

By the Committee on Banking and Insurance; and Senator Perry

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1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; redefining the term "covered policy" under the
4 Florida Hurricane Catastrophe Fund in relation to
5 certain collateral protection insurance policies;
6 amending s. 624.423, F.S.; specifying when service of
7 process is valid and binding upon insurers; creating
8 s. 624.46227, F.S.; authorizing any association,
9 trust, or pool created for the purpose of forming or
10 managing a risk management mechanism or providing
11 self-insurance for a public entity to establish a
12 quorum and conduct public business through
13 communication media technology; amending s. 626.7351,
14 F.S.; revising a qualification for licensure as a
15 customer representative; amending s. 626.856, F.S.;
16 revising the definition of the term "company employee
17 adjuster"; amending s. 626.9202, F.S.; revising the
18 definition of the term "loss run statement";
19 specifying the entities that must receive requests for
20 loss run statements; specifying that insurers must
21 provide loss run statements under certain
22 circumstances; revising the required claims history in
23 loss run statements; providing applicability; limiting
24 loss run statement requests with respect to group
25 health insurance policies to group policyholders;
26 amending s. 627.062, F.S.; revising the factors for
27 determining whether an insurance rate filing is
28 excessive, inadequate, or unfairly discriminatory;
29 amending s. 627.0629, F.S.; authorizing, rather than

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30 requiring, rate filings for certain residential
31 property insurance to include certain rate factors;
32 authorizing insurers to file certain insurance rating
33 plans based on certain windstorm mitigation
34 construction standards; authorizing insurers to
35 require policyholders to provide evidence of
36 compliance with mitigation standards under certain
37 conditions; amending s. 627.072, F.S.; providing a
38 ratemaking factor for workers' compensation and
39 employer's liability insurance; amending s. 627.351,
40 F.S.; revising conditions for determining the
41 ineligibility of condominiums for wind-only coverage;
42 amending s. 627.421, F.S.; authorizing insurers to
43 electronically transmit policy documents and claims
44 documents under certain circumstances; amending s.
45 627.444, F.S.; revising the definition of the term
46 "loss run statement"; specifying the entities that
47 must receive requests for loss run statements;
48 specifying that insurers must provide loss run
49 statements under certain circumstances; revising the
50 required claims history in loss run statements;
51 providing applicability; limiting loss run statement
52 requests with respect to group health insurance
53 policies to group policyholders; repealing s.
54 627.6647, F.S., relating to the release of information
55 required for bid to group health insurance
56 policyholders; amending s. 627.7011, F.S.; revising
57 conditions for inclusion of costs for law and
58 ordinance coverage in loss adjustments under certain

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59 homeowners' policies; amending s. 627.715, F.S.;

60 providing an exemption from a diligent effort

61 requirement for agents exporting contracts or

62 endorsements providing flood coverage; amending s.

63 627.7152, F.S.; revising the definition of the term

64 "assignment agreement"; specifying the addresses to

65 which a notice of intent must be served; amending s.

66 627.7276, F.S.; revising notice requirements for motor

67 vehicle policies that do not provide coverage for

68 bodily injury and property damage liability; amending

69 ss. 634.171, 634.317, and 634.419, F.S.; authorizing

70 licensed personal lines or general lines agents to

71 solicit, negotiate, advertise, or sell motor vehicle

72 service agreements, home warranty contracts, and

73 service warranties, respectively, without a sales

74 representative license; reenacting s. 627.7153(1) and

75 (2) (d), F.S., relating to policies restricting

76 assignment of post-loss benefits under a property

77 insurance policy, to incorporate the amendment made by

78 the act to s. 627.7152, F.S., in references thereto;

79 providing effective dates.

80

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

82

83 Section 1. Effective June 1, 2021, paragraph (c) of

84 subsection (2) of section 215.555, Florida Statutes, is amended

85 to read:

