Amendment No.

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WITHDRAWN (Y/N)  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: Civil Justice Subcommittee
Representative Santiago offered the following:

Amendment (with title amendment)

Remove lines 58-162 and insert:

(g) An insured shall not serve a notice required under this section earlier than 180 days after the insurer receives notice of an initial, reopened, or supplemental first party residential property insurance claim from an insured.

Section 2. Subsection (4) of section 626.914, Florida Statutes, is amended to read:

626.914 Definitions.—As used in this Surplus Lines Law, the term:

(4) "Diligent effort" means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these
rejections. However, if the residential structure has a dwelling replacement cost of $700,000 or $1 million or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.

Section 3. Subsection (5) is added to section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(5) LOSS CONTROL AND LOSS MITIGATION.—This section does not prohibit an insurer or agent from offering or giving to an insured, for free or at a discounted price, services or other merchandise, goods, wares, or other items of value that relate to loss control or loss mitigation with respect to the risks covered under the policy.

Section 4. Section 627.0655, Florida Statutes, is amended to read:

627.0655 Policyholder loss or expense-related premium discounts.—An insurer or person authorized to engage in the business of insurance in this state may include, in the premium charged an insured for any policy, contract, or certificate of insurance, a discount based on the fact that another policy, contract, or certificate of any type has been purchased by the insured from:
(1) The same insurer or insurer group, or another insurer
under a joint marketing agreement;

(2) The Citizens Property Insurance Corporation created
under s. 627.351(6), if the same insurance agent is servicing
both policies; or

(3) An insurer that has removed the policy from the
Citizens Property Insurance Corporation or issued a policy
pursuant to the clearinghouse program under s. 627.3518, if the
same insurance agent is servicing both policies; or

(4) An insurer, if the same insurance agent is servicing
the policies.

Section 5. Section 627.4555, Florida Statutes, is amended
to read:

627.4555 Secondary notice.—

(1) Except as provided in this section, a contract for
life insurance issued or issued for delivery in this state on or
after October 1, 1997, covering a natural person 64 years of age
or older, which has been in force for at least 1 year, may not
be lapsed for nonpayment of premium unless, after expiration of
the grace period, and at least 21 days before the effective date
of any such lapse, the insurer has mailed a notification of the
impending lapse in coverage to the policyowner and to a
specified secondary addressee if such addressee has been
designated in writing by name and address by the policyowner. An
insurer issuing a life insurance contract on or after October 1,
1997, shall notify the applicant of the right to designate a secondary addressee at the time of application for the policy, on a form provided by the insurer, and at any time the policy is in force, by submitting a written notice to the insurer containing the name and address of the secondary addressee. For purposes of any life insurance policy that provides a grace period of more than 51 days for nonpayment of premiums, the notice of impending lapse in coverage required by this section must be mailed to the policyowner and the secondary addressee at least 21 days before the expiration of the grace period provided in the policy. This section does not apply to any life insurance contract under which premiums are payable monthly or more frequently and are regularly collected by a licensed agent or are paid by credit card or any preauthorized check processing or automatic debit service of a financial institution.

(2) If the policyowner has a life agent of record or any agent of record, the insurer must also notify the agent of the impending lapse in coverage or mail or send electronically a copy of the notification of the impending lapse in coverage under subsection (1) to the agent at least 21 days before the effective date of any such lapse. Receipt of such notice does not make the agent responsible for any lapse in coverage. An insurer is not required to notify the agent under this subsection if any of the following applies:
(a) The insurer maintains an online system that allows an agent to independently determine if a policy has lapsed.

(b) The insurer has no record of the current agent of record.

(c) The agent is employed by the insurer or an affiliate of the insurer.

Section 6. Subsection (2) of section 627.7015, Florida Statutes, is amended to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(2) Either at the time a first-party claim within the scope of this section is filed by the policyholder or at the time coverage is applied and payment is determined, the insurer shall notify the policyholder of its right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation.

