

1 A bill to be entitled
 2 An act relating to the repeal of obsolete insurance
 3 provisions; amending s. 215.5595, F.S.; deleting an
 4 obsolete requirement for the State Board of Administration
 5 to transfer to the Citizens Property Insurance Corporation
 6 certain funds of the Insurance Capital Build-Up Incentive
 7 Program; amending s. 627.311, F.S.; deleting an obsolete
 8 presuit notice requirement for the Florida Automobile
 9 Joint Underwriting Association; amending s. 627.351, F.S.;
 10 deleting an obsolete Citizens Property Insurance
 11 Corporation reporting requirement; amending s. 627.706,
 12 F.S.; deleting an obsolete form filing deadline for
 13 sinkhole coverage; amending s. 627.7065, F.S.; deleting an
 14 obsolete reporting requirement for activities relating to
 15 the sinkhole database; repealing s. 627.7077, F.S.,
 16 relating to a feasibility and cost-benefit study of a
 17 Florida Sinkhole Insurance Facility and other matters
 18 related to affordability and availability of sinkhole
 19 insurance; amending s. 627.712, F.S.; deleting an obsolete
 20 effective date for the exclusion of windstorm and contents
 21 coverage; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. Subsection (11) of section 215.5595, Florida
 26 Statutes, is amended to read:

27 215.5595 Insurance Capital Build-Up Incentive Program.—
 28 ~~(11) On January 15, 2009, the State Board of~~

29 ~~Administration shall transfer to Citizens Property Insurance~~
 30 ~~Corporation any funds that have not been committed or reserved~~
 31 ~~for insurers approved to receive such funds under the program,~~
 32 ~~from the funds that were transferred from Citizens Property~~
 33 ~~Insurance Corporation in 2008-2009 for such purposes.~~

34 Section 2. Paragraph (k) of subsection (3) of section
 35 627.311, Florida Statutes, is amended to read:

36 627.311 Joint underwriters and joint reinsurers; public
 37 records and public meetings exemptions.—

38 (3) The office may, after consultation with insurers
 39 licensed to write automobile insurance in this state, approve a
 40 joint underwriting plan for purposes of equitable apportionment
 41 or sharing among insurers of automobile liability insurance and
 42 other motor vehicle insurance, as an alternate to the plan
 43 required in s. 627.351(1). All insurers authorized to write
 44 automobile insurance in this state shall subscribe to the plan
 45 and participate therein. The plan shall be subject to continuous
 46 review by the office which may at any time disapprove the entire
 47 plan or any part thereof if it determines that conditions have
 48 changed since prior approval and that in view of the purposes of
 49 the plan changes are warranted. Any disapproval by the office
 50 shall be subject to the provisions of chapter 120. The Florida
 51 Automobile Joint Underwriting Association is created under the
 52 plan. The plan and the association:

53 (k)~~1~~. Shall have no liability, and no cause of action of
 54 any nature shall arise against any member insurer or its agents
 55 or employees, agents or employees of the association, members of
 56 the board of governors of the association, the Chief Financial

57 Officer, or the office or its representatives for any action
 58 taken by them in the performance of their duties or
 59 responsibilities under this subsection. Such immunity does not
 60 apply to actions for or arising out of breach of any contract or
 61 agreement pertaining to insurance, or any willful tort.

62 ~~2. Notwithstanding the requirements of s. 624.155(3)(a),~~
 63 ~~as a condition precedent to bringing an action against the plan~~
 64 ~~under s. 624.155, the department and the plan must have been~~
 65 ~~given 90 days' written notice of the violation. If the~~
 66 ~~department returns a notice for lack of specificity, the 90-day~~
 67 ~~time period shall not begin until a proper notice is filed. This~~
 68 ~~notice must comply with the information requirements of s.~~
 69 ~~624.155(3)(b). Effective October 1, 2007, this subparagraph~~
 70 ~~shall expire unless reenacted by the Legislature prior to that~~
 71 ~~date.~~

72 Section 3. Paragraphs (dd), (ee), and (ff) of subsection
 73 (6) of section 627.351, Florida Statutes, are redesignated as
 74 paragraphs (cc), (dd), and (ee), respectively, and present
 75 paragraph (cc) of that subsection is amended to read:

