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LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) of subsection (2) of section  
215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(c) "Covered policy" means any insurance policy covering  
residential property in this state, including, but not limited



632742

11 to, any homeowner, mobile home owner, farm owner, condominium  
12 association, condominium unit owner, tenant, or apartment  
13 building policy, or any other policy covering a residential  
14 structure or its contents issued by any authorized insurer,  
15 including a commercial self-insurance fund holding a certificate  
16 of authority issued by the Office of Insurance Regulation under  
17 s. 624.462, the Citizens Property Insurance Corporation, and any  
18 joint underwriting association or similar entity created under  
19 law. The term "covered policy" includes any collateral  
20 protection insurance policy covering personal residences which  
21 protects both the borrower's and the lender's financial  
22 interests, in an amount at least equal to the coverage amount  
23 for the dwelling in place under the lapsed homeowner's policy,  
24 the most recent total market value of the dwelling as determined  
25 by the county property appraiser, or the coverage amount the  
26 homeowner requests from the insurer, if such collateral  
27 protection insurance policy can be accurately reported as  
28 required in subsection (5). Additionally, covered policies  
29 include policies covering the peril of wind removed from the  
30 Florida Residential Property and Casualty Joint Underwriting  
31 Association or from the Citizens Property Insurance Corporation,  
32 created under s. 627.351(6), or from the Florida Windstorm  
33 Underwriting Association, created under s. 627.351(2), by an  
34 authorized insurer under the terms and conditions of an executed  
35 assumption agreement between the authorized insurer and such  
36 association or Citizens Property Insurance Corporation. Each  
37 assumption agreement between the association and such authorized  
38 insurer or Citizens Property Insurance Corporation must be  
39 approved by the Office of Insurance Regulation before the



632742

40 effective date of the assumption, and the Office of Insurance  
41 Regulation must provide written notification to the board within  
42 15 working days after such approval. "Covered policy" does not  
43 include any policy that excludes wind coverage or hurricane  
44 coverage or any reinsurance agreement and does not include any  
45 policy otherwise meeting this definition which is issued by a  
46 surplus lines insurer or a reinsurer. All commercial residential  
47 excess policies and all deductible buy-back policies that, based  
48 on sound actuarial principles, require individual ratemaking  
49 shall be excluded by rule if the actuarial soundness of the fund  
50 is not jeopardized. For this purpose, the term "excess policy"  
51 means a policy that provides insurance protection for large  
52 commercial property risks and that provides a layer of coverage  
53 above a primary layer insured by another insurer.

54 Section 2. Effective upon this act becoming a law,  
55 paragraph (d) of subsection (3) of section 319.30, Florida  
56 Statutes, is amended to read:

57 319.30 Definitions; dismantling, destruction, change of  
58 identity of motor vehicle or mobile home; salvage.—

59 (3)

60 (d) An electronic signature that is consistent with chapter  
61 668 satisfies any signature required under this subsection,  
62 except that an electronic signature on an odometer disclosure  
63 submitted through an insurance company must be executed using an  
64 electronic signature, as defined in s. 668.003(4), which ~~that~~  
65 uses a system providing an Identity Assurance Level,  
66 Authenticator Assurance Level, and Federation Assurance Level,  
67 as described in the National Institute of Standards and  
68 Technology Special Publication 800-63-3, as of December 1, 2017,



632742

69 ~~which that~~ are equivalent to or greater than:

70 ~~1. Level 2, for each level, for a certificate of~~  
71 ~~destruction or.~~

72 ~~2. Level 3, for each level, for a salvage certificate of~~  
73 ~~title.~~

74 Section 3. Paragraph (a) of subsection (1) of section  
75 440.12, Florida Statutes, is amended to read:

76 440.12 Time for commencement and limits on weekly rate of  
77 compensation.—

78 (1) Compensation is not allowed for the first 7 days of the  
79 disability, except for benefits provided under s. 440.13.

80 However, if the injury results in more than 21 days of  
81 disability, compensation is allowed from the commencement of the  
82 disability.

83 (a) All weekly compensation payments, except for the first  
84 payment, must be paid by check or, if authorized by the  
85 employee, paid on a prepaid card pursuant to paragraph (b), ~~or~~  
86 deposited directly into the employee's account at a financial  
87 institution as defined in s. 655.005, or transmitted to the  
88 employee's account with a money transmitter licensed under part  
89 II of chapter 560.

90 Section 4. Paragraph (a) of subsection (1) and paragraph  
91 (a) of subsection (6) of section 440.20, Florida Statutes, are  
92 amended to read:

93 440.20 Time for payment of compensation and medical bills;  
94 penalties for late payment.—

95 (1)(a) Unless the carrier denies compensability or  
96 entitlement to benefits, the carrier shall pay compensation  
97 directly to the employee as required by ss. 440.14, 440.15, and



632742

98 440.16, in accordance with those sections. Upon receipt of the  
99 employee's authorization as provided for in s. 440.12(1)(a), the  
100 carrier's obligation to pay compensation directly to the  
101 employee is satisfied when the carrier directly deposits, by  
102 electronic transfer or other means, compensation into the  
103 employee's account at a financial institution as defined in s.  
104 655.005 or onto a prepaid card in accordance with s. 440.12(1)  
105 or transmits the employee's compensation to the employee's  
106 account with a money transmitter licensed under part II of  
107 chapter 560. Compensation by direct deposit, ~~or~~ through the use  
108 of a prepaid card, or through transmission is considered paid on  
109 the date the funds become available for withdrawal by the  
110 employee.

111 (6)(a) If any installment of compensation for death or  
112 dependency benefits, or compensation for disability benefits  
113 payable without an award is not paid within 7 days after it  
114 becomes due, as provided in subsection (2), subsection (3), or  
115 subsection (4), there shall be added to such unpaid installment  
116 a penalty of an amount equal to 20 percent of the unpaid  
117 installment, which shall be paid at the same time as, but in  
118 addition to, such installment of compensation. This penalty  
119 shall not apply for late payments resulting from conditions over  
120 which the employer or carrier had no control. When any  
121 installment of compensation payable without an award has not  
122 been paid within 7 days after it became due and the claimant  
123 concludes the prosecution of the claim before a judge of  
124 compensation claims without having specifically claimed  
125 additional compensation in the nature of a penalty under this  
126 section, the claimant will be deemed to have acknowledged that,



632742

127 owing to conditions over which the employer or carrier had no  
128 control, such installment could not be paid within the period  
129 prescribed for payment and to have waived the right to claim  
130 such penalty. However, during the course of a hearing, the judge  
131 of compensation claims shall on her or his own motion raise the  
132 question of whether such penalty should be awarded or excused.  
133 The department may assess without a hearing the penalty against  
134 either the employer or the carrier, depending upon who was at  
135 fault in causing the delay. The insurance policy cannot provide  
136 that this sum will be paid by the carrier if the department or  
137 the judge of compensation claims determines that the penalty  
138 should be paid by the employer rather than the carrier. Any  
139 additional installment of compensation paid by the carrier  
140 pursuant to this section shall be paid directly to the employee  
141 by check or, if authorized by the employee, by direct deposit  
142 into the employee's account at a financial institution or by  
143 transmission to the employee's account with a money transmitter  
144 licensed under part II of chapter 560.

145 Section 5. Subsection (3) of section 624.155, Florida  
146 Statutes, is amended to read:

147 624.155 Civil remedy.—

148 (3) (a) As a condition precedent to bringing an action under  
149 this section, the department and the authorized insurer must  
150 have been given 60 days' written notice of the violation. Notice  
151 to the authorized insurer must be provided by the department to  
152 the e-mail address designated by the insurer under s. 624.422.

153 (b) The notice shall be on a form provided by the  
154 department and shall state with specificity the following  
155 information, and such other information as the department may



632742

156 require:

157 1. The statutory provision, including the specific language  
158 of the statute, which the authorized insurer allegedly violated.

159 2. The facts and circumstances giving rise to the  
160 violation.

161 3. The name of any individual involved in the violation.

162 4. Reference to specific policy language that is relevant  
163 to the violation, if any. If the person bringing the civil  
164 action is a third party claimant, she or he shall not be  
165 required to reference the specific policy language if the  
166 authorized insurer has not provided a copy of the policy to the  
167 third party claimant pursuant to written request.

168 5. A statement that the notice is given in order to perfect  
169 the right to pursue the civil remedy authorized by this section.

170 (c) No action shall lie if, within 60 days after the  
171 insurer receives filing notice from the department in accordance  
172 with this subsection, the damages are paid or the circumstances  
173 giving rise to the violation are corrected.

174 (d) The authorized insurer that is the recipient of a  
175 notice filed pursuant to this section shall report to the  
176 department on the disposition of the alleged violation.

177 (e) The applicable statute of limitations for an action  
178 under this section shall be tolled for a period of:

179 1. Sixty 65 days after the insurer receives from the  
180 department by the mailing of the notice required by this  
181 subsection.

