Insurance & Banking Subcommittee

Monday, February 7, 2022
4:00 PM - 6:00 PM
Morris Hall (17 HOB)

Action Packet

Chris Sprowls
Speaker

Nick DiCeglie
Chair

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

Summary:

Insurance & Banking Subcommittee

Monday February 07, 2022 04:00 pm

PCS for HB 425	Favorable	Yeas: 16	Nays: 0
HB 1001	Favorable With Committee Substitute	Yeas: 16	Nays: 0
	Amendment 717601 Adopted Without Objection		
HB 7043	Favorable	Yeas: 14	Nays: 0
HB 7045	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

Attendance:

	Present	*Absent*	*Excused*
Nick DiCeglie (Chair)	X		
Webster Barnaby	X		
Kamia Brown	X		
Fentrice Driskell	X		
Tom Fabricio	X		
Elizabeth Fetterhoff	X		
Mike Giallombardo	X		
Brett Hage	X		
Christine Hunschofsky	X		
Traci Koster	X		
Randall Maggard			X
Michele Rayner			X
David Smith	X		
John Snyder	X		
Allison Tant	X		
Jackie Toledo	X		
Matt Willhite	X		
Ardian Zika	X		
Totals:	**16**	**0**	**2**

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

PCS for HB 425 : Posttraumatic Stress Disorder Benefits and Peer Support Programs

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Webster Barnaby	X				
Kamia Brown	X				
Fentrice Driskell	X				
Tom Fabricio	X				
Elizabeth Fetterhoff	X				
Mike Giallombardo	X				
Brett Hage	X				
Christine Hunschofsky	X				
Traci Koster	X				
Randall Maggard			X		
Michele Rayner			X		
David Smith	X				
John Snyder	X				
Allison Tant	X				
Jackie Toledo	X				
Matt Willhite	X				
Ardian Zika	X				
Nick DiCeglie (Chair)	X				
	Total Yeas: 16	**Total Nays: 0**			

Appearances:

Posttraumatic Stress Disorder Benefits and Peer Support Programs
Henning, Lisa (Lobbyist) (Lobbyist Appearance Form Submitted) - Proponent
Florida State Fraternal Order of Police
242 Office Plaza Dr 242 Office Plaza Drive
Tallahassee, FL
Phone: (850) 656-9881

O'Dare Wilson, Kellie (State Employee) - Proponent
2nd Alarm Project
Dr.
1515 S. MLK Jr. Blvd. Science Research Center- Room 207-E
Tallahassee, FL 32307
Phone: 850-561-2880

Odom, David (General Public) - Proponent
Consolidated Dispatch Agency
Director, Consolidated Dispatch Agency
911 Easterwood Drive
Tallahassee, Florida 32309
Phone: 850-559-1800

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

Location: Morris Hall (17 HOB)

PCS for HB 425 : Posttraumatic Stress Disorder Benefits and Peer Support Programs (continued)

Appearances: (continued)

Powell, Kimberley (General Public) - Proponent
Consolidated Dispatch Agency
Mental Health Counselor
911 Easterwood Drive
Tallahassee, Florida 32309
Phone: 850-606-5848

Puckett, Matt (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Florida Police Benevolent Association, Inc
Lobbyist
300 E Brevard St
Tallahassee, FL
Phone: 850-228-7744

Pinsky, Richard (Lobbyist) - Information Only
911 Emergency Dispatchers
201 E. Park Ave.
Tallahassee, FL

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

HB 1001 : Trusts

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Webster Barnaby	X				
Kamia Brown	X				
Fentrice Driskell	X				
Tom Fabricio	X				
Elizabeth Fetterhoff	X				
Mike Giallombardo	X				
Brett Hage	X				
Christine Hunschofsky	X				
Traci Koster	X				
Randall Maggard			X		
Michele Rayner			X		
David Smith	X				
John Snyder	X				
Allison Tant	X				
Jackie Toledo	X				
Matt Willhite	X				
Ardian Zika	X				
Nick DiCeglie (Chair)	X				
	Total Yeas: 16	**Total Nays: 0**			

