

Insurance & Banking Subcommittee

Action Packet

**Wednesday, March 30, 2011
10:00 AM - 2:00 PM
404 HOB**

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

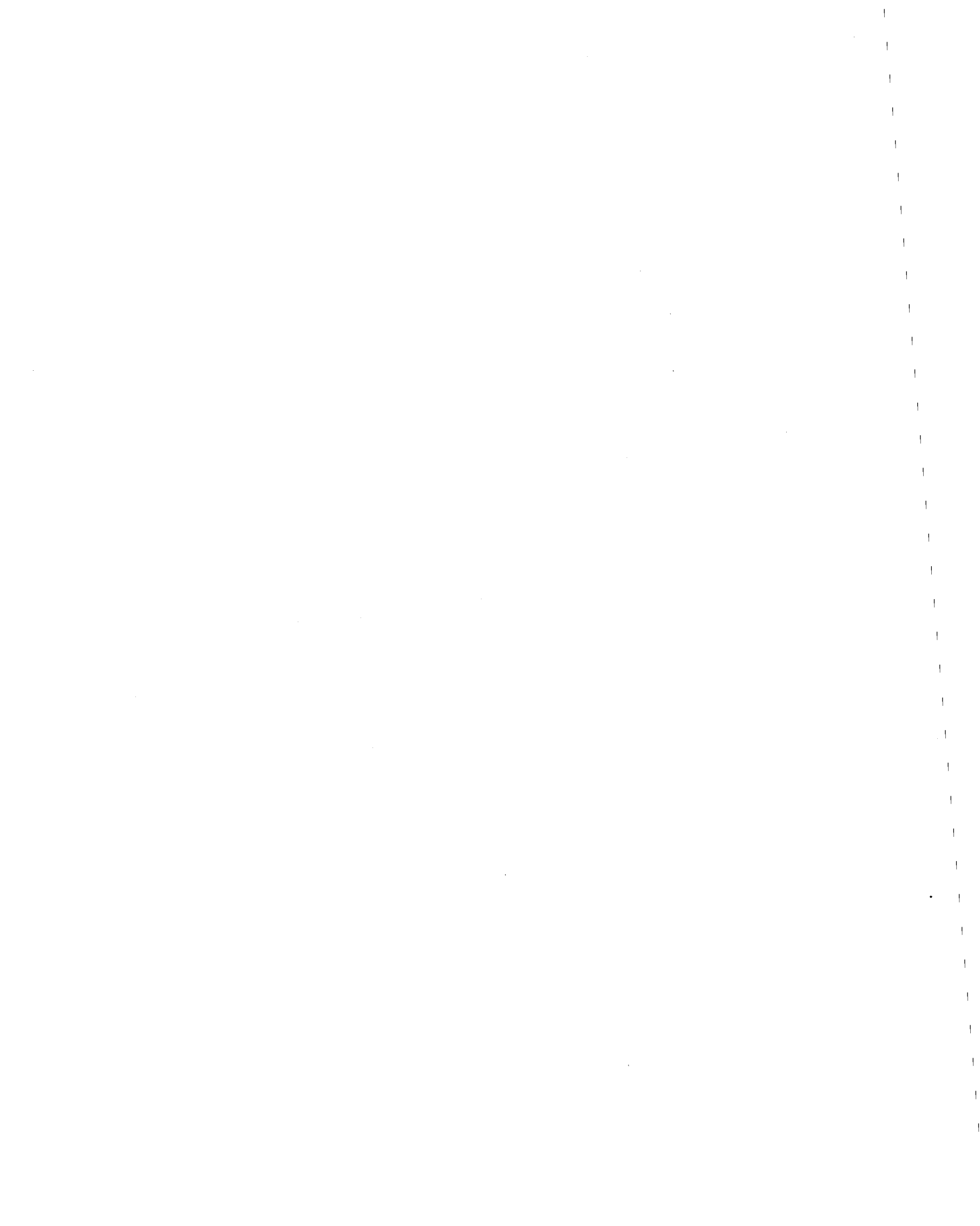
Summary:

Insurance & Banking Subcommittee

Wednesday March 30, 2011 10:00 am

CS/HB 97	Favorable	Yeas: 10	Nays: 4
CS/HB 677	Favorable	Yeas: 13	Nays: 0
HB 999	Favorable With Committee Substitute	Yeas: 8	Nays: 6
HB 1087	Favorable	Yeas: 12	Nays: 1
CS/HB 1125	Favorable	Yeas: 13	Nays: 0
PCB INBS 11-02	Favorable	Yeas: 13	Nays: 1
PCB INBS 11-03	Favorable	Yeas: 14	Nays: 0
PCS for HB 1229	Favorable	Yeas: 13	Nays: 0
PCS for HB 1243	Favorable With Amendments	Yeas: 11	Nays: 3
Amendment 1	Adopted		
Amendment 2	Adopted Without Objection		
Amendment 3	Adopted Without Objection		
Amendment 4	Failed to Adopt		
PCS for HB 885	Favorable	Yeas: 13	Nays: 1

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM



COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bryan Nelson (Chair)	X		
Ben Albritton	X		
Mack Bernard	X		
Jim Boyd	X		
Rachel V. Burgin	X		
Janet Cruz	X		
Daniel Davis	X		
Erik Fresen	X		
Bill Hager	X		
Clay Ingram	X		
Evan Jenne	X		
John Julien	X		
Perry Thurston, Jr.	X		
John Wood	X		
Ritch Workman	X		
Totals:	15	0	0

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COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

CS/HB 97 : Health Insurance

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Mack Bernard		X			
Jim Boyd	X				
Rachel V. Burgin			X		
Janet Cruz		X			
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien	X				
Perry Thurston, Jr.		X			
John Wood	X				
Ritch Workman	X				
Bryan Nelson (Chair)	X				
Total Yeas: 10 Total Nays: 4					

Appearances:

Health Insurance

Bill Bunkley, Legislative Consultant (Lobbyist) - Waive In Support

Florida Baptist Convention

1836 Jay Clif

Tallahassee FL

Phone: 850-942-4377

Health Insurance

Michael Sheedy, Associate Director for Health (Lobbyist) - Proponent

Florida Catholic Conference

201 W. Park Ave.

Tallahassee FL 32301

Phone: 850-222-3803

Health Insurance

Ron Bilbao, Legislative Associate (Lobbyist) - Waive In Opposition

ACLU of Florida

4500 Biscayne Blvd., 3500

Miami FL 33134

Phone: 919-923-7788

Health Insurance

Stephanie Kunkel, Executive Director (Lobbyist) - Opponent

Florida Alliance of Planned Parenthood Affiliates

522 E. Park Ave., Ste. 100

Tallahassee FL 32301

Phone: 850-224-0020

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COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

CS/HB 677 : Pub. Rec./Office of Financial Regulation

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin			X		
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne	X				
John Julien	X				
Perry Thurston, Jr.			X		
John Wood	X				
Ritch Workman	X				
Bryan Nelson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Pub. Rec./Office of Financial Regulation
 Andrea Moreland, Legislative Director (Lobbyist) (State Employee) - Proponent
 Office of Financial Regulation
 200 E. Gaines Street
 Tallahassee FL
 Phone: 850-410-9601