182 2. Sixty days after the date appraisal is invoked pursuant  
183 to paragraph (f) or the mailing of a subsequent notice required  
184 by this subsection.



632742

185 (f) A notice required under this subsection may not be  
186 filed within 60 days after appraisal is invoked by any party in  
187 a residential property insurance claim.

188 Section 6. Subsection (4) of section 624.307, Florida  
189 Statutes, is amended, and subsection (11) is added to that  
190 section, to read:

191 624.307 General powers; duties.—

192 (4) The department and office may each collect, propose,  
193 publish, and disseminate information relating to the subject  
194 matter of any duties imposed upon it by law. Aggregate  
195 information may include information asserted as trade secret  
196 information unless the trade secret information can be  
197 individually extrapolated, in which case the trade secret  
198 information remains protected as provided under s. 624.4213.

199 (11) The Commissioner of Insurance Regulation may not lobby  
200 for compensation the Legislature, the Governor, the Executive  
201 Office of the Governor, members of the Cabinet, a department  
202 that is headed by a member of the Cabinet, or the office on  
203 issues of policy, appropriations, or procurement for a period of  
204 6 years after vacation of public position.

205 Section 7. Subsection (4) is added to section 624.315,  
206 Florida Statutes, to read:

207 624.315 Department; annual report.—

208 (4) When aggregate information includes information  
209 asserted as trade secret information, the office may include the  
210 trade secret information in the report required under subsection  
211 (1) or may make the trade secret information available under  
212 subsection (2) unless the trade secret information can be  
213 individually extrapolated, in which case the trade secret





632742

214 information remains protected as provided under s. 624.4213.

215 Section 8. Subsection (2) of section 624.422, Florida  
216 Statutes, is amended to read:

217 624.422 Service of process; appointment of Chief Financial  
218 Officer as process agent.—

219 (2) Prior to its authorization to transact insurance in  
220 this state, each insurer shall file with the department  
221 designation of the name and address of the person to whom  
222 process against it served upon the Chief Financial Officer is to  
223 be forwarded. Each insurer shall also file with the department  
224 designation of the name, mailing address, and e-mail address of  
225 the person who shall receive presuit notices filed under s.  
226 627.7152 and the name and e-mail address of the person to whom  
227 the department shall forward civil remedy notices filed under  
228 624.155. The department shall publish such names and addresses  
229 on its website. The insurer may change a ~~the~~ designation at any  
230 time by a new filing.

231 Section 9. Paragraph (c) of subsection (1) of section  
232 626.321, Florida Statutes, is amended to read:

233 626.321 Limited licenses and registration.—

234 (1) The department shall issue to a qualified applicant a  
235 license as agent authorized to transact a limited class of  
236 business in any of the following categories of limited lines  
237 insurance:

238 (c) *Travel insurance*.—License covering only policies and  
239 certificates of travel insurance which are subject to review by  
240 the office. Policies and certificates of travel insurance may  
241 provide coverage for travel insurance, as defined in s. 647.02  
242 ~~risks incidental to travel, planned travel, or accommodations~~



632742

243 ~~while traveling, including, but not limited to, accidental death~~  
244 ~~and dismemberment of a traveler; trip or event cancellation,~~  
245 ~~interruption, or delay; loss of or damage to personal effects or~~  
246 ~~travel documents; damages to travel accommodations; baggage~~  
247 ~~delay; emergency medical travel or evacuation of a traveler; or~~  
248 ~~medical, surgical, and hospital expenses related to an illness~~  
249 ~~or emergency of a traveler. Such policy or certificate may be~~  
250 ~~issued for terms longer than 90 days, but, other than a policy~~  
251 ~~or certificate providing coverage for air ambulatory services~~  
252 ~~only, each policy or certificate must be limited to coverage for~~  
253 ~~travel or use of accommodations of no longer than 90 days. The~~  
254 ~~license may be issued only to an individual or business entity~~  
255 ~~that has filed with the department an application for a license~~  
256 ~~in a form and manner prescribed by the department.~~

257 1. A limited lines travel insurance producer, as defined in  
258 s. 647.02, shall be licensed to sell, solicit, or negotiate  
259 travel insurance through a licensed insurer.

260 2. A person may not act as a limited lines travel insurance  
261 producer or travel retailer unless properly licensed or  
262 registered, respectively. As used in this paragraph, the term  
263 "travel retailer" means a business entity that:

264 a. Makes, arranges, or offers planned travel.

265 b. May, under subparagraph 3., offer and disseminate travel  
266 insurance as a service to its customers on behalf of and under  
267 the direction of a limited lines travel insurance producer.

268 3. A travel retailer may offer and disseminate travel  
269 insurance under a limited lines travel insurance producer  
270 business entity license only if all of the following  
271 requirements are met:



632742

272       a. The limited lines travel insurance producer or travel  
273 retailer provides to purchasers of travel insurance:  
274       (I) A description of the material terms or the actual  
275 material terms of the insurance coverage.  
276       (II) A description of the process for filing a claim.  
277       (III) A description of the review or cancellation process  
278 for the travel insurance policy.  
279       (IV) The identity and contact information of the insurer  
280 and limited lines travel insurance producer.  
281       b. At the time of licensure, the limited lines travel  
282 insurance producer establishes and maintains a register on the  
283 department's website and appoints each travel retailer that  
284 offers travel insurance on behalf of the limited lines travel  
285 insurance producer. The limited lines travel insurance producer  
286 must maintain and update the register, which must include the  
287 travel retailer's federal tax identification number and the  
288 name, address, and contact information of the travel retailer  
289 and an officer or person who directs or controls the travel  
290 retailer's operations. The limited lines travel insurance  
291 producer shall submit the register to the department upon  
292 reasonable request. The limited lines travel insurance producer  
293 shall also certify that the travel retailer register complies  
294 with 18 U.S.C. s. 1033. The grounds for the suspension and  
295 revocation and the penalties applicable to resident insurance  
296 producers under this section apply to the limited lines travel  
297 insurance producers and travel retailers.  
298       c. The limited lines travel insurance producer has  
299 designated one of its employees as the designated responsible  
300 producer. The designated responsible producer, who must be a



632742

301 licensed insurance producer, is responsible for compliance with  
302 the travel insurance laws and regulations applicable to the  
303 limited lines travel insurance producer and its registrants. The  
304 designated responsible producer and the president, secretary,  
305 treasurer, and any other officer or person who directs or  
306 controls the limited lines travel insurance producer's insurance  
307 operations must comply with the fingerprinting requirements  
308 applicable to insurance producers in the resident state of the  
309 limited lines travel insurance producer.

310 d. The limited lines travel insurance producer has paid all  
311 applicable licensing and appointment fees, as set forth in  
312 applicable general law.

313 e. The limited lines travel insurance producer requires  
314 each employee and each authorized representative of the travel  
315 retailer whose duties include offering and disseminating travel  
316 insurance to receive a program of instruction or training, which  
317 is subject, at the discretion of the department, to review and  
318 approval. The training material must, at a minimum, contain  
319 adequate instructions on the types of insurance offered, ethical  
320 sales practices, and required disclosures to prospective  
321 purchasers.

322  
323 As used in this paragraph, the term "offer and disseminate"  
324 means to provide general information, including a description of  
325 the coverage and price, as well as processing the application  
326 and collecting premiums.

327 4. A travel retailer offering or disseminating travel  
328 insurance shall make available to prospective purchasers  
329 brochures or other written materials that have been approved by



632742

330 the travel insurer. Such materials must include information  
331 that, at a minimum:

332 a. Provides the identity and contact information of the  
333 insurer and the limited lines travel insurance producer.

334 b. Explains that the purchase of travel insurance is not  
335 required in order to purchase any other product or service from  
336 the travel retailer.

337 c. Explains that a travel retailer is authorized to provide  
338 only general information about the insurance offered by the  
339 travel retailer, including a description of the coverage and  
340 price, but is not qualified or authorized to answer technical  
341 questions about the terms and conditions of the insurance  
342 offered by the travel retailer or to evaluate the adequacy of  
343 the customer's existing insurance coverage.

344 5. A travel retailer employee or authorized representative  
345 who is not licensed as an insurance producer may not:

346 a. Evaluate or interpret the technical terms, benefits, and  
347 conditions of the offered travel insurance coverage;

348 b. Evaluate or provide advice concerning a prospective  
349 purchaser's existing insurance coverage; or

350 c. Hold himself or herself or the travel retailer out as a  
351 licensed insurer, licensed producer, or insurance expert.

352  
353 Notwithstanding any other law, a travel retailer whose  
354 insurance-related activities, and those of its employees and  
355 authorized representatives, are limited to offering and  
356 disseminating travel insurance on behalf of and under the  
357 direction of a limited lines travel insurance producer meeting  
358 the conditions in this section may receive related compensation



632742

359 upon registration by the limited lines travel insurance producer  
360 as described in paragraph (2) (b) .

361 6. As the insurer's designee, the limited lines travel  
362 insurance producer is responsible for the acts of the travel  
363 retailer and shall use reasonable means to ensure compliance by  
364 the travel retailer with this section.

