

Committee Substitute for Senate Bill No. 1758

An act relating to the Department of Financial Services; amending s. 17.57, F.S.; increasing the percentage of funds under the control of the Chief Financial Officer which may be invested in certain types of securities; providing for the future expiration of such provision and the reversion as of a specified date of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for the Chief Financial Officer to appoint committee members; requiring the committee to administer the Treasury Investment Program; requiring an annual report; creating s. 624.231, F.S.; authorizing the department or Office of Insurance Regulation to charge a fee for redacting portions of a record which are exempt under public-records laws; requiring that a person affirm a request to receive a redacted record before the information is provided; amending s. 624.501, F.S.; reducing the fee charged by the Department of Financial Services, the Office of Insurance Regulation, and the Financial Services Commission for copies of documents or records; amending s. 624.523, F.S.; revising the list of items from which payments received are deposited into the Insurance Regulatory Trust Fund; amending ss. 626.932 and 626.938, F.S.; deleting provisions relating to the distribution of certain collected taxes and interest; providing for the reversion as of a specified date of the statutory text of provisions relating to the distribution of such taxes and interest; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to adopt revisions to actuarial methods, standards, and models every odd year rather than annually; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (v) of subsection (2) of section 17.57, Florida Statutes, is amended to read:

17.57 Deposits and investments of state money.—

(2) The Chief Financial Officer shall make funds available to meet the disbursement needs of the state. Funds which are not needed for this purpose shall be placed in qualified public depositories that will pay rates established by the Chief Financial Officer at levels not less than the prevailing rate for United States Treasury securities with a corresponding maturity. In the event money is available for interest-bearing time deposits or savings accounts as provided herein and qualified public depositories are unwilling to accept such money and pay thereon the rates established above, then such money which qualified public depositories are unwilling to accept shall be invested in:

(v) Securities not otherwise described in this subsection. However, not more than 5 ~~3~~ percent of the funds under the control of the Chief Financial Officer shall be invested in securities described in this paragraph.

These investments may be in varying maturities and may be in book-entry form. Investments made pursuant to this subsection may be under repurchase agreement or reverse repurchase agreement. The Chief Financial Officer may hire registered investment advisers and other consultants to assist in investment management and to pay fees directly from investment earnings. Investment securities, proprietary investment services related to contracts, performance evaluation services, investment-related equipment or software used directly to assist investment trading or investment accounting operations including bond calculators, telerates, Bloomburys, special program calculators, intercom systems, and software used in accounting, communications, and trading, and advisory and consulting contracts made under this section are exempt from the provisions of chapter 287.

Section 2. Effective July 1, 2010, the amendment of s. 17.57(2)(v), Florida Statutes, made by this act expires, and the text of that paragraph shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 3. Section 17.575, Florida Statutes, is created to read:

17.575 Administration of funds; Treasury Investment Committee.—

(1) There is created a Treasury Investment Committee within the Division of Treasury consisting of at least five members who must possess special knowledge, experience, and familiarity in finance, investments, or accounting. The members of the committee shall be appointed by and serve at the pleasure of the Chief Financial Officer. The committee shall annually elect a chair and vice chair from among its membership.

(2) The committee shall administer the Treasury Investment Program consistent with policies approved by the Chief Financial Officer for deposits and investments of public funds. The committee shall also make recommendations regarding investment policy to the Chief Financial Officer.

(3) The committee shall submit an annual report outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee. The report shall be submitted on August 15, 2009, and annually thereafter.

Section 4. Section 624.231, Florida Statutes, is created to read:

624.231 Disclosure and fees for production of records.—If the department or office determines that any portion of a record that is requested by a person is exempt pursuant to chapter 119, the insurance code, or chapter 641, the department or office shall disclose to the person in writing that the requested record will be provided in a redacted format and that there will be additional fees charged for staff time associated with researching and redacting the exempt portion of the record. Before the department or office provides the record, the person must affirm his or her request to receive the record.

Section 5. Paragraph (a) of subsection (19) of section 624.501, Florida Statutes, is amended to read:

624.501 Filing, license, appointment, and miscellaneous fees.—The department, commission, or office, as appropriate, shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

(19) Miscellaneous services:

(a) For copies of documents or records on file with the department, commission, or office, per page ~~\$.15~~ \$.50

Section 6. Subsection (1) of section 624.523, Florida Statutes, is amended to read:

624.523 Insurance Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated “Insurance Regulatory Trust Fund” to which shall be credited all payments received on account of the following items:

(a) All fines, monetary penalties, and costs imposed upon persons by the department or the office as authorized by law for violation of the laws of this state.

(b) Any sums received for copies of the stenographic record of hearings, as authorized by law.

(c) All sums received under s. 624.404(5).

(d) All sums received under s. 624.5091, as provided in subsection (5) thereof.

(e) All payments received on account of items provided for under respective provisions of s. 624.501, as follows:

1. Subsection (1) (certificate of authority of insurer).
2. Subsection (2) (charter documents of insurer).
3. Subsection (3) (annual license tax of insurer).
4. Subsection (4) (annual statement of insurer).
5. Subsection (5) (application fee for insurance representatives).
6. The “appointment fee” portion of any appointment provided for under paragraphs (6)(a) and (b) (insurance representatives, property, marine, casualty and surety insurance, and agents).
7. Paragraph (6)(c) (nonresident agents).
8. Paragraph (6)(d) (service representatives).

9. The “appointment fee” portion of any appointment provided for under paragraph (7)(a) (life insurance agents, original appointment, and renewal or continuation of appointment).

10. Paragraph (7)(b) (nonresident agent license).

11. The “appointment fee” portion of any appointment provided for under paragraph (8)(a) (health insurance agents, agent’s appointment, and renewal or continuation fee).

12. Paragraph (8)(b) (nonresident agent appointment).

13. The “appointment fee” portion of any appointment provided for under subsections (9) and (10) (limited licenses and fraternal benefit society agents).

14. Subsection (11) (vending machines).

15. Subsection (12) (surplus lines agent).

16. Subsection (13) (adjusters’ appointment).

17. Subsection (14) (examination fee).

18. Subsection (15) (temporary license and appointment as agent or adjuster).

19. Subsection (16) (reissuance, reinstatement, etc.).

20. Subsection (17) (additional license continuation fees).

21. Subsection (18) (filing application for permit to form insurer).

22. Subsection (19) (license fee of rating organization).

23. Subsection (20) (miscellaneous services).

24. Subsection (21) (insurance agencies).

(f) All payments received on account of actuarial and other services in the valuation or computation of the reserves of life insurers pursuant to s. 625.121(2).

(g) All sums received under ss. 626.711 and 626.743.

~~(h) Sums received under s. 626.932, as provided in subsection (5) thereof.~~

~~(i) Sums received under s. 626.938, as provided in subsection (7) thereof.~~

(h)(j) All sums received under s. 627.828.

~~(i)(k)~~ All sums received from motor vehicle service agreement companies under s. 634.221.

~~(j)(l)~~ All sums received under s. 648.27 (bail bond agent, limited surety agent, continuation fee), the “appointment fee” portion of any license or

permit provided for under s. 648.31, and the application fees provided for under s. 648.34(3).

~~(k)(m)~~ All sums received under s. 651.015.

~~(l)(n)~~ All sums received by the Chief Financial Officer or the director of the office as fees for her or his services as service-of-process agent.

~~(m)(o)~~ All state tax portions of agents' licenses collected under s. 624.501.

Section 7. Subsection (5) of section 626.932, Florida Statutes, is amended to read:

626.932 Surplus lines tax.—

~~(5) The department shall deposit 15.74 percent of all taxes collected under this section to the credit of the Insurance Regulatory Trust Fund. Eighty-four and twenty-six hundredths percent of all Taxes collected under this section shall be deposited into the General Revenue Fund.~~

Section 8. Subsection (7) of section 626.938, Florida Statutes, is amended to read:

626.938 Report and tax of independently procured coverages.—

~~(7) The department shall deposit 15.74 percent of all taxes and interest collected under this section to the credit of the Insurance Regulatory Trust Fund. Eighty-four and twenty-six hundredths percent of all Taxes and interest collected under this section shall be deposited into the General Revenue Fund.~~

Section 9. The amendments to ss. 626.932(5) and 626.938(7), Florida Statutes, made by this act expire July 1, 2014, and the text of those subsections shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 10. Paragraph (e) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(e) The commission shall adopt revisions to previously adopted actuarial methods, principles, standards, models, or output ranges every odd year at least annually.

Section 11. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.