

**By** Senator Brandes

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1                   A bill to be entitled  
2                   An act relating to financial services; amending s.  
3                   215.555, F.S.; redefining the term "covered policy"  
4                   under the Florida Hurricane Catastrophe Fund in  
5                   relation to certain collateral protection insurance  
6                   policies; requiring the Office of Insurance Regulation  
7                   to retain an independent consultant to audit the  
8                   fund's reimbursement premium formula at specified  
9                   intervals; specifying requirements for the audit;  
10                  requiring the office to report audit findings and  
11                  certain recommendations to the Financial Services  
12                  Commission and the Legislature; amending s. 319.30,  
13                  F.S.; revising a certain electronic signature  
14                  requirement for a motor vehicle salvage certificate of  
15                  title; amending s. 624.155, F.S.; revising  
16                  requirements for the civil remedy notice provided to  
17                  insurers and the Department of Financial Services;  
18                  revising the timeframe for an insurer to pay damages  
19                  or for certain circumstances to be corrected; revising  
20                  circumstances that toll the applicable statute of  
21                  limitations; amending ss. 624.307 and 624.315, F.S.;  
22                  providing that certain aggregate information  
23                  containing trade secret information may be publicly  
24                  disclosed by the department or office, except under  
25                  certain circumstances; amending s. 626.854, F.S.;  
26                  deleting a requirement for certain persons acting on  
27                  behalf of an insurer to provide certain notice before  
28                  scheduling a meeting or onsite inspection for certain  
29                  purposes; conforming a cross-reference; amending s.

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30        626.916, F.S.; adding a condition for export  
31        eligibility under the Surplus Lines Law for certain  
32        risks; amending s. 626.918, F.S.; adding certain  
33        unauthorized insurers that may become eligible surplus  
34        lines insurers; amending s. 626.931, F.S.; deleting a  
35        requirement for certain surplus lines agents to file  
36        quarterly affidavits with the Florida Surplus Lines  
37        Service Office; conforming cross-references; amending  
38        s. 626.932, F.S.; revising the time when surplus lines  
39        agents must remit surplus lines taxes; amending s.  
40        626.935, F.S.; conforming a provision to changes made  
41        by the act; amending s. 627.062, F.S.; specifying that  
42        certain periods ending on a weekend or on certain  
43        holidays are extended until the conclusion of the next  
44        business day; prohibiting the office from disapproving  
45        a homeowners' insurance rate in a rate filing solely  
46        on specified grounds; amending s. 627.0629, F.S.;  
47        authorizing, rather than requiring, rate filings for  
48        certain residential property insurance to include  
49        certain rate factors; amending ss. 627.0651 and  
50        627.410, F.S.; specifying that certain periods ending  
51        on a weekend or on certain holidays are extended until  
52        the conclusion of the next business day; amending s.  
53        627.7011, F.S.; providing that homeowners' insurers  
54        are not prohibited from offering policies or  
55        endorsements providing for a certain adjustment basis  
56        on certain losses; amending s. 627.70132, F.S.;  
57        revising property insurance coverages for which a  
58        notice of a claim must be given to the insurer within

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59       a specified timeframe; revising the timeframe for  
60       providing notices of hurricane claims; creating s.  
61       627.70152, F.S.; requiring named insureds to provide  
62       insurers with a specified notice as a condition  
63       precedent to filing suit under a property insurance  
64       policy; specifying the manner and timeframe in which  
65       such notice must be provided; requiring insurers to  
66       acknowledge receipt of the notice within a certain  
67       timeframe; providing that the named insured has the  
68       burden to demonstrate that the insurer is not  
69       prejudiced by certain circumstances; requiring the  
70       named insured to sign the civil complaint; amending s.  
71       627.714, F.S.; revising criteria for assessing a  
72       residential condominium unit owner's loss assessment  
73       coverage; reviving, reenacting, and amending s.  
74       627.715(4), F.S.; providing an exemption from a  
75       diligent effort requirement for surplus lines agents  
76       exporting contracts or endorsements providing flood  
77       coverage; providing for expiration; amending s.  
78       627.7152, F.S.; specifying the manner in which an  
79       assignee of certain property insurance policy benefits  
80       must serve a notice of intent to initiate litigation;  
81       amending s. 627.7295, F.S.; decreasing the timeframe  
82       during which an insurer is prohibited from canceling a  
83       new policy or binder of motor vehicle insurance for  
84       nonpayment of premium, except under certain  
85       circumstances; amending s. 629.401, F.S.; revising  
86       criteria for surplus lines insurance in insurance  
87       exchanges; amending ss. 634.171, 634.317, and 634.419,

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88       F.S.; authorizing licensed personal lines and general  
89       lines agents to solicit, negotiate, advertise, or sell  
90       motor vehicle service agreements, home warranty  
91       contracts, and service warranty contracts,  
92       respectively, without specified licenses; providing  
93       effective dates.