86 215.555 Florida Hurricane Catastrophe Fund.—

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

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88 (c) "Covered policy" means any insurance policy covering
89 residential property in this state, including, but not limited
90 to, any homeowner, mobile home owner, farm owner, condominium
91 association, condominium unit owner, tenant, or apartment
92 building policy, or any other policy covering a residential
93 structure or its contents issued by any authorized insurer,
94 including a commercial self-insurance fund holding a certificate
95 of authority issued by the Office of Insurance Regulation under
96 s. 624.462, the Citizens Property Insurance Corporation, and any
97 joint underwriting association or similar entity created under
98 law. The term "covered policy" includes any collateral
99 protection insurance policy covering personal residences which
100 protects both the borrower's and the lender's financial
101 interests, in an amount at least equal to the coverage amount
102 for the dwelling in place under the lapsed homeowner's policy,
103 the coverage amount that the homeowner has been notified of, or
104 the coverage amount the homeowner requests from the collateral
105 protection insurer, if such collateral protection insurance
106 policy can be accurately reported as required in subsection (5).
107 Additionally, covered policies include policies covering the
108 peril of wind removed from the Florida Residential Property and
109 Casualty Joint Underwriting Association or from the Citizens
110 Property Insurance Corporation, created under s. 627.351(6), or
111 from the Florida Windstorm Underwriting Association, created
112 under s. 627.351(2), by an authorized insurer under the terms
113 and conditions of an executed assumption agreement between the
114 authorized insurer and such association or Citizens Property
115 Insurance Corporation. Each assumption agreement between the
116 association and such authorized insurer or Citizens Property

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117 Insurance Corporation must be approved by the Office of
118 Insurance Regulation before the effective date of the
119 assumption, and the Office of Insurance Regulation must provide
120 written notification to the board within 15 working days after
121 such approval. "Covered policy" does not include any policy that
122 excludes wind coverage or hurricane coverage or any reinsurance
123 agreement and does not include any policy otherwise meeting this
124 definition which is issued by a surplus lines insurer or a
125 reinsurer. All commercial residential excess policies and all
126 deductible buy-back policies that, based on sound actuarial
127 principles, require individual ratemaking shall be excluded by
128 rule if the actuarial soundness of the fund is not jeopardized.
129 For this purpose, the term "excess policy" means a policy that
130 provides insurance protection for large commercial property
131 risks and that provides a layer of coverage above a primary
132 layer insured by another insurer.

133 Section 2. Effective upon this act becoming a law,
134 subsection (3) of section 624.423, Florida Statutes, is amended
135 to read:

136 624.423 Serving process.—

137 (3) Service of process is valid and binding upon the
138 insurer on the date process served upon the Chief Financial
139 Officer is delivered to the insurer and sent or the insurer has
140 been notified such information has been made available on a
141 secured network in accordance with this section and s.
142 624.307(9) ~~shall for all purposes constitute valid and binding~~
143 ~~service thereof upon the insurer.~~

144 Section 3. Section 624.46227, Florida Statutes, is created
145 to read:

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146 624.46227 Meeting requirements.—Any association, trust, or
147 pool authorized by state law and created for the purpose of
148 forming a risk management mechanism or providing self-insurance
149 for public entities in this state may establish a quorum and
150 conduct public business through communication media technology.

151 Section 4. Subsection (3) of section 626.7351, Florida
152 Statutes, is amended to read:

153 626.7351 Qualifications for customer representative's
154 license.—The department shall not grant or issue a license as
155 customer representative to any individual found by it to be
156 untrustworthy or incompetent, or who does not meet each of the
157 following qualifications:

158 (3) Within 4 years preceding the date that the application
159 for license was filed with the department, the applicant has
160 earned the designation of Accredited Advisor in Insurance (AAI),
161 Associate in General Insurance (AINS), or Accredited Customer
162 Service Representative (ACSR) from the Insurance Institute of
163 America; the designation of Certified Insurance Counselor (CIC)
164 from the Society of Certified Insurance Service Counselors; the
165 designation of Certified Professional Service Representative
166 (CPSR) from the National Foundation for CPSR; the designation of
167 Certified Insurance Service Representative (CISR) from the
168 Society of Certified Insurance Service Representatives; the
169 designation of Certified Insurance Representative (CIR) from
170 All-Lines Training; the designation of Insurance Customer
171 Service Representative (ICSR) from Statewide Insurance
172 Associates LLC; the designation of Professional Customer Service
173 Representative (PCSR) from the Professional Career Institute;
174 the designation of Registered Customer Service Representative

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175 (RCSR) from a regionally accredited postsecondary institution in
176 the state whose curriculum is approved by the department and
177 includes comprehensive analysis of basic property and casualty
178 lines of insurance and testing which demonstrates mastery of the
179 subject; or a degree from an accredited institution of higher
180 learning approved by the department when the degree includes a
181 minimum of 9 credit hours of insurance instruction, including
182 specific instruction in the areas of property, casualty, and
183 inland marine insurance. The department shall adopt rules
184 establishing standards for the approval of curriculum.

