

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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117 the coverage amount requested by the lender, provided the
118 homeowner has been notified in writing of the coverage amount,
119 or the coverage amount the homeowner requests from the insurer,
120 if such collateral protection insurance policy can be accurately
121 reported as required in subsection (5). Additionally, covered
122 policies include policies covering the peril of wind removed
123 from the Florida Residential Property and Casualty Joint
124 Underwriting Association or from the Citizens Property Insurance
125 Corporation, created under s. 627.351(6), or from the Florida
126 Windstorm Underwriting Association, created under s. 627.351(2),
127 by an authorized insurer under the terms and conditions of an
128 executed assumption agreement between the authorized insurer and
129 such association or Citizens Property Insurance Corporation.
130 Each assumption agreement between the association and such
131 authorized insurer or Citizens Property Insurance Corporation
132 must be approved by the Office of Insurance Regulation before
133 the effective date of the assumption, and the Office of
134 Insurance Regulation must provide written notification to the
135 board within 15 working days after such approval. "Covered
136 policy" does not include any policy that excludes wind coverage
137 or hurricane coverage or any reinsurance agreement and does not
138 include any policy otherwise meeting this definition which is
139 issued by a surplus lines insurer or a reinsurer. All commercial
140 residential excess policies and all deductible buy-back policies
141 that, based on sound actuarial principles, require individual
142 ratemaking shall be excluded by rule if the actuarial soundness
143 of the fund is not jeopardized. For this purpose, the term
144 "excess policy" means a policy that provides insurance
145 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 may 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:⁷

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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