

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Burton offered the following:

Amendment (with title amendment)

Between lines 830 and 831, insert:

Section 27. Subsection (4) of section 626.916, Florida Statutes, is amended to read:

626.916 Eligibility for export.—

(4) A reasonable per-policy fee, ~~not to exceed \$35,~~ may be charged by the filing surplus lines agent for each policy certified for export. The fee must be itemized separately for the customer before purchase and enumerated in the policy.

Section 28. Subsections (3) through (6) of section 626.931, Florida Statutes, are renumbered as subsections (1)

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14 through (4), respectively, and present subsections (1), (2), and
15 (5) of that section are amended to read:

16 626.931 Agent affidavit and insurer reporting
17 requirements.-

18 ~~(1) Each surplus lines agent that has transacted business~~
19 ~~during a calendar quarter shall on or before the 45th day~~
20 ~~following the calendar quarter file with the Florida Surplus~~
21 ~~Lines Service Office an affidavit, on forms as prescribed and~~
22 ~~furnished by the Florida Surplus Lines Service Office, stating~~
23 ~~that all surplus lines insurance transacted by him or her during~~
24 ~~such calendar quarter has been submitted to the Florida Surplus~~
25 ~~Lines Service Office as required.~~

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

29 ~~(3)-(5)~~ The department may waive the filing requirements
30 described in subsections (1) ~~(3)~~ and (2) ~~(4)~~.

31 Section 29. Paragraph (a) of subsection (2) of section
32 626.932, Florida Statutes, is amended to read:

33 626.932 Surplus lines tax.-

34 (2) (a) The surplus lines agent shall make payable to the
35 department the tax related to each calendar quarter's business
36 as reported to the Florida Surplus Lines Service Office, and
37 remit the tax to the Florida Surplus Lines Service Office at the
38 same time as the remittance required under s. 626.9325 provided

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39 ~~for the filing of the quarterly affidavit, under s. 626.931.~~ The
40 Florida Surplus Lines Service Office shall forward to the
41 department the taxes and any interest collected pursuant to
42 paragraph (b), within 10 days of receipt.

43 Section 30. Paragraph (d) of subsection (1) of section
44 626.935, Florida Statutes, is amended to read:

45 626.935 Suspension, revocation, or refusal of surplus
46 lines agent's license.—

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

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

53 Section 31. Paragraph (a) of subsection (1) of section
54 629.401, Florida Statutes, is amended to read:

55 629.401 Insurance exchange.—

56 (1) There may be created one or more insurance exchanges,
57 with one or more offices each, subject to such rules as are
58 adopted by the commission. For the purposes of this section, the
59 term "exchange" applies to any such insurance exchange proposed
60 or created under this section. The purposes of the exchange are:

61 (a) To provide a facility for the underwriting of:

62 1. Reinsurance of all kinds of insurance.

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63 2. Direct insurance of all kinds on risks located entirely
64 outside the United States.

65 3. Surplus lines insurance for risks located in this state
66 eligible for export under s. 626.916 or s. 626.917 and placed
67 through a licensed Florida surplus lines agent subject to
68 compliance with ~~the provisions of~~ ss. 626.921, 626.922, 626.923,
69 626.924, 626.929, 626.9295, and 626.930, ~~and 626.931~~. With
70 respect to compliance with s. 626.924, the required legend may
71 refer to any coverage provided for by a security fund
72 established under paragraph (3)(d).

73 4. Surplus lines insurance in any other state subject to
74 the applicable surplus lines laws of such other state for risks
75 located entirely outside of this state.

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

78 Remove line 69 and insert:
79 licenses; amending s. 626.916, F.S.; removing the
80 price cap on per-policy fees that filing surplus lines
81 agents may charge for certain policies; requiring such
82 fee to be itemized separately and to be enumerated in
83 a policy; amending s. 626.931, F.S.; deleting the
84 requirement that surplus line agents file an affidavit
85 with the Florida Surplus Lines Service Office;
86 amending s. 626.932, F.S.; revising the requirements
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88 | for surplus lines agents' tax remittance to the
89 | Florida Surplus Lines Service Office; amending ss.
90 | 626.935 and 629.401, F.S.; conforming provisions to
91 | changes made by the act; amending s. 627.7015, F.S.;
92 | requiring

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