185 Section 5. Section 626.856, Florida Statutes, is amended to
186 read:

187 626.856 "Company employee adjuster" defined.—A "company
188 employee adjuster" means a person licensed as an all-lines
189 adjuster who is appointed and employed on an insurer's staff of
190 adjusters, by an affiliate, or by a wholly owned subsidiary of
191 the insurer, and who undertakes on behalf of such insurer or
192 other insurers under common control or ownership to ascertain
193 and determine the amount of any claim, loss, or damage payable
194 under a contract of insurance, or undertakes to effect
195 settlement of such claim, loss, or damage.

196 Section 6. Effective upon this act becoming a law,
197 subsections (1), (2), and (4) of section 626.9202, Florida
198 Statutes, are amended, and subsections (7) and (8) are added to
199 that section, to read:

200 626.9202 Loss run statements for all lines of insurance.—

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

202 (a) "Loss run statement" means a report that contains the
203 policy number, the period of coverage, the number of claims, the

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204 paid losses on all claims, and the date of each loss. The term
205 does not include supporting claim file documentation, including,
206 but not limited to, copies of claim files, investigation
207 reports, evaluation statements, insureds' statements, and
208 documents protected by a common law or statutory privilege. As
209 applied to group health insurance, the term means a report that
210 also contains premiums paid, number of insureds on a monthly
211 basis, and dependent status.

212 (b) "Provide" means to electronically send a document or to
213 allow access through an electronic portal to view or generate a
214 document.

215 (2) Notwithstanding any other law, an insurer shall provide
216 to an insured within 15 calendar days after an individual or
217 entity designated by the insurer receives ~~receipt of the~~
218 insured's written request, either:

219 (a) A loss run statement; or

220 (b) For personal lines of insurance, information on how to
221 obtain a loss run statement at no charge through a consumer
222 reporting agency. However, this section does not prohibit an
223 insured from requesting a loss run statement after receiving
224 information from a consumer reporting agency, in which case the
225 insurer must then provide such loss run statement within 15
226 calendar days after the individual or entity designated by the
227 insurer receives the insured's subsequent written request.

228 (4) A loss run statement provided pursuant to this section
229 must contain a claims history with the insurer for the preceding
230 3 5 years or, if the claims history is less than 3 5 years, a
231 complete claims history with the insurer.

232 (7) This section does not apply to a life insurer as

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233 defined in s. 624.602.

234 (8) For group health insurance, only the group policyholder
235 may request and be provided a loss run statement pursuant to
236 this section.

237 Section 7. Paragraph (b) of subsection (2) of section
238 627.062, Florida Statutes, is amended to read:

239 627.062 Rate standards.—

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

241 (b) Upon receiving a rate filing, the office shall review
242 the filing to determine if a rate is excessive, inadequate, or
243 unfairly discriminatory. In making that determination, the
244 office shall, in accordance with generally accepted and
245 reasonable actuarial techniques, consider the following factors:

246 1. Past and prospective loss experience within and without
247 this state.

248 2. Past and prospective expenses.

249 3. The degree of competition among insurers for the risk
250 insured.

251 4. Investment income reasonably expected by the insurer,
252 consistent with the insurer's investment practices, from
253 investable premiums anticipated in the filing, plus any other
254 expected income from currently invested assets representing the
255 amount expected on unearned premium reserves and loss reserves.

256 The commission may adopt rules using reasonable techniques of
257 actuarial science and economics to specify the manner in which
258 insurers calculate investment income attributable to classes of
259 insurance written in this state and the manner in which
260 investment income is used to calculate insurance rates. Such
261 manner must contemplate allowances for an underwriting profit

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262 factor and full consideration of investment income that produces
263 a reasonable rate of return; however, investment income from
264 invested surplus may not be considered.

265 5. The reasonableness of the judgment reflected in the
266 filing.

267 6. Dividends, savings, or unabsorbed premium deposits
268 allowed or returned to policyholders, members, or subscribers in
269 this state.

270 7. The adequacy of loss reserves.

271 8. The cost of reinsurance. The office may not disapprove a
272 rate as excessive solely due to the insurer having obtained
273 catastrophic reinsurance to cover the insurer's estimated 250-
274 year probable maximum loss or any lower level of loss.

275 9. Trend factors, including trends in actual losses per
276 insured unit for the insurer making the filing.

277 10. Conflagration and catastrophe hazards, if applicable.

278 11. Projected hurricane losses, if applicable, which must
279 be estimated using a model or method found to be acceptable or
280 reliable by the Florida Commission on Hurricane Loss Projection
281 Methodology, and as further provided in s. 627.0628. A
282 residential property insurance rate filing may use a weighted or
283 straight average of two or more such models or methods.

