

Bill No. CS for SB 2196

Amendment No. ____ Barcode 284710

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 3, lines 4 through 11, delete those lines

and insert:

Section 2. Subsection (2) of section 627.4133, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.--

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(a) The insurer shall give the named insured at least 45 days' advance written notice of the renewal premium.

(b) The insurer shall give the named insured written notice of nonrenewal, cancellation, or termination at least

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1 ~~180~~ 90 days prior to the effective date of the nonrenewal,
2 cancellation, or termination. The notice must include the
3 reason or reasons for the nonrenewal, cancellation, or
4 termination, except that:

5 1. When cancellation is for nonpayment of premium, at
6 least 10 days' written notice of cancellation accompanied by
7 the reason therefor shall be given.

8 2. When such cancellation or termination occurs during
9 the first 90 days during which the insurance is in force and
10 the insurance is canceled or terminated for reasons other than
11 nonpayment of premium, at least 20 days' written notice of
12 cancellation or termination accompanied by the reason therefor
13 shall be given except where there has been a material
14 misstatement or misrepresentation or failure to comply with
15 the underwriting requirements established by the insurer.

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17 After the policy has been in effect for 90 days, the policy
18 shall not be canceled by the insurer except when there has
19 been a material misstatement, a nonpayment of premium, a
20 failure to comply with underwriting requirements established
21 by the insurer within 90 days of the date of effectuation of
22 coverage, or a substantial change in the risk covered by the
23 policy or when the cancellation is for all insureds under such
24 policies for a given class of insureds. This paragraph does
25 not apply to individually rated risks having a policy term of
26 less than 90 days.

27 (c) If the insurer fails to provide the notice
28 required by this subsection, other than the 10-day notice, the
29 coverage provided to the named insured shall remain in effect
30 until the effective date of replacement coverage or until the
31 expiration of a period of days after the notice is given equal

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1 to the required notice period, whichever occurs first. The
 2 premium for the coverage shall remain the same during any such
 3 extension period except that, in the event of failure to
 4 provide notice of nonrenewal, if the rate filing then in
 5 effect would have resulted in a premium reduction, the premium
 6 during such extension shall be calculated based on the later
 7 rate filing.

8 (4) An insurer that cancels a property insurance
 9 policy on property secured by a mortgage due to the failure of
 10 the lender to timely pay the premium when due shall reinstate
 11 the policy as required by s. 501.137.

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

15 And the title is amended as follows:

16 On page 1, line 14, after the second semicolon,

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18 insert:

19 increasing the time period when an insurer must
 20 give notice before nonrenewing, canceling, or
 21 terminating a residential property insurance
 22 policy;

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