94

95       Be It Enacted by the Legislature of the State of Florida:

96

97       Section 1. Paragraph (c) of subsection (2) of section  
98       215.555, Florida Statutes, is amended, and paragraph (f) is  
99       added to subsection (5) of that section, to read:

100       215.555 Florida Hurricane Catastrophe Fund.—

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

102       (c) "Covered policy" means any insurance policy covering  
103       residential property in this state, including, but not limited  
104       to, any homeowner, mobile home owner, farm owner, condominium  
105       association, condominium unit owner, tenant, or apartment  
106       building policy, or any other policy covering a residential  
107       structure or its contents issued by any authorized insurer,  
108       including a commercial self-insurance fund holding a certificate  
109       of authority issued by the Office of Insurance Regulation under  
110       s. 624.462, the Citizens Property Insurance Corporation, and any  
111       joint underwriting association or similar entity created under  
112       law. The term "covered policy" includes any collateral  
113       protection insurance policy covering personal residences which  
114       protects both the borrower's and the lender's financial  
115       interests, in an amount at least equal to the coverage amount  
116       for the dwelling in place under the lapsed homeowner's policy,

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the coverage amount requested by the lender, provided the homeowner has been notified in writing of the coverage amount, or the coverage amount the homeowner requests from the insurer, if such collateral protection insurance policy can be accurately reported as required in subsection (5). Additionally, covered policies include policies covering the peril of wind removed from the Florida Residential Property and Casualty Joint Underwriting Association or from the Citizens Property Insurance Corporation, created under s. 627.351(6), or from the Florida Windstorm Underwriting Association, created under s. 627.351(2), by an authorized insurer under the terms and conditions of an executed assumption agreement between the authorized insurer and such association or Citizens Property Insurance Corporation. Each assumption agreement between the association and such authorized insurer or Citizens Property Insurance Corporation must be approved by the Office of Insurance Regulation before the effective date of the assumption, and the Office of Insurance Regulation must provide written notification to the board within 15 working days after such approval. "Covered policy" does not include any policy that excludes wind coverage or hurricane coverage or any reinsurance agreement and does not include any policy otherwise meeting this definition which is issued by a surplus lines insurer or a reinsurer. All commercial residential excess policies and all deductible buy-back policies that, based on sound actuarial principles, require individual ratemaking shall be excluded by rule if the actuarial soundness of the fund is not jeopardized. For this purpose, the term "excess policy" means a policy that provides insurance protection for large commercial property risks and that provides

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146 a layer of coverage above a primary layer insured by another  
147 insurer.

148 (5) REIMBURSEMENT PREMIUMS.—

149 (f) The Office of Insurance Regulation shall retain an  
150 independent consultant to audit the formula developed under this  
151 subsection beginning with the 2021 contract year and every 3  
152 years thereafter. The audit may not be performed by the  
153 independent consultant who developed the formula. The audit must  
154 evaluate whether the formula uses actuarially sound principles  
155 and whether insurers are paying an actuarially indicated  
156 premium. The Office of Insurance Regulation shall also recommend  
157 factors, if any, which would enhance the actuarial  
158 sophistication of ratemaking for the fund. The Office of  
159 Insurance Regulation shall report the findings of the audit and  
160 any recommendation to the Financial Services Commission, the  
161 President of the Senate, and the Speaker of the House of  
162 Representatives on or before March 1 of the year after the  
163 contract year audited.