365 7. Any person licensed as a general or personal lines agent  
366 may sell, solicit, and negotiate travel insurance.:

367 ~~1. To a full-time salaried employee of a common carrier or~~  
368 ~~a full-time salaried employee or owner of a transportation~~  
369 ~~ticket agency and may authorize the sale of such ticket policies~~  
370 ~~only in connection with the sale of transportation tickets, or~~  
371 ~~to the full-time salaried employee of such an agent. Such policy~~  
372 ~~may not be for more than 48 hours or more than the duration of a~~  
373 ~~specified one-way trip or round trip.~~

374 ~~2. To an entity or individual that is:~~

375 ~~a. The developer of a timeshare plan that is the subject of~~  
376 ~~an approved public offering statement under chapter 721;~~

377 ~~b. An exchange company operating an exchange program~~  
378 ~~approved under chapter 721;~~

379 ~~e. A managing entity operating a timeshare plan approved~~  
380 ~~under chapter 721;~~

381 ~~d. A seller of travel as defined in chapter 559; or~~

382 ~~e. A subsidiary or affiliate of any of the entities~~  
383 ~~described in sub-subparagraphs a. d.~~

384 ~~3. To a full-time salaried employee of a licensed general~~  
385 ~~lines agent or a business entity that offers travel planning~~  
386 ~~services if insurance sales activities authorized by the license~~  
387 ~~are in connection with, and incidental to, travel.~~



632742

388 ~~a. A license issued to a business entity that offers travel~~  
389 ~~planning services must encompass each office, branch office, or~~  
390 ~~place of business making use of the entity's business name in~~  
391 ~~order to offer, solicit, and sell insurance pursuant to this~~  
392 ~~paragraph.~~

393 ~~b. The application for licensure must list the name,~~  
394 ~~address, and phone number for each office, branch office, or~~  
395 ~~place of business that is to be covered by the license. The~~  
396 ~~licensee shall notify the department of the name, address, and~~  
397 ~~phone number of any new location that is to be covered by the~~  
398 ~~license before the new office, branch office, or place of~~  
399 ~~business engages in the sale of insurance pursuant to this~~  
400 ~~paragraph. The licensee shall notify the department within 30~~  
401 ~~days after the closing or terminating of an office, branch~~  
402 ~~office, or place of business. Upon receipt of the notice, the~~  
403 ~~department shall delete the office, branch office, or place of~~  
404 ~~business from the license.~~

405 ~~e. A licensed and appointed entity is directly responsible~~  
406 ~~and accountable for all acts of the licensee's employees and~~  
407 ~~parties with whom the licensee has entered into a contractual~~  
408 ~~agreement to offer travel insurance.~~

409  
410 ~~A licensee shall require each individual who offers policies or~~  
411 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~  
412 ~~initial training from a general lines agent or an insurer~~  
413 ~~authorized under chapter 624 to transact insurance within this~~  
414 ~~state. For an entity applying for a license as a travel~~  
415 ~~insurance agent, the fingerprinting requirement of this section~~  
416 ~~applies only to the president, secretary, and treasurer and to~~



632742

417 ~~any other officer or person who directs or controls the travel~~  
418 ~~insurance operations of the entity.~~

419 Section 10. Subsection (13) of section 626.854, Florida  
420 Statutes, is amended to read:

421 626.854 "Public adjuster" defined; prohibitions.—The  
422 Legislature finds that it is necessary for the protection of the  
423 public to regulate public insurance adjusters and to prevent the  
424 unauthorized practice of law.

425 (13) A company employee adjuster, independent adjuster,  
426 attorney, investigator, or other persons acting on behalf of an  
427 insurer that needs access to an insured or claimant or to the  
428 insured property that is the subject of a claim must provide at  
429 least 48 hours' notice to:

430 (a) The insured or claimant, public adjuster, or legal  
431 representative before scheduling a meeting with the claimant.

432 (b) The insured or claimant before scheduling ~~or~~ an onsite  
433 inspection of the insured property. During the inspection, an  
434 attempt may not be made to conduct an unscheduled meeting with  
435 the insured or claimant. The insured or claimant may deny access  
436 to the property if the notice has not been provided. The insured  
437 or claimant may waive the 48-hour notice.

438 Section 11. Section 626.931, Florida Statutes, is amended  
439 to read:

440 626.931 ~~Agent affidavit and Insurer reporting~~  
441 ~~requirements.—~~

442 (1) ~~Each surplus lines agent that has transacted business~~  
443 ~~during a calendar quarter shall on or before the 45th day~~  
444 ~~following the calendar quarter file with the Florida Surplus~~  
445 ~~Lines Service Office an affidavit, on forms as prescribed and~~





632742

446 ~~furnished by the Florida Surplus Lines Service Office, stating~~  
447 ~~that all surplus lines insurance transacted by him or her during~~  
448 ~~such calendar quarter has been submitted to the Florida Surplus~~  
449 ~~Lines Service Office as required.~~

450 ~~(2) The affidavit of the surplus lines agent shall include~~  
451 ~~efforts made to place coverages with authorized insurers and the~~  
452 ~~results thereof.~~

453 ~~(3) Each foreign insurer accepting premiums shall, on or~~  
454 ~~before the end of the month following each calendar quarter,~~  
455 ~~file with the Florida Surplus Lines Service Office a verified~~  
456 ~~report of all surplus lines insurance transacted by such insurer~~  
457 ~~for insurance risks located in this state during such calendar~~  
458 ~~quarter.~~

459 ~~(2)(4) Each alien insurer accepting premiums shall, on or~~  
460 ~~before June 30 of each year, file with the Florida Surplus Lines~~  
461 ~~Service Office a verified report of all surplus lines insurance~~  
462 ~~transacted by such insurer for insurance risks located in this~~  
463 ~~state during the preceding calendar year.~~

464 ~~(3)(5) The department may waive the filing requirements~~  
465 ~~described in subsections (1) (3) and (2) (4).~~

466 ~~(4)(6) Each insurer's report and supporting information~~  
467 ~~shall be in a computer-readable format as determined by the~~  
468 ~~Florida Surplus Lines Service Office or shall be submitted on~~  
469 ~~forms prescribed by the Florida Surplus Lines Service Office and~~  
470 ~~shall show for each applicable agent:~~

471 ~~(a) A listing of all policies, certificates, cover notes,~~  
472 ~~or other forms of confirmation of insurance coverage or any~~  
473 ~~substitutions thereof or endorsements thereto and the~~  
474 ~~identifying number; and~~



632742

475 (b) Any additional information required by the department  
476 or Florida Surplus Lines Service Office.

477 Section 12. Paragraph (a) of subsection (2) of section  
478 626.932, Florida Statutes, is amended to read:

479 626.932 Surplus lines tax.—

480 (2) (a) The surplus lines agent shall make payable to the  
481 department the tax related to each calendar quarter's business  
482 as reported to the Florida Surplus Lines Service Office, and  
483 remit the tax to the Florida Surplus Lines Service Office at the  
484 same time as the fee payment required ~~provided for the filing of~~  
485 ~~the quarterly affidavit,~~ under s. 626.9325 ~~s. 626.931~~. The  
486 Florida Surplus Lines Service Office shall forward to the  
487 department the taxes and any interest collected pursuant to  
488 paragraph (b), within 10 days of receipt.

489 Section 13. Paragraph (d) of subsection (1) of section  
490 626.935, Florida Statutes, is amended to read:

491 626.935 Suspension, revocation, or refusal of surplus lines  
492 agent's license.—

493 (1) The department shall deny an application for, suspend,  
494 revoke, or refuse to renew the appointment of a surplus lines  
495 agent and all other licenses and appointments held by the  
496 licensee under this code, on any of the following grounds:

497 ~~(d) Failure to make and file his or her affidavit or~~  
498 ~~reports when due as required by s. 626.931.~~

499 Section 14. Paragraphs (a) and (j) of subsection (2) of  
500 section 627.062, Florida Statutes, are amended to read:

501 627.062 Rate standards.—

502 (2) As to all such classes of insurance:

503 (a) Insurers or rating organizations shall establish and



632742

504 use rates, rating schedules, or rating manuals that allow the  
505 insurer a reasonable rate of return on the classes of insurance  
506 written in this state. A copy of rates, rating schedules, rating  
507 manuals, premium credits or discount schedules, and surcharge  
508 schedules, and changes thereto, must be filed with the office  
509 under one of the following procedures:

510 1. If the filing is made at least 90 days before the  
511 proposed effective date and is not implemented during the  
512 office's review of the filing and any proceeding and judicial  
513 review, such filing is considered a "file and use" filing. In  
514 such case, the office shall finalize its review by issuance of a  
515 notice of intent to approve or a notice of intent to disapprove  
516 within 90 days after receipt of the filing. If the 90-day period  
517 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it  
518 must be extended until the conclusion of the next business day.