284 12. Projected flood losses for personal residential
285 property insurance, if applicable, which may be estimated using
286 a model or method, or a straight average of model results or
287 output ranges, independently found to be acceptable or reliable
288 by the Florida Commission on Hurricane Loss Projection
289 Methodology and as further provided in s. 627.0628.

290 13. A reasonable margin for underwriting profit and

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291 contingencies.

292 14. The cost of medical services, if applicable.

293 15. Other relevant factors that affect the frequency or
294 severity of claims or expenses.

295

296 The provisions of this subsection do not apply to workers'
297 compensation, employer's liability insurance, and motor vehicle
298 insurance.

299 Section 8. Paragraph (b) of subsection (2) of section
300 627.0629, Florida Statutes, is amended, and subsection (9) is
301 added to that section, to read:

302 627.0629 Residential property insurance; rate filings.—

303 (2)

304 (b) A rate filing for residential property insurance made
305 more than 150 days after approval by the office of a building
306 code rating factor plan submitted by a statewide rating
307 organization may ~~shall~~ include positive and negative rate
308 factors that reflect the manner in which building code
309 enforcement in a particular jurisdiction addresses risk of wind
310 damage. The rate filing must ~~shall~~ include variations from
311 standard rate factors on an individual basis based on inspection
312 of a particular structure by a licensed home inspector. If an
313 inspection is requested by the insured, the insurer may require
314 the insured to pay the reasonable cost of the inspection. This
315 paragraph applies to structures constructed or renovated after
316 the implementation of this paragraph.

317 (9) An insurer may file with the office a personal lines
318 residential property insurance rating plan that provides
319 justified premium discounts, credits, or other rate

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320 differentials based on windstorm mitigation construction
321 standards developed by an independent, not-for-profit,
322 scientific research organization, if such standards meet the
323 requirements of this section. The insurer may require a
324 policyholder who elects to construct or retrofit the structure,
325 in whole or in part, for windstorm mitigation purposes to
326 present to the insurer evidence of compliance with the
327 mitigation standards before receiving any premium discount,
328 credit, or rate reduction allowed under the rating plan.

329 Section 9. Subsection (1) of section 627.072, Florida
330 Statutes, is amended to read:

331 627.072 Making and use of rates.—

332 (1) As to workers' compensation and employer's liability
333 insurance, the following factors shall be used in the
334 determination and fixing of rates:

335 (a) The past loss experience and prospective loss
336 experience within and outside this state;

337 (b) The impact resulting from the past loss experience and
338 prospective loss experience for insurers whose data are missing
339 from statewide experience due to insolvency. Prior reported data
340 for such insurers and all other relevant information may be used
341 to assess the impact on rates;

342 (c) ~~(b)~~ The conflagration and catastrophe hazards;

343 (d) ~~(e)~~ A reasonable margin for underwriting profit and
344 contingencies;

345 (e) ~~(d)~~ Dividends, savings, or unabsorbed premium deposits
346 allowed or returned by insurers to their policyholders, members,
347 or subscribers;

348 (f) ~~(e)~~ Investment income on unearned premium reserves and

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349 loss reserves;

350 (g)~~(f)~~ Past expenses and prospective expenses, both those
351 countrywide and those specifically applicable to this state; and

352 (h)~~(g)~~ All other relevant factors, including judgment
353 factors, within and outside this state.

354 Section 10. Paragraph (a) of subsection (6) of section
355 627.351, Florida Statutes, is amended to read:

356 627.351 Insurance risk apportionment plans.—

357 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

358 (a) The public purpose of this subsection is to ensure that
359 there is an orderly market for property insurance for residents
360 and businesses of this state.

361 1. The Legislature finds that private insurers are
362 unwilling or unable to provide affordable property insurance
363 coverage in this state to the extent sought and needed. The
364 absence of affordable property insurance threatens the public
365 health, safety, and welfare and likewise threatens the economic
366 health of the state. The state therefore has a compelling public
367 interest and a public purpose to assist in assuring that
368 property in the state is insured and that it is insured at
369 affordable rates so as to facilitate the remediation,
370 reconstruction, and replacement of damaged or destroyed property
371 in order to reduce or avoid the negative effects otherwise
372 resulting to the public health, safety, and welfare, to the
373 economy of the state, and to the revenues of the state and local
374 governments which are needed to provide for the public welfare.
375 It is necessary, therefore, to provide affordable property
376 insurance to applicants who are in good faith entitled to
377 procure insurance through the voluntary market but are unable to

