

Bill No. CS for CS for SB 1488

Barcode 762044

CHAMBER ACTION

Senate

House

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Senator Garcia moved the following amendment:

Senate Amendment (with title amendment)

On page 54, between lines 2 and 3,

insert:

Section 13. Subsection (5) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, is amended to read:

627.701 Liability of Insureds; coinsurance; deductibles.--

(5)(a) The hurricane deductible of any personal lines residential property insurance policy issued or renewed on or after May 1, 2005, shall be applied as follows:

1.(a) The hurricane deductible shall apply on an annual basis to all covered hurricane losses that occur during the calendar year for losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group.

2.(b) If a hurricane deductible applies separately to each of one or more structures insured under a single policy,

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1 the requirements of this paragraph ~~subsection~~ apply with
2 respect to the deductible for each structure.

3 3.(c) If there was a hurricane loss for a prior
4 hurricane or hurricanes during the calendar year, the insurer
5 may apply a deductible to a subsequent hurricane which ~~that~~ is
6 the greater of the remaining amount of the hurricane
7 deductible or the amount of the deductible that applies to
8 perils other than a hurricane. Insurers may require
9 policyholders to report hurricane losses that are below the
10 hurricane deductible or to maintain receipts or other records
11 of such hurricane losses in order to apply such losses to
12 subsequent hurricane claims.

13 4.(d) If there are hurricane losses in a calendar year
14 on more than one policy issued by the same insurer or an
15 insurer in the same insurer group, the hurricane deductible
16 shall be the highest amount stated in any one of the policies.
17 If a policyholder who had a hurricane loss under the prior
18 policy is provided or offered a lower hurricane deductible
19 under the new or renewal policy, the insurer must notify the
20 policyholder, in writing, at the time the lower hurricane
21 deductible is provided or offered, that the lower hurricane
22 deductible will not apply until January 1 of the following
23 calendar year.

24 (b) For commercial residential property insurance
25 policies issued or renewed on or after January 1, 2006, the
26 insurer must offer the policyholder the following alternative
27 hurricane deductibles:

28 1. A hurricane deductible that applies on an annual
29 basis as provided in paragraph (a); and

30 2. A hurricane deductible that applies to each
31 hurricane.

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 3, line 26, after the semicolon,

insert:

amending s. 627.701, F.S.; providing that the
requirement for a hurricane deductible to apply
on an annual basis applies to personal lines
residential property insurance policies;
requiring insurers that provide commercial
residential property insurance to offer
alternative hurricane deductibles that apply on
an annual basis or to each hurricane;