519 The notice of intent to approve and the notice of intent to  
520 disapprove constitute agency action for purposes of the  
521 Administrative Procedure Act. Requests for supporting  
522 information, requests for mathematical or mechanical  
523 corrections, or notification to the insurer by the office of its  
524 preliminary findings does not toll the 90-day period during any  
525 such proceedings and subsequent judicial review. The rate shall  
526 be deemed approved if the office does not issue a notice of  
527 intent to approve or a notice of intent to disapprove within 90  
528 days after receipt of the filing.

529 2. If the filing is not made in accordance with  
530 subparagraph 1., such filing must be made as soon as  
531 practicable, but within 30 days after the effective date, and is  
532 considered a "use and file" filing. An insurer making a "use and



632742

533 file" filing is potentially subject to an order by the office to  
534 return to policyholders those portions of rates found to be  
535 excessive, as provided in paragraph (h).

536 3. For all property insurance filings made or submitted  
537 after January 25, 2007, but before May 1, 2012, an insurer  
538 seeking a rate that is greater than the rate most recently  
539 approved by the office shall make a "file and use" filing. For  
540 purposes of this subparagraph, motor vehicle collision and  
541 comprehensive coverages are not considered property coverages.

542 (j) With respect to residential property insurance rate  
543 filings:

544 1. The rate filing must account for mitigation measures  
545 undertaken by policyholders to reduce hurricane losses.

546 2. The office may not disapprove a rate for homeowners'  
547 insurance solely because the rate filing uses a modeling  
548 indication that is the weighted or straight average of two or  
549 more models currently found to be accurate or reliable pursuant  
550 to s. 627.0628.

551  
552 The provisions of this subsection do not apply to workers'  
553 compensation, employer's liability insurance, and motor vehicle  
554 insurance.

555 Section 15. Paragraph (b) of subsection (2) of section  
556 627.0629, Florida Statutes, is amended to read:

557 627.0629 Residential property insurance; rate filings.—

558 (2)

559 (b) A rate filing for residential property insurance made  
560 more than 150 days after approval by the office of a building  
561 code rating factor plan submitted by a statewide rating



632742

562 organization may ~~shall~~ include positive and negative rate  
563 factors that reflect the manner in which building code  
564 enforcement in a particular jurisdiction addresses risk of wind  
565 damage. The rate filing shall include variations from standard  
566 rate factors on an individual basis based on inspection of a  
567 particular structure by a licensed home inspector. If an  
568 inspection is requested by the insured, the insurer may require  
569 the insured to pay the reasonable cost of the inspection. This  
570 paragraph applies to structures constructed or renovated after  
571 the implementation of this paragraph.

572 Section 16. Paragraph (a) of subsection (1) of section  
573 627.0651, Florida Statutes, is amended to read:

574 627.0651 Making and use of rates for motor vehicle  
575 insurance.—

576 (1) Insurers shall establish and use rates, rating  
577 schedules, or rating manuals to allow the insurer a reasonable  
578 rate of return on motor vehicle insurance written in this state.  
579 A copy of rates, rating schedules, and rating manuals, and  
580 changes therein, shall be filed with the office under one of the  
581 following procedures:

582 (a) If the filing is made at least 60 days before the  
583 proposed effective date and the filing is not implemented during  
584 the office's review of the filing and any proceeding and  
585 judicial review, such filing shall be considered a "file and  
586 use" filing. In such case, the office shall initiate proceedings  
587 to disapprove the rate and so notify the insurer or shall  
588 finalize its review within 60 days after receipt of the filing.  
589 If the 60-day period ends on a weekend or a holiday under s.  
590 110.117(1)(a)-(i), it must be extended until the conclusion of



632742

591 the next business day. Notification to the insurer by the office  
592 of its preliminary findings shall toll the 60-day period during  
593 any such proceedings and subsequent judicial review. The rate  
594 shall be deemed approved if the office does not issue notice to  
595 the insurer of its preliminary findings within 60 days after the  
596 filing.

597 Section 17. Subsection (2) of section 627.410, Florida  
598 Statutes, is amended to read:

599 627.410 Filing, approval of forms.—

600 (2) Every such filing must be made at least 30 days in  
601 advance of any such use or delivery. At the expiration of the 30  
602 days, the form filed will be deemed approved unless prior  
603 thereto it has been affirmatively approved or disapproved by  
604 order of the office. The approval of such form by the office  
605 constitutes a waiver of any unexpired portion of such waiting  
606 period. The office may extend the period within which it may  
607 affirmatively approve or disapprove such form by up to 15 days  
608 by giving notice of such extension before expiration of the  
609 initial 30-day period. If the initial 30-day period or the 15-  
610 day extension period ends on a weekend or a holiday under s.  
611 110.117(1)(a)-(i), the review period must be extended until the  
612 conclusion of the next business day. At the expiration of such  
613 extended period, and in the absence of prior affirmative  
614 approval or disapproval, such form shall be deemed approved.

615 Section 18. Paragraph (f) is added to subsection (5) of  
616 section 627.7011, Florida Statutes, to read:

617 627.7011 Homeowners' policies; offer of replacement cost  
618 coverage and law and ordinance coverage.—

619 (5) This section does not:



632742

620           (f) Prohibit an insurer from offering an HO-3 homeowner's  
621 insurance policy or endorsement providing that a loss to a roof  
622 older than 10 years which is caused by a covered peril other  
623 than a hurricane, tornado, fire, or lightning will be adjusted  
624 on the basis of actual cash value unless a total loss to the  
625 insured structure occurs. Such policy or endorsement may be  
626 offered only if the roof of the insured structure is older than  
627 10 years. A policy or endorsement is deemed to provide  
628 replacement cost coverage unless before the issuance of the  
629 policy or endorsement, the insured makes a written selection, on  
630 a form adopted by commission rule, of such actual cash value  
631 coverage by signing the form. The form must fully advise the  
632 applicant of the nature of the coverage and the heading of the  
633 form must state in 12-point bold type: "You are electing to  
634 purchase actual cash value coverage on your roof. If your roof  
635 is damaged by a covered peril other than hurricane, tornado,  
636 fire, or lightning, or the insured structure is not a total  
637 loss, you will only receive the depreciated value of your roof  
638 and you may experience significant out-of-pocket costs to repair  
639 or replace your roof." The applicant may also make such  
640 selection through a recorded statement if, contemporaneously but  
641 before the selection of actual cash value coverage, the insurer  
642 verbally communicates the contents of the form.

643           Section 19. Section 627.70132, Florida Statutes, is amended  
644 to read:

645           627.70132 Notice of property insurance ~~windstorm or~~  
646 ~~hurricane~~ claim.—An initial claim not caused by the peril of  
647 windstorm or hurricane under an insurance policy that provides  
648 property insurance, as defined in s. 624.604, is barred unless



632742

649 initial notice of the claim was given to the insurer in  
650 accordance with the terms of the policy within 3 years after the  
651 date of loss. Notice of all supplemental claims or reopened  
652 claims not caused by the peril of windstorm or hurricane must be  
653 made within the later of 3 years after the date of loss or 12  
654 months after the last payment by the insurer on the loss. A  
655 claim, supplemental claim, or reopened claim under an insurance  
656 policy that provides property insurance, as defined in s.  
657 624.604, for loss or damage caused by the peril of windstorm or  
658 hurricane is barred unless notice of the claim, supplemental  
659 claim, or reopened claim was given to the insurer in accordance  
660 with the terms of the policy within 3 years after the hurricane  
661 first made landfall or the windstorm caused the covered damage.  
662 This section does not apply to sinkhole loss claims, which are  
663 subject to the time limitation under s. 627.706(5). For purposes  
664 of this section, the term "supplemental claim" or "reopened  
665 claim" means any additional claim for recovery from the insurer  
666 for losses ~~from the same hurricane or windstorm which~~ the  
667 insurer has previously adjusted pursuant to the initial claim.  
668 This section does not affect any applicable limitation on civil  
669 actions provided in s. 95.11 for claims, supplemental claims, or  
670 reopened claims timely filed under this section.

671 Section 20. Subsection (2) of section 627.714, Florida  
672 Statutes, is amended to read:

673 627.714 Residential condominium unit owner coverage; loss  
674 assessment coverage required.—

675 (2) The maximum amount of any unit owner's loss assessment  
676 coverage that can be assessed for any loss shall be an amount  
677 equal to that unit owner's loss assessment coverage limit in





632742

678 effect 1 day before the date of the occurrence that gave rise to  
679 the loss. Such coverage is applicable to any loss assessment  
680 regardless of the date of the assessment by the association. Any  
681 changes to the limits of a unit owner's coverage for loss  
682 assessments made on or after the day before the date of the  
683 occurrence are not applicable to such loss.