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378 do so. The Legislature intends, therefore, that affordable
379 property insurance be provided and that it continue to be
380 provided, as long as necessary, through Citizens Property
381 Insurance Corporation, a government entity that is an integral
382 part of the state, and that is not a private insurance company.
383 To that end, the corporation shall strive to increase the
384 availability of affordable property insurance in this state,
385 while achieving efficiencies and economies, and while providing
386 service to policyholders, applicants, and agents which is no
387 less than the quality generally provided in the voluntary
388 market, for the achievement of the foregoing public purposes.
389 Because it is essential for this government entity to have the
390 maximum financial resources to pay claims following a
391 catastrophic hurricane, it is the intent of the Legislature that
392 the corporation continue to be an integral part of the state and
393 that the income of the corporation be exempt from federal income
394 taxation and that interest on the debt obligations issued by the
395 corporation be exempt from federal income taxation.

396 2. The Residential Property and Casualty Joint Underwriting
397 Association originally created by this statute shall be known as
398 the Citizens Property Insurance Corporation. The corporation
399 shall provide insurance for residential and commercial property,
400 for applicants who are entitled, but, in good faith, are unable
401 to procure insurance through the voluntary market. The
402 corporation shall operate pursuant to a plan of operation
403 approved by order of the Financial Services Commission. The plan
404 is subject to continuous review by the commission. The
405 commission may, by order, withdraw approval of all or part of a
406 plan if the commission determines that conditions have changed

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407 since approval was granted and that the purposes of the plan
408 require changes in the plan. For the purposes of this
409 subsection, residential coverage includes both personal lines
410 residential coverage, which consists of the type of coverage
411 provided by homeowner, mobile home owner, dwelling, tenant,
412 condominium unit owner, and similar policies; and commercial
413 lines residential coverage, which consists of the type of
414 coverage provided by condominium association, apartment
415 building, and similar policies.

416 3. With respect to coverage for personal lines residential
417 structures:

418 a. Effective January 1, 2014, a structure that has a
419 dwelling replacement cost of \$1 million or more, or a single
420 condominium unit that has a combined dwelling and contents
421 replacement cost of \$1 million or more, is not eligible for
422 coverage by the corporation. Such dwellings insured by the
423 corporation on December 31, 2013, may continue to be covered by
424 the corporation until the end of the policy term. The office
425 shall approve the method used by the corporation for valuing the
426 dwelling replacement cost for the purposes of this subparagraph.
427 If a policyholder is insured by the corporation before being
428 determined to be ineligible pursuant to this subparagraph and
429 such policyholder files a lawsuit challenging the determination,
430 the policyholder may remain insured by the corporation until the
431 conclusion of the litigation.

432 b. Effective January 1, 2015, a structure that has a
433 dwelling replacement cost of \$900,000 or more, or a single
434 condominium unit that has a combined dwelling and contents
435 replacement cost of \$900,000 or more, is not eligible for

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436 coverage by the corporation. Such dwellings insured by the
437 corporation on December 31, 2014, may continue to be covered by
438 the corporation only until the end of the policy term.

439 c. Effective January 1, 2016, a structure that has a
440 dwelling replacement cost of \$800,000 or more, or a single
441 condominium unit that has a combined dwelling and contents
442 replacement cost of \$800,000 or more, is not eligible for
443 coverage by the corporation. Such dwellings insured by the
444 corporation on December 31, 2015, may continue to be covered by
445 the corporation until the end of the policy term.

446 d. Effective January 1, 2017, a structure that has a
447 dwelling replacement cost of \$700,000 or more, or a single
448 condominium unit that has a combined dwelling and contents
449 replacement cost of \$700,000 or more, is not eligible for
450 coverage by the corporation. Such dwellings insured by the
451 corporation on December 31, 2016, may continue to be covered by
452 the corporation until the end of the policy term.

453

454 The requirements of sub-subparagraphs b.-d. do not apply in
455 counties where the office determines there is not a reasonable
456 degree of competition. In such counties a personal lines
457 residential structure that has a dwelling replacement cost of
458 less than \$1 million, or a single condominium unit that has a
459 combined dwelling and contents replacement cost of less than \$1
460 million, is eligible for coverage by the corporation.

461 4. It is the intent of the Legislature that policyholders,
462 applicants, and agents of the corporation receive service and
463 treatment of the highest possible level but never less than that
464 generally provided in the voluntary market. It is also intended

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465 that the corporation be held to service standards no less than
466 those applied to insurers in the voluntary market by the office
467 with respect to responsiveness, timeliness, customer courtesy,
468 and overall dealings with policyholders, applicants, or agents
469 of the corporation.

