

By the Committee on Banking and Insurance; and Senator Brandes

597-02315-22

2022186c1

1                   A bill to be entitled  
2       An act relating to Citizens Property Insurance  
3       Corporation; amending s. 627.021, F.S.; revising  
4       applicability; amending s. 627.351, F.S.; requiring,  
5       rather than authorizing, the corporation to use a  
6       single account under certain circumstances; revising  
7       the method for determining the amounts of potential  
8       surcharges to be levied against policyholders under  
9       certain circumstances; requiring the corporation to  
10      annually collect a specified surcharge upon renewal on  
11      certain policies; defining the term "primary  
12      residence"; revising conditions for eligibility for  
13      coverage with the corporation to require a certain  
14      minimum premium; specifying a limit for agent  
15      commission rates; requiring that policies assumed by  
16      the corporation from unsound insurers be charged a  
17      specified premium until certain conditions are met;  
18      defining the term "unsound insurer"; providing that  
19      eligible surplus lines insurers may participate, in  
20      the same manner and on the same terms as an authorized  
21      insurer, in depopulation, take-out, or keep-out  
22      programs relating to policies removed from Citizens  
23      Property Insurance Corporation; providing certain  
24      exceptions, conditions, and requirements relating to  
25      such participation by a surplus lines insurer in the  
26      corporation's depopulation, take-out, or keep-out  
27      programs; providing thresholds for eligibility for  
28      coverage by the corporation for risks that are offered  
29      coverage from qualified surplus lines insurers;

597-02315-22

2022186c1

30 authorizing information from underwriting files and  
31 confidential claims files to be released under certain  
32 circumstances by the corporation to specified entities  
33 that consider writing or underwriting risks insured by  
34 the corporation; specifying that only the  
35 corporation's transfer of a policy file to an insurer,  
36 as opposed to the transfer of any file, changes the  
37 file's public record status; making technical changes;  
38 amending s. 627.3517, F.S.; making technical changes;  
39 amending s. 627.3518, F.S., and reenacting paragraphs  
40 (6) (a) and (7) (a) of that section, relating to the  
41 Citizens Property Insurance Corporation policyholder  
42 eligibility clearinghouse program, to incorporate the  
43 amendments made to s. 627.351, F.S., in references  
44 thereto; conforming provisions to changes made by the  
45 act; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Subsection (2) of section 627.021, Florida  
50 Statutes, is amended to read:

51 627.021 Scope of this part.—

52 (2) This part does not apply to:

53 (a) Reinsurance, except joint reinsurance as provided in s.  
54 627.311.

55 (b) Insurance against loss of or damage to aircraft, their  
56 hulls, accessories, or equipment, or against liability, other  
57 than workers' compensation and employer's liability, arising out  
58 of the ownership, maintenance, or use of aircraft.

597-02315-22

2022186c1

59 (c) Insurance of vessels or craft, their cargoes, marine  
60 builders' risks, marine protection and indemnity, or other risks  
61 commonly insured under marine insurance policies.

62 (d) Commercial inland marine insurance.

63 (e) Except as may be specifically stated to apply, surplus  
64 lines insurance placed under ~~the provisions of~~ ss. 626.913-  
65 626.937.

66 Section 2. Paragraphs (b), (c), (n), (q), and (x) of  
67 subsection (6) of section 627.351, Florida Statutes, are amended  
68 to read:

69 627.351 Insurance risk apportionment plans.—

70 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

71 (b)1. All insurers authorized to write one or more subject  
72 lines of business in this state are subject to assessment by the  
73 corporation and, for the purposes of this subsection, are  
74 referred to collectively as "assessable insurers." Insurers  
75 writing one or more subject lines of business in this state  
76 pursuant to part VIII of chapter 626 are not assessable  
77 insurers; however, insureds who procure one or more subject  
78 lines of business in this state pursuant to part VIII of chapter  
79 626 are subject to assessment by the corporation and are  
80 referred to collectively as "assessable insureds." An insurer's  
81 assessment liability begins on the first day of the calendar  
82 year following the year in which the insurer was issued a  
83 certificate of authority to transact insurance for subject lines  
84 of business in this state and terminates 1 year after the end of  
85 the first calendar year during which the insurer no longer holds  
86 a certificate of authority to transact insurance for subject  
87 lines of business in this state.

