

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 an association, trust,
9 or pool created for the purpose of forming a risk
10 management mechanism or providing self-insurance for a
11 public entity to establish a quorum and conduct public
12 business through communications media technology;
13 amending s. 626.7351, F.S.; revising a qualification
14 for licensure as a customer representative; amending
15 s. 626.856, F.S.; revising the definition of the term
16 "company employee adjuster"; amending s. 626.9202,
17 F.S.; revising the definition of the term "loss run
18 statement"; specifying the entities that must receive
19 requests for loss run statements; specifying that
20 insurers must provide loss run statements under
21 certain circumstances; revising the required claims
22 history in loss run statements; providing
23 applicability; limiting loss run statement requests
24 with respect to group health insurance policies to
25 group policyholders; amending s. 627.062, F.S.;

26 | revising the factors for determining whether an
27 | insurance rate filing is excessive, inadequate, or
28 | unfairly discriminatory; amending s. 627.0629, F.S.;
29 | authorizing, rather than requiring, rate filings for
30 | certain residential property insurance to include
31 | certain rate factors; authorizing insurers to file
32 | certain insurance rating plans based on certain
33 | windstorm mitigation construction standards;
34 | authorizing insurers to require policyholders to
35 | provide evidence of compliance with mitigation
36 | standards under certain conditions; amending s.
37 | 627.072, F.S.; providing a ratemaking factor for
38 | workers' compensation and employer's liability
39 | insurance; amending s. 627.351, F.S.; revising
40 | conditions for determining the ineligibility of
41 | condominiums for wind-only coverage; amending s.
42 | 627.421, F.S.; authorizing insurers to electronically
43 | transmit policy documents and claims communications
44 | under certain circumstances; amending s. 627.444,
45 | F.S.; revising the definition of the term "loss run
46 | statement"; specifying the entities that must receive
47 | requests for loss run statements; specifying that
48 | insurers must provide loss run statements under
49 | certain circumstances; revising the required claims
50 | history in loss run statements; providing

51 applicability; limiting loss run statement requests
52 with respect to group health insurance policies to
53 group policyholders; repealing s. 627.6647, F.S.,
54 relating to the release of information required for
55 bid to group health insurance policyholders; amending
56 s. 627.7011, F.S.; revising conditions for inclusion
57 of costs for law and ordinance coverage in loss
58 adjustments under certain homeowners' policies;
59 amending s. 627.715, F.S.; providing an exemption from
60 a diligent effort requirement for agents exporting
61 contracts or endorsements providing flood coverage;
62 amending s. 627.7152, F.S.; revising the definition of
63 the term "assignment agreement"; specifying the
64 addresses to which a notice of intent to initiate
65 litigation must be served; amending s. 627.7276, F.S.;
66 revising notice requirements for motor vehicle
67 policies that do not provide coverage for bodily
68 injury and property damage liability; amending ss.
69 634.171, 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:

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
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:

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 communications 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
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
 186 | to 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
 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 the premiums paid, the number of insureds on a
 211 monthly basis, and the dependent status.

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

215 (2) Notwithstanding any other law, an insurer shall
 216 provide to an insured within 15 calendar days after an
 217 individual or entity designated by the insurer receives ~~receipt~~
 218 ~~of~~ the 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 the 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
 233 defined in s. 624.602.

234 (8) For group health insurance, only the group
 235 policyholder may request and be provided a loss run statement
 236 pursuant to 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
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
272 a 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
 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
 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
 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
359 | that there is an orderly market for property insurance for
360 | residents 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
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
397 Underwriting Association originally created by this statute
398 shall be known as the Citizens Property Insurance Corporation.
399 The corporation shall provide insurance for residential and
400 commercial property, for applicants who are entitled, but, in

401 good faith, are unable to procure insurance through the
402 voluntary market. The corporation shall operate pursuant to a
403 plan of operation approved by order of the Financial Services
404 Commission. The plan is subject to continuous review by the
405 commission. The commission may, by order, withdraw approval of
406 all or part of a plan if the commission determines that
407 conditions have changed since approval was granted and that the
408 purposes of the plan require changes in the plan. For the
409 purposes of this subsection, residential coverage includes both
410 personal lines residential coverage, which consists of the type
411 of coverage provided by homeowner, mobile home owner, dwelling,
412 tenant, condominium unit owner, and similar policies; and
413 commercial lines residential coverage, which consists of the
414 type of 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
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
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),
483 that 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
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 if the
 503 insurer provides a disclosure to the insured or policyholder at
 504 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 the premiums paid, the number of insureds on a
 520 monthly basis, and the dependent status.

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

524 (2) Notwithstanding any other law, an insurer shall
 525 provide to an insured within 15 calendar days after an

526 individual or entity designated by the insurer receives ~~receipt~~
527 ~~of~~ the 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 the 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
544 policyholder may request and be provided a loss run statement
545 pursuant to 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.—

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,
 579 present subsections (4) through (10) of section 627.715, Florida
 580 Statutes, are redesignated as subsections (5) through (11),
 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
 584 an 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
610 not include fees collected by a public adjuster as defined in s.
611 626.854(1).

612 (9) (a) An assignee must provide the named insured,
613 insurer, and the assignor, if not the named insured, with a
614 written notice of intent to initiate litigation before filing
615 suit under the policy. Such notice must be served by certified
616 mail, return receipt requested, to the name and mailing address
617 designated by the insurer in the policy forms, or by electronic
618 delivery at the e-mail address designated by the insurer in the
619 policy forms, at least 10 business days before filing suit, but
620 may not be served before the insurer has made a determination of
621 coverage under s. 627.70131. The notice must specify the damages
622 in 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
 635 for 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:

638
 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 declaration page
 650 ~~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
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
 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
 707 the 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

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.