



210650

LEGISLATIVE ACTION

Senate

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House

Senator Sachs moved the following:

1 **Senate Amendment to Amendment (722508) (with title**
2 **amendment)**

3
4 Delete lines 13 - 28

5 and insert:

6 1. The insurance must be placed only by or through a
7 surplus lines agent licensed in this state.~~†~~

8 2. The insurer must be made eligible under s. 626.918.~~†~~ ~~and~~

9 3. The insured must sign a disclosure that substantially
10 provides the following: "You are agreeing to place coverage in
11 the surplus lines market. Superior coverage may be available in



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12 the admitted market and at a lesser cost. Persons insured by
13 surplus lines carriers are not protected under the Florida
14 Insurance Guaranty Act with respect to any right of recovery for
15 the obligation of an insolvent unlicensed insurer." If the
16 notice is signed by the insured, the insured is presumed to have
17 been informed and to know that other coverage may be available,
18 and, with respect to the diligent-effort requirement under
19 subsection (1), there is no liability on the part of, and no
20 cause of action arises against, the retail agent presenting the
21 form.

22 4. An agent may not charge a commission of more than 3
23 percent for a policy exported pursuant to this paragraph.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Between lines 38 and 39

28 insert:

29 providing that as a condition of export eligibility
30 for certain classes of insurance, an agent may not
31 charge more than a specified amount of commission;