597-02315-22

2022186c1

88           2.a. All revenues, assets, liabilities, losses, and  
89 expenses of the corporation shall be divided into three separate  
90 accounts as follows:

91           (I) A personal lines account for personal residential  
92 policies issued by the corporation which provides comprehensive,  
93 multiperil coverage on risks that are not located in areas  
94 eligible for coverage by the Florida Windstorm Underwriting  
95 Association as those areas were defined on January 1, 2002, and  
96 for policies that do not provide coverage for the peril of wind  
97 on risks that are located in such areas;

98           (II) A commercial lines account for commercial residential  
99 and commercial nonresidential policies issued by the corporation  
100 which provides coverage for basic property perils on risks that  
101 are not located in areas eligible for coverage by the Florida  
102 Windstorm Underwriting Association as those areas were defined  
103 on January 1, 2002, and for policies that do not provide  
104 coverage for the peril of wind on risks that are located in such  
105 areas; and

106           (III) A coastal account for personal residential policies  
107 and commercial residential and commercial nonresidential  
108 property policies issued by the corporation which provides  
109 coverage for the peril of wind on risks that are located in  
110 areas eligible for coverage by the Florida Windstorm  
111 Underwriting Association as those areas were defined on January  
112 1, 2002. The corporation may offer policies that provide  
113 multiperil coverage and shall offer policies that provide  
114 coverage only for the peril of wind for risks located in areas  
115 eligible for coverage in the coastal account. Effective July 1,  
116 2014, the corporation shall cease offering new commercial

597-02315-22

2022186c1

117 residential policies providing multiperil coverage and shall  
118 instead continue to offer commercial residential wind-only  
119 policies, and may offer commercial residential policies  
120 excluding wind. The corporation may, however, continue to renew  
121 a commercial residential multiperil policy on a building that is  
122 insured by the corporation on June 30, 2014, under a multiperil  
123 policy. In issuing multiperil coverage, the corporation may use  
124 its approved policy forms and rates for the personal lines  
125 account. An applicant or insured who is eligible to purchase a  
126 multiperil policy from the corporation may purchase a multiperil  
127 policy from an authorized insurer without prejudice to the  
128 applicant's or insured's eligibility to prospectively purchase a  
129 policy that provides coverage only for the peril of wind from  
130 the corporation. An applicant or insured who is eligible for a  
131 corporation policy that provides coverage only for the peril of  
132 wind may elect to purchase or retain such policy and also  
133 purchase or retain coverage excluding wind from an authorized  
134 insurer without prejudice to the applicant's or insured's  
135 eligibility to prospectively purchase a policy that provides  
136 multiperil coverage from the corporation. It is the goal of the  
137 Legislature that there be an overall average savings of 10  
138 percent or more for a policyholder who currently has a wind-only  
139 policy with the corporation, and an ex-wind policy with a  
140 voluntary insurer or the corporation, and who obtains a  
141 multiperil policy from the corporation. It is the intent of the  
142 Legislature that the offer of multiperil coverage in the coastal  
143 account be made and implemented in a manner that does not  
144 adversely affect the tax-exempt status of the corporation or  
145 creditworthiness of or security for currently outstanding

597-02315-22

2022186c1

146 financing obligations or credit facilities of the coastal  
147 account, the personal lines account, or the commercial lines  
148 account. The coastal account must also include quota share  
149 primary insurance under subparagraph (c)2. The area eligible for  
150 coverage under the coastal account also includes the area within  
151 Port Canaveral, which is bordered on the south by the City of  
152 Cape Canaveral, bordered on the west by the Banana River, and  
153 bordered on the north by Federal Government property.