HB 1001 Amendments

Amendment 717601

[X] *Adopted Without Objection*

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

HB 7043 : OGSR/Information Submitted by Insurers/DFS

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Webster Barnaby	X				
Kamia Brown	X				
Fentrice Driskell			X		
Tom Fabricio	X				
Elizabeth Fetterhoff	X				
Mike Giallombardo			X		
Brett Hage	X				
Christine Hunschofsky	X				
Traci Koster	X				
Randall Maggard			X		
Michele Rayner			X		
David Smith	X				
John Snyder	X				
Allison Tant	X				
Jackie Toledo	X				
Matt Willhite	X				
Ardian Zika	X				
Nick DiCeglie (Chair)	X				
	Total Yeas: 14	**Total Nays: 0**			

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

COMMITTEE MEETING REPORT

Insurance & Banking Subcommittee

2/7/2022 4:00PM

Location: Morris Hall (17 HOB)

HB 7045 : OGSR/Information on Financial Institutions, Affiliated International Trust Entities, and Qualified Limited Service Affiliates/OFR

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Webster Barnaby	X				
Kamia Brown	X				
Fentrice Driskell			X		
Tom Fabricio	X				
Elizabeth Fetterhoff	X				
Mike Giallombardo			X		
Brett Hage	X				
Christine Hunschofsky	X				
Traci Koster	X				
Randall Maggard			X		
Michele Rayner			X		
David Smith	X				
John Snyder	X				
Allison Tant	X				
Jackie Toledo	X				
Matt Willhite	X				
Ardian Zika	X				
Nick DiCeglie (Chair)	X				
	Total Yeas: 14	**Total Nays: 0**			

Committee meeting was reported out: Monday, February 07, 2022 6:34PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Beltran offered the following:

Amendment (with title amendment)

Remove lines 52-153 and insert:

qualified beneficiaries, except as otherwise provided in s. 736.0813(1)(d).

Section 3. Subsections (4), (5), and (6) of section 736.0109, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, subsection (1) and present subsection (4) are amended, and a new subsection (4) is added to that section, to read:

736.0109 Methods and waiver of notice.—

(1) Notice to a person under this code or the sending of a document to a person under this code must be accomplished in a

manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document. Permissible methods of notice or for sending a document include first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, a properly directed facsimile or other electronic message including e-mail, or posting on a secure electronic account or website in accordance with subsection (3).

(4)(a) Notwithstanding subsection (3), a family trust company, licensed family trust company, or foreign licensed family trust company, as defined in s. 662.111, that is a trustee of the trust, may use:

1. Any of the permissible methods of notice or for sending a document described in subsection (1); or

2. A properly directed e-mail message with an attached notice or document or containing a hyperlink through which the recipient can view the notice or document.

(b) For purposes of this subsection, the notice or document is deemed sent only if any username, password, or other specific instructions needed to access the notice or document are communicated to the recipient either prior to or contemporaneously with the e-mail message containing the notice, document, or hyperlink, or upon request by the recipient.

(5) ~~(4)~~ Notice to a person under this code, or the sending

of a document to a person under this code ~~by electronic message~~ electronically, is complete when ~~the document is~~ sent.

(a) An electronic message is presumed received on the date that the message is sent.

(b) If the sender has knowledge that an electronic message did not reach the recipient, the electronic message is deemed to have not been received. The sender has the burden to prove that another copy of the notice or document was sent by electronic message or by other means authorized by this section.

Section 4. Subsection (5) of section 736.0303, Florida Statutes, is amended to read:

736.0303 Representation by fiduciaries and parents.—To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to a particular question or dispute:

(5) A parent may represent and bind the parent's unborn child and the unborn descendants of such unborn child, or the parent's minor child and the minor or unborn descendants of such minor child, if a guardian of the property for the unborn child, minor child, or such child's descendants has not been appointed.

Section 5. Subsection (1) of section 736.0409, Florida Statutes, is amended to read:

736.0409 Noncharitable trust without ascertainable beneficiary.—Except as otherwise provided in s. 736.0408 or by another provision of law, the following rules apply:

(1) A trust may be created for a noncharitable purpose without a definite or definitely ascertainable beneficiary or for a noncharitable but otherwise valid purpose to be selected by the trustee. The trust may not be enforced for more than 1,000 ~~21~~ years.

Section 6. Subsection (1) of section 736.0813, is amended to read:

736.0813 Duty to inform and account.—

(1) The trustee's duty to inform and account includes, but is not limited to, the following:

(a) Within 60 days after acceptance of the trust, the trustee shall give notice to the qualified beneficiaries of the acceptance of the trust, the full name and address of the trustee, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(b) Within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, the trustee shall give notice to the qualified beneficiaries of the trust's existence, the identity of the settlor or settlors, the right to request a copy of the trust instrument, the right to accountings under this section, and that the fiduciary lawyer-client privilege in s. 90.5021 applies

with respect to the trustee and any attorney employed by the trustee.