470 5.a. Effective January 1, 2009, a personal lines
471 residential structure that is located in the "wind-borne debris
472 region," as defined in s. 1609.2, International Building Code
473 (2006), and that has an insured value on the structure of
474 \$750,000 or more is not eligible for coverage by the corporation
475 unless the structure has opening protections as required under
476 the Florida Building Code for a newly constructed residential
477 structure in that area. A residential structure is deemed to
478 comply with this sub-subparagraph if it has shutters or opening
479 protections on all openings and if such opening protections
480 complied with the Florida Building Code at the time they were
481 installed.

482 b. Any major structure, as defined in s. 161.54(6)(a), that
483 is newly constructed, or rebuilt, repaired, restored, or
484 remodeled to increase the total square footage of finished area
485 by more than 25 percent, pursuant to a permit applied for after
486 July 1, 2015, is not eligible for coverage by the corporation if
487 the structure is seaward of the coastal construction control
488 line established pursuant to s. 161.053 or is within the Coastal
489 Barrier Resources System as designated by 16 U.S.C. ss. 3501-
490 3510.

491 6. With respect to wind-only coverage for commercial lines
492 residential condominiums, ~~effective July 1, 2014,~~ a condominium
493 may shall be deemed ineligible for coverage when if 50 percent

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494 or more of the units are rented more than eight times in a
495 calendar year for a rental agreement period of less than 30
496 days.

497 Section 11. Subsection (6) is added to section 627.421,
498 Florida Statutes, to read:

499 627.421 Delivery of policy.—

500 (6) If a policy is sold in a wholly electronic manner, the
501 insurer may electronically transmit all policy documents and
502 claims communications to the insured or policyholder so long as
503 the insurer provides a disclosure to the insured or policyholder
504 at the time of sale.

505 Section 12. Effective upon this act becoming a law,
506 subsections (1), (2), and (4) of section 627.444, Florida
507 Statutes, are amended, and subsections (7) and (8) are added to
508 that section, to read:

509 627.444 Loss run statements for all lines of insurance.—

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

511 (a) "Loss run statement" means a report that contains the
512 policy number, the period of coverage, the number of claims, the
513 paid losses on all claims, and the date of each loss. The term
514 does not include supporting claim file documentation, including,
515 but not limited to, copies of claim files, investigation
516 reports, evaluation statements, insureds' statements, and
517 documents protected by a common law or statutory privilege. As
518 applied to group health insurance, the term means a report that
519 also contains premiums paid, number of insureds on a monthly
520 basis, and dependent status.

521 (b) "Provide" means to electronically send a document or to
522 allow access through an electronic portal to view or generate a

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523 document.

524 (2) Notwithstanding any other law, an insurer shall provide
525 to an insured within 15 calendar days after an individual or
526 entity designated by the insurer receives ~~receipt of the~~
527 insured's written request, either:

528 (a) A loss run statement; or

529 (b) For personal lines of insurance, information on how to
530 obtain a loss run statement at no charge through a consumer
531 reporting agency. However, this section does not prohibit an
532 insured from requesting a loss run statement after receiving
533 information from a consumer reporting agency, in which case the
534 insurer must then provide such loss run statement within 15
535 calendar days after the individual or entity designated by the
536 insurer receives the insured's subsequent written request.

537 (4) A loss run statement provided pursuant to this section
538 must contain a claims history with the insurer for the preceding
539 3 5 years or, if the claims history is less than 3 5 years, a
540 complete claims history with the insurer.

541 (7) This section does not apply to a life insurer as
542 defined in s. 624.602.

543 (8) For group health insurance, only the group policyholder
544 may request and be provided a loss run statement pursuant to
545 this section.

546 Section 13. Section 627.6647, Florida Statutes, is
547 repealed.

548 Section 14. Paragraph (b) of subsection (1) of section
549 627.7011, Florida Statutes, is amended to read:

550 627.7011 Homeowners' policies; offer of replacement cost
551 coverage and law and ordinance coverage.-

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552 (1) Prior to issuing a homeowner's insurance policy, the
553 insurer must offer each of the following:

554 (b) A policy or endorsement providing that, subject to
555 other policy provisions, any loss that is repaired or replaced
556 at any location will be adjusted on the basis of replacement
557 costs to the dwelling not exceeding policy limits, rather than
558 actual cash value, and also including costs necessary to meet
559 applicable laws and ordinances enacted on or before the time of
560 loss which regulate ~~regulating~~ the construction, use, or repair
561 of any property or require ~~requiring~~ the tearing down of any
562 property, including the costs of removing debris. However,
563 additional costs necessary to meet applicable laws and
564 ordinances may be limited to 25 percent or 50 percent of the
565 dwelling limit, as selected by the policyholder, and such
566 coverage applies only to repairs of the damaged portion of the
567 structure unless the total damage to the structure exceeds 50
568 percent of the replacement cost of the structure.