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

167 319.30 Definitions; dismantling, destruction, change of  
168 identity of motor vehicle or mobile home; salvage.—

169 (3)

170 (d) An electronic signature that is consistent with chapter  
171 668 satisfies any signature required under this subsection,  
172 except that an electronic signature on an odometer disclosure  
173 submitted through an insurance company must be executed using an  
174 electronic signature, as defined in s. 668.003(4), which that

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175 uses a system providing an Identity Assurance Level,  
176 Authenticator Assurance Level, and Federation Assurance Level,  
177 as described in the National Institute of Standards and  
178 Technology Special Publication 800-63-3, as of December 1, 2017,  
179 which that are equivalent to or greater than:

180 1. Level 2, for each level, for a certificate of  
181 destruction or.

182 2. ~~Level 3, for each level,~~ for a salvage certificate of  
183 title.

184 Section 3. Subsection (3) of section 624.155, Florida  
185 Statutes, is amended to read:

186 624.155 Civil remedy.—

187 (3) (a) As a condition precedent to bringing an action under  
188 this section, the department and the authorized insurer must  
189 have been given 60 days' written notice of the violation. Notice  
190 to the authorized insurer must be delivered to the name and  
191 address designated by the insurer under s. 624.422(2).

192 (b) The notice shall be on a form provided by the  
193 department and shall state with specificity the following  
194 information, and such other information as the department may  
195 require:

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

198 2. The facts and circumstances giving rise to the  
199 violation.

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

201 4. Reference to specific policy language that is relevant  
202 to the violation, if any. If the person bringing the civil  
203 action is a third party claimant, she or he shall not be

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204 required to reference the specific policy language if the  
205 authorized insurer has not provided a copy of the policy to the  
206 third party claimant pursuant to written request.

207 5. The damages to be paid by the insurer for the claim,  
208 available under and pursuant to the express terms and conditions  
209 of the policy, less any amount earlier paid by the insurer and  
210 any applicable policy deductibles. The notice may not demand  
211 vague remedial action regarding changes to claims-handling  
212 procedures or practices.

213 6. A statement that the notice is given in order to perfect  
214 the right to pursue the civil remedy authorized by this section.

215 (c) No action shall lie if, within 60 days after the  
216 insurer receives filing notice in accordance with this  
217 subsection, the damages are paid or the circumstances giving  
218 rise to the violation are corrected.

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

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

224 1. Sixty-five 65 days by the mailing of the notice required  
225 by this subsection.

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

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

232 Section 4. Subsection (4) of section 624.307, Florida

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233 Statutes, is amended to read:

234 624.307 General powers; duties.—

235 (4) The department and office may each collect, propose,  
236 publish, and disseminate information relating to the subject  
237 matter of any duties imposed upon it by law. Aggregate  
238 information may include information asserted as trade secret  
239 information unless the trade secret information can be  
240 individually extrapolated, in which case the trade secret  
241 information remains protected as provided under s. 624.4213.

242 Section 5. Subsection (4) is added to section 624.315,  
243 Florida Statutes, to read:

244 624.315 Department; annual report.—

245 (4) When aggregate information includes information  
246 asserted as trade secret information, the office may include the  
247 trade secret information in the report required under subsection  
248 (1) or make the trade secret information available under  
249 subsection (2) unless the trade secret information can be  
250 individually extrapolated, in which case the trade secret  
251 information remains protected as provided under s. 624.4213.

252 Section 6. Subsection (13) and present subsection (18) of  
253 section 626.854, Florida Statutes, are amended to read:

254 626.854 "Public adjuster" defined; prohibitions.—The  
255 Legislature finds that it is necessary for the protection of the  
256 public to regulate public insurance adjusters and to prevent the  
257 unauthorized practice of law.

258 ~~(13) A company employee adjuster, independent adjuster,~~  
259 ~~attorney, investigator, or other persons acting on behalf of an~~  
260 ~~insurer that needs access to an insured or claimant or to the~~  
261 ~~insured property that is the subject of a claim must provide at~~

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262 least 48 hours' notice to the insured or claimant, public  
263 adjuster, or legal representative before scheduling a meeting  
264 with the claimant or an onsite inspection of the insured  
265 property. The insured or claimant may deny access to the  
266 property if the notice has not been provided. The insured or  
267 claimant may waive the 48-hour notice.

268 (17) ~~(18)~~ Subsections (5)-(16) ~~(5)-(17)~~ apply only to  
269 residential property insurance policies and condominium unit  
270 owner policies as described in s. 718.111(11).

