627.7405; motor vehicle property damage liability pursuant to s.
81 627.7275; and bodily injury liability in at least the amount of
82 \$10,000 because of bodily injury to, or death of, one person in
83 any one accident and in the amount of \$20,000 because of bodily
84 injury to, or death of, two or more persons in any one accident.
85 This subsection and subsection (4) do not apply if an insured
86 has had a policy in effect for at least 6 months, the insured's
87 agent is terminated by the insurer that issued the policy, and
88 the insured obtains coverage on the policy's renewal date with a
89 new company through the terminated agent.

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93 **T I T L E A M E N D M E N T**

94 Remove line 80 and insert:

95 under certain circumstances; amending s. 627.442, F.S.;

96 limiting the requirement for premium audits of workers'

97 compensation coverage to specified instances; amending s.

98 627.7295, F.S.; providing application; requiring a certain

99 amount of motor vehicle insurance premium to be paid

100 before the effective date of a policy binder or policy in

392891

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Amendment No.

101 order to issue the binder or policy; authorizing an
102 insurer to cancel certain motor vehicle insurance policies
103 or binders for nonpayment of premium; removing a
104 restriction requiring payment of the first policy payment
105 of a motor vehicle insurance policy before issuance of a
106 binder or policy when payments are being made in a
107 specified manner; providing applicability;