569
570 An insurer is not required to make the offers required by this
571 subsection with respect to the issuance or renewal of a
572 homeowner's policy that contains the provisions specified in
573 paragraph (b) for law and ordinance coverage limited to 25
574 percent of the dwelling limit, except that the insurer must
575 offer the law and ordinance coverage limited to 50 percent of
576 the dwelling limit. This subsection does not prohibit the offer
577 of a guaranteed replacement cost policy.

578 Section 15. Effective upon this act becoming a law, present
579 subsections (4) through (10) of section 627.715, Florida
580 Statutes, are redesignated as subsections (5) through (11),

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581 respectively, and a new subsection (4) is added to that section,
582 to read:

583 627.715 Flood insurance.—An authorized insurer may issue an
584 insurance policy, contract, or endorsement providing personal
585 lines residential coverage for the peril of flood or excess
586 coverage for the peril of flood on any structure or the contents
587 of personal property contained therein, subject to this section.
588 This section does not apply to commercial lines residential or
589 commercial lines nonresidential coverage for the peril of flood.
590 An insurer may issue flood insurance policies, contracts,
591 endorsements, or excess coverage on a standard, preferred,
592 customized, flexible, or supplemental basis.

593 (4) An agent may export a contract or an endorsement
594 providing flood coverage to an eligible surplus lines insurer
595 without making a diligent effort to seek such coverage from
596 three or more authorized insurers under s. 626.916(1) (a).

597 Section 16. Effective upon this act becoming a law,
598 paragraph (b) of subsection (1) and paragraph (a) of subsection
599 (9) of section 627.7152, Florida Statutes, are amended to read:

600 627.7152 Assignment agreements.—

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

602 (b) "Assignment agreement" means any instrument by which
603 post-loss benefits under a residential property insurance policy
604 or commercial property insurance policy, as that term is defined
605 in s. 627.0625(1), are assigned or transferred, or acquired in
606 any manner, in whole or in part, to or from a person providing
607 services, including, but not limited to, scopes of service, to
608 inspect, protect, repair, restore, or replace property or to
609 mitigate against further damage to the property. The term does

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610 not include fees collected by a public adjuster as defined in
611 626.854.

612 (9) (a) An assignee must provide the named insured, insurer,
613 and the assignor, if not the named insured, with a written
614 notice of intent to initiate litigation before filing suit under
615 the policy. Such notice must be served by certified mail, return
616 receipt requested, to the name and mailing address designated by
617 the insurer in the policy forms, or by electronic delivery at
618 the e-mail address designated by the insurer in the policy forms
619 at least 10 business days before filing suit, but may not be
620 served before the insurer has made a determination of coverage
621 under s. 627.70131. The notice must specify the damages in
622 dispute, the amount claimed, and a presuit settlement demand.
623 Concurrent with the notice, and as a precondition to filing
624 suit, the assignee must provide the named insured, insurer, and
625 the assignor, if not the named insured, a detailed written
626 invoice or estimate of services, including itemized information
627 on equipment, materials, and supplies; the number of labor
628 hours; and, in the case of work performed, proof that the work
629 has been performed in accordance with accepted industry
630 standards.

631 Section 17. Section 627.7276, Florida Statutes, is amended
632 to read:

633 627.7276 Notice of limited coverage.—

634 (1) An automobile policy that does not contain coverage for
635 bodily injury and property damage must include a notice ~~be~~
636 ~~clearly stamped or printed to the effect~~ that such coverage is
637 not included in the policy in the following manner:

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639 "THIS POLICY DOES NOT PROVIDE BODILY INJURY AND
640 PROPERTY DAMAGE LIABILITY INSURANCE OR ANY OTHER
641 COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT
642 MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL
643 RESPONSIBILITY LAW."

644
645 (2) This notice ~~legend~~ must accompany ~~appear on~~ the policy
646 declaration page and ~~on the filing back of the policy and be~~
647 ~~printed in a contrasting color from that used on the policy and~~
648 ~~in type and larger than the largest type used in the text at~~
649 least as large as the type and text used on the declarations
650 page thereof, as an overprint or by a rubber stamp impression.