(c) Upon reasonable request, the trustee shall provide a qualified beneficiary with a complete copy of the trust instrument.

(d)1. A trustee of an irrevocable trust shall provide a trust accounting, as set forth in s. 736.08135, from the date of the last accounting or, if none, from the date on which the trustee became accountable, to each qualified beneficiary at least annually and on termination of the trust or on change of the trustee.

2. Notwithstanding s. 736.0105 or the duties set forth in this paragraph, if a family trust company, licensed family trust company, or foreign licensed family trust company, as defined in s. 662.111, is a trustee of an irrevocable trust, the terms of the trust may permit such a trustee to only account to the qualified beneficiaries upon:

a. The termination of the trust;

b. The removal, resignation, or other event resulting in a trustee ceasing to serve; or

c. Demand of a qualified beneficiary or the representative of a qualified beneficiary.

3. Nothing in this paragraph shall prevent a trustee that is a family trust company, licensed family trust company, or foreign licensed family trust company from voluntarily

accounting to the qualified beneficiaries annually or at other times selected by such trustee.

(e) Upon reasonable request, the trustee shall provide a qualified beneficiary with relevant information about the assets and liabilities of the trust and the particulars relating to administration.

Paragraphs (a) and (b) do not apply to an irrevocable trust created before the effective date of this code, or to a revocable trust that becomes irrevocable before the effective date of this code. Paragraph (a) does not apply to a trustee who accepts a trusteeship before the effective date of this code.

Section 7. Subsection (3) of section 736.08135, is renumbered as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

736.08135 Trust accountings.—

(3) Notwithstanding subsections (1) and (2), if a family trust company, licensed family trust company or foreign licensed family trust company, as defined in s. 662.111, is a trustee of the trust, such a trustee may elect, for any accounting period, to provide the qualified beneficiaries all of the following information:

(a) A notice stating that the trustee has made an election to provide the information enumerated in this subsection.

(b) The information required by paragraph (2)(a) and, if applicable, the information required by paragraph (2)(f).

(c) A financial statement for the trust which summarizes the information specified in paragraphs (2)(a), (2)(b), (2)(c), (2)(d), and (2)(e). The financial statement must contain sufficient information to put the beneficiary on notice of the trust's comprehensive assets and liabilities as well as the transactions occurring during the accounting period. A financial statement that reports the comprehensive assets and liabilities at the beginning and end of the accounting period, and the aggregate amounts of all cash and property transactions, gains, losses, receipts, expenses, disbursements, distributions, accruals, or allowances occurring within the accounting period for each category of assets and liabilities, meets the requirements of this paragraph.

For the purposes of this chapter, a financial statement that a trustee provides to a beneficiary of the trust under this subsection is deemed to be a trust accounting. Any trustee that makes the election provided by this subsection shall, upon a request of any beneficiary made within the limitations period prescribed by s. 736.1008, make available the detailed information necessary for the preparation of the statement within 30 days of the date of the request, including copies of the requested information. A request by a beneficiary for the

detailed information necessary for the preparation of the financial statement shall toll the running of any applicable limitations period until the detailed information is made available to the beneficiary.

(4) ~~(3)~~ Subsections (1) and (2) govern the form and content of all trust accountings rendered for any accounting periods beginning on or after January 1, 2003, and all trust accountings rendered on or after July 1, 2018. The election provided in subsection (3) for trusts for which a family trust company, licensed family trust company, or foreign licensed family trust company, as defined in s. 662.111, is a trustee is available for any accounting periods beginning on or after July 1, 2022. This subsection does not affect the beginning period from which a trustee is required to render a trust accounting.