271 Section 7. Paragraph (f) is added to subsection (1) of  
272 section 626.916, Florida Statutes, to read:

273 626.916 Eligibility for export.—

274 (1) No insurance coverage shall be eligible for export  
275 unless it meets all of the following conditions:

276 (f) For risks placed with an insurer made eligible under s.  
277 626.918(2)(a)1., the policy or contract under which the  
278 insurance is exported must provide that any form of alternative  
279 dispute resolution, including, but not limited to, appraisal or  
280 arbitration, must be conducted in this state.

281 Section 8. Paragraph (a) of subsection (2) of section  
282 626.918, Florida Statutes, is amended to read:

283 626.918 Eligible surplus lines insurers.—

284 (2) An unauthorized insurer may not be or become an  
285 eligible surplus lines insurer unless made eligible by the  
286 office in accordance with the following conditions:

287 (a) The insurer must be either of the following:

288 1. Wholly owned by an insurer domiciled in this state which  
289 is authorized, and has been authorized for at least the 3  
290 preceding years, in this state as to the kind or kinds of

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291 insurance to be so placed. An insurer that meets this  
292 requirement is subject to ss. 624.404, 624.407, 624.4073,  
293 624.408, 624.4085, 624.40851, 624.4095, and 624.424 and chapter  
294 625.

295       2. Currently an authorized insurer in the state or country  
296 of its domicile as to the kind or kinds of insurance proposed to  
297 be so placed and must have been such an insurer for not less  
298 than the 3 years next preceding or must be the wholly owned  
299 subsidiary of such authorized insurer or must be the wholly  
300 owned subsidiary of an already eligible surplus lines insurer as  
301 to the kind or kinds of insurance proposed for a period of not  
302 less than the 3 years next preceding. However, the office may  
303 waive the 3-year requirement if the insurer provides a product  
304 or service not readily available to the consumers of this state  
305 or has operated successfully for a period of at least 1 year  
306 next preceding and has capital and surplus of not less than \$25  
307 million.

308       Section 9. Section 626.931, Florida Statutes, is amended to  
309 read:

310       626.931 Agent affidavit and Insurer reporting  
311 requirements.—

312       (1) Each surplus lines agent that has transacted business  
313 during a calendar quarter shall on or before the 45th day  
314 following the calendar quarter file with the Florida Surplus  
315 Lines Service Office an affidavit, on forms as prescribed and  
316 furnished by the Florida Surplus Lines Service Office, stating  
317 that all surplus lines insurance transacted by him or her during  
318 such calendar quarter has been submitted to the Florida Surplus  
319 Lines Service Office as required.

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320                   (2) The affidavit of the surplus lines agent shall include  
321 efforts made to place coverages with authorized insurers and the  
322 results thereof.

323                   (3) Each foreign insurer accepting premiums shall, on or  
324 before the end of the month following each calendar quarter,  
325 file with the Florida Surplus Lines Service Office a verified  
326 report of all surplus lines insurance transacted by such insurer  
327 for insurance risks located in this state during such calendar  
328 quarter.

329                   (2)-(4) Each alien insurer accepting premiums shall, on or  
330 before June 30 of each year, file with the Florida Surplus Lines  
331 Service Office a verified report of all surplus lines insurance  
332 transacted by such insurer for insurance risks located in this  
333 state during the preceding calendar year.

334                   (3)-(5) The department may waive the filing requirements  
335 described in subsections (1) (3) and (2) (4).

336                   (4)-(6) Each insurer's report and supporting information  
337 shall be in a computer-readable format as determined by the  
338 Florida Surplus Lines Service Office or shall be submitted on  
339 forms prescribed by the Florida Surplus Lines Service Office and  
340 shall show for each applicable agent:

341                   (a) A listing of all policies, certificates, cover notes,  
342 or other forms of confirmation of insurance coverage or any  
343 substitutions thereof or endorsements thereto and the  
344 identifying number; and

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

347                   Section 10. Paragraph (a) of subsection (2) of section  
348 626.932, Florida Statutes, is amended to read:

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349        626.932 Surplus lines tax.—  
350        (2) (a) The surplus lines agent shall make payable to the  
351 department the tax related to each calendar quarter's business  
352 as reported to the Florida Surplus Lines Service Office, and  
353 remit the tax to the Florida Surplus Lines Service Office at the  
354 same time as the fee payment required provided for the filing of  
355 ~~the quarterly affidavit, under s. 626.9325 s. 626.931.~~ The  
356 Florida Surplus Lines Service Office shall forward to the  
357 department the taxes and any interest collected pursuant to  
358 paragraph (b), within 10 days of receipt.

