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LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Boyd) recommended the following:

**Senate Amendment**

Delete lines 483 - 549  
and insert:  
subparagraph 8. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting



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11 practices.

12 (I) If the risk accepts an offer of coverage through the  
13 market assistance plan or through a mechanism established by the  
14 corporation other than a plan established by s. 627.3518, before  
15 a policy is issued to the risk by the corporation or during the  
16 first 30 days of coverage by the corporation, and the producing  
17 agent who submitted the application to the plan or to the  
18 corporation is not currently appointed by the insurer, the  
19 insurer shall:

20 (A) Pay to the producing agent of record of the policy for  
21 the first year, an amount that is the greater of the insurer's  
22 usual and customary commission for the type of policy written or  
23 a fee equal to the usual and customary commission of the  
24 corporation; or

25 (B) Offer to allow the producing agent of record of the  
26 policy to continue servicing the policy for at least 1 year and  
27 offer to pay the agent the greater of the insurer's or the  
28 corporation's usual and customary commission for the type of  
29 policy written.

30  
31 If the producing agent is unwilling or unable to accept  
32 appointment, the new insurer shall pay the agent in accordance  
33 with sub-sub-sub-subparagraph (A).

34 (II) If the corporation enters into a contractual agreement  
35 for a take-out plan, the producing agent of record of the  
36 corporation policy is entitled to retain any unearned commission  
37 on the policy, and the insurer shall:

38 (A) Pay to the producing agent of record, for the first  
39 year, an amount that is the greater of the insurer's usual and



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40 customary commission for the type of policy written or a fee  
41 equal to the usual and customary commission of the corporation;  
42 or

43 (B) Offer to allow the producing agent of record to  
44 continue servicing the policy for at least 1 year and offer to  
45 pay the agent the greater of the insurer's or the corporation's  
46 usual and customary commission for the type of policy written.

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48 If the producing agent is unwilling or unable to accept  
49 appointment, the new insurer shall pay the agent in accordance  
50 with sub-sub-sub-subparagraph (A).

51 b. With respect to commercial lines residential risks, for  
52 a new application to the corporation for coverage, if the risk  
53 is offered coverage under a policy including wind coverage from  
54 an authorized insurer at its approved rate, the risk is not  
55 eligible for a policy issued by the corporation unless the  
56 premium for coverage from the authorized insurer is more than 20  
57 ~~15~~ percent greater than the premium for comparable coverage from  
58 the corporation. Whenever an offer of coverage for a commercial  
59 lines residential risk is received for a policyholder of the  
60 corporation at renewal from an authorized insurer, ~~if the offer~~  
61 ~~is equal to or less than the corporation's renewal premium for~~  
62 ~~comparable coverage,~~ the risk is not eligible for coverage with  
63 the corporation unless the premium for coverage from the  
64 authorized insurer is more than 20 percent greater than the  
65 renewal premium for comparable coverage from the corporation. If  
66 the risk is not able to obtain any such offer, the risk is  
67 eligible for a policy including wind coverage issued by the  
68 corporation. However, a policyholder removed from the



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69 corporation through an assumption agreement remains eligible for  
70 coverage from the corporation until the end of the assumption  
71 period.