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

HB 999 : Public Depositories

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton		X			
Mack Bernard	X				
Jim Boyd		X			
Rachel V. Burgin	X				
Janet Cruz	X				
Daniel Davis		X			
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien		X			
Perry Thurston, Jr.	X				
John Wood	X				
Ritch Workman			X		
Bryan Nelson (Chair)		X			
Total Yeas: 8		Total Nays: 6			

Appearances:

Public Depositories

Jared Ross, Director of Legislative Affairs (Lobbyist) - Proponent

League of Southeastern Credit Unions

3773 Commonwealth Blvd.

Tallahassee FL 32303

Phone: 850-590-6570

Public Depositories

Anthony DiMaro, VP Gov. Relations (Lobbyist) - Opponent

FL Bankers Association

1001 Thomasville Rd.

Tallahassee FL 32311

Phone: 850-224-2265

Public Depositories

David Brock, President/CEO - Proponent

Community Credit Union

1030 S. US Hwy. 1

Rockledge FL 32955

Phone: 800-690-2338

Public Depositories

Johan (John) Mixon, Consultant (Lobbyist) - Proponent

Brevard School District

119 E.

Tallahassee FL 32301

Phone: 850-528-4441

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Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

Public Depositories

Clarence Rivers, President/CEO - Waive In Support

FAMU Federal Credit Union

1610 S. Monroe St.

Tallahassee FL 32301

Phone: 850-222-4541 x-229

Public Depositories

Kim Davis, CFO - Opponent

Capital City Bank

1001 Thomasville Rd.

Tallahassee FL 32311

Phone: 850-224-2265

Public Depositories

Ashley Mayer, Director Legislative Affairs (Lobbyist) (State Employee) - Information Only

DFS

Capitol

Tallahassee FL

Phone: 850-413-4938

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative(s) Ingram offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (6), (9), (23), and (26) of section
8 280.02, Florida Statutes, are amended to read:

9 280.02 Definitions.—As used in this chapter, the term:

10 (6) "Capital account" means total equity capital, as
11 defined on the balance-sheet portion of the Consolidated Reports
12 of Condition and Income (call report), the 5300 Call Report, or
13 the Thrift Financial Report, less intangible assets, as
14 submitted to the regulatory financial ~~banking~~ authority.

15 (9) "Custodian" means the Chief Financial Officer or any
16 financial institution ~~bank, savings association, or trust~~
17 ~~company~~ that:

18 (a) Is organized and existing under the laws of this
19 state, any other state, or the United States;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2011)

Amendment No. 1

20 (b) Has executed all forms required under this chapter or
21 any rule adopted hereunder;

22 (c) Agrees to be subject to the jurisdiction of the courts
23 of this state, or of courts of the United States which are
24 located within this state, for the purpose of any litigation
25 arising out of this chapter; and

26 (d) Has been approved by the Chief Financial Officer to
27 act as a custodian.

28 (23) "Public deposit" means the moneys of the state or of
29 any state university, county, school district, community college
30 district, special district, metropolitan government, or
31 municipality, including agencies, boards, bureaus, commissions,
32 and institutions of any of the foregoing, or of any court, and
33 includes the moneys of all county officers, including
34 constitutional officers, that are placed on deposit in a
35 financial institution ~~bank, savings bank, or savings association~~
36 and for which the financial institution ~~bank, savings bank, or~~
37 ~~savings association~~ is required to maintain reserves. This
38 includes, but is not limited to, time deposit accounts, demand
39 deposit accounts, and nonnegotiable certificates of deposit.
40 Moneys in deposit notes and in other nondeposit accounts such as
41 repurchase or reverse repurchase operations are not public
42 deposits. Securities, mutual funds, and similar types of
43 investments are not considered public deposits and shall not be
44 subject to the provisions of this chapter.

45 (26) "Qualified public depository" means any financial
46 institution ~~bank, savings bank, or savings association~~ that:

Amendment No. 1

47 (a) Is organized and exists under the laws of the United
48 States, the laws of this state, or the laws of any other state
49 or territory of the United States.

50 (b) Has its principal place of business in this state or
51 has a branch office in this state which is authorized under the
52 laws of this state or of the United States to receive deposits
53 in this state.

54 (c) Is insured by the Federal Deposit Insurance
55 Corporation or the National Credit Union Share Insurance Fund
56 ~~Has deposit insurance under the provision of the Federal Deposit~~
57 ~~Insurance Act, as amended, 12 U.S.C. ss. 1811 et seq.~~

58 (d) Has procedures and practices for accurate
59 identification, classification, reporting, and collateralization
60 of public deposits.

61 (e) Meets all the requirements of this chapter.

62 (f) Has been designated by the Chief Financial Officer as
63 a qualified public depository.

64 Section 2. Subsection (1) of section 280.052, Florida
65 Statutes, is amended to read:

66 280.052 Order of suspension or disqualification;
67 procedure.—

68 (1) The suspension or disqualification of a financial
69 institution ~~bank or savings association~~ as a qualified public
70 depository must be by order of the Chief Financial Officer and
71 must be mailed to the qualified public depository by registered
72 or certified mail.

Amendment No. 1

73 Section 3. Paragraph (c) of subsection (1) and paragraph
74 (c) of subsection (2) of section 280.053, Florida Statutes, is
75 amended to read:

76 280.053 Period of suspension or disqualification;
77 obligations during period; reinstatement.-

78 (1)

79 (c) Upon expiration of the suspension period, the
80 financial institution ~~bank or savings association~~ may, by order
81 of the Chief Financial Officer, be reinstated as a qualified
82 public depository, unless the cause of the suspension has not
83 been corrected or the financial institution ~~bank or savings~~
84 ~~association~~ is otherwise not in compliance with this chapter or
85 any rule adopted pursuant to this chapter.

86 (2)

87 (c) Upon expiration of the disqualification period, the
88 financial institution ~~bank or savings association~~ may reapply
89 for qualification as a qualified public depository. If a
90 disqualified financial institution ~~bank or savings association~~
91 is purchased or otherwise acquired by new owners, it may reapply
92 to the Chief Financial Officer to be a qualified public
93 depository prior to the expiration date of the disqualification
94 period. Redesignation as a qualified public depository may occur
95 only after the Chief Financial Officer has determined that all
96 requirements for holding public deposits under the law have been
97 met.

98 Section 4. Section 280.07, Florida Statutes, is amended to
99 read:

Amendment No. 1

100 280.07 Mutual responsibility and contingent liability.—Any
101 financial institution ~~bank or savings association~~ that is
102 designated as a qualified public depository and that is not
103 insolvent shall guarantee public depositors against loss caused
104 by the default or insolvency of other qualified public
105 depositories. Each qualified public depository shall execute a
106 form prescribed by the Chief Financial Officer for such
107 guarantee which shall be approved by the board of directors and
108 shall become an official record of the institution.

109 Section 5. Subsection (1) of section 280.10, Florida
110 Statutes, is amended to read:

111 280.10 Effect of merger, acquisition, or consolidation;
112 change of name or address.—

113 (1) When a qualified public depository is merged into,
114 acquired by, or consolidated with a financial institution ~~bank,~~
115 ~~savings bank, or savings association~~ that is not a qualified
116 public depository:

117 (a) The resulting institution shall automatically become a
118 qualified public depository subject to the requirements of the
119 public deposits program.