359        Section 11. Paragraph (d) of subsection (1) of section  
360 626.935, Florida Statutes, is amended to read:

361        626.935 Suspension, revocation, or refusal of surplus lines  
362 agent's license.—

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

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

369        Section 12. Paragraphs (a) and (j) of subsection (2) of  
370 section 627.062, Florida Statutes, are amended to read:

371        627.062 Rate standards.—

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

373        (a) Insurers or rating organizations shall establish and  
374 use rates, rating schedules, or rating manuals that allow the  
375 insurer a reasonable rate of return on the classes of insurance  
376 written in this state. A copy of rates, rating schedules, rating  
377 manuals, premium credits or discount schedules, and surcharge

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378 schedules, and changes thereto, must be filed with the office  
379 under one of the following procedures:

380       1. If the filing is made at least 90 days before the  
381 proposed effective date and is not implemented during the  
382 office's review of the filing and any proceeding and judicial  
383 review, such filing is considered a "file and use" filing. In  
384 such case, the office shall finalize its review by issuance of a  
385 notice of intent to approve or a notice of intent to disapprove  
386 within 90 days after receipt of the filing. If the 90-day period  
387 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it  
388 must be extended until the conclusion of the next business day.

389 The notice of intent to approve and the notice of intent to  
390 disapprove constitute agency action for purposes of the  
391 Administrative Procedure Act. Requests for supporting  
392 information, requests for mathematical or mechanical  
393 corrections, or notification to the insurer by the office of its  
394 preliminary findings does not toll the 90-day period during any  
395 such proceedings and subsequent judicial review. The rate shall  
396 be deemed approved if the office does not issue a notice of  
397 intent to approve or a notice of intent to disapprove within 90  
398 days after receipt of the filing.

399       2. If the filing is not made in accordance with  
400 subparagraph 1., such filing must be made as soon as  
401 practicable, but within 30 days after the effective date, and is  
402 considered a "use and file" filing. An insurer making a "use and  
403 file" filing is potentially subject to an order by the office to  
404 return to policyholders those portions of rates found to be  
405 excessive, as provided in paragraph (h).

406       3. For all property insurance filings made or submitted

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407 after January 25, 2007, but before May 1, 2012, an insurer  
408 seeking a rate that is greater than the rate most recently  
409 approved by the office shall make a "file and use" filing. For  
410 purposes of this subparagraph, motor vehicle collision and  
411 comprehensive coverages are not considered property coverages.

412 (j) With respect to residential property insurance rate  
413 filings:~~r~~

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

416 2. The office may not disapprove a rate for homeowners'  
417 insurance solely because the rate filing uses a modeling  
418 indication that is the weighted or straight average of two or  
419 more models currently found to be accurate or reliable pursuant  
420 to s. 627.0628.

421  
422 The provisions of this subsection do not apply to workers'  
423 compensation, employer's liability insurance, and motor vehicle  
424 insurance.

425 Section 13. Paragraph (b) of subsection (2) of section  
426 627.0629, Florida Statutes, is amended to read:

427 627.0629 Residential property insurance; rate filings.—

428 (2)

429 (b) A rate filing for residential property insurance made  
430 more than 150 days after approval by the office of a building  
431 code rating factor plan submitted by a statewide rating  
432 organization may shall include positive and negative rate  
433 factors that reflect the manner in which building code  
434 enforcement in a particular jurisdiction addresses risk of wind  
435 damage. The rate filing shall include variations from standard

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436       rate factors on an individual basis based on inspection of a  
437       particular structure by a licensed home inspector. If an  
438       inspection is requested by the insured, the insurer may require  
439       the insured to pay the reasonable cost of the inspection. This  
440       paragraph applies to structures constructed or renovated after  
441       the implementation of this paragraph.