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

Remove lines 5-16 and insert:
date; amending s. 736.0105, F.S.; providing that certain irrevocable trusts may specify a trustee's duty to account to certain beneficiaries; amending s. 736.0109, F.S.; specifying additional circumstances under which notice, or the sending of a document, to a person under the Florida Trust Code is deemed satisfied; amending s. 736.0303, F.S.; specifying

circumstances under which a parent may represent and bind the unborn descendants of his or her unborn or minor child; amending s. 736.0409, F.S.; revising the timeframe for which certain noncharitable trusts may be enforced; amending s. 736.0813; providing that certain irrevocable trusts may specify a trustee's duty to account to certain beneficiaries;

76923762

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **February 07, 2022 4:00 PM**

- [x] Bill/PCS/PCB Number: **PCS for HB 425**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Henning, Lisa**

Representing: **Florida State Fraternal Order of Police**

Title:

Address: **242 Office Plaza Dr, 242 Office Plaza Drive**

City: **Tallahassee** State/Zip: **FL**

Phone Number: **(850) 656-9881**

- [x] Registered Lobbyist
- [ ] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Proponent
Amendment

52395665

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **February 07, 2022 4:00 PM**

- [x] Bill/PCS/PCB Number: **PCS for HB 425**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **O'Dare Wilson, Kellie**

Representing: **2nd Alarm Project**

Title: **Dr.**

Address: **1515 S. MLK Jr. Blvd., Science Research Center- Room 207-E**

City: **Tallahassee** State/Zip: **FL 32307**

Phone Number: **850-561-2880**

- [ ] Registered Lobbyist
- [x] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance Form Submitted

Bill
Proponent
Amendment

98527802

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **February 07, 2022 4:00 PM**

- [x] Bill/PCS/PCB Number: **PCS for HB 425**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Odom, David**

Representing: **Consolidated Dispatch Agency**

Title: **Director, Consolidated Dispatch Agency**

Address: **911 Easterwood Drive**

City: **Tallahassee** State/Zip: **Florida 32309**

Phone Number: **8505591800**

- [ ] Registered Lobbyist
- [ ] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance Form Submitted

Bill
Proponent
Amendment

88711182

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **February 07, 2022 4:00 PM**

- [x] Bill/PCS/PCB Number: **PCS for HB 425**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Powell, Kimberley**

Representing: **Consolidated Dispatch Agency**

Title: **Mental Health Counselor**

Address: **911 Easterwood Drive**

City: **Tallahassee** State/Zip: **Florida 32309**

Phone Number: **8506065848**

- [ ] Registered Lobbyist
- [ ] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [ ] Lobbyist Appearance Form Submitted

Bill
Proponent
Amendment

64544574

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: **Insurance & Banking Subcommittee**

Meeting Date: **February 07, 2022 4:00 PM**

- [x] Bill/PCS/PCB Number: **PCS for HB 425**
- [ ] Amendment Barcode Number: **N/A**
- [ ] Presentation/Workshop Topic: **N/A**

Name: **Puckett, Matt**

Representing: **Florida Police Benevolent Association, Inc**

Title: **Lobbyist**

Address: **300 E Brevard St**

City: **Tallahassee** State/Zip: **FL**

Phone Number: **(850) 228-7744 x**

- [x] Registered Lobbyist
- [ ] State Employee
- [x] I Wish to Appear in Person
- [ ] Appearing in response to subpoena
- [ ] Appearing in response to an inquiry for information made by member, committee or staff
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity
- [x] Lobbyist Appearance Form Submitted

Bill
Waive In Support
Amendment

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Committee/Subcommittee: Insurance + Banking

Meeting Date: 2/2/22

- [ ] Bill/PCS/PCB Number: 425
- [x] Amendment Barcode Number: PCS
- [ ] Presentation/Workshop Topic: _____

Name: Richard Pinsky

Representing: 9-1-1 Emergency Dispatchers

Title: _____

Address: 201 E Park Ave.

City: Tallahassee State/Zip: FL -

Phone Number: _____

Registered Lobbyist: YES [x]* NO [ ]

**Registered lobbyists must have a House appearance record on file with the Public Integrity & Elections Committee (Rule 17.1(h))*

State Employee: YES [ ] NO [x]

- [x] I wish to speak at the meeting
- [ ] Appearing in response to an inquiry for information made by member, committee, or staff
- [ ] Appearing in response to subpoena
- [ ] Appearing at the written request of the chair
- [ ] Judge or elected officer appearing in official capacity

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:	Proponent	[ ]	Opponent	[ ]	Waive in Support	[ ]	Waive in Opposition	[ ]	Info only [ ]
Amendment:	Proponent	[ ]	Opponent	[ ]	Waive in Support	[ ]	Waive in Opposition	[ ]	Info only [x]