684 Section 21. Notwithstanding the expiration of subsection  
685 (4) of section 627.715, Florida Statutes, which occurred on July  
686 1, 2019, that subsection is revived, reenacted, and amended to  
687 read:

688 627.715 Flood insurance.—An authorized insurer may issue an  
689 insurance policy, contract, or endorsement providing personal  
690 lines residential coverage for the peril of flood or excess  
691 coverage for the peril of flood on any structure or the contents  
692 of personal property contained therein, subject to this section.  
693 This section does not apply to commercial lines residential or  
694 commercial lines nonresidential coverage for the peril of flood.  
695 An insurer may issue flood insurance policies, contracts,  
696 endorsements, or excess coverage on a standard, preferred,  
697 customized, flexible, or supplemental basis.

698 (4) A surplus lines agent may export a contract or  
699 endorsement providing flood coverage to an eligible surplus  
700 lines insurer without making a diligent effort to seek such  
701 coverage from three or more authorized insurers under s.  
702 626.916(1)(a). This subsection expires July 1, 2025 ~~2019~~, or on  
703 the date on which the Commissioner of Insurance Regulation  
704 determines in writing that there is an adequate admitted market  
705 to provide coverage for the peril of flood consistent with this  
706 section, whichever date occurs first. If there are fewer than



632742

707 three admitted insurers on the date this subsection expires, the  
708 number of declinations necessary to meet the diligent-effort  
709 requirement shall be no fewer than the number of authorized  
710 insurers providing flood coverage.

711 Section 22. Paragraph (a) of subsection (9) of section  
712 627.7152, Florida Statutes, is amended to read:

713 627.7152 Assignment agreements.—

714 (9) (a) An assignee must provide the named insured, insurer,  
715 and the assignor, if not the named insured, with a written  
716 notice of intent to initiate litigation before filing suit under  
717 the policy. Such notice must be served at least 10 business days  
718 before filing suit by electronic or certified mail, return  
719 receipt requested, to the name and address or e-mail address  
720 designated by the insurer in the policy documents and pursuant  
721 to s. 624.422 or electronic delivery at least 10 business days  
722 ~~before filing suit~~, but may not be served before the insurer has  
723 made a determination of coverage under s. 627.70131. The notice  
724 must specify the damages in dispute, the amount claimed, and a  
725 presuit settlement demand. Concurrent with the notice, and as a  
726 precondition to filing suit, the assignee must provide the named  
727 insured, insurer, and the assignor, if not the named insured, a  
728 detailed written invoice or estimate of services, including  
729 itemized information on equipment, materials, and supplies; the  
730 number of labor hours; and, in the case of work performed, proof  
731 that the work has been performed in accordance with accepted  
732 industry standards.

733 Section 23. Subsection (4) of section 627.7295, Florida  
734 Statutes, is amended to read:

735 627.7295 Motor vehicle insurance contracts.—



632742

736 (4) The insurer may cancel the policy in accordance with  
737 this code except that, notwithstanding s. 627.728, an insurer  
738 may not cancel a new policy or binder during the first 30 ~~60~~  
739 days immediately following the effective date of the policy or  
740 binder for nonpayment of premium unless the reason for the  
741 cancellation is the issuance of a check for the premium that is  
742 dishonored for any reason or any other type of premium payment  
743 that was subsequently determined to be rejected or invalid.

744 Section 24. Present subsection (4) of section 627.914,  
745 Florida Statutes, is redesignated as subsection (5), a new  
746 subsection (4) is added to that section, and subsections (2) and  
747 (3) of that section are amended, to read:

748 627.914 Reports of information by workers' compensation  
749 insurers required.—

750 (2) (a) Each insurer and self-insurance fund authorized to  
751 write a policy of workers' compensation insurance shall report  
752 ~~transmit~~ the following information annually on both Florida  
753 experience and nationwide experience separately:

- 754 1. ~~(a)~~ Payrolls by classification.  
755 2. ~~(b)~~ Manual premiums by classification.  
756 3. ~~(c)~~ Standard premiums by classification.  
757 4. ~~(d)~~ Losses by classification and injury type.  
758 5. ~~(e)~~ Expenses.

759  
760 An insurer or self-insurance fund that is placed in receivership  
761 pursuant to part I of chapter 631 must continue to report the  
762 information required under this paragraph. At the discretion of  
763 the receiver, the insurer or self-insurance fund may outsource  
764 the reporting of such information to a third-party reporting



632742

765 vendor. The office shall approve a modified reporting plan that  
766 is limited in terms of data elements.

767 (b) A report of ~~the~~ ~~this~~ information required under  
768 paragraph (a) shall be filed no later than July 1 of each year.  
769 All reports shall be filed in accordance with standard reporting  
770 procedures for insurers, which procedures have received approval  
771 by the office, and shall contain data for the most recent policy  
772 period available. A statistical or rating organization may be  
773 used by insurers and self-insurance funds to report the data  
774 required by this section. The statistical or rating organization  
775 shall report each data element in the aggregate only for  
776 insurers and self-insurance funds required to report under this  
777 section who elect to have the organization report on their  
778 behalf. Such insurers and self-insurance funds shall be named in  
779 the report.

780 (3) Individual self-insurers as defined in s. 440.02 shall  
781 report only Florida data as prescribed in subparagraphs  
782 (2) (a) 1.-5. paragraphs ~~(2) (a) - (e)~~ to the office.

783 (a) The office shall publish the dates and forms necessary  
784 to enable individual self-insurers to comply with this section.

785 (b) A statistical or rating organization may be used by  
786 individual self-insurers for the purposes of reporting the data  
787 required by this section and calculating experience ratings.

788 (4) The office may use the information it receives under  
789 this section in its adoption of rates and experience ratings  
790 modifications.

791 Section 25. Subsection (3) of section 628.801, Florida  
792 Statutes, is amended to read:

793 628.801 Insurance holding companies; registration;



632742

794 regulation.-

795 (3) Effective January 1, 2021 ~~2015~~, pursuant to chapter 624  
796 relating to the examination of insurers, the office may examine  
797 any insurer registered under this section and its affiliates,  
798 including a managing general agent or holding company, to  
799 ascertain the financial condition of the insurer, including the  
800 enterprise risk to the insurer by the ultimate controlling  
801 party, or by any entity or combination of entities within the  
802 insurance holding company system, or by the insurance holding  
803 company system on a consolidated basis.

804 Section 26. Paragraph (a) of subsection (1) of section  
805 629.401, Florida Statutes, is amended to read:

806 629.401 Insurance exchange.-

807 (1) There may be created one or more insurance exchanges,  
808 with one or more offices each, subject to such rules as are  
809 adopted by the commission. For the purposes of this section, the  
810 term "exchange" applies to any such insurance exchange proposed  
811 or created under this section. The purposes of the exchange are:

812 (a) To provide a facility for the underwriting of:

813 1. Reinsurance of all kinds of insurance.

814 2. Direct insurance of all kinds on risks located entirely  
815 outside the United States.

816 3. Surplus lines insurance for risks located in this state  
817 eligible for export under s. 626.916 or s. 626.917 and placed  
818 through a licensed Florida surplus lines agent subject to  
819 compliance with ~~the provisions of~~ ss. 626.921, 626.922, 626.923,  
820 626.924, 626.929, 626.9295, and 626.930, ~~and 626.931~~. With  
821 respect to compliance with s. 626.924, the required legend may  
822 refer to any coverage provided for by a security fund



632742

823 established under paragraph (3)(d).

824 4. Surplus lines insurance in any other state subject to  
825 the applicable surplus lines laws of such other state for risks  
826 located entirely outside of this state.

827 Section 27. Section 634.171, Florida Statutes, is amended  
828 to read:

829 634.171 Salesperson to be licensed and appointed;  
830 exceptions.—Salespersons for motor vehicle service agreement  
831 companies and insurers shall be licensed, appointed, renewed,  
832 continued, reinstated, or terminated as prescribed in chapter  
833 626 for insurance representatives in general. However, they  
834 shall be exempt from all other provisions of chapter 626  
835 including fingerprinting, photo identification, education, and  
836 examination provisions. License, appointment, and other fees  
837 shall be those prescribed in s. 624.501. A licensed and  
838 appointed salesperson shall be directly responsible and  
839 accountable for all acts of her or his employees and other  
840 representatives. Each service agreement company or insurer  
841 shall, on forms prescribed by the department, within 30 days  
842 after termination of the appointment, notify the department of  
843 such termination. No employee or salesperson of a motor vehicle  
844 service agreement company or insurer may directly or indirectly  
845 solicit or negotiate insurance contracts, or hold herself or  
846 himself out in any manner to be an insurance agent, unless so  
847 qualified, licensed, and appointed therefor under the Florida  
848 Insurance Code. A licensed personal lines or general lines agent  
849 may solicit, negotiate, advertise, or sell motor vehicle service  
850 agreements and is not required to be licensed under this  
851 section. A motor vehicle service agreement company is not



632742

852 required to be licensed as a salesperson to solicit, sell,  
853 issue, or otherwise transact the motor vehicle service  
854 agreements issued by the motor vehicle service agreement  
855 company.