154 b. The three separate accounts must be maintained as long  
155 as financing obligations entered into by the Florida Windstorm  
156 Underwriting Association or Residential Property and Casualty  
157 Joint Underwriting Association are outstanding, in accordance  
158 with the terms of the corresponding financing documents. If the  
159 financing obligations are no longer outstanding, the corporation  
160 shall ~~may~~ use a single account for all revenues, assets,  
161 liabilities, losses, and expenses of the corporation. Consistent  
162 with this subparagraph and prudent investment policies that  
163 minimize the cost of carrying debt, the board shall exercise its  
164 best efforts to retire existing debt or obtain the approval of  
165 necessary parties to amend the terms of existing debt, so as to  
166 structure the most efficient plan for consolidating the three  
167 separate accounts into a single account.

168 c. Creditors of the Residential Property and Casualty Joint  
169 Underwriting Association and the accounts specified in sub-sub-  
170 subparagraphs a.(I) and (II) may have a claim against, and  
171 recourse to, those accounts and no claim against, or recourse  
172 to, the account referred to in sub-sub-subparagraph a.(III).  
173 Creditors of the Florida Windstorm Underwriting Association have  
174 a claim against, and recourse to, the account referred to in

597-02315-22

2022186c1

175 sub-sub-subparagraph a.(III) and no claim against, or recourse  
176 to, the accounts referred to in sub-sub-subparagraphs a.(I) and  
177 (II).

178 d. Revenues, assets, liabilities, losses, and expenses not  
179 attributable to particular accounts shall be prorated among the  
180 accounts.

181 e. The Legislature finds that the revenues of the  
182 corporation are revenues that are necessary to meet the  
183 requirements set forth in documents authorizing the issuance of  
184 bonds under this subsection.

185 f. The income of the corporation may not inure to the  
186 benefit of any private person.

187 3. With respect to a deficit in an account:

188 a. After accounting for the Citizens policyholder surcharge  
189 imposed under sub-subparagraph i., if the remaining projected  
190 deficit incurred in the coastal account in a particular calendar  
191 year:

192 (I) Is not greater than 2 percent of the aggregate  
193 statewide direct written premium for the subject lines of  
194 business for the prior calendar year, the entire deficit shall  
195 be recovered through regular assessments of assessable insurers  
196 under paragraph (q) and assessable insureds.

197 (II) Exceeds 2 percent of the aggregate statewide direct  
198 written premium for the subject lines of business for the prior  
199 calendar year, the corporation shall levy regular assessments on  
200 assessable insurers under paragraph (q) and on assessable  
201 insureds in an amount equal to the greater of 2 percent of the  
202 projected deficit or 2 percent of the aggregate statewide direct  
203 written premium for the subject lines of business for the prior

597-02315-22

2022186c1

204 calendar year. Any remaining projected deficit shall be  
205 recovered through emergency assessments under sub-subparagraph  
206 d.

207 b. Each assessable insurer's share of the amount being  
208 assessed under sub-subparagraph a. must be in the proportion  
209 that the assessable insurer's direct written premium for the  
210 subject lines of business for the year preceding the assessment  
211 bears to the aggregate statewide direct written premium for the  
212 subject lines of business for that year. The assessment  
213 percentage applicable to each assessable insured is the ratio of  
214 the amount being assessed under sub-subparagraph a. to the  
215 aggregate statewide direct written premium for the subject lines  
216 of business for the prior year. Assessments levied by the  
217 corporation on assessable insurers under sub-subparagraph a.  
218 must be paid as required by the corporation's plan of operation  
219 and paragraph (q). Assessments levied by the corporation on  
220 assessable insureds under sub-subparagraph a. shall be collected  
221 by the surplus lines agent at the time the surplus lines agent  
222 collects the surplus lines tax required by s. 626.932, and paid  
223 to the Florida Surplus Lines Service Office at the time the  
224 surplus lines agent pays the surplus lines tax to that office.  
225 Upon receipt of regular assessments from surplus lines agents,  
226 the Florida Surplus Lines Service Office shall transfer the  
227 assessments directly to the corporation as determined by the  
228 corporation.

