



LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AD/2R	.	Floor: SEN1/CA
04/29/2013 03:30 PM	.	05/02/2013 10:16 AM
	.	

Senator Hukill moved the following:

Senate Amendment (with title amendment)

Delete lines 1053 - 1133

and insert:

Section 3. Opt out from long-term care products standards.- Pursuant to Article VII of the Interstate Insurance Product Regulation Compact, adopted by this act, this state prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products, and such opt out may not be treated as a material variance in the offer or acceptance of this state to participate in the compact.

Section 4. Effective date of compact standards; opt out



760430

14 procedures; state law exemptions; legislative notice.-

15 (1) Except as provided in section 3 of this act and this
16 section, all uniform standards adopted by the Interstate
17 Insurance Product Regulation Commission as of March 1, 2013, are
18 adopted by this state.

19 (2) Notwithstanding subsections (3), (4), (5), and (6) of
20 Article VII of the Interstate Insurance Product Regulation
21 Compact as adopted by this act, it is the policy of this state
22 as a participant in the compact:

23 (a) To opt out, and for the Office of Insurance Regulation
24 to opt out, of any new uniform standard, or amendments to
25 existing uniform standards, adopted by the Interstate Insurance
26 Product Regulation Commission after March 1, 2013, if such
27 amendments substantially alter or add to existing uniform
28 standards adopted by this state pursuant to subsection (1) until
29 such time as this state enacts legislation to adopt or opt out
30 of, adopts rules to adopt or opt out of, or executes an order to
31 adopt or opt out of new uniform standards or amendments to
32 existing standards adopted by the commission after March 1,
33 2013.

34 (b) That, notwithstanding the adoption of the Interstate
35 Product Regulation Compact pursuant to this act, participation
36 in the compact is contingent upon a determination by the
37 Commissioner of Insurance Regulation that the uniform standards
38 of the compact provide consumer protections equivalent to those
39 under state law and, if the commissioner determines otherwise,
40 an order issued by the Office of Insurance Regulation
41 constitutes the action required by the commission to not join
42 the compact, to opt out of, or to stay the effect of, any



760430

43 uniform standard not otherwise opted out of pursuant to this
44 act.

45 (c) That the authority under the compact to opt out of a
46 uniform standard includes an order issued under chapter 120,
47 Florida Statutes, of the Administrative Procedure Act.

48 (3) In addition to any other uniform standards the state
49 may opt out of pursuant to subsection (2), effective July 1,
50 2014, this subsection constitutes the legislation required to be
51 enacted pursuant to subsections (4) and (5) of Article VII of
52 the Interstate Insurance Product Regulation Compact by which
53 this state opts out of the following uniform standards adopted
54 by the Interstate Insurance Product Regulation Commission:

55 a. The 10-day period for the unconditional refund of
56 premiums, plus any fees or charges under s. 626.99, Florida
57 Statutes.

58 b. Underwriting criteria limiting the amount, extent, or
59 kind of life insurance based on past or future travel in a
60 manner that is inconsistent with s. 626.9541(1)(dd), Florida
61 Statutes, as implemented by the Office of Insurance Regulation.

62 (4) It is the policy of this state that the exclusivity
63 provision of paragraph (2)(b) of Article XVI of the Interstate
64 Insurance Product Regulation Compact applies only to those
65 uniform standards adopted by the Interstate Insurance Product
66 Regulation Commission in accordance with the terms of the
67 compact and does not apply to those standards that this state
68 has opted out of pursuant to this act or the compact. In
69 addition, it is the policy of this state that under the
70 exclusivity provision, standards adopted by this state are not
71 limited or rendered inapplicable by the absence of a standard



760430

72 adopted by the commission. Notwithstanding paragraph (2) (b) of
73 Article XVI of the compact, standards adopted by this state
74 continue to apply to the content, approval, and certification of
75 products in this state, including, but not limited to, the
76 following:

77 a. Prohibition of a surrender or deferred sales charge of
78 more than 10 percent pursuant to s. 627.4554, Florida Statutes.

79 b. Notification to an applicant of the right to designate a
80 secondary addressee at the time of application under s.
81 627.4555, Florida Statutes.

82 c. Notification of secondary addressees at least 21 days
83 before the impending lapse of a policy under s. 627.4555,
84 Florida Statutes.

85 d. Inclusion of a clear statement pursuant to s. 627.803,
86 Florida Statutes, that the benefits, values, or premiums under a
87 variable annuity are indeterminate and may vary.

88 e. Interest on surrender proceeds pursuant to s. 627.482,
89 Florida Statutes.

90 (5) After enactment of this section, if the Interstate
91 Insurance Product Regulation Commission adopts any new uniform
92 standard or amendment to the existing uniform standard as
93 specified in subsection (2), the Office of Insurance Regulation
94 shall immediately notify the Legislature of such new standard or
95 amendment. If the office or the court finds that the procedure
96 specified in subsection (2) has not been followed, notice shall
97 be given to the Legislature.

98 Section 5. Notwithstanding subsection (4) of Article XII of
99 the Interstate Insurance Product Regulation Compact, the
100 Interstate Insurance Product Regulation Commission is subject



760430

101 to:

102 (1) State unemployment or reemployment taxes imposed
103 pursuant to chapter 443, Florida Statutes, in compliance with
104 the Federal Unemployment Tax Act, for any persons employed by
105 the commission who perform services for it within this state.

106 (2) Taxation on any commission business or activity
107 conducted or performed in this state.

108 Section 6. Access to records.—

109 (1) Notwithstanding subsections (1) and (2) of Article
110 VIII, subsection (2) of Article X, and subsection (6) of Article
111 XII of the Interstate Insurance Product Regulation Compact, a
112 request by a resident of this state for public inspection and
113 copying of information, data, or official records that include:

114 (a) An insurer's trade secrets shall be referred to the
115 Commissioner of Insurance Regulation who shall respond to the
116 request, with the cooperation and assistance of the Financial
117 Services Commission, in accordance with s. 624.4213, Florida
118 Statutes; or

119 (b) Matters of privacy of individuals shall be referred to
120 the Commissioner of Insurance Regulation who shall respond to
121 the request, with the cooperation and assistance of the
122 Financial Services Commission, in accordance with s. 119.07(1),
123 Florida Statutes.

124 (2) This act does not abrogate the right of a person to
125 access information consistent with the State Constitution and
126 laws of this state.

127 Section 7. The Financial Services Commission may adopt
128 rules to administer this act.

129 Section 8. If any part of section 3 or section 4 of this



760430

130 act is invalidated by the courts, such ruling renders the entire
131 act invalid.

132 Section 9. This act shall take effect July 1, 2014.

133

134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete lines 60 - 73

137 and insert:

138 opting out of and adopting new uniform standards or
139 amendments to existing standards; providing for the
140 preemption of certain state laws; requiring the office
141 to notify the Legislature of any new uniform standards
142 or amendments to existing standards; providing that
143 the commission is subject to certain state tax
144 requirements; providing for public access to records;
145 authorizing the Financial Services Commission to adopt
146 rules to implement this act; providing that if any
147 part of this act is invalidated, the entire act is
148 invalid; providing an