76 627.351 Insurance risk apportionment plans.—

77 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

78 ~~(cc) By February 1, 2007, the corporation shall submit a~~
 79 ~~report to the President of the Senate, the Speaker of the House~~
 80 ~~of Representatives, the minority party leaders of the Senate and~~
 81 ~~the House of Representatives, and the chairs of the standing~~
 82 ~~committees of the Senate and the House of Representatives having~~
 83 ~~jurisdiction over matters relating to property and casualty~~
 84 ~~insurance. In preparing the report, the corporation shall~~

85 ~~consult with the Office of Insurance Regulation, the Department~~
 86 ~~of Financial Services, and any other party the corporation~~
 87 ~~determines appropriate. The report must include all findings and~~
 88 ~~recommendations on the feasibility of requiring authorized~~
 89 ~~insurers that issue and service personal and commercial~~
 90 ~~residential policies and commercial nonresidential policies that~~
 91 ~~provide coverage for basic property perils except for the peril~~
 92 ~~of wind to issue and service for a fee personal and commercial~~
 93 ~~residential policies and commercial nonresidential policies~~
 94 ~~providing coverage for the peril of wind issued by the~~
 95 ~~corporation. The report must include:~~

96 ~~1. The expense savings to the corporation of issuing and~~
 97 ~~servicing such policies as determined by a cost-benefit~~
 98 ~~analysis.~~

99 ~~2. The expenses and liability to authorized insurers~~
 100 ~~associated with issuing and servicing such policies.~~

101 ~~3. The effect on service to policyholders of the~~
 102 ~~corporation relating to issuing and servicing such policies.~~

103 ~~4. The effect on the producing agent of the corporation of~~
 104 ~~issuing and servicing such policies.~~

105 ~~5. Recommendations as to the amount of the fee which~~
 106 ~~should be paid to authorized insurers for issuing and servicing~~
 107 ~~such policies.~~

108 ~~6. The effect that issuing and servicing such policies~~
 109 ~~will have on the corporation's number of policies, total insured~~
 110 ~~value, and probable maximum loss.~~

111 Section 4. Subsections (4) and (5) of section 627.706,
 112 Florida Statutes, are renumbered as subsections (3) and (4),

113 | respectively, and present subsection (3) of that section is
 114 | amended to read:

115 | 627.706 Sinkhole insurance; catastrophic ground cover
 116 | collapse; definitions.—

117 | ~~(3) On or before June 1, 2007, every insurer authorized to~~
 118 | ~~transact property insurance in this state shall make a proper~~
 119 | ~~filing with the office for the purpose of extending the~~
 120 | ~~appropriate forms of property insurance to include coverage for~~
 121 | ~~eatastrophic ground cover collapse or for sinkhole losses.~~
 122 | ~~Coverage for catastrophic ground cover collapse may not go into~~
 123 | ~~effect until the effective date provided for in the filing~~
 124 | ~~approved by the office.~~

125 | Section 5. Subsection (6) of section 627.7065, Florida
 126 | Statutes, is renumbered as subsection (5), and present
 127 | subsection (5) of that section is amended to read:

128 | 627.7065 Database of information relating to sinkholes;
 129 | the Department of Financial Services and the Department of
 130 | Environmental Protection.—

131 | ~~(5) The Department of Environmental Protection, in~~
 132 | ~~consultation with the Department of Financial Services, shall~~
 133 | ~~present a report of activities relating to the sinkhole~~
 134 | ~~database, including recommendations regarding the database and~~
 135 | ~~similar matters, to the Governor, the Speaker of the House of~~
 136 | ~~Representatives, the President of the Senate, and the Chief~~
 137 | ~~Financial Officer by December 31, 2005. The report may consider~~
 138 | ~~the need for the Legislature to create an entity to study the~~
 139 | ~~increase in sinkhole activity in the state and other similar~~
 140 | ~~issues relating to sinkhole damage, including recommendations~~

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141 ~~and costs for staffing the entity. The report may include other~~
 142 ~~information, as appropriate.~~

143 Section 6. Section 627.7077, Florida Statutes, is
 144 repealed.

145 Section 7. Subsection (7) of section 627.712, Florida
 146 Statutes, is amended to read:

147 627.712 Residential windstorm coverage required;
 148 availability of exclusions for windstorm or contents.—

149 ~~(7) This section is effective July 1, 2007, but the office~~
 150 ~~may delay application of this section until a date no later than~~
 151 ~~October 1, 2007, upon approval by the Financial Services~~
 152 ~~Commission.~~

153 Section 8. This act shall take effect July 1, 2010.