

1                                   A bill to be entitled  
 2       An act relating to alien insurers; amending s.  
 3       624.402, F.S.; revising a provision exempting alien  
 4       insurers from being required to obtain a certificate  
 5       of authority; specifying that an alien insurer is  
 6       exempt from having to obtain a certificate of  
 7       authority if such insurer only engages in specified  
 8       activities relating to the delivery of insurance  
 9       policies or contracts to nonresident policy owners;  
 10      revising the definition of the term "nonresident";  
 11      providing an effective date.

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

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 15       Section 1. Paragraphs (a) and (b) of subsection (8) of  
 16       section 624.402, Florida Statutes, are amended to read:

17       624.402 Exceptions, certificate of authority required.—A  
 18       certificate of authority shall not be required of an insurer  
 19       with respect to:

20       (8) (a) An insurer domiciled outside the United States  
 21       covering only persons who, at the time of issuance ~~or renewal~~,  
 22       are nonresidents of the United States if:

23       1. The insurer only solicits, sells, or accepts  
 24       applications for any insurance policies or contracts ~~or any~~  
 25       ~~affiliated person as defined in s. 624.04 under common ownership~~  
 26       ~~or control with the insurer does not solicit, sell, or accept~~  
 27       ~~application for any insurance policy or contract to be delivered~~  
 28       or issued for delivery to any nonresident policy owner ~~person in~~

29 | ~~any state;~~

30 |       2. The insurer registers with the office via a letter of  
31 | notification upon commencing business from this state;

32 |       3. The insurer provides the following information, in  
33 | English, to the office annually by March 1:

34 |       a. The name of the insurer; the country of domicile; the  
35 | address of the insurer's principal office and office in this  
36 | state; the names of the owners of the insurer and their  
37 | percentage of ownership; the names of the officers and directors  
38 | of the insurer; the name, e-mail, and telephone number of a  
39 | contact person for the insurer; and the number of individuals  
40 | who are employed by the insurer or its affiliates in this state;

41 |       b. The lines of insurance and types of products offered by  
42 | the insurer;

43 |       c. A statement from the applicable regulatory body of the  
44 | insurer's domicile certifying that the insurer is licensed or  
45 | registered for those lines of insurance and types of products in  
46 | that domicile; and

47 |       d. A copy of the filings required by the applicable  
48 | regulatory body of the insurer's country of domicile in that  
49 | country's official language or in English, if available;

50 |       4. All certificates, policies, or contracts issued in this  
51 | state showing coverage under the insurer's policy include the  
52 | following statement in a contrasting color and at least 10-point  
53 | type: "The policy providing your coverage and the insurer  
54 | providing this policy have not been approved by the Florida  
55 | Office of Insurance Regulation"; and

56 |       5. In the event the insurer ceases to do business from

HB 409

2012

57 | this state, the insurer will provide written notification to the  
58 | office within 30 days after cessation.

59 |       (b) For purposes of this subsection, the term  
60 | "nonresident" means either a trust or other entity organized and  
61 | domiciled under the laws of a country other than the United  
62 | States or a person who resides in and maintains a physical place  
63 | of domicile in a country other than the United States, which he  
64 | or she recognizes as and intends to maintain as his or her  
65 | permanent home. A nonresident does not include an unauthorized  
66 | immigrant present in the United States. Notwithstanding any  
67 | other provision of law, it is conclusively presumed, for  
68 | purposes of this subsection, that a person is a resident of the  
69 | United States if such person has:

- 70 |       1. Had his or her principal place of domicile in the  
71 | United States for 180 days or more in the 365 days prior to  
72 | issuance or renewal of the policy;
- 73 |       2. Registered to vote in any state;
- 74 |       3. Made a statement of domicile in any state; or
- 75 |       4. Filed for homestead tax exemption on property in any  
76 | state.

77 |       Section 2. This act shall take effect July 1, 2012.