651 Section 18. Section 634.171, Florida Statutes, is amended
652 to read:

653 634.171 Salesperson to be licensed and appointed;
654 exemptions.—Salespersons for motor vehicle service agreement
655 companies and insurers shall be licensed, appointed, renewed,
656 continued, reinstated, or terminated as prescribed in chapter
657 626 for insurance representatives in general. However, they
658 shall be exempt from all other provisions of chapter 626
659 including fingerprinting, photo identification, education, and
660 examination provisions. License, appointment, and other fees
661 shall be those prescribed in s. 624.501. A licensed and
662 appointed salesperson shall be directly responsible and
663 accountable for all acts of her or his employees and other
664 representatives. Each service agreement company or insurer
665 shall, on forms prescribed by the department, within 30 days
666 after termination of the appointment, notify the department of
667 such termination. An ~~No~~ employee or salesperson of a motor

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668 vehicle service agreement company or insurer may not directly or
669 indirectly solicit or negotiate insurance contracts, or hold
670 herself or himself out in any manner to be an insurance agent,
671 unless so qualified, licensed, and appointed therefor under the
672 Florida Insurance Code. A licensed personal lines or general
673 lines agent is not required to be licensed as a salesperson
674 under this section to solicit, negotiate, advertise, or sell
675 motor vehicle service agreements. A motor vehicle service
676 agreement company is not required to be licensed as a
677 salesperson to solicit, sell, issue, or otherwise transact the
678 motor vehicle service agreements issued by the motor vehicle
679 service agreement company.

680 Section 19. Section 634.317, Florida Statutes, is amended
681 to read:

682 634.317 License and appointment required; exemptions. ~~A No~~
683 person may not solicit, negotiate, or effectuate home warranty
684 contracts for remuneration in this state unless such person is
685 licensed and appointed as a sales representative. A licensed and
686 appointed sales representative shall be directly responsible and
687 accountable for all acts of the licensee's employees. A licensed
688 personal lines or general lines agent is not required to be
689 licensed as a sales representative under this section to
690 solicit, negotiate, advertise, or sell home warranty contracts.

691 Section 20. Section 634.419, Florida Statutes, is amended
692 to read:

693 634.419 License and appointment required; exemptions. ~~A No~~
694 person or entity may not ~~shall~~ solicit, negotiate, advertise, or
695 effectuate service warranty contracts in this state unless such
696 person or entity is licensed and appointed as a sales

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697 representative. Sales representatives shall be responsible for
698 the actions of persons under their supervision. However, a
699 service warranty association licensed as such under this part is
700 ~~shall not be~~ required to be licensed and appointed as a sales
701 representative to solicit, negotiate, advertise, or effectuate
702 its products. A licensed personal lines or general lines agent
703 is not required to be licensed as a sales representative under
704 this section to solicit, negotiate, advertise, or sell service
705 warranties.

706 Section 21. Effective upon this act becoming a law, for the
707 purpose of incorporating the amendment made by this act to
708 section 627.7152, Florida Statutes, in references thereto,
709 subsection (1) and paragraph (d) of subsection (2) of section
710 627.7153, Florida Statutes, are reenacted to read:

711 627.7153 Policies restricting assignment of post-loss
712 benefits under a property insurance policy.—

713 (1) As used in this section, the term "assignment
714 agreement" has the same meaning as provided in s. 627.7152.

715 (2) An insurer may make available a policy that restricts
716 in whole or in part an insured's right to execute an assignment
717 agreement only if all of the following conditions are met:

718 (d) Each restricted policy include on its face the
719 following notice in 18-point uppercase and boldfaced type:

720
721 THIS POLICY DOES NOT ALLOW THE UNRESTRICTED ASSIGNMENT
722 OF POST-LOSS INSURANCE BENEFITS. BY SELECTING THIS
723 POLICY, YOU WAIVE YOUR RIGHT TO FREELY ASSIGN OR
724 TRANSFER THE POST-LOSS PROPERTY INSURANCE BENEFITS
725 AVAILABLE UNDER THIS POLICY TO A THIRD PARTY OR TO

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726 OTHERWISE FREELY ENTER INTO AN ASSIGNMENT AGREEMENT AS
727 THE TERM IS DEFINED IN SECTION 627.7152 OF THE FLORIDA
728 STATUTES.

729 Section 22. Except as otherwise expressly provided in this
730 act and except for this section, which shall take effect upon
731 this act becoming a law, this act shall take effect July 1,
732 2021.