

By Senator Broxson

1-01215B-18

20181860__

1 A bill to be entitled
2 An act relating to the Interstate Insurance Product
3 Regulation Compact; amending s. 626.9933, F.S.;
4 providing that the state prospectively opts out of all
5 uniform standards adopted by the Interstate Insurance
6 Product Regulation Commission involving annuity and
7 disability income insurance products; amending s.
8 626.9934, F.S.; revising the effective date of compact
9 standards adopted by the state; revising applicability
10 of a prospective opt-out provision; deleting a
11 provision construing certain opt-out authority under
12 the compact; deleting a provision specifying the
13 state's opting out of certain standards; deleting a
14 provision relating to applicability and construction
15 of a certain exclusivity provision in the compact;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 626.9933, Florida Statutes, is amended
21 to read:

22 626.9933 Opt out from annuity, disability income, and long-
23 term care products standards.—Pursuant to Article VII of the
24 Interstate Insurance Product Regulation Compact, adopted by this
25 act, this state prospectively opts out of all uniform standards
26 adopted by the Interstate Insurance Product Regulation
27 Commission involving annuity, disability income, and long-term
28 care insurance products, and such opt out may not be treated as
29 a material variance in the offer or acceptance of this state to

1-01215B-18

20181860__

30 participate in the compact.

31 Section 2. Section 626.9934, Florida Statutes, is amended
32 to read:

33 626.9934 Effective date of compact standards; opt out of
34 certain amendments ~~opt out procedures; state law exemptions;~~
35 legislative notice.—

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

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

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

55 (4) ~~In addition to the uniform standards and amendments to~~
56 ~~uniform standards that the state opts out of pursuant to~~
57 ~~subsection (2), pursuant to subsections (4) and (5) of Article~~
58 ~~VII of the Interstate Insurance Product Regulation Compact, this~~

1-01215B-18

20181860__

59 ~~state opts out of the following uniform standards adopted by the~~
60 ~~Interstate Insurance Product Regulation Commission:~~

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

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

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

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

79 ~~Notwithstanding paragraph (2)(b) of Article XVI of the compact,~~
80 ~~standards adopted by this state continue to apply to the~~
81 ~~content, approval, and certification of products in this state,~~
82 ~~including, but not limited to:~~

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

85 ~~(b) Notification to an applicant of the right to designate~~
86 ~~a secondary addressee at the time of application under s.~~
87 ~~627.4555.~~

1-01215B-18

20181860__

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

90 ~~(d) The inclusion of a clear statement pursuant to s.~~
91 ~~627.803 that the benefits, values, or premiums under a variable~~
92 ~~annuity are indeterminate and may vary.~~

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

94 (3)~~(6)~~ After enactment of this section, if the Interstate
95 Insurance Product Regulation Commission adopts any new uniform
96 standard or amendment to the existing uniform standard as
97 specified in subsection (2), the Office of Insurance Regulation
98 shall immediately notify the Legislature of such new standard or
99 amendment.

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