229 c. After accounting for the Citizens policyholder surcharge  
230 imposed under sub-subparagraph i., the remaining projected  
231 deficits in the personal lines account and in the commercial  
232 lines account in a particular calendar year shall be recovered

597-02315-22

2022186c1

233 through emergency assessments under sub-subparagraph d.

234 d. Upon a determination by the board of governors that a

235 projected deficit in an account exceeds the amount that is

236 expected to be recovered through regular assessments under sub-

237 subparagraph a., plus the amount that is expected to be

238 recovered through surcharges under sub-subparagraph i., the

239 board, after verification by the office, shall levy emergency

240 assessments for as many years as necessary to cover the

241 deficits, to be collected by assessable insurers and the

242 corporation and collected from assessable insureds upon issuance

243 or renewal of policies for subject lines of business, excluding

244 National Flood Insurance policies. The amount collected in a

245 particular year must be a uniform percentage of that year's

246 direct written premium for subject lines of business and all

247 accounts of the corporation, excluding National Flood Insurance

248 Program policy premiums, as annually determined by the board and

249 verified by the office. The office shall verify the arithmetic

250 calculations involved in the board's determination within 30

251 days after receipt of the information on which the determination

252 was based. The office shall notify assessable insurers and the

253 Florida Surplus Lines Service Office of the date on which

254 assessable insurers shall begin to collect and assessable

255 insureds shall begin to pay such assessment. The date must be at

256 least 90 days after the date the corporation levies emergency

257 assessments pursuant to this sub-subparagraph. Notwithstanding

258 any other provision of law, the corporation and each assessable

259 insurer that writes subject lines of business shall collect

260 emergency assessments from its policyholders without such

261 obligation being affected by any credit, limitation, exemption,

597-02315-22

2022186c1

262 or deferment. Emergency assessments levied by the corporation on  
263 assessable insureds shall be collected by the surplus lines  
264 agent at the time the surplus lines agent collects the surplus  
265 lines tax required by s. 626.932 and paid to the Florida Surplus  
266 Lines Service Office at the time the surplus lines agent pays  
267 the surplus lines tax to that office. The emergency assessments  
268 collected shall be transferred directly to the corporation on a  
269 periodic basis as determined by the corporation and held by the  
270 corporation solely in the applicable account. The aggregate  
271 amount of emergency assessments levied for an account in any  
272 calendar year may be less than but may not exceed the greater of  
273 10 percent of the amount needed to cover the deficit, plus  
274 interest, fees, commissions, required reserves, and other costs  
275 associated with financing the original deficit, or 10 percent of  
276 the aggregate statewide direct written premium for subject lines  
277 of business and all accounts of the corporation for the prior  
278 year, plus interest, fees, commissions, required reserves, and  
279 other costs associated with financing the deficit.

280 e. The corporation may pledge the proceeds of assessments,  
281 projected recoveries from the Florida Hurricane Catastrophe  
282 Fund, other insurance and reinsurance recoverables, policyholder  
283 surcharges and other surcharges, and other funds available to  
284 the corporation as the source of revenue for and to secure bonds  
285 issued under paragraph (q), bonds or other indebtedness issued  
286 under subparagraph (c)3., or lines of credit or other financing  
287 mechanisms issued or created under this subsection, or to retire  
288 any other debt incurred as a result of deficits or events giving  
289 rise to deficits, or in any other way that the board determines  
290 will efficiently recover such deficits. The purpose of the lines

597-02315-22

2022186c1

291 of credit or other financing mechanisms is to provide additional  
292 resources to assist the corporation in covering claims and  
293 expenses attributable to a catastrophe. As used in this  
294 subsection, the term "assessments" includes regular assessments  
295 under sub-subparagraph a. or subparagraph (q)1. and emergency  
296 assessments under sub-subparagraph d. Emergency assessments  
297 collected under sub-subparagraph d. are not part of an insurer's  
298 rates, are not premium, and are not subject to premium tax,  
299 fees, or commissions; however, failure to pay the emergency  
300 assessment shall be treated as failure to pay premium. The  
301 emergency assessments shall continue as long as any bonds issued  
302 or other indebtedness incurred with respect to a deficit for  
303 which the assessment was imposed remain outstanding, unless  
304 adequate provision has been made for the payment of such bonds  
305 or other indebtedness pursuant to the documents governing such  
306 bonds or indebtedness.