120 (b) The contingent liability of the former institution
121 shall be a liability of the resulting institution.

122 (c) The public deposits and associated collateral of the
123 former institution shall be public deposits and collateral of
124 the resulting institution.

125 (d) The resulting institution shall, within 90 calendar
126 days after the effective date of the merger, acquisition, or
127 consolidation, deliver to the Chief Financial Officer:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2011)

Amendment No. 1

128 | 1. Documentation in its name as required for participation
129 | in the public deposits program; or

130 | 2. Written notice of intent to withdraw from the program
131 | as provided in s. 280.11 and a proposed effective date of
132 | withdrawal which shall be within 180 days after the effective
133 | date of the acquisition, merger, or consolidation of the former
134 | institution.

135 | (e) If the resulting institution does not meet
136 | qualifications to become a qualified public depository or does
137 | not submit required documentation within 90 calendar days after
138 | the effective date of the merger, acquisition, or consolidation,
139 | the Chief Financial Officer shall initiate mandatory withdrawal
140 | actions as provided in s. 280.11 and shall set an effective date
141 | of withdrawal that is within 180 days after the effective date
142 | of the acquisition, merger, or consolidation of the former
143 | institution.

144 | Section 6. Subsection (1) of section 280.13, Florida
145 | Statutes, is amended to read:

146 | 280.13 Eligible collateral.—

147 | (1) Securities eligible to be pledged as collateral by
148 | qualified public depositories ~~banks and savings associations~~
149 | shall be limited to:

150 | (a) Direct obligations of the United States Government.

151 | (b) Obligations of any federal agency that are fully
152 | guaranteed as to payment of principal and interest by the United
153 | States Government.

154 | (c) Obligations of the following federal agencies:

155 | 1. Farm credit banks.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2011)

Amendment No. 1

- 156 2. Federal land banks.
- 157 3. The Federal Home Loan Bank and its district banks.
- 158 4. Federal intermediate credit banks.
- 159 5. The Federal Home Loan Mortgage Corporation.
- 160 6. The Federal National Mortgage Association.
- 161 7. Obligations guaranteed by the Government National
162 Mortgage Association.
- 163 (d) General obligations of a state of the United States,
164 or of Puerto Rico, or of a political subdivision or municipality
165 thereof.
- 166 (e) Obligations issued by the Florida State Board of
167 Education under authority of the State Constitution or
168 applicable statutes.
- 169 (f) Tax anticipation certificates or warrants of counties
170 or municipalities having maturities not exceeding 1 year.
- 171 (g) Public housing authority obligations.
- 172 (h) Revenue bonds or certificates of a state of the United
173 States or of a political subdivision or municipality thereof.
- 174 (i) Corporate bonds of any corporation that is not an
175 affiliate or subsidiary of the qualified public depository.
- 176 Section 7. Subsection (1) of section 280.16, Florida
177 Statutes, is amended to read:
- 178 280.16 Requirements of qualified public depositories;
179 confidentiality.—
- 180 (1) In addition to any other requirements specified in
181 this chapter, qualified public depositories shall:
- 182 (a) Take the following actions for each public deposit
183 account:

Amendment No. 1

184 1. Identify the account as a "Florida public deposit" on
185 the deposit account record with the name of the public depositor
186 or provide a unique code for the account for such designation.

187 2. When the form prescribed by the Chief Financial Officer
188 for acknowledgment of receipt of each public deposit account is
189 presented to the qualified public depository by the public
190 depositor opening an account, the qualified public depository
191 shall execute and return the completed form to the public
192 depositor.

193 3. When the acknowledgment of receipt form is presented to
194 the qualified public depository by the public depositor due to a
195 change of account name, account number, or qualified public
196 depository name on an existing public deposit account, the
197 qualified public depository shall execute and return the
198 completed form to the public depositor within 45 calendar days
199 after such presentation.

200 4. When the acknowledgment of receipt form is presented to
201 the qualified public depository by the public depositor on an
202 account existing before July 1, 1998, the qualified public
203 depository shall execute and return the completed form to the
204 public depositor within 45 calendar days after such
205 presentation.

206 (b) Within 15 days after the end of each calendar month,
207 or when requested by the Chief Financial Officer, submit to the
208 Chief Financial Officer a written report, under oath, indicating
209 the average daily balance of all public deposits held by it
210 during the reported month, required collateral, a detailed
211 schedule of all securities pledged as collateral, selected

Amendment No. 1

212 financial information, and any other information that the Chief
213 Financial Officer determines necessary to administer this
214 chapter.

215 (c) Provide to each public depositor annually, not later
216 than October 30, the following information on all open accounts
217 identified as a "Florida public deposit" for that public
218 depositor as of September 30, to be used for confirmation
219 purposes: the federal employer identification number of the
220 qualified public depository, the name on the deposit account
221 record, the federal employer identification number on the
222 deposit account record, and the account number, account type,
223 and actual account balance on deposit. Any discrepancy found in
224 the confirmation process shall be reconciled before November 30.

225 (d) Submit to the Chief Financial Officer annually, not
226 later than November 30, a report of all public deposits held for
227 the credit of all public depositors at the close of business on
228 September 30. Such annual report shall consist of public deposit
229 information in a report format prescribed by the Chief Financial
230 Officer. The manner of required filing may be as a signed
231 writing or electronic data transmission, at the discretion of
232 the Chief Financial Officer.

233 (e) Submit to the Chief Financial Officer not later than
234 the date required to be filed with the federal agency:

235 1. A copy of the quarterly Consolidated Reports of
236 Condition and Income, and any amended reports, required by the
237 Federal Deposit Insurance Act, 12 U.S.C. ss. 1811 et seq., if
238 such depository is a bank; or

Amendment No. 1

239 2. A copy of the Thrift Financial Report, and any amended
240 reports, required to be filed with the Office of Thrift
241 Supervision if such depository is a savings and loan
242 association.

243 3. A copy of the 5300 Call Report, and any amended
244 reports, required to be filed with the National Credit Union
245 Association if such depository is a credit union.

246 Section 8. Paragraph (b) of subsection (4) of section
247 280.17, Florida Statutes, is amended to read:

248 280.17 Requirements for public depositors; notice to
249 public depositors and governmental units; loss of protection.—In
250 addition to any other requirement specified in this chapter,
251 public depositors shall comply with the following:

252 (4) Whenever public deposits are in a qualified public
253 depository that has been declared to be in default or insolvent,
254 each public depositor shall:

255 (b) Submit to the Chief Financial Officer for each public
256 deposit, within 30 days after the date of official notification
257 from the Chief Financial Officer, the following:

258 1. A claim form and agreement, as prescribed by the Chief
259 Financial Officer, executed under oath, accompanied by proof of
260 authority to execute the form on behalf of the public depositor.

261 2. A completed public deposit identification and
262 acknowledgment form, as described in subsection (2).

263 3. Evidence of the insurance afforded the deposit pursuant
264 to the Federal Deposit Insurance Act or the Federal Credit Union
265 Act, as appropriate.