442       Section 14. Paragraph (a) of subsection (1) of section  
443       627.0651, Florida Statutes, is amended to read:

444       627.0651 Making and use of rates for motor vehicle  
445       insurance.—

446       (1) Insurers shall establish and use rates, rating  
447       schedules, or rating manuals to allow the insurer a reasonable  
448       rate of return on motor vehicle insurance written in this state.  
449       A copy of rates, rating schedules, and rating manuals, and  
450       changes therein, shall be filed with the office under one of the  
451       following procedures:

452       (a) If the filing is made at least 60 days before the  
453       proposed effective date and the filing is not implemented during  
454       the office's review of the filing and any proceeding and  
455       judicial review, such filing shall be considered a "file and  
456       use" filing. In such case, the office shall initiate proceedings  
457       to disapprove the rate and so notify the insurer or shall  
458       finalize its review within 60 days after receipt of the filing.

459       If the 60-day period ends on a weekend or a holiday under s.  
460       110.117(1)(a)-(i), it must be extended until the conclusion of  
461       the next business day. Notification to the insurer by the office  
462       of its preliminary findings shall toll the 60-day period during  
463       any such proceedings and subsequent judicial review. The rate  
464       shall be deemed approved if the office does not issue notice to

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465 the insurer of its preliminary findings within 60 days after the  
466 filing.

467       Section 15. Subsection (2) of section 627.410, Florida  
468 Statutes, is amended to read:

469       627.410 Filing, approval of forms.—

470       (2) Every such filing must be made at least 30 days in  
471 advance of any such use or delivery. At the expiration of the 30  
472 days, the form filed will be deemed approved unless prior  
473 thereto it has been affirmatively approved or disapproved by  
474 order of the office. The approval of such form by the office  
475 constitutes a waiver of any unexpired portion of such waiting  
476 period. The office may extend the period within which it may  
477 affirmatively approve or disapprove such form by up to 15 days  
478 by giving notice of such extension before expiration of the  
479 initial 30-day period. If the initial 30-day period or the 15-  
480 day extension period ends on a weekend or a holiday under s.  
481 110.117(1)(a)-(i), the review period must be extended until the  
482 conclusion of the next business day. At the expiration of such  
483 extended period, and in the absence of prior affirmative  
484 approval or disapproval, such form shall be deemed approved.

485       Section 16. Paragraph (f) is added to subsection (5) of  
486 section 627.7011, Florida Statutes, to read:

487       627.7011 Homeowners' policies; offer of replacement cost  
488 coverage and law and ordinance coverage.—

489       (5) This section does not:

490       (f) Prohibit an insurer from offering a policy or  
491 endorsement providing that a loss to a roof older than 10 years  
492 which is caused by a covered peril other than a hurricane will  
493 be adjusted on the basis of actual cash value.

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494       Section 17. Section 627.70132, Florida Statutes, is amended  
495 to read:

496       627.70132 Notice of property insurance ~~windstorm or~~  
497 ~~hurricane~~ claim.—A claim, supplemental claim, or reopened claim  
498 under an insurance policy that provides property insurance, as  
499 defined in s. 624.604, ~~for loss or damage caused by the peril of~~  
500 ~~windstorm or hurricane~~ is barred unless notice of the claim,  
501 supplemental claim, or reopened claim is was given to the  
502 insurer in accordance with the terms of the policy within 3  
503 years after the date of loss ~~hurricane first made landfall or~~  
504 ~~the windstorm caused the covered damage.~~ This section does not  
505 apply to sinkhole loss claims, which are subject to the time  
506 limitation under s. 627.706(5). For purposes of this section,  
507 the term “supplemental claim” or “reopened claim” means any  
508 additional claim for recovery from the insurer for losses ~~from~~  
509 ~~the same hurricane or windstorm~~ which the insurer has previously  
510 adjusted pursuant to the initial claim. This section does not  
511 affect any applicable limitation on civil actions provided in s.  
512 95.11 for claims, supplemental claims, or reopened claims timely  
513 filed under this section.

514       Section 18. Section 627.70152, Florida Statutes, is created  
515 to read:

516       627.70152 Suits arising under a property insurance policy.—  
517       (1) As a condition precedent to filing suit under a  
518 property insurance policy, the named insured must provide the  
519 insurer with a written notice of intent to initiate litigation  
520 before filing suit under the policy. Concurrent with the notice  
521 and as a precondition to filing suit, the named insured must  
522 provide a detailed written invoice or estimate of services,

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523     including itemized information on equipment, materials, and  
524     supplies; the number of labor hours; and, in the case of work  
525     performed, proof that the work has been performed in accordance  
526     with accepted industry standards. The notice must be served at  
527     least 10 business days before filing suit by certified mail,  
528     return receipt requested, to the name and address designated by  
529     the insurer in the policy forms or by electronic delivery to an  
530     e-mail address designated by the insurer in the policy forms,  
531     but may not be served before the insurer has made a  
532     determination of coverage under s. 627.70131. The notice must  
533     specify the damages in dispute and the amount claimed. An  
534     insurer must acknowledge receipt of the notice in writing within  
535     10 business days after receiving the notice.