Section 7. Section 627.7142, Florida Statutes, is amended to read:

627.7142 Homeowner Claims Bill of Rights.—An insurer issuing a personal lines residential property insurance policy in this state must provide a Homeowner Claims Bill of Rights to a policyholder within 14 days after receiving an initial communication with respect to a claim, unless the claim follows an event that is the subject of a declaration of a state of
emergency by the Governor. The purpose of the bill of rights is to summarize, in simple, nontechnical terms, existing Florida law regarding the rights of a personal lines residential property insurance policyholder who files a claim of loss. The Homeowner Claims Bill of Rights is specific to the claims process and does not represent all of a policyholder's rights under Florida law regarding the insurance policy. The Homeowner Claims Bill of Rights does not create a civil cause of action by any individual policyholder or class of policyholders against an insurer or insurers. The failure of an insurer to properly deliver the Homeowner Claims Bill of Rights is subject to administrative enforcement by the office but is not admissible as evidence in a civil action against an insurer. The Homeowner Claims Bill of Rights does not enlarge, modify, or contravene statutory requirements, including, but not limited to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner Claims Bill of Rights must state:

HOMEOWNER CLAIMS BILL OF RIGHTS

This Bill of Rights is specific to the claims process and does not represent all of your rights under Florida law regarding
your policy. There are also exceptions to the stated timelines when conditions are beyond your insurance company's control.
This document does not create a civil cause of action by an individual policyholder, or a class of policyholders, against an insurer or insurers and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy.

YOU HAVE THE RIGHT TO:

1. Receive from your insurance company an acknowledgment of your reported claim within 14 days after the time you communicated the claim.
2. Upon written request, receive from your insurance company within 30 days after you have submitted a complete proof-of-loss statement to your insurance company, confirmation that your claim is covered in full, partially covered, or denied, or receive a written statement that your claim is being investigated.
3. Within 90 days, subject to any dual interest noted in the policy, receive full settlement payment for your claim or payment of the undisputed portion of your claim, or your insurance company's denial of your claim.
4. Free mediation of your disputed claim by the Florida Department of Financial Services, Division of Consumer
Services, under most circumstances and subject to certain restrictions.

5. Neutral evaluation of your disputed claim, if your claim is for damage caused by a sinkhole and is covered by your policy.

6. Contact the Florida Department of Financial Services, Division of Consumer Services' toll-free helpline for assistance with any insurance claim or questions pertaining to the handling of your claim. You can reach the Helpline by phone at...(toll-free phone number)..., or you can seek assistance online at the Florida Department of Financial Services, Division of Consumer Services' website at...(website address)....

7. Demand appraisal to settle the amount of a disputed loss, if your insurance policy includes the right to appraisal.

YOU ARE ADVISED TO:

1. Contact your insurance company before entering into any contract for repairs to confirm any managed repair policy provisions or optional preferred vendors.

2. Make and document emergency repairs that are necessary to prevent further damage. Keep the damaged property, if feasible, keep all receipts, and take photographs of damage before and after any repairs.
3. Carefully read any contract that requires you to pay out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property.

4. Confirm that the contractor you choose is licensed to do business in Florida. You can verify a contractor’s license and check to see if there are any complaints against him or her by calling the Florida Department of Business and Professional Regulation. You should also ask the contractor for references from previous work.

5. Require all contractors to provide proof of insurance before beginning repairs.

6. Take precautions if the damage requires you to leave your home, including securing your property and turning off your gas, water, and electricity, and contacting your insurance company and provide a phone number where you can be reached.

Section 8. This act shall take effect January 1, 2020.

Title Amendment

Remove lines 3-20 and insert:

F.S.; prohibiting insured from serving a presuit notice earlier than 180 days after insurer’s receipt of claim; amending s. 626.914, F.S.; revising the definition of the term "diligent
effort," as used in the Surplus Lines Law; amending s. 626.9541, F.S.; providing construction; amending s. 627.0655, F.S.; revising the circumstances under which certain insurance premium discounts are authorized; amending s. 627.4555, F.S.; requiring life insurers that are required to provide a specified notice to policyowners of an impending lapse in coverage to also notify the policyowner's agent of record within a certain timeframe; providing that the agent is not responsible for any lapse in coverage; exempting the insurer from the requirement under certain circumstances; amending s. 627.7015, F.S.; revising the periods of time when property insurers must notify policyholders of certain mediation programs; amending s. 627.7142, F.S.; requiring insurer to notify policyholder of right to demand appraisal; providing an effective date.