266 Section 9. This act shall take effect July 1, 2011.

Amendment No. 1

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

Remove the entire title and insert:

A bill to be entitled

An act relating to public depositories; amending s. 280.02, F.S.; redefining terms; amending s. 280.052, F.S.; conforming terms; amending s. 280.053, F.S.; conforming terms; amending s. 280.07, F.S.; conforming terms; amending s. 280.10, F.S.; conforming terms; amending s. 280.13, F.S.; conforming terms; amending s. 280.16, F.S.; providing for credit union reporting; amending s. 280.17, F.S.; providing for evidence of insurance; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2011)

Amendment No. 1 to Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative(s) Wood offered the following:
4

5 **Amendment to Amendment (1) by Representative Wood (with**
6 **title amendment)**

7 Between lines 245 and 246, insert:

8 Section 8. Section 280.161, Florida Statutes, is created to
9 read:

10 280.161 Requirements of qualified public depositories;
11 taxes and fees.--

12 (1) The provisions of s. 213.12(2) shall not apply to any
13 qualified public depository.

14 (2) For the privilege of serving as a public depository,
15 any qualified public depository that is exempt or immune from
16 state and local taxation because it is a federally chartered
17 credit union shall, while serving as a public depository, waive
18 its immunity from state and local taxes in this state; submit
19 itself to the taxing jurisdiction of the state, political

Amendment No. 1 to Amendment No. 1

20 subdivisions of the state and all regional or local taxing
21 authorities in this state; and voluntarily pay all state and
22 local taxes that would be applicable except for its immunity.
23 Failure of a qualified public depository to comply with this
24 subsection shall result in revocation of its authority to accept
25 or retain public deposits and revocation of its status as a
26 qualified public depository.

27

28

29

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

30

Between lines 276 and 277, insert:

31

creates s. 280.161, F.S.; providing for taxation of credit

32

unions under certain circumstances; providing for revocation of

33

authority to accept and retain public deposits under certain

34

circumstances;

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

HB 1087 : Persons Designated To Receive Insurer Notifications

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin			X		
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien	X				
Perry Thurston, Jr.			X		
John Wood	X				
Ritch Workman	X				
Bryan Nelson (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

Persons Designated To Receive Insurer Notifications

Paul Sanford (Lobbyist) - Waive In Support

FCCI Ins. Group

106 S. Monroe Street

Tallahassee FL 32301

Phone: 850-222-7200

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CS/HB 1125 : Florida Health Choices Program

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd				X	
Rachel V. Burgin	X				
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne	X				
John Julien	X				
Perry Thurston, Jr.	X				
John Wood	X				
Ritch Workman			X		
Bryan Nelson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

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Location: 404 HOB

PCB INBS 11-02 : The Uniform Home Grading Scale

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin	X				
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien	X				
Perry Thurston, Jr.	X				
John Wood	X				
Ritch Workman			X		
Bryan Nelson (Chair)	X				
Total Yeas: 13		Total Nays: 1			

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Location: 404 HOB

PCB INBS 11-03 : Repeal of a Workers' Compensation Reporting Requirement

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin	X				
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne	X				
John Julien	X				
Perry Thurston, Jr.	X				
John Wood	X				
Ritch Workman			X		
Bryan Nelson (Chair)	X				
Total Yeas: 14					
		Total Nays: 0			

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Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

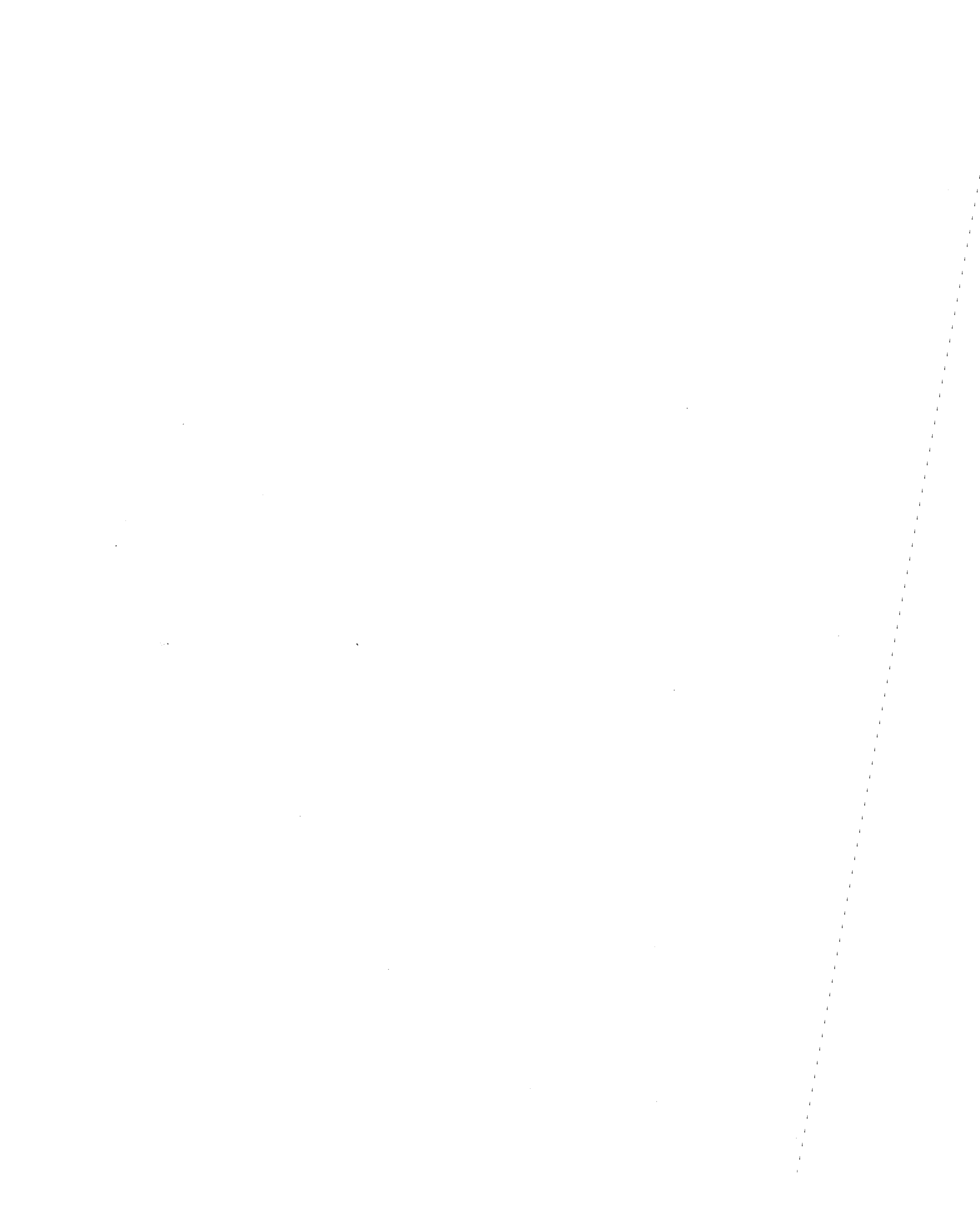
PCS for HB 1229 : Title Insurance

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin			X		
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne	X				
John Julien	X				
Perry Thurston, Jr.			X		
John Wood	X				
Ritch Workman	X				
Bryan Nelson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Title Insurance
 Alan Fields, Executive Director (Lobbyist) - Proponent
 Fla. Land Title Assoc.
 249 W. Virginia Street
 Tallahassee FL
 Phone: 727-773-6664



COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

PCS for HB 1243 : Citizens Property Insurance Corporation

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin	X				
Janet Cruz		X			
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien	X				
Perry Thurston, Jr.		X			
John Wood	X				
Ritch Workman			X		
Bryan Nelson (Chair)	X				
Total Yeas: 11		Total Nays: 3			

PCS for HB 1243 Amendments

Amendment 1

Adopted

Amendment 2

Adopted Without Objection

Amendment 3

Adopted Without Objection

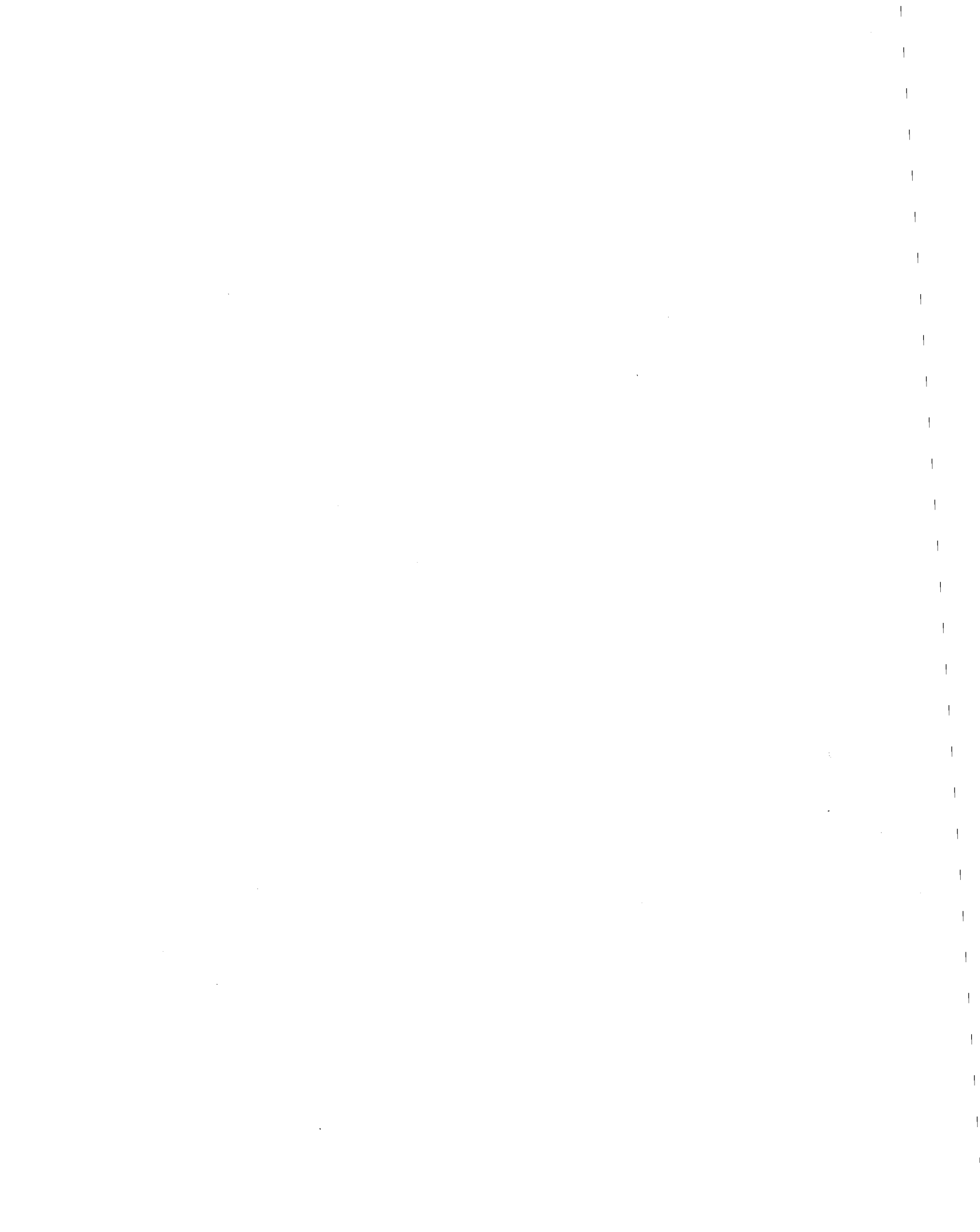
Amendment 4

Failed to Adopt

Appearances:

Citizens Property Insurance Corporation
 Christine Ashburn, Director of Legislative & External Affairs (Lobbyist) - Information Only
 Citizens Property Insurance Corp.
 101 N. Monroe St., Suite 1000
 Tallahassee FL
 Phone: 850-513-3746

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM



COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

Citizens Property Insurance Corporation
Monte Stevens, Governmental Affairs Director (Lobbyist) (State Employee) (At Request Of Chair) -
Information Only
Office of Insurance Regulation
200 E. Gaines St., 121
Tallahassee FL 32399
Phone: 850-413-2571

Citizens Property Insurance Corporation
Tim Meenan (Lobbyist) - Waive In Support
Geovera Specialty Ins. Co.
204 S. Monroe St.
Tallahassee FL
Phone: 850-681-6710

Citizens Property Insurance Corporation
David Daniel (Lobbyist) - Waive In Support
Professional Insurance Agents of Fla.
311 East Park Avenue
Tallahassee FL 32301
Phone: 850-224-5081

Citizens Property Insurance Corporation
Michael Carlson, Executive Director (Lobbyist) - Waive In Support
Personal Insurance Federation
215 S. Monroe Ste. 835
Tallahassee FL 32301
Phone: 850-544-9756

Citizens Property Insurance Corporation
Mark Boardman, President (Lobbyist) - Opponent
Insured Public Action Coalition
P.O. Box 941978
Phone: 407-854-7157

Citizens Property Insurance Corporation
Teye Reeves, Policy Director (Lobbyist) - Waive In Support
FL Chamber of Commerce
136 S. Bronough St.
Tallahassee FL 32301
Phone: 850-521-1235

Citizens Property Insurance Corporation
Gary Farmer - Waive In Opposition
Florida Justice Assoc.
2185 Monroe St.
Tallahassee FL 32302
Phone: 850-224-9403

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

Citizens Property Insurance Corporation
William Stander, Asst. V.P. (Lobbyist) - Waive In Support
Property Casualty Insurers Association of America
P.O. Box 11174
Tallahassee FL 32302
Phone: 850-681-2615

Citizens Property Insurance Corporation
Heather Carruthers, Mayor and President of Fair Insurance Rates in Monroe - Opponent
Citizens Policyholders in the Florida Keys
1210 Petronia Street
Key West FL 33040
Phone: 305-292-3430

Citizens Property Insurance Corporation
Kyle Ulrich, SVP (Lobbyist) - Waive In Support
FL. Assoc. of Insurance Agents
3159 Shamrock South
Tallahassee FL
Phone: 850-893-4155

Citizens Property Insurance Corporation
Jose L. Gonzalez, VP Govt. Affairs (Lobbyist) - Waive In Support
AIF
516 N. Adams
Tallahassee FL 32301
Phone: 850-224-7173