856 Section 28. Section 634.317, Florida Statutes, is amended  
857 to read:

858 634.317 License and appointment required; exception.—No  
859 person may solicit, negotiate, or effectuate home warranty  
860 contracts for remuneration in this state unless such person is  
861 licensed and appointed as a sales representative. A licensed and  
862 appointed sales representative shall be directly responsible and  
863 accountable for all acts of the licensee's employees. A licensed  
864 personal lines or general lines agent may solicit, negotiate,  
865 advertise, or sell home warranty contracts and is not required  
866 to be licensed under this section.

867 Section 29. Section 634.419, Florida Statutes, is amended  
868 to read:

869 634.419 License and appointment required; exception.—No  
870 person or entity shall solicit, negotiate, advertise, or  
871 effectuate service warranty contracts in this state unless such  
872 person or entity is licensed and appointed as a sales  
873 representative. Sales representatives shall be responsible for  
874 the actions of persons under their supervision. However, a  
875 service warranty association licensed as such under this part  
876 shall not be required to be licensed and appointed as a sales  
877 representative to solicit, negotiate, advertise, or effectuate  
878 its products. A licensed personal lines or general lines agent  
879 may solicit, negotiate, advertise, or sell service warranty  
880 contracts and is not required to be licensed under this section.



632742

881           Section 30. The Division of Law Revision is directed to  
882 create chapter 647, Florida Statutes, consisting of ss. 647.01-  
883 647.08, Florida Statutes, to be entitled "Travel Insurance."

884           Section 31. Section 647.01, Florida Statutes, is created to  
885 read:

886           647.01 Purpose and scope.-

887           (1) The purpose of this chapter is to promote the public  
888 welfare by creating a comprehensive legal framework within which  
889 travel insurance may be sold in this state.

890           (2) This chapter applies to:

891           (a) Travel insurance that covers any resident of this state  
892 and that is sold, solicited, negotiated, or offered in this  
893 state.

894           (b) Policies and certificates that are delivered or issued  
895 for delivery in this state.

896  
897 This chapter does not apply to cancellation fee waivers or  
898 travel assistance services, except as expressly provided in this  
899 chapter.

900           (3) All other applicable provisions of the insurance laws  
901 of this state continue to apply to travel insurance, except that  
902 the specific provisions of this chapter shall supersede any  
903 general provisions of law that would otherwise be applicable to  
904 travel insurance.

905           Section 32. Section 647.02, Florida Statutes, is created to  
906 read:

907           647.02 Definitions.-As used in this chapter, the term:

908           (1) "Aggregator site" means a website that provides access  
909 to information regarding insurance products from more than one





632742

910 insurer, including product and insurer information, for use in  
911 comparison shopping.

912 (2) "Blanket travel insurance" means a policy of travel  
913 insurance issued to an eligible group providing coverage to all  
914 members of the eligible group without a separate charge to  
915 individual members of the eligible group.

916 (3) "Cancellation fee waiver" means a contractual agreement  
917 between a supplier of travel services and its customer to waive  
918 some or all of the nonrefundable cancellation fee provisions of  
919 the supplier's underlying travel contract with or without regard  
920 to the reason for the cancellation or form of reimbursement. A  
921 cancellation fee waiver is not insurance.

922 (4) "Department" means the Department of Financial  
923 Services.

924 (5) "Eligible group," solely for the purposes of travel  
925 insurance, means two or more persons who are engaged in a common  
926 enterprise or who have an economic, educational, or social  
927 affinity or relationship, including, but not limited to, any of  
928 the following:

929 (a) An entity engaged in the business of providing travel  
930 or travel services, including, but not limited to:

931 1. A tour operator, lodging provider, vacation property  
932 owner, hotel, resort, travel club, travel agency, property  
933 manager, and cultural exchange program.

934 2. An operator, owner, or lessor of a means of  
935 transportation of passengers, including, but not limited to, a  
936 common carrier, airline, cruise line, railroad, steamship  
937 company, and public bus carrier.

938



632742

939 With regard to any particular travel or type of travel or  
940 travelers, all members or customers of the group must have a  
941 common exposure to risk attendant to such travel.

942 (b) A university, college, school, or other institution of  
943 learning, covering students, teachers, employees, or volunteers.

944 (c) An employer covering any group of employees,  
945 volunteers, contractors, board of directors, dependents, or  
946 guests.

947 (d) A sports team or camp, or a sponsor thereof, covering  
948 participants, members, campers, employees, officials,  
949 supervisors, or volunteers.

950 (e) A religious, charitable, recreational, educational, or  
951 civic organization, or a branch thereof, covering any group of  
952 members, participants, or volunteers.

953 (f) A financial institution or financial institution  
954 vendor, or a parent holding company, trustee, or agent of or  
955 designated by one or more financial institutions or financial  
956 institution vendors, including account holders, credit card  
957 holders, debtors, guarantors, or purchasers.

958 (g) An incorporated or unincorporated association,  
959 including a labor union, having a common interest and  
960 constitution and bylaws, which is organized and maintained in  
961 good faith for purposes other than obtaining insurance coverage  
962 for its members or participants.

963 (h) A trust or the trustees of a fund that covers its  
964 members, employees, or customers and is established, created, or  
965 maintained for the benefit of its members, employees, or  
966 customers, subject to:

967 1. The department's authorizing the use of a trust.



632742

968           2. The premium tax provisions in s. 647.03 applicable to  
969 incorporated or unincorporated associations that have a common  
970 interest and constitution and bylaws and that are organized and  
971 maintained in good faith for purposes other than obtaining  
972 insurance coverage for their members, employees, or customers.

973           (i) An entertainment production company covering any group  
974 of participants, volunteers, audience members, contestants, or  
975 workers.

976           (j) A volunteer fire department, ambulance, rescue, police,  
977 court, first-aid, civil defense, or other such volunteer group.

978           (k) A preschool, daycare institution for children or  
979 adults, or senior citizen club.

980           (l) An automobile or truck rental or leasing company  
981 covering a group of individuals who may become renters, lessees,  
982 or passengers as defined by their travel status on the rented or  
983 leased vehicles. The common carrier, the operator, owner, or  
984 lessor of a means of transportation, or the motor vehicle or  
985 truck rental or leasing company is the policyholder under a  
986 policy to which this section applies.

987           (m) Any other group for which the department has made the  
988 following determinations:

989           1. The group members are engaged in a common enterprise or  
990 have an economic, educational, or social affinity or  
991 relationship.

992           2. Issuance of the travel insurance policy is not contrary  
993 to the public interest.

994           (6) "Fulfillment materials" means documentation sent to the  
995 purchaser of a travel protection plan confirming the purchase  
996 and providing the travel protection plan's coverage and



632742

997 assistance details.

998 (7) "Group travel insurance" means travel insurance issued  
999 to an eligible group.

1000 (8) "Limited lines travel insurance producer" means:

1001 (a) A licensed or third-party administrator;

1002 (b) A licensed insurance producer, including a limited  
1003 lines producer; or

1004 (c) A travel administrator.

1005 (9) "Travel administrator" means a person who directly or  
1006 indirectly underwrites policies for; collects charges,  
1007 collateral, or premiums from; or adjusts or settles claims made  
1008 by residents of this state in connection with travel insurance,  
1009 except that a person is not considered a travel administrator if  
1010 the person is:

1011 (a) A person working for a travel administrator, to the  
1012 extent that the person's activities are subject to the  
1013 supervision and control of the travel administrator;

1014 (b) An insurance producer selling insurance or engaged in  
1015 administrative and claims-related activities within the scope of  
1016 the producer's license;

1017 (c) A travel retailer, as defined s. 626.321(1)(c)2.,  
1018 offering and disseminating travel insurance and registered under  
1019 the license of a limited lines travel insurance producer in  
1020 accordance with s. 626.321(1)(c);

1021 (d) A person adjusting or settling claims in the normal  
1022 course of the person's practice or employment as an attorney at  
1023 law, without collecting charges or premiums in connection with  
1024 insurance coverage; or

1025 (e) A business entity that is affiliated with a licensed



632742

1026 insurer while acting as a travel administrator for the direct  
1027 and assumed insurance business of the affiliated insurer.

1028 (10) "Travel assistance services" means noninsurance  
1029 services for which the consumer is not indemnified based on a  
1030 fortuitous event, and the provision of which does not result in  
1031 the transfer or shifting of risk which would constitute the  
1032 business of insurance. The term includes, but is not limited to,  
1033 security advisories, destination information, vaccination and  
1034 immunization information services, travel reservation services,  
1035 entertainment, activity and event planning, translation  
1036 assistance, emergency messaging, international legal and medical  
1037 referrals, medical case monitoring, coordination of  
1038 transportation arrangements, emergency cash transfer assistance,  
1039 medical prescription replacement assistance, passport and travel  
1040 document replacement assistance, lost luggage assistance,  
1041 concierge services, and any other service that is furnished in  
1042 connection with planned travel. Travel assistance services are  
1043 not insurance and are not related to insurance.