536         (2) In any suit arising under a property insurance policy,  
537     the named insured has the burden to demonstrate that the insurer  
538     is not prejudiced by the failure of the named insured, or a  
539     public adjuster or attorney representing the named insured, to  
540     cooperate with the insurer in the claim investigation,  
541     including, but not limited to, failing to allow the insurer to  
542     inspect the property.

543         (3) A named insured filing suit under a property insurance  
544     policy must sign any complaint seeking relief under such policy.

545             Section 19. Subsection (2) of section 627.714, Florida  
546     Statutes, is amended to read:

547             627.714 Residential condominium unit owner coverage; loss  
548     assessment coverage required.—

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

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552 effect 1 day before the date of the occurrence that gave rise to  
553 the loss. Such coverage is applicable to any loss assessment  
554 regardless of the date of the assessment by the association. Any  
555 changes to the limits of a unit owner's coverage for loss  
556 assessments made on or after the day before the date of the  
557 occurrence are not applicable to such loss.

558       Section 20. Notwithstanding the expiration of subsection  
559 (4) of section 627.715, Florida Statutes, which occurred on July  
560 1, 2019, that subsection is revived, reenacted, and amended to  
561 read:

562       627.715 Flood insurance.—An authorized insurer may issue an  
563 insurance policy, contract, or endorsement providing personal  
564 lines residential coverage for the peril of flood or excess  
565 coverage for the peril of flood on any structure or the contents  
566 of personal property contained therein, subject to this section.  
567 This section does not apply to commercial lines residential or  
568 commercial lines nonresidential coverage for the peril of flood.  
569 An insurer may issue flood insurance policies, contracts,  
570 endorsements, or excess coverage on a standard, preferred,  
571 customized, flexible, or supplemental basis.

572       (4) A surplus lines agent may export a contract or  
573 endorsement providing flood coverage to an eligible surplus  
574 lines insurer without making a diligent effort to seek such  
575 coverage from three or more authorized insurers under s.  
576 626.916(1)(a). This subsection expires July 1, 2025 2019, or on  
577 the date on which the Commissioner of Insurance Regulation  
578 determines in writing that there is an adequate admitted market  
579 to provide coverage for the peril of flood consistent with this  
580 section, whichever date occurs first. If there are fewer than

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581 three admitted insurers on the date this subsection expires, the  
582 number of declinations necessary to meet the diligent-effort  
583 requirement shall be no fewer than the number of authorized  
584 insurers providing flood coverage.

585 Section 21. Paragraph (a) of subsection (9) of section  
586 627.7152, Florida Statutes, is amended to read:

587 627.7152 Assignment agreements.—

588 (9)(a) An assignee must provide the named insured, insurer,  
589 and the assignor, if not the named insured, with a written  
590 notice of intent to initiate litigation before filing suit under  
591 the policy. Such notice must be served by certified mail, return  
592 receipt requested, to the name and address designated by the  
593 insurer in the policy forms or by electronic delivery at the e-  
594 mail address designated by the insurer in the policy forms at  
595 least 10 business days before filing suit, but may not be served  
596 before the insurer has made a determination of coverage under s.  
597 627.70131. The notice must specify the damages in dispute, the  
598 amount claimed, and a presuit settlement demand. Concurrent with  
599 the notice, and as a precondition to filing suit, the assignee  
600 must provide the named insured, insurer, and the assignor, if  
601 not the named insured, a detailed written invoice or estimate of  
602 services, including itemized information on equipment,  
603 materials, and supplies; the number of labor hours; and, in the  
604 case of work performed, proof that the work has been performed  
605 in accordance with accepted industry standards.

