

1 A bill to be entitled
 2 An act relating to the Florida Workers' Compensation
 3 Joint Underwriting Association, Inc.; amending s.
 4 627.311, F.S.; requiring the Florida Workers'
 5 Compensation Joint Underwriting Association, Inc., to
 6 retain specified dividends and premiums for certain
 7 use; providing requirements for locating former
 8 insureds and notifying former insureds and insurance
 9 agencies of unclaimed refunds; providing definitions;
 10 preserving rights to recovery notwithstanding general
 11 statute of limitations; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (h) of subsection (5) of section
 16 627.311, Florida Statutes, is amended to read:

17 627.311 Joint underwriters and joint reinsurers; public
 18 records and public meetings exemptions.—

19 (5)

20 (h)1. Any premium or assessments collected by the plan in
 21 excess of the amount necessary to fund projected ultimate
 22 incurred losses and expenses of the plan and not paid to
 23 insureds of the plan in conjunction with loss prevention or
 24 dividend programs shall be retained by the plan for future use.

25 2. Any state funds received by the plan in excess of the

26 amount necessary to fund deficits in subplan D or any tier shall
27 be returned to the state.

28 3. Any dividend or premium refund not paid to a former
29 insured of the plan because the insured cannot be located shall
30 be retained by the plan as surplus, subject to the following
31 conditions:

32 a. Within 12 months after the failed initial delivery of
33 the dividend or premium refund, the plan must:

34 (I) Conduct a diligent search to locate the former
35 insured. As used in this sub-subparagraph, the term "diligent
36 search" means the use of a reasonable and prudent method under
37 particular circumstances to locate a former insured to whom a
38 dividend or premium refund is owed. Such method includes
39 searching a nationwide database by using the taxpayer
40 identification number or social security number, if known;
41 cross-indexing with other records related to the former insured;
42 mailing to the last known address unless the last known address
43 is known to be inaccurate; or engaging a licensed agency or
44 company capable of conducting such search and providing updated
45 addresses.

46 (II) Notify the insurance agency on the policy of such
47 dividend or premium refund. Notification to the insurance agency
48 does not constitute notification to the former insured and does
49 not make the insurance agency responsible for the dividend or
50 premium refund.

51 (III) For an unclaimed dividend or premium refund valued
52 at \$250 or more, make at least one active notification attempt
53 after completing the diligent search. As used in this sub-sub-
54 subparagraph, the term "active notification attempt" means an
55 attempt to directly contact a former insured to notify him or
56 her of an unclaimed dividend or premium refund. The term does
57 not include other means of notification that do not involve an
58 attempt to directly contact the former insured, such as
59 publication of the name of the former insured in the newspaper,
60 on television, on the Internet, or through other promotional
61 efforts and items.

62 b. The plan must publish and maintain on the plan's
63 website a list of the names of the former insureds who have
64 unclaimed dividend or premium refunds and the amount of the
65 dividend or premium refunds owed.

66 c. Notwithstanding s. 95.11, a former insured with
67 satisfactory proof may claim any such dividend or premium refund
68 from the plan.

69 Section 2. This act shall take effect July 1, 2019.