Citizens Property Insurance Corporation
Annalise Mannix, Director - Waive In Opposition
FAIR Insurance Rates in Monroe
3739 Paula Ave.
Key West FL 33040
Phone: 305-797-0463

Citizens Property Insurance Corporation
David Daniel (Lobbyist) - Waive In Support
Professional Insurance Agents of FL
311 E. Park Avenue
Tallahassee FL 32301
Phone: 850-224-5081

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1243 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative(s) Wood offered the following:
4

5 **Amendment (with directory and title amendments)**

6 Between lines 1232 and 1233, insert:

7 (q)1. The corporation shall certify to the office its
8 needs for annual assessments as to a particular calendar year,
9 and for any interim assessments that it deems to be necessary to
10 sustain operations as to a particular year pending the receipt
11 of annual assessments. Upon verification, the office shall
12 approve such certification, and the corporation shall levy such
13 annual or interim assessments. Such assessments shall be
14 prorated as provided in paragraph (b). The corporation shall
15 take all reasonable and prudent steps necessary to collect the
16 amount of assessment due from each assessable insurer,
17 including, if prudent, filing suit to collect such assessment.
18 If the corporation is unable to collect an assessment from any
19 assessable insurer, the uncollected assessments shall be levied

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1243 (2011)

Amendment No. 1

20 as an additional assessment against the assessable insurers and
21 any assessable insurer required to pay an additional assessment
22 as a result of such failure to pay shall have a cause of action
23 against such nonpaying assessable insurer. Assessments shall be
24 included as an appropriate factor in the making of rates. The
25 failure of a surplus lines agent to collect and remit any
26 regular or emergency assessment levied by the corporation is
27 considered to be a violation of s. 626.936 and subjects the
28 surplus lines agent to the penalties provided in that section.

29 2. The governing body of any unit of local government, any
30 residents of which are insured by the corporation, may issue
31 bonds as defined in s. 125.013 or s. 166.101 from time to time
32 to fund an assistance program, in conjunction with the
33 corporation, for the purpose of defraying deficits of the
34 corporation. In order to avoid needless and indiscriminate
35 proliferation, duplication, and fragmentation of such assistance
36 programs, any unit of local government, any residents of which
37 are insured by the corporation, may provide for the payment of
38 losses, regardless of whether or not the losses occurred within
39 or outside of the territorial jurisdiction of the local
40 government. Revenue bonds under this subparagraph may not be
41 issued until validated pursuant to chapter 75, unless a state of
42 emergency is declared by executive order or proclamation of the
43 Governor pursuant to s. 252.36 making such findings as are
44 necessary to determine that it is in the best interests of, and
45 necessary for, the protection of the public health, safety, and
46 general welfare of residents of this state and declaring it an
47 essential public purpose to permit certain municipalities or

Amendment No. 1

48 counties to issue such bonds as will permit relief to claimants
49 and policyholders of the corporation. Any such unit of local
50 government may enter into such contracts with the corporation
51 and with any other entity created pursuant to this subsection as
52 are necessary to carry out this paragraph. Any bonds issued
53 under this subparagraph shall be payable from and secured by
54 moneys received by the corporation from emergency assessments
55 under sub-subparagraph (b)3.d., and assigned and pledged to or
56 on behalf of the unit of local government for the benefit of the
57 holders of such bonds. The funds, credit, property, and taxing
58 power of the state or of the unit of local government shall not
59 be pledged for the payment of such bonds.

60 3.a. The corporation shall adopt one or more programs
61 subject to approval by the office for the reduction of both new
62 and renewal writings in the corporation. Beginning January 1,
63 2008, any program the corporation adopts for the payment of
64 bonuses to an insurer for each risk the insurer removes from the
65 corporation shall comply with s. 627.3511(2) and may not exceed
66 the amount referenced in s. 627.3511(2) for each risk removed.
67 The corporation may consider any prudent and not unfairly
68 discriminatory approach to reducing corporation writings, and
69 may adopt a credit against assessment liability or other
70 liability that provides an incentive for insurers to take risks
71 out of the corporation and to keep risks out of the corporation
72 by maintaining or increasing voluntary writings in counties or
73 areas in which corporation risks are highly concentrated and a
74 program to provide a formula under which an insurer voluntarily
75 taking risks out of the corporation by maintaining or increasing

Amendment No. 1

76 voluntary writings will be relieved wholly or partially from
77 assessments under sub-subparagraphs (b)3.a. and b. However, any
78 "take-out bonus" or payment to an insurer must be conditioned on
79 the property being insured for at least 5 years by the insurer,
80 unless canceled or nonrenewed by the policyholder. If the policy
81 is canceled or nonrenewed by the policyholder before the end of
82 the 5-year period, the amount of the take-out bonus must be
83 prorated for the time period the policy was insured. When the
84 corporation enters into a contractual agreement for a take-out
85 plan, the producing agent of record of the corporation policy is
86 entitled to retain any unearned commission on such policy, and
87 the insurer shall either:

88 (I) Pay to the producing agent of record of the policy,
89 for the first year, an amount which is the greater of the
90 insurer's usual and customary commission for the type of policy
91 written or a policy fee equal to the usual and customary
92 commission of the corporation; or

93 (II) Offer to allow the producing agent of record of the
94 policy to continue servicing the policy for a period of not less
95 than 1 year and offer to pay the agent the insurer's usual and
96 customary commission for the type of policy written. If the
97 producing agent is unwilling or unable to accept appointment by
98 the new insurer, the new insurer shall pay the agent in
99 accordance with sub-sub-subparagraph (I).

100 b. Any credit or exemption from regular assessments
101 adopted under this subparagraph shall last no longer than the 3
102 years following the cancellation or expiration of the policy by
103 the corporation. With the approval of the office, the board may

Amendment No. 1

104 extend such credits for an additional year if the insurer
105 guarantees an additional year of renewability for all policies
106 removed from the corporation, or for 2 additional years if the
107 insurer guarantees 2 additional years of renewability for all
108 policies so removed.

109 c. There shall be no credit, limitation, exemption, or
110 deferment from emergency assessments to be collected from
111 policyholders pursuant to sub-subparagraph (b)3.d.

112 d. Notwithstanding any other provision of law, for
113 purposes of a depopulation, take-out, or keep-out program
114 adopted by the corporation, including an initial or renewal
115 offer of coverage made to a policyholder removed from the
116 corporation pursuant to a depopulation, take-out, or keep-out
117 program, an eligible surplus lines insurer may participate in a
118 depopulation, take-out, or keep-out program in the same manner
119 and on the same terms as an authorized insurer, except as
120 provided under this sub-subparagraph. To qualify to participate
121 in a depopulation, take-out, or keep-out program, an eligible
122 surplus lines insurer must first obtain approval from the office
123 for a depopulation, take-out, or keep-out plan and must then
124 comply with all of the corporation's requirements for the
125 depopulation, take-out, or keep-out plan applicable to admitted
126 insurers and with all statutory provisions applicable to the
127 removal of policies from the corporation. With regard to a
128 policyholder removed from the corporation through an assumption
129 agreement, until the end of the assumption period, the
130 policyholder remains eligible for coverage from the corporation
131 regardless of any offer of coverage from a surplus lines