307 f. As used in this subsection for purposes of any deficit  
308 incurred on or after January 25, 2007, the term "subject lines  
309 of business" means insurance written by assessable insurers or  
310 procured by assessable insureds for all property and casualty  
311 lines of business in this state, but not including workers'  
312 compensation or medical malpractice. As used in this sub-  
313 subparagraph, the term "property and casualty lines of business"  
314 includes all lines of business identified on Form 2, Exhibit of  
315 Premiums and Losses, in the annual statement required of  
316 authorized insurers under s. 624.424 and any rule adopted under  
317 this section, except for those lines identified as accident and  
318 health insurance and except for policies written under the  
319 National Flood Insurance Program or the Federal Crop Insurance

597-02315-22

2022186c1

320 Program. For purposes of this sub-subparagraph, the term  
321 "workers' compensation" includes both workers' compensation  
322 insurance and excess workers' compensation insurance.

323 g. The Florida Surplus Lines Service Office shall determine  
324 annually the aggregate statewide written premium in subject  
325 lines of business procured by assessable insureds and report  
326 that information to the corporation in a form and at a time the  
327 corporation specifies to ensure that the corporation can meet  
328 the requirements of this subsection and the corporation's  
329 financing obligations.

330 h. The Florida Surplus Lines Service Office shall verify  
331 the proper application by surplus lines agents of assessment  
332 percentages for regular assessments and emergency assessments  
333 levied under this subparagraph on assessable insureds and assist  
334 the corporation in ensuring the accurate, timely collection and  
335 payment of assessments by surplus lines agents as required by  
336 the corporation.

337 i. Upon determination by the board of governors that an  
338 account has a projected deficit, the board shall levy a Citizens  
339 policyholder surcharge against all policyholders of the  
340 corporation.

341 (I) The surcharge must ~~shall~~ be levied as a uniform  
342 percentage of the premium for the policy ~~of up to 15 percent of~~  
343 ~~such premium, and must~~ which funds shall be used to offset the  
344 deficit, as follows:

345 (A) If the total number of policyholders of the corporation  
346 is less than 1 million, a surcharge of 15 percent of the  
347 premium.

348 (B) If the total number of policyholders of the corporation

597-02315-22

2022186c1

349 is at least 1 million but less than 1.5 million, a surcharge of  
350 20 percent of the premium.

351 (C) If the total number of policyholders of the corporation  
352 is at least 1.5 million, a surcharge of 25 percent of the  
353 premium.

354 (II) The surcharge is payable upon cancellation or  
355 termination of the policy, upon renewal of the policy, or upon  
356 issuance of a new policy by the corporation within the first 12  
357 months after the date of the levy or the period of time  
358 necessary to fully collect the surcharge amount.

359 (III) The corporation may not levy any regular assessments  
360 under paragraph (q) pursuant to sub-subparagraph a. or sub-  
361 subparagraph b. with respect to a particular year's deficit  
362 until the corporation has first levied the full amount of the  
363 surcharge authorized by this sub-subparagraph.

364 (IV) The surcharge is not considered premium and is not  
365 subject to commissions, fees, or premium taxes. However, failure  
366 to pay the surcharge shall be treated as failure to pay premium.

367 j. The corporation shall annually collect a surcharge of \$5  
368 upon renewal on all policies listed as a primary residence with  
369 the corporation.

370 k. If the amount of any assessments or surcharges collected  
371 from corporation policyholders, assessable insurers or their  
372 policyholders, or assessable insureds exceeds the amount of the  
373 deficits, such excess amounts shall be remitted to and retained  
374 by the corporation in a reserve to be used by the corporation,  
375 as determined by the board of governors and approved by the  
376 office, to pay claims or reduce any past, present, or future  
377 plan-year deficits or to reduce outstanding debt.

