

Amendment No. a1-1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Nuñez offered the following:

4
5 **Amendment to Amendment () by Representative Nuñez (with**
6 **title amendment)**

7 Between lines 247 and 248 of the amendment, insert:

8 Section 2. Section 628.906, is created to read:

9 Section 628.906. Application requirements; restrictions on
10 eligibility of officers and directors.-

11 (a) To evidence competence and trustworthiness of its
12 officers and directors, the application for authority to act as
13 a captive insurance company or captive reinsurance company shall
14 include, but not be limited to, background investigations,
15 biographical affidavits, and fingerprint cards for all officers
16 and directors.

17 (b) The office may deny, suspend, or revoke the authority
18 to transact captive insurance or captive reinsurance in this
19 state if any person who was an officer or director of an

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20 insurer, reinsurer, captive insurance company, captive
21 reinsurance company, financial institution, or financial
22 services business doing business in the United States, any
23 state, or under the law of any other country and who served in
24 that capacity within the 2-year period prior to the date the
25 insurer, reinsurer, captive insurance company, captive
26 reinsurance company, financial institution, or financial
27 services business became insolvent, serves as an officer or
28 director of a captive insurance company or officer or director
29 of a captive reinsurance company authorized in this state unless
30 the officer or director demonstrates that his or her personal
31 actions or omissions were not a contributing cause to the
32 insolvency.

33 (c) The office may deny, suspend, or revoke the authority
34 to transact insurance or reinsurance in this state of any
35 captive insurance company or captive reinsurance company if any
36 person, including any stockholder or incorporator, who exercises
37 or has the ability to exercise effective control of the captive
38 insurance company or captive reinsurance company, or who
39 influences or has the ability to influence the transaction of
40 the business of the captive insurance company or captive
41 reinsurance company, has been found guilty of, or has pleaded
42 guilty or nolo contendere to, any felony or crime involving
43 moral turpitude, including a crime of dishonesty or breach of
44 trust, punishable by imprisonment of 1 year or more under the
45 law of the United States or any state thereof or under the law
46 of any other country without regard to whether a judgment of
47 conviction has been entered by the court having jurisdiction in

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48 such case. However, in the case of a captive insurance company
49 or captive reinsurance company operating under a subsisting
50 certificate of authority or license, the captive insurance
51 company or captive reinsurance company shall remove any such
52 person immediately upon discovery of the conditions set forth in
53 this paragraph when applicable to such person or upon the order
54 of the office, and the failure to so act shall be grounds for
55 revocation or suspension of the captive insurance company's or
56 captive reinsurance company's license.

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62 **T I T L E A M E N D M E N T**

63 Remove line 666 of the amendment and insert:
64 redomestication of an alien captive insurance company; creating
65 s. 628.906, F.S.; requiring biographical affidavits and
66 background investigations for all officers and directors;
67 providing restrictions on officers and directors involved with
68 insolvent insurers under certain conditions; providing
69 restrictions on officers and directors found guilty of, or that
70 have pleaded guilty or nolo contendere to, any felony or crime
71 involving moral turpitude, including a crime of dishonesty or
72 breach of trust; amending