1044 (11) "Travel insurance" means insurance coverage for  
1045 personal risks incidental to planned travel, including:

1046 (a) Interruption or cancellation of trip or event;  
1047 (b) Loss of baggage or personal effects;  
1048 (c) Damages to accommodations or rental vehicles;  
1049 (d) Sickness, accident, disability, or death occurring  
1050 during travel;

1051 (e) Emergency evacuation;  
1052 (f) Repatriation of remains; or

1053 (g) Any other contractual obligations to indemnify or pay a  
1054 specified amount to the traveler upon determinable contingencies



632742

1055 related to travel, as determined by the office.

1056

1057 The term does not include major medical plans that provide  
1058 comprehensive medical protection for travelers with trips  
1059 lasting longer than 6 months, including major medical plans for  
1060 those working or residing overseas as expatriates, or any other  
1061 product that requires a specific insurance producer license.

1062 (12) "Travel protection plan" means a plan that provides  
1063 one or more of the following: travel insurance, travel  
1064 assistance services, and cancellation fee waivers.

1065 Section 33. Section 647.03, Florida Statutes, is created to  
1066 read:

1067 647.03 Premium tax.—

1068 (1) As used in this section, the term:

1069 (a) "Primary certificateholder" means an individual who  
1070 purchases travel insurance under a group policy.

1071 (b) "Primary policyholder" means an individual who  
1072 purchases individual travel insurance.

1073 (2) A travel insurer shall pay the premium tax, as required  
1074 under s. 624.509, on travel insurance premiums paid by any of  
1075 the following:

1076 (a) A primary policyholder who is a resident of this state.

1077 (b) A primary certificateholder who is a resident of this  
1078 state.

1079 (c) A blanket travel insurance policyholder:

1080 1. Who is a resident in this state;

1081 2. Who has his or her principal place of business in this  
1082 state; or

1083 3. Whose affiliate or subsidiary who has purchased blanket



632742

1084 travel insurance for eligible blanket group members has his or  
1085 her principal place of business in this state.

1086  
1087 The premium tax under this subsection is subject to any  
1088 apportionment rules that apply to an insurer across multiple  
1089 taxing jurisdictions or that authorize an insurer to allocate  
1090 premium on an apportioned basis in a reasonable and equitable  
1091 manner in those jurisdictions.

1092 (3) A travel insurer shall:

1093 (a) Document the state of residence or principal place of  
1094 business of the policyholder or certificateholder, or an  
1095 affiliate or subsidiary thereof, as required under subsection  
1096 (2).

1097 (b) Report as premium only the amount allocable to travel  
1098 insurance and not any amounts received for travel assistance  
1099 services or cancellation fee waivers.

1100 Section 34. Section 647.04, Florida Statutes, is created to  
1101 read:

1102 647.04 Travel protection plans.—A travel protection plan  
1103 may be offered for one price for the combined features that the  
1104 travel protection plan offers in this state if the travel  
1105 protection plan meets all of the following requirements:

1106 (1) The travel protection plan clearly discloses to the  
1107 consumer, at or before the time of purchase, that it includes  
1108 travel insurance, travel assistance services, and cancellation  
1109 fee waivers, as applicable, and provides information and an  
1110 opportunity, at or before the time of purchase, for the consumer  
1111 to obtain additional information regarding the features and  
1112 pricing of each.



632742

1113       (2) The fulfillment materials:

1114       (a) Describe and delineate the travel insurance, travel  
1115 assistance services, and cancellation fee waivers in the travel  
1116 protection plan.

1117       (b) Include the travel insurance disclosures required in  
1118 this chapter, the contact information for persons providing  
1119 travel assistance services, and cancellation fee waivers, as  
1120 applicable.

1121       Section 35. Section 647.05, Florida Statutes, is created to  
1122 read:

1123       647.05 Sales practices.-

1124       (1) (a) All documents provided to a consumer before the  
1125 purchase of travel insurance, including, but not limited to,  
1126 sales materials, advertising materials, and marketing materials,  
1127 must be consistent with the travel insurance policy, including,  
1128 but not limited to, forms, endorsements, policies, rate filings,  
1129 and certificates of insurance.

1130       (b) For travel insurance policies or certificates that  
1131 contain preexisting condition exclusions, information and an  
1132 opportunity to learn more about the preexisting condition  
1133 exclusions must be provided any time before the purchase.  
1134 Information on the exclusions and the opportunity to learn more  
1135 about these exclusions must be included in the coverage's  
1136 fulfillment materials.

1137       (c) The fulfillment materials and the information described  
1138 in s. 626.321(1)(c)3.a. must be provided to a policyholder or  
1139 certificateholder as soon as practicable after the purchase of a  
1140 travel protection plan. Unless the insured has started a covered  
1141 trip or filed a claim under the travel insurance coverage, the





632742

1142 policyholder or certificateholder may cancel a policy or  
1143 certificate for a full refund of the travel protection plan  
1144 price from the date of purchase of a travel protection plan  
1145 until at least:

1146 1. Fifteen days after the date of delivery of the travel  
1147 protection plan's fulfillment materials by postal mail; or

1148 2. Ten days after the date of delivery of the travel  
1149 protection plan's fulfillment materials by means other than  
1150 postal mail.

1151  
1152 For the purposes of this paragraph, the term "delivery" means  
1153 handing fulfillment materials to the policyholder or  
1154 certificateholder or sending fulfillment materials by postal  
1155 mail or electronic means to the policyholder or  
1156 certificateholder.

1157 (d) An insurer shall disclose in the policy documentation  
1158 and fulfillment materials whether the travel insurance is  
1159 primary or secondary to other applicable coverage.

1160 (e) If travel insurance is marketed directly to a consumer  
1161 through an insurer's website or by others through an aggregator  
1162 site, it is not an unfair trade practice or other violation of  
1163 law if the following requirements are met:

1164 1. The web page provides an accurate summary or short  
1165 description of the coverage.

1166 2. The consumer has access to the full provisions of the  
1167 policy through electronic means.

1168 (2) A person offering, soliciting, or negotiating travel  
1169 insurance or travel protection plans on an individual or group  
1170 basis may not do so by using a negative or opt-out option that



632742

1171 would require a consumer to take an affirmative action to  
1172 deselect coverage, such as unchecking a box on an electronic  
1173 form, when the consumer purchases a trip.

1174 (3) If a consumer's destination jurisdiction requires  
1175 insurance coverage, it is not an unfair trade practice to  
1176 require that the consumer choose between the following options  
1177 as a condition of purchasing a trip or travel package:

1178 (a) Purchasing the coverage required by the destination  
1179 jurisdiction through the travel retailer, as defined s.  
1180 626.321(1)(c)2., or limited lines travel insurance producer  
1181 supplying the trip or travel package; or

1182 (b) Agreeing to obtain and provide proof of coverage that  
1183 meets the destination jurisdiction's requirements before  
1184 departure.

1185 (4) (a) A person offering travel insurance to residents of  
1186 this state is subject to part IX of chapter 626, the Unfair  
1187 Insurance Trade Practices Act, except as otherwise provided in  
1188 this chapter. If a conflict arises between this chapter and the  
1189 Unfair Insurance Trade Practices Act regarding the sale and  
1190 marketing of travel insurance and travel protection plans, the  
1191 provisions of this chapter shall control.

1192 (b) A person commits an unfair insurance trade practice  
1193 under the Unfair Insurance Trade Practices Act if the person:

1194 1. Offers or sells a travel insurance policy that could  
1195 never result in payment of any claims for any insured under the  
1196 policy; or

1197 2. Markets blanket travel insurance coverage as free.

1198 Section 36. Section 647.06, Florida Statutes, is created to  
1199 read:



632742

1200           647.06 Travel administrators.-  
1201           (1) Notwithstanding any other provision of the Florida  
1202 Insurance Code, a person may not act or represent himself or  
1203 herself as a travel administrator in this state unless the  
1204 person:  
1205           (a) Is a licensed and appointed property and casualty  
1206 insurance producer in this state for activities authorized under  
1207 that producer license;  
1208           (b) Is a licensed insurance agency, appointed as a managing  
1209 general agent in this state; or  
1210           (c) Holds a valid third-party administrator license in this  
1211 state.  
1212           (2) A travel administrator and its employees are exempt  
1213 from the licensing requirements of part VI of chapter 626 for  
1214 the travel insurance it administers.  
1215           (3) An insurer is responsible for ensuring that a travel  
1216 administrator administering travel insurance underwritten by the  
1217 insurer:  
1218           (a) Acts in accordance with this chapter.  
1219           (b) Maintains all books and records that are relevant to  
1220 the insurer and makes these books and records available to the  
1221 department upon request.  
1222           Section 37. Section 647.07, Florida Statutes, is created to  
1223 read:  
1224           647.07 Travel insurance policy.-  
1225           (1) Notwithstanding any other provision of the Florida  
1226 Insurance Code, travel insurance shall be classified and filed  
1227 for purposes of rates and forms under the inland marine line of  
1228 insurance; however, travel insurance that provides coverage for



632742

1229 sickness, accident, disability, or death occurring during  
1230 travel, either exclusively or in conjunction with related  
1231 coverages of emergency evacuation or repatriation of remains, or  
1232 incidental limited property and casualty benefits, such as  
1233 baggage or trip cancellation, may be classified and filed for  
1234 purposes of rates and forms under either the accident and health  
1235 line of insurance or the inland marine line of insurance.