606 Section 22. Subsection (4) of section 627.7295, Florida  
607 Statutes, is amended to read:

608 627.7295 Motor vehicle insurance contracts.—

609 (4) The insurer may cancel the policy in accordance with

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610 this code except that, notwithstanding s. 627.728, an insurer  
611 may not cancel a new policy or binder during the first 30 60  
612 days immediately following the effective date of the policy or  
613 binder for nonpayment of premium unless the reason for the  
614 cancellation is the issuance of a check for the premium that is  
615 dishonored for any reason or any other type of premium payment  
616 that was subsequently determined to be rejected or invalid.

617 Section 23. Paragraph (a) of subsection (1) of section  
618 629.401, Florida Statutes, is amended to read:

619 629.401 Insurance exchange.—

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

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

626 1. Reinsurance of all kinds of insurance.

627 2. Direct insurance of all kinds on risks located entirely  
628 outside the United States.

629 3. Surplus lines insurance for risks located in this state  
630 eligible for export under s. 626.916 or s. 626.917 and placed  
631 through a licensed Florida surplus lines agent subject to  
632 compliance with ~~the provisions of ss.~~ 626.921, 626.922, 626.923,  
633 626.924, 626.929, 626.9295, and 626.930, ~~and~~ 626.931. With  
634 respect to compliance with s. 626.924, the required legend may  
635 refer to any coverage provided for by a security fund  
636 established under paragraph (3)(d).

637 4. Surplus lines insurance in any other state subject to  
638 the applicable surplus lines laws of such other state for risks

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639 located entirely outside of this state.

640       Section 24. Section 634.171, Florida Statutes, is amended  
641 to read:

642       634.171 Salesperson to be licensed and appointed;  
643 exceptions.—Salespersons for motor vehicle service agreement  
644 companies and insurers shall be licensed, appointed, renewed,  
645 continued, reinstated, or terminated as prescribed in chapter  
646 626 for insurance representatives in general. However, they  
647 shall be exempt from all other provisions of chapter 626  
648 including fingerprinting, photo identification, education, and  
649 examination provisions. License, appointment, and other fees  
650 shall be those prescribed in s. 624.501. A licensed and  
651 appointed salesperson shall be directly responsible and  
652 accountable for all acts of her or his employees and other  
653 representatives. Each service agreement company or insurer  
654 shall, on forms prescribed by the department, within 30 days  
655 after termination of the appointment, notify the department of  
656 such termination. No employee or salesperson of a motor vehicle  
657 service agreement company or insurer may directly or indirectly  
658 solicit or negotiate insurance contracts, or hold herself or  
659 himself out in any manner to be an insurance agent, unless so  
660 qualified, licensed, and appointed therefor under the Florida  
661 Insurance Code. A licensed personal lines or general lines agent  
662 may solicit, negotiate, advertise, or sell motor vehicle service  
663 agreements and is not required to be licensed under this  
664 section. A motor vehicle service agreement company is not  
665 required to be licensed as a salesperson to solicit, sell,  
666 issue, or otherwise transact the motor vehicle service  
667 agreements issued by the motor vehicle service agreement

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668 company.

669       Section 25. Section 634.317, Florida Statutes, is amended  
670 to read:671       634.317 License and appointment required; exception.—No  
672 person may solicit, negotiate, or effectuate home warranty  
673 contracts for remuneration in this state unless such person is  
674 licensed and appointed as a sales representative. A licensed and  
675 appointed sales representative shall be directly responsible and  
676 accountable for all acts of the licensee's employees. A licensed  
677 personal lines or general lines agent may solicit, negotiate,  
678 advertise, or sell home warranty contracts and is not required  
679 to be licensed under this section.680       Section 26. Section 634.419, Florida Statutes, is amended  
681 to read:682       634.419 License and appointment required; exception.—No  
683 person or entity shall solicit, negotiate, advertise, or  
684 effectuate service warranty contracts in this state unless such  
685 person or entity is licensed and appointed as a sales  
686 representative. Sales representatives shall be responsible for  
687 the actions of persons under their supervision. However, a  
688 service warranty association licensed as such under this part  
689 shall not be required to be licensed and appointed as a sales  
690 representative to solicit, negotiate, advertise, or effectuate  
691 its products. A licensed personal lines or general lines agent  
692 may solicit, negotiate, advertise, or sell service warranty  
693 contracts and is not required to be licensed under this section.694       Section 27. Except as otherwise expressly provided in this  
695 act and except for this section, which shall take effect upon  
696 this act becoming a law, this act shall take effect July 1,

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