597-02315-22

2022186c1

378 (c) The corporation's plan of operation:

379 1. Must provide for adoption of residential property and  
380 casualty insurance policy forms and commercial residential and  
381 nonresidential property insurance forms, which must be approved  
382 by the office before use. The corporation shall adopt the  
383 following policy forms:

384 a. Standard personal lines policy forms that are  
385 comprehensive multiperil policies providing full coverage of a  
386 residential property equivalent to the coverage provided in the  
387 private insurance market under an HO-3, HO-4, or HO-6 policy.

388 b. Basic personal lines policy forms that are policies  
389 similar to an HO-8 policy or a dwelling fire policy that provide  
390 coverage meeting the requirements of the secondary mortgage  
391 market, but which is more limited than the coverage under a  
392 standard policy.

393 c. Commercial lines residential and nonresidential policy  
394 forms that are generally similar to the basic perils of full  
395 coverage obtainable for commercial residential structures and  
396 commercial nonresidential structures in the admitted voluntary  
397 market.

398 d. Personal lines and commercial lines residential property  
399 insurance forms that cover the peril of wind only. The forms are  
400 applicable only to residential properties located in areas  
401 eligible for coverage under the coastal account referred to in  
402 sub-subparagraph (b)2.a.

403 e. Commercial lines nonresidential property insurance forms  
404 that cover the peril of wind only. The forms are applicable only  
405 to nonresidential properties located in areas eligible for  
406 coverage under the coastal account referred to in sub-

597-02315-22

2022186c1

407 subparagraph (b)2.a.

408 f. The corporation may adopt variations of the policy forms  
409 listed in sub-subparagraphs a.-e. which contain more restrictive  
410 coverage.

411 g. Effective January 1, 2013, the corporation shall offer a  
412 basic personal lines policy similar to an HO-8 policy with  
413 dwelling repair based on common construction materials and  
414 methods.

415 2. Must provide that the corporation adopt a program in  
416 which the corporation and authorized insurers enter into quota  
417 share primary insurance agreements for hurricane coverage, as  
418 defined in s. 627.4025(2) (a), for eligible risks, and adopt  
419 property insurance forms for eligible risks which cover the  
420 peril of wind only.

421 a. As used in this subsection, the term:

422 (II) "Primary residence" means a risk that has a dwelling  
423 replacement cost of less than \$700,000 or a single condominium  
424 unit that has a combined dwelling and contents replacement cost  
425 of less than \$700,000 and the insured has represented such  
426 dwelling as its permanent home on the insurance application or  
427 otherwise to the corporation. A policyholder and the  
428 policyholder's spouse may not collectively have more than one  
429 primary residence insured with the corporation.

430 (III)~~(I)~~ "Quota share primary insurance" means an  
431 arrangement in which the primary hurricane coverage of an  
432 eligible risk is provided in specified percentages by the  
433 corporation and an authorized insurer. The corporation and  
434 authorized insurer are each solely responsible for a specified  
435 percentage of hurricane coverage of an eligible risk as set

597-02315-22

2022186c1

436 forth in a quota share primary insurance agreement between the  
437 corporation and an authorized insurer and the insurance  
438 contract. The responsibility of the corporation or authorized  
439 insurer to pay its specified percentage of hurricane losses of  
440 an eligible risk, as set forth in the agreement, may not be  
441 altered by the inability of the other party to pay its specified  
442 percentage of losses. Eligible risks that are provided hurricane  
443 coverage through a quota share primary insurance arrangement  
444 must be provided policy forms that set forth the obligations of  
445 the corporation and authorized insurer under the arrangement,  
446 clearly specify the percentages of quota share primary insurance  
447 provided by the corporation and authorized insurer, and  
448 conspicuously and clearly state that the authorized insurer and  
449 the corporation may not be held responsible beyond their  
450 specified percentage of coverage of hurricane losses.

451 (I)~~(II)~~ "Eligible risks" means personal lines residential  
452 and commercial lines residential risks that meet the  
453 underwriting criteria of the corporation and are located in  
454 areas that were eligible for coverage by the Florida Windstorm  
455 Underwriting Association on January 1, 2002.