1236 (2) Travel insurance may be in the form of an individual,  
1237 group, or blanket policy. Group or blanket policies are  
1238 classified as commercial inland marine insurance under s.  
1239 627.021(2) (d). Travel insurance policies not issued to a  
1240 commercial entity and primarily used for personal, family, or  
1241 household purposes are considered personal inland marine  
1242 insurance and shall not be subject to s. 627.062. Sections of  
1243 policies or endorsements for travel insurance which are  
1244 considered personal inland marine insurance consisting of travel  
1245 assistance services or cancellation fee waivers are not subject  
1246 to s. 627.410.

1247 (3) Travel insurance programs may be developed and provided  
1248 based on travel protection plans designed for individual or  
1249 identified marketing or distribution channels.

1250 Section 38. Section 647.08, Florida Statutes, is created to  
1251 read:

1252 647.08 Rulemaking authority.—The department shall adopt  
1253 rules to administer this chapter.

1254 Section 39. Except as otherwise expressly provided in this  
1255 act and except for this section, which shall take effect upon  
1256 this act becoming a law, this act shall take effect July 1,  
1257 2020.



632742

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to financial services; amending s.  
215.555, F.S.; redefining the term "covered policy"  
under the Florida Hurricane Catastrophe Fund in  
relation to certain collateral protection insurance  
policies; amending s. 319.30, F.S.; revising a certain  
electronic signature requirement for a motor vehicle  
salvage certificate of title; amending ss. 440.12 and  
440.20, F.S.; authorizing the payment of certain  
workers' compensation benefits to be transmitted to  
the employee's account with a licensed money  
transmitter; amending s. 624.155, F.S.; revising  
requirements and procedures for the civil remedy  
notice provided to insurers and the Department of  
Financial Services; revising the timeframe for an  
insurer to pay damages or for certain circumstances to  
be corrected; revising circumstances that toll the  
applicable statute of limitations and the period the  
statute of limitations is tolled; amending s. 624.307,  
F.S.; providing that certain aggregate information  
containing trade secret information may be publicly  
disclosed by the department or the Office of Insurance  
Regulation except under certain circumstances;  
prohibiting the Commissioner of Insurance Regulation



632742

1287 from certain lobbying for compensation during a  
1288 specified timeframe after vacation of public position;  
1289 amending s. 624.315, F.S.; providing that certain  
1290 aggregate information containing trade secret  
1291 information may be publicly disclosed by the  
1292 department or office, except under certain  
1293 circumstances; amending s. 624.422, F.S., requiring  
1294 insurers to file with the department certain contact  
1295 information for service of process; requiring the  
1296 department to publish such information on its website;  
1297 amending s. 626.321, F.S.; providing that certain  
1298 travel insurance licenses are subject to review by the  
1299 department rather than by the office; revising persons  
1300 who may be licensed to transact in travel insurance;  
1301 specifying licensure and registration requirements for  
1302 certain persons; defining the term "travel retailer";  
1303 specifying requirements for, restrictions on, and  
1304 authorized acts by travel retailers and limited lines  
1305 travel insurance producers; defining the term "offer  
1306 and disseminate"; authorizing certain persons to sell,  
1307 solicit, and negotiate travel insurance; amending s.  
1308 626.854, F.S.; revising a notice requirement before  
1309 certain persons acting on behalf of a residential  
1310 property insurer may schedule an onsite inspection of  
1311 the insured property; prohibiting a certain attempt to  
1312 conduct an unscheduled meeting with the insured or  
1313 claimant; amending s. 626.931, F.S.; deleting a  
1314 requirement for certain surplus lines agents to file  
1315 quarterly affidavits with the Florida Surplus Lines



632742

1316 Service Office; conforming cross-references; amending  
1317 s. 626.932, F.S.; revising the time when surplus lines  
1318 agents must remit surplus lines taxes; amending s.  
1319 626.935, F.S.; conforming a provision to changes made  
1320 by the act; amending s. 627.062, F.S.; specifying that  
1321 certain periods ending on a weekend or on certain  
1322 holidays are extended until the conclusion of the next  
1323 business day; prohibiting the office from disapproving  
1324 a homeowners' insurance rate in a rate filing solely  
1325 on specified grounds; amending s. 627.0629, F.S.;  
1326 authorizing, rather than requiring, rate filings for  
1327 certain residential property insurance to include  
1328 certain rate factors; amending ss. 627.0651 and  
1329 627.410, F.S.; specifying that certain periods ending  
1330 on a weekend or on certain holidays are extended until  
1331 the conclusion of the next business day; amending s.  
1332 627.7011, F.S.; authorizing an insurer to offer  
1333 specified homeowner's policies or endorsements that  
1334 adjust certain losses on certain roofs on an actual  
1335 cash value basis; providing that a policy or  
1336 endorsement is deemed to provide replacement cost  
1337 coverage unless the insured makes a selection of  
1338 actual cash value coverage; requiring the selection  
1339 form to contain a specified notice; specifying a  
1340 method by which an applicant may make such selection;  
1341 amending s. 627.70132, F.S.; adding property insurance  
1342 coverages for which a notice of a claim must be given  
1343 to the insurer within a specified timeframe or be  
1344 barred; specifying a timeframe for such notice for



632742

1345 supplemental or reopened claims; providing  
1346 applicability; amending s. 627.714, F.S.; revising  
1347 criteria for assessing a residential condominium unit  
1348 owner's loss assessment coverage; reviving,  
1349 reenacting, and amending s. 627.715(4), F.S.;  
1350 providing an exemption from a diligent effort  
1351 requirement for surplus lines agents exporting  
1352 contracts or endorsements providing flood coverage;  
1353 providing for expiration; amending s. 627.7152, F.S.;  
1354 specifying the manner in which an assignee of certain  
1355 property insurance policy benefits must serve a notice  
1356 of intent to initiate litigation; amending s.  
1357 627.7295, F.S.; decreasing the timeframe during which  
1358 an insurer may not cancel a new policy or binder of  
1359 motor vehicle insurance for nonpayment of premium,  
1360 except under certain circumstances; amending s.  
1361 627.914, F.S.; requiring insurers or self-insurance  
1362 funds that write workers' compensation insurance and  
1363 that are in receivership to continue to report certain  
1364 information to the office; authorizing the outsourcing  
1365 of reporting under certain circumstances; requiring  
1366 the office to approve a certain reporting plan;  
1367 authorizing the office to use the information for  
1368 certain purposes; amending s. 628.801, F.S.;  
1369 specifying that the office may examine an insurer's  
1370 managing general agent or insurance holding company;  
1371 amending s. 629.401, F.S.; revising criteria for  
1372 surplus lines insurance in insurance exchanges;  
1373 amending ss. 634.171, 634.317, and 634.419, F.S.;





632742

1374 authorizing licensed personal lines and general lines  
1375 agents to solicit, negotiate, advertise, or sell motor  
1376 vehicle service agreements, home warranty contracts,  
1377 and service warranty contracts, respectively, without  
1378 specified licenses; creating ch. 647, F.S., entitled  
1379 "Travel Insurance"; creating s. 647.01, F.S.;

1380 providing legislative purpose; providing  
1381 applicability; creating s. 647.02, F.S.; defining  
1382 terms; creating s. 647.03, F.S.; defining the terms  
1383 "primary certificateholder" and "primary  
1384 policyholder"; requiring travel insurers to pay the  
1385 insurance premium tax on specified travel insurance  
1386 premiums; providing construction; specifying  
1387 requirements for travel insurers; creating s. 647.04,  
1388 F.S.; providing that a travel protection plan may be  
1389 offered for one price if its meets specified  
1390 requirements; creating s. 647.05, F.S.; specifying  
1391 sales practice requirements, prohibited sales  
1392 practices, and authorized sales practices relating to  
1393 travel insurance; specifying a policyholder or  
1394 certificateholder's right to cancel a travel  
1395 protection plan for a full refund; defining the term  
1396 "delivery"; specifying unfair insurance trade  
1397 practices; providing construction; creating s. 647.06,  
1398 F.S.; specifying qualifications for travel  
1399 administrators; providing an exemption from certain  
1400 licensure; providing that insurers are responsible for  
1401 ensuring certain acts by travel administrators;  
1402 creating s. 647.07, F.S.; specifying the



632742

1403 classification for travel insurance for rate filing  
1404 purposes; specifying authorized forms of travel  
1405 insurance; providing applicability of certain  
1406 provisions of the Rating Law; authorizing the  
1407 development and provision of travel insurance programs  
1408 on certain bases; creating s. 647.08, F.S.; requiring  
1409 the department to adopt rules; providing effective  
1410 dates.