Amendment No. 1

132 insurer. In considering a surplus lines insurer's request for
133 approval for a depopulation, take-out, or keep-out plan, the
134 office must determine that the surplus lines insurer meets the
135 following requirements:

136 (I) The surplus lines insurer maintains a surplus to
137 policyholders of at least \$50 million on a company or pooled
138 basis;

139 (II) The surplus lines insurer maintains an A.M. Best
140 Financial Strength Rating of A minus or better;

141 (III) The surplus lines insurer maintains reserves,
142 surplus, reinsurance, and reinsurance equivalents sufficient to
143 cover the insurer's 100-year probable maximum hurricane loss at
144 least twice in a single hurricane season. In addition, the
145 surplus lines insurer must submit such reinsurance to the office
146 to review for purposes of the takeout;

147 (IV) The surplus lines insurer provides prominent notice
148 to the policyholder before the assumption of the policy that
149 surplus lines policies are not provided coverage by the Florida
150 Insurance Guaranty Association and an outline of any substantial
151 differences in coverage between the existing policy and the
152 policy being offered to the insured; and

153 (V) The surplus lines insurer provides similar policy
154 coverage.

155

156 This sub-subparagraph does not subject any surplus lines insurer
157 to requirements in addition to the requirements contained in
158 part VIII of chapter 626 . A surplus lines broker who makes an

Amendment No. 1

159 offer of coverage under this sub-subparagraph is not required to
160 comply with s. 626.916(1)(a), (b), (c), and (e).

161 4. The plan shall provide for the deferment, in whole or
162 in part, of the assessment of an assessable insurer, other than
163 an emergency assessment collected from policyholders pursuant to
164 sub-subparagraph (b)3.d., if the office finds that payment of
165 the assessment would endanger or impair the solvency of the
166 insurer. In the event an assessment against an assessable
167 insurer is deferred in whole or in part, the amount by which
168 such assessment is deferred may be assessed against the other
169 assessable insurers in a manner consistent with the basis for
170 assessments set forth in paragraph (b).

171 5. Effective July 1, 2007, in order to evaluate the costs
172 and benefits of approved take-out plans, if the corporation pays
173 a bonus or other payment to an insurer for an approved take-out
174 plan, it shall maintain a record of the address or such other
175 identifying information on the property or risk removed in order
176 to track if and when the property or risk is later insured by
177 the corporation.

178 6. Any policy taken out, assumed, or removed from the
179 corporation is, as of the effective date of the take-out,
180 assumption, or removal, direct insurance issued by the insurer
181 and not by the corporation, even if the corporation continues to
182 service the policies. This subparagraph applies to policies of
183 the corporation and not policies taken out, assumed, or removed
184 from any other entity.

Amendment No. 1

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D I R E C T O R Y A M E N D M E N T

Remove line 42 and insert:

Section 1. Paragraphs (a), (b), (c), (d), (n), (o), (q),
(s)

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

Remove line 30 and insert:

providing that surplus lines insurers may participate in
depopulation, take-out, or keep-out programs relating to the
corporation under certain circumstances; providing requirements
that a surplus lines insurer must meet in order to participate
in such programs; clarifying that the corporation is immune from
certain

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1243 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative(s) Wood offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 941-950 and insert:

7 9.10. Must issue ~~The policies that issued by the~~
8 ~~corporation must~~ provide that, if the corporation or the market
9 assistance plan obtains an offer from an authorized insurer to
10 cover the risk at its approved rates or from a surplus lines
11 insurer, the risk is no longer eligible for renewal through the
12 corporation, except as otherwise provided in this subsection.

13 10.11. Must ~~Corporation Policies and applications must~~
14 include a notice in the corporation policies and applications
15 that the corporation policy could, under this section, be
16 replaced with a policy issued by an authorized insurer which
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Amendment No. 2

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

Remove line 17 and insert:
relating to wind coverage; specifying that the corporation's
insurance policies must provide that a surplus lines insurer's
offer to cover risks at approved rates makes the policy
ineligible for renewal through the corporation under certain
circumstances; requiring the policyholders to

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee
 3 Representative(s) Wood offered the following:

4
 5 **Amendment (with directory and title amendments)**

6 Between lines 1338 and 1339, insert:

7 (x)1. The following records of the corporation are
 8 confidential and exempt from the provisions of s. 119.07(1) and
 9 s. 24(a), Art. I of the State Constitution:

10 a. Underwriting files, except that a policyholder or an
 11 applicant shall have access to his or her own underwriting
 12 files. Confidential and exempt underwriting file records may
 13 also be released to other governmental agencies upon written
 14 request and demonstration of need; such records held by the
 15 receiving agency remain confidential and exempt as provided
 16 herein.

17 b. Claims files, until termination of all litigation and
 18 settlement of all claims arising out of the same incident,
 19 although portions of the claims files may remain exempt, as

Amendment No. 3

20 otherwise provided by law. Confidential and exempt claims file
21 records may be released to other governmental agencies upon
22 written request and demonstration of need; such records held by
23 the receiving agency remain confidential and exempt as provided
24 herein.

25 c. Records obtained or generated by an internal auditor
26 pursuant to a routine audit, until the audit is completed, or if
27 the audit is conducted as part of an investigation, until the
28 investigation is closed or ceases to be active. An investigation
29 is considered "active" while the investigation is being
30 conducted with a reasonable, good faith belief that it could
31 lead to the filing of administrative, civil, or criminal
32 proceedings.

33 d. Matters reasonably encompassed in privileged attorney-
34 client communications.

35 e. Proprietary information licensed to the corporation
36 under contract and the contract provides for the confidentiality
37 of such proprietary information.

38 f. All information relating to the medical condition or
39 medical status of a corporation employee which is not relevant
40 to the employee's capacity to perform his or her duties, except
41 as otherwise provided in this paragraph. Information that is
42 exempt shall include, but is not limited to, information
43 relating to workers' compensation, insurance benefits, and
44 retirement or disability benefits.

45 g. Upon an employee's entrance into the employee
46 assistance program, a program to assist any employee who has a
47 behavioral or medical disorder, substance abuse problem, or

Amendment No. 3

48 emotional difficulty which affects the employee's job
49 performance, all records relative to that participation shall be
50 confidential and exempt from the provisions of s. 119.07(1) and
51 s. 24(a), Art. I of the State Constitution, except as otherwise
52 provided in s. 112.0455(11).

53 h. Information relating to negotiations for financing,
54 reinsurance, depopulation, or contractual services, until the
55 conclusion of the negotiations.

56 i. Minutes of closed meetings regarding underwriting
57 files, and minutes of closed meetings regarding an open claims
58 file until termination of all litigation and settlement of all
59 claims with regard to that claim, except that information
60 otherwise confidential or exempt by law shall be redacted.