456 b. The corporation may enter into quota share primary  
457 insurance agreements with authorized insurers at corporation  
458 coverage levels of 90 percent and 50 percent.

459 c. If the corporation determines that additional coverage  
460 levels are necessary to maximize participation in quota share  
461 primary insurance agreements by authorized insurers, the  
462 corporation may establish additional coverage levels. However,  
463 the corporation's quota share primary insurance coverage level  
464 may not exceed 90 percent.

597-02315-22

2022186c1

465 d. Any quota share primary insurance agreement entered into  
466 between an authorized insurer and the corporation must provide  
467 for a uniform specified percentage of coverage of hurricane  
468 losses, by county or territory as set forth by the corporation  
469 board, for all eligible risks of the authorized insurer covered  
470 under the agreement.

471 e. Any quota share primary insurance agreement entered into  
472 between an authorized insurer and the corporation is subject to  
473 review and approval by the office. However, such agreement shall  
474 be authorized only as to insurance contracts entered into  
475 between an authorized insurer and an insured who is already  
476 insured by the corporation for wind coverage.

477 f. For all eligible risks covered under quota share primary  
478 insurance agreements, the exposure and coverage levels for both  
479 the corporation and authorized insurers shall be reported by the  
480 corporation to the Florida Hurricane Catastrophe Fund. For all  
481 policies of eligible risks covered under such agreements, the  
482 corporation and the authorized insurer must maintain complete  
483 and accurate records for the purpose of exposure and loss  
484 reimbursement audits as required by fund rules. The corporation  
485 and the authorized insurer shall each maintain duplicate copies  
486 of policy declaration pages and supporting claims documents.

487 g. The corporation board shall establish in its plan of  
488 operation standards for quota share agreements which ensure that  
489 there is no discriminatory application among insurers as to the  
490 terms of the agreements, pricing of the agreements, incentive  
491 provisions if any, and consideration paid for servicing policies  
492 or adjusting claims.

493 h. The quota share primary insurance agreement between the

597-02315-22

2022186c1

494 corporation and an authorized insurer must set forth the  
495 specific terms under which coverage is provided, including, but  
496 not limited to, the sale and servicing of policies issued under  
497 the agreement by the insurance agent of the authorized insurer  
498 producing the business, the reporting of information concerning  
499 eligible risks, the payment of premium to the corporation, and  
500 arrangements for the adjustment and payment of hurricane claims  
501 incurred on eligible risks by the claims adjuster and personnel  
502 of the authorized insurer. Entering into a quota sharing  
503 insurance agreement between the corporation and an authorized  
504 insurer is voluntary and at the discretion of the authorized  
505 insurer.

506 3. May provide that the corporation may employ or otherwise  
507 contract with individuals or other entities to provide  
508 administrative or professional services that may be appropriate  
509 to effectuate the plan. The corporation may borrow funds by  
510 issuing bonds or by incurring other indebtedness, and shall have  
511 other powers reasonably necessary to effectuate the requirements  
512 of this subsection, including, without limitation, the power to  
513 issue bonds and incur other indebtedness in order to refinance  
514 outstanding bonds or other indebtedness. The corporation may  
515 seek judicial validation of its bonds or other indebtedness  
516 under chapter 75. The corporation may issue bonds or incur other  
517 indebtedness, or have bonds issued on its behalf by a unit of  
518 local government pursuant to subparagraph (q)2. in the absence  
519 of a hurricane or other weather-related event, upon a  
520 determination by the corporation, subject to approval by the  
521 office, that such action would enable it to efficiently meet the  
522 financial obligations of the corporation and that such

597-02315-22

2022186c1

523 financings are reasonably necessary to effectuate the  
524 requirements of this subsection. The corporation may take all  
525 actions needed to facilitate tax-free status for such bonds or  
526 indebtedness, including formation of trusts or other affiliated  
527 entities. The corporation may pledge assessments, projected  
528 recoveries from the Florida Hurricane Catastrophe Fund, other  
529