

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:

16
 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 May 3, 2019 ~~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 May 3, 2019 ~~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 May 3, 2019 ~~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.