61 2. If an ~~authorized~~ insurer is considering underwriting a
62 risk insured by the corporation or has removed a risk from the
63 corporation, relevant underwriting files and confidential claims
64 files may be released to the insurer provided the insurer agrees
65 in writing, notarized and under oath, to maintain the
66 confidentiality of such files. If a file is transferred to an
67 insurer, that file is no longer a public record because it is
68 not held by an agency subject to the provisions of the public
69 records law. Underwriting files and confidential claims files
70 may also be released to staff and the board of governors of the
71 market assistance plan established pursuant to s. 627.3515, who
72 must retain the confidentiality of such files, except such files
73 may be released to authorized insurers that are considering
74 assuming the risks to which the files apply, provided the
75 insurer agrees in writing, notarized and under oath, to maintain

Amendment No. 3

76 the confidentiality of such files. Finally, the corporation or
77 the board or staff of the market assistance plan may make the
78 following information obtained from underwriting files and
79 confidential claims files available to licensed general lines
80 insurance agents: name, address, and telephone number of the
81 residential property owner or insured; location of the risk;
82 rating information; loss history; and policy type. The receiving
83 licensed general lines insurance agent must retain the
84 confidentiality of the information received.

85 3. A policyholder who has filed suit against the
86 corporation has the right to discover the contents of his or her
87 own claims file to the same extent that discovery of such
88 contents would be available from a private insurer in litigation
89 as provided by the Florida Rules of Civil Procedure, the Florida
90 Evidence Code, and other applicable law. Pursuant to subpoena, a
91 third party has the right to discover the contents of an
92 insured's or applicant's underwriting or claims file to the same
93 extent that discovery of such contents would be available from a
94 private insurer by subpoena as provided by the Florida Rules of
95 Civil Procedure, the Florida Evidence Code, and other applicable
96 law, and subject to any confidentiality protections requested by
97 the corporation and agreed to by the seeking party or ordered by
98 the court. The corporation may release confidential underwriting
99 and claims file contents and information as it deems necessary
100 and appropriate to underwrite or service insurance policies and
101 claims, subject to any confidentiality protections deemed
102 necessary and appropriate by the corporation.

Amendment No. 3

103 4. Portions of meetings of the corporation are exempt from
104 the provisions of s. 286.011 and s. 24(b), Art. I of the State
105 Constitution wherein confidential underwriting files or
106 confidential open claims files are discussed. All portions of
107 corporation meetings which are closed to the public shall be
108 recorded by a court reporter. The court reporter shall record
109 the times of commencement and termination of the meeting, all
110 discussion and proceedings, the names of all persons present at
111 any time, and the names of all persons speaking. No portion of
112 any closed meeting shall be off the record. Subject to the
113 provisions hereof and s. 119.07(1)(d)-(f), the court reporter's
114 notes of any closed meeting shall be retained by the corporation
115 for a minimum of 5 years. A copy of the transcript, less any
116 exempt matters, of any closed meeting wherein claims are
117 discussed shall become public as to individual claims after
118 settlement of the claim.

122 **D I R E C T O R Y A M E N D M E N T**

123 Remove line 43 and insert:

124 (w), (x), (y), (aa), and (ee) of subsection (6) of section
125 627.351,
126

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

130 Remove line 31 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1243 (2011)

Amendment No. 3

131 liabilities; authorizing the release of confidential claims
132 files to an insurer who removes a risk from the corporation
133 under certain circumstances; deleting a requirement for an
134 annual report

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS HB 1243 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee
3 Representative Bernard offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 1429 and 1430, insert:

7 Section 3. Subsection (1) of section 631.252, Florida
8 Statutes, is amended, and subsection (6) is added to that
9 section, to read:

10 631.252 Continuation of coverage.—

11 (1) All insurance policies or similar contracts of
12 coverage, other than coverages defined in s. 631.713, ~~or~~ health
13 maintenance organization coverage under part IV, or insurance
14 policies removed from Citizens Property Insurance Corporation
15 under s. 627.3511, issued by the insurer shall be canceled upon
16 the earliest to occur of the following:

17 (a) The date of entry of the liquidation or, if the court
18 so provides in its order, the expiration of 30 days from the
19 date of entry of the liquidation order;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS HB 1243 (2011)

Amendment No. 4

20 (b) The normal expiration of the policy or contract
21 coverage;

22 (c) The replacement of the coverage by the insured, or the
23 replacement of the policy or contract of coverage, with a policy
24 or contract acceptable to the insured by the receiver with
25 another insurer; or

26 (d) The termination of the coverage by the insured.

27 (6) Insurance policies removed from Citizens Property
28 Insurance Corporation under s. 627.3511 within 1 year after the
29 date of entry of an order of liquidation shall be reassigned to
30 Citizens Property Insurance Corporation and continue in force
31 until the normal expiration date of the policy.

32 Section 4. Subsection (6) of section 631.57, Florida
33 Statutes, is amended to read:

34 631.57 Powers and duties of the association.--

35 (6) The association may extend the time limits specified
36 in paragraph (1)(a) by up to an additional 60 days or waive the
37 applicability of the \$100 deductible specified in paragraph
38 (1)(a) if the board determines that either or both such actions
39 are necessary to facilitate the bulk assumption of obligations.
40 The association may also remit any unearned premium of an
41 insolvent insurer to Citizens Property Insurance Corporation to
42 effectuate the provisions of s. 631.252(6).

43

44

45

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

46

Remove line 38 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS HB 1243 (2011)

Amendment No. 4

47 cross-references; amending s. 631.252, F.S.; excepting insurance
48 policies removed from the corporation from cancellation as a
49 result of liquidation of an insurer under certain circumstances;
50 requiring certain insurance policies removed from the
51 corporation to be reassigned to the corporation and continued in
52 force for a specified time; amending s. 631.57, F.S.;

53 authorizing the Florida Insurance Guaranty Association to remit
54 certain premiums to the corporation for certain purposes;
55 providing an effective date.

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee
3/30/2011 10:00:00AM

Location: 404 HOB

PCS for HB 885 : Residential Property Insurance

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Mack Bernard	X				
Jim Boyd	X				
Rachel V. Burgin			X		
Janet Cruz	X				
Daniel Davis	X				
Erik Fresen	X				
Bill Hager	X				
Clay Ingram	X				
Evan Jenne		X			
John Julien	X				
Perry Thurston, Jr.	X				
John Wood	X				
Ritch Workman	X				
Bryan Nelson (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Appearances:

Residential Property Insurance

Monte Stevens, Governmental Affairs Director (Lobbyist) (State Employee) - Proponent
 Office of Insurance Regulation
 200 E. Gaines St.,121
 Tallahassee FL 32399
 Phone: 850-413-2571

Residential Property Insurance

Jose L. Gonzalez, VP Government Affairs (Lobbyist) - Proponent
 AIF
 516 N. Adams
 Tallahassee FL 32301
 Phone: 850-224-7173

Residential Property Insurance

Keri Rayborn (Lobbyist) - Waive In Support
 Latin American Association of Insurance Agencies
 P.O. Box 1565
 Tallahassee FL 32302
 Phone: 850-524-2394

Residential Property Insurance

Teye Reeves, Policy Director (Lobbyist) - Proponent
 FL Chamber of Commerce
 136 S. Bronough St.
 Tallahassee FL 32301
 Phone: 850-521-1235

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM

COMMITTEE MEETING REPORT
Insurance & Banking Subcommittee

3/30/2011 10:00:00AM

Location: 404 HOB

Residential Property Insurance

Reggie Garcia (Lobbyist) - Opponent

Florida Justice Assoc.

P.O. Box 11069

Tallahassee FL 32302

Phone: 850-933-7150

Committee meeting was reported out: Wednesday, March 30, 2011 7:05:33PM

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