

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fasano offered the following:

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3 **Amendment to Amendment (764133) (with title amendment)**

4 Remove lines 713-810 of the amendment and insert:

5 3. Effective January 1, 2009, a personal lines residential
6 structure that has a dwelling replacement cost of \$2 million or
7 more, or a single condominium unit that has a combined dwelling
8 and contents replacement cost of \$2 million or more is not
9 eligible for coverage by the corporation. Such dwellings insured
10 by the corporation on December 31, 2008, may continue to be
11 covered by the corporation until the end of the policy term.
12 However, such dwellings may reapply and obtain coverage if the
13 property owner provides the corporation with a sworn affidavit
14 from one or more insurance agents, on a form provided by the
15 corporation, stating that the agents have made their best
16 efforts to obtain coverage and that the property has been

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17 rejected for coverage by at least one authorized insurer and at
18 least three surplus lines insurers. If such conditions are met,
19 the dwelling may be insured by the corporation for up to 3
20 years, after which time the dwelling is ineligible for coverage.
21 The office shall approve the method used by the corporation for
22 valuing the dwelling replacement cost for the purposes of this
23 subparagraph. If a policyholder is insured by the corporation
24 prior to being determined to be ineligible pursuant to this
25 subparagraph and such policyholder files a lawsuit challenging
26 the determination, the policyholder may remain insured by the
27 corporation until the conclusion of the litigation.

28 4. It is the intent of the Legislature that policyholders,
29 applicants, and agents of the corporation receive service and
30 treatment of the highest possible level but never less than that
31 generally provided in the voluntary market. It is also intended
32 that the corporation be held to service standards no less than
33 those applied to insurers in the voluntary market by the office
34 with respect to responsiveness, timeliness, customer courtesy,
35 and overall dealings with policyholders, applicants, or agents
36 of the corporation.

37 5. Effective January 1, 2009, a personal lines residential
38 structure that is located in the "wind-borne debris region," as
39 defined in s. 1609.2, International Building Code (2006), and
40 that has an insured value on the structure of \$750,000 or more
41 is not eligible for coverage by the corporation unless the
42 structure has opening protections as required under the Florida
43 Building Code for a newly constructed residential structure in
44 that area. A residential structure shall be deemed to comply

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45 with this subparagraph if it has shutters or opening protections
46 on all openings and if such opening protections complied with
47 the Florida Building Code at the time they were installed.

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

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Remove lines 2037-2045 of the amendment and insert:

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s. 627.351, F.S.; deleting a