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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Banking and Insurance (Hays) recommended the following:

1 **Senate Amendment to Amendment (457546) (with title**
2 **amendment)**

3
4 Between lines 674 and 675
5 insert:

6 Section 16. Section 626.931, Florida Statutes, is amended
7 to read:

8 626.931 ~~Agent affidavit and~~ Insurer reporting
9 requirements.-

10 ~~(1) Each surplus lines agent shall on or before the 45th~~
11 ~~day following each calendar quarter file with the Florida~~
12 ~~Surplus Lines Service Office an affidavit, on forms as~~



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13 ~~prescribed and furnished by the Florida Surplus Lines Service~~
14 ~~Office, stating that all surplus lines insurance transacted by~~
15 ~~him or her during such calendar quarter has been submitted to~~
16 ~~the Florida Surplus Lines Service Office as required.~~

17 ~~(2) The affidavit of the surplus lines agent shall include~~
18 ~~efforts made to place coverages with authorized insurers and the~~
19 ~~results thereof.~~

20 (1)~~(3)~~ Each foreign insurer accepting premiums shall, on or
21 before the end of the month following each calendar quarter,
22 file with the Florida Surplus Lines Service Office a verified
23 report of all surplus lines insurance transacted by such insurer
24 for insurance risks located in this state during such calendar
25 quarter.

26 (2)~~(4)~~ Each alien insurer accepting premiums shall, on or
27 before June 30 of each year, file with the Florida Surplus Lines
28 Service Office a verified report of all surplus lines insurance
29 transacted by such insurer for insurance risks located in this
30 state during the preceding calendar year.

31 (3)~~(5)~~ The department may waive the filing requirements
32 described in subsections (1) ~~(3)~~ and (2) ~~(4)~~.

33 (4)~~(6)~~ Each insurer's report and supporting information
34 shall be in a computer-readable format as determined by the
35 Florida Surplus Lines Service Office or shall be submitted on
36 forms prescribed by the Florida Surplus Lines Service Office and
37 shall show for each applicable agent:

38 (a) A listing of all policies, certificates, cover notes,
39 or other forms of confirmation of insurance coverage or any
40 substitutions thereof or endorsements thereto and the
41 identifying number; and



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42 (b) Any additional information required by the department
43 or Florida Surplus Lines Service Office.

44 Section 17. Paragraph (a) of subsection (2) of section
45 626.932, Florida Statutes, is amended to read:

46 626.932 Surplus lines tax.—

47 (2) (a) The surplus lines agent shall make payable to the
48 department the tax related to each calendar quarter's business
49 as reported to the Florida Surplus Lines Service Office, and
50 remit the tax to the Florida Surplus Lines Service Office on or
51 before the 45th day following each calendar quarter ~~at the same~~
52 ~~time as provided for the filing of the quarterly affidavit,~~
53 ~~under s. 626.931.~~ The Florida Surplus Lines Service Office shall
54 forward to the department the taxes and any interest collected
55 pursuant to paragraph (b), within 10 days after ~~of~~ receipt.

56 Section 18. Subsection (1) of section 626.935, Florida
57 Statutes, is amended to read:

58 626.935 Suspension, revocation, or refusal of surplus lines
59 agent's license.—

60 (1) The department shall deny an application for, suspend,
61 revoke, or refuse to renew the appointment of a surplus lines
62 agent and all other licenses and appointments held by the
63 licensee under this code, on any of the following grounds:

64 (a) Removal of the licensee's office from the licensee's
65 state of residence.

66 (b) Removal of the accounts and records of his or her
67 surplus lines business from this state or the licensee's state
68 of residence during the period when such accounts and records
69 are required to be maintained under s. 626.930.

70 (c) Closure of the licensee's office for more than 30



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71 consecutive days.

72 ~~(d) Failure to make and file his or her affidavit or~~
73 ~~reports when due as required by s. 626.931.~~

74 (d)~~(e)~~ Failure to pay the tax or service fee on surplus
75 lines premiums, as provided in the Surplus Lines Law.

76 (e)~~(f)~~ Suspension, revocation, or refusal to renew or
77 continue the license or appointment as a general lines agent,
78 service representative, or managing general agent.

79 (f)~~(g)~~ Lack of qualifications as for an original surplus
80 lines agent's license.

81 (g)~~(h)~~ Violation of this Surplus Lines Law.

82 (h)~~(i)~~ For any other applicable cause for which the license
83 of a general lines agent could be suspended, revoked, or refused
84 under s. 626.611 or s. 626.621.

85 Section 19. Subsection (1) of section 626.936, Florida
86 Statutes, is amended to read:

87 626.936 Failure to file reports or pay tax or service fee;
88 administrative penalty.—

89 (1) Any licensed surplus lines agent who neglects to file a
90 report ~~or an affidavit~~ in the form and within the time required
91 or provided for in the Surplus Lines Law may be fined up to \$50
92 per day for each day the neglect continues, beginning the day
93 after the report ~~or affidavit~~ was due until the date the report
94 ~~or affidavit~~ is received. All sums collected under this section
95 shall be deposited into the Insurance Regulatory Trust Fund.

96
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:

99 Delete line 1562



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100 and insert:
101 reference; amending s. 626.931, F.S.; deleting
102 provisions requiring a surplus lines agent to file a
103 quarterly affidavit with the Florida Surplus Lines
104 Service Office; amending s. 626.932, F.S.; revising
105 due date of surplus lines tax; amending s. 626.935,
106 F.S.; conforming provision to changes made by the act;
107 amending s. 626.936, F.S.; conforming provisions to
108 changes made by the act; amending s. 626.9914, F.S.;
109 conforming a