

1 A bill to be entitled
2 An act relating to property insurance claims and
3 reimbursement; amending s. 627.428, F.S.; providing
4 that for certain attorney fees awarded for claims
5 arising under property insurance policies, a strong
6 presumption is created that a lodestar fee is
7 sufficient and reasonable; providing that such
8 presumption may be rebutted only under certain
9 circumstances; amending s. 627.7011, F.S.; providing
10 that certain provisions relating to homeowners'
11 policies, offers of replacement cost coverage, and
12 offers of law and ordinance coverage do not prohibit
13 insurers from providing specified property insurance
14 policies by including roof surface reimbursement
15 schedules; providing requirements for roof surface
16 reimbursement schedules; prohibiting cash value
17 coverages for roofs under certain circumstances;
18 amending s. 627.70132, F.S.; providing that claims,
19 supplemental claims, and reopened claims under certain
20 property insurance policies for loss or damage caused
21 by perils are barred unless notice is given within a
22 specified timeframe; revising the timeframe for
23 notices for loss or damage caused by windstorm or
24 hurricane; revising the definition of the term
25 "supplemental claim" or "reopened claim" to include

26 | all perils; amending s. 627.7015, F.S.; conforming a
 27 | provision to changes made by the act; providing an
 28 | effective date.

30 | Be It Enacted by the Legislature of the State of Florida:

32 | Section 1. Subsection (4) is added to section 627.428,
 33 | Florida Statutes, to read:

34 | 627.428 Attorney fees.—

35 | (4) In an award of attorney fees under this section for a
 36 | claim arising under a property insurance policy, a strong
 37 | presumption is created that a lodestar fee is sufficient and
 38 | reasonable. Such presumption may be rebutted only in a rare and
 39 | exceptional circumstance with evidence that competent counsel
 40 | could not be retained in a reasonable manner.

41 | Section 2. Paragraph (f) is added to subsection (5) of
 42 | section 627.7011, Florida Statutes, to read:

43 | 627.7011 Homeowners' policies; offer of replacement cost
 44 | coverage and law and ordinance coverage.—

45 | (5) This section does not:

46 | (f) Prohibit an insurer from providing limited coverage on
 47 | a personal lines residential property insurance policy by
 48 | including a roof surface reimbursement schedule. A roof surface
 49 | reimbursement schedule must:

50 | 1. Provide reimbursement for repair, replacement, and

51 installation based on the annual age of a roof surface type.

52 2. Provide full replacement coverage for any roof surface
 53 type less than 10 year old.

54 3. Unless otherwise demonstrated to the office to be
 55 actuarially justified, provide for reimbursement amounts of no
 56 less than:

57 a. Seventy percent for a metal roof type.

58 b. Forty percent for a concrete tile and clay tile roof
 59 type.

60 c. Forty percent for a wood shake and wood shingle roof
 61 type.

62 d. Twenty-five percent for all other roof types.

63 4. Include at the top of the schedule, in bold type no
 64 smaller than 12 points, the following statement:

65
 66 "PLEASE DISCUSS WITH YOUR INSURANCE AGENT. YOU ARE ELECTING TO
 67 PURCHASE COVERAGE ON YOUR ROOF ACCORDING TO A ROOF SERVICE
 68 REIMBURSEMENT SCHEDULE. IF YOUR ROOF IS DAMAGED BY A COVERED
 69 PERIL, YOU WILL RECEIVE A PAYMENT AMOUNT FOR YOUR ROOF ACCORDING
 70 TO THE SCHEDULE BELOW. BE ADVISED THIS MAY RESULT IN YOUR HAVING
 71 TO PAY SIGNIFICANT COSTS TO REPAIR OR REPLACE YOUR ROOF. PLEASE
 72 DISCUSS WITH YOUR INSURANCE AGENT."

73
 74 5. Allow for all actuarially sound methods of s. 627.062
 75 to apply.

76 6. Be approved by the office.

77 7. Be provided with the policy documents at issuance and
 78 renewal.

80 Cash value coverage may not apply to a roof if there is a total
 81 loss to a primary structure in accordance with the valued policy
 82 law under s. 627.702 which is caused by a covered peril.

83 Section 3. Section 627.70132, Florida Statutes, is amended
 84 to read:

85 627.70132 Notice of property insurance ~~windstorm or~~
 86 ~~hurricane~~ claim.—A claim, supplemental claim, or reopened claim
 87 under an insurance policy that provides property insurance, as
 88 defined in s. 624.604, for loss or damage caused by any the
 89 ~~peril of windstorm or hurricane~~ is barred unless notice of the
 90 claim, supplemental claim, or reopened claim was given to the
 91 insurer in accordance with the terms of the policy within 2 ~~3~~
 92 years after the date of loss ~~hurricane first made landfall or~~
 93 ~~the windstorm caused the covered damage~~. For purposes of this
 94 section, the term "supplemental claim" or "reopened claim" means
 95 any additional claim for recovery from the insurer for losses
 96 from the same peril ~~hurricane or windstorm~~ which the insurer has
 97 previously adjusted pursuant to the initial claim. This section
 98 does not affect any applicable limitation on civil actions
 99 provided in s. 95.11 for claims, supplemental claims, or
 100 reopened claims timely filed under this section.

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101 Section 4. Paragraph (e) of subsection (9) of section
102 627.7015, Florida Statutes, is amended to read:

103 627.7015 Alternative procedure for resolution of disputed
104 property insurance claims.—

105 (9) For purposes of this section, the term "claim" refers
106 to any dispute between an insurer and a policyholder relating to
107 a material issue of fact other than a dispute:

108 (e) With respect to a ~~windstorm or hurricane~~ loss that
109 does not comply with s. 627.70132.

110 Section 5. This act shall take effect July 1, 2021.