

1 A bill to be entitled
2 An act relating to interstate insurance product
3 regulation compact; amending s. 626.9933, F.S.;
4 expanding opt out provision to include annuity and
5 disability income insurance; amending s. 626.9934,
6 F.S.; revising the effective date for applicability of
7 uniform standards to certain insurance products;
8 providing that the state prospectively opts out of
9 specified future interstate standards; deleting
10 authority to opt out of an administrative order;
11 deleting opt out of additional specified uniform
12 standards; deleting applicability; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 626.9933, Florida Statutes, is amended
18 to read:

19 626.9933 Opt out from annuity, disability income, and
20 long-term care products standards.—Pursuant to Article VII of
21 the Interstate Insurance Product Regulation Compact, adopted
22 pursuant to s. 626.9932 ~~by this act~~, this state prospectively
23 opts out of all uniform standards adopted by the Interstate
24 Insurance Product Regulation Commission involving annuity,
25 disability income, and long-term care insurance products, and

26 such opt out may not be treated as a material variance in the
27 offer or acceptance of this state to participate in the compact.

28 Section 2. Section 626.9934, Florida Statutes, is amended
29 to read:

30 626.9934 Effective date of compact standards; ~~opt out~~
31 ~~procedures; state law exemptions;~~ legislative notice.—

32 (1) Except as provided in s. 626.9933 and this section,
33 all uniform standards adopted by the Interstate Insurance
34 Product Regulation Commission as of March 9, 2018 ~~March 1, 2013~~,
35 are adopted by this state.

36 (2) ~~Notwithstanding subsections (3), (4), (5), and (6) of~~
37 ~~Article VII of the Interstate Insurance Product Regulation~~
38 ~~Compact as adopted by this act,~~ This state prospectively opts
39 out of any new uniform standard, or amendments to existing
40 uniform standards, adopted by the Interstate Insurance Product
41 Regulation Commission after March 9, 2018 ~~March 1, 2013~~, if such
42 amendments substantially alter or add to existing uniform
43 standards adopted by this state pursuant to subsection (1),
44 until such time as this state enacts legislation to adopt new
45 uniform standards or amendments to existing standards adopted by
46 the commission after March 9, 2018 ~~March 1, 2013~~.

47 ~~(3) The authority under Article VII of the Interstate~~
48 ~~Insurance Product Regulation Compact to opt out of a uniform~~
49 ~~standard includes an order issued under chapter 120, the~~
50 ~~Administrative Procedure Act.~~

51 ~~(4) In addition to the uniform standards and amendments to~~
52 ~~uniform standards that the state opts out of pursuant to~~
53 ~~subsection (2), pursuant to subsections (4) and (5) of Article~~
54 ~~VII of the Interstate Insurance Product Regulation Compact, this~~
55 ~~state opts out of the following uniform standards adopted by the~~
56 ~~Interstate Insurance Product Regulation Commission:~~

57 ~~(a) The 10-day period for the unconditional refund of~~
58 ~~premiums, plus any fees or charges under s. 626.99.~~

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

63 ~~(c) Any other uniform standard that conflicts with~~
64 ~~statutes or rules of this state providing consumer protections~~
65 ~~for products covered by the compact.~~

66 ~~(5) The exclusivity provision of paragraph (2)(b) of~~
67 ~~Article XVI of the Interstate Insurance Product Regulation~~
68 ~~Compact applies only to those uniform standards adopted by the~~
69 ~~Interstate Insurance Product Regulation Commission in accordance~~
70 ~~with the terms of the compact and does not apply to those~~
71 ~~standards that this state has opted out of pursuant to this act~~
72 ~~or the compact. In addition, the exclusivity provision does not~~
73 ~~limit or render inapplicable standards adopted by this state in~~
74 ~~the absence of a standard adopted by the commission.~~
75 ~~Notwithstanding paragraph (2)(b) of Article XVI of the compact,~~

76 | ~~standards adopted by this state continue to apply to the~~
 77 | ~~content, approval, and certification of products in this state,~~
 78 | ~~including, but not limited to:~~

79 | ~~(a) The prohibition against a surrender or deferred sales~~
 80 | ~~charge of more than 10 percent pursuant to s. 627.4554.~~

81 | ~~(b) Notification to an applicant of the right to designate~~
 82 | ~~a secondary addressee at the time of application under s.~~
 83 | ~~627.4555.~~

84 | ~~(c) Notification of secondary addressees at least 21 days~~
 85 | ~~before the impending lapse of a policy under s. 627.4555.~~

86 | ~~(d) The inclusion of a clear statement pursuant to s.~~
 87 | ~~627.803 that the benefits, values, or premiums under a variable~~
 88 | ~~annuity are indeterminate and may vary.~~

89 | ~~(e) Interest on surrender proceeds pursuant to s. 627.482.~~

90 | (3)(6) 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 | must ~~shall~~ immediately notify the Legislature of such new
 95 | standard or amendment.

96 | Section 3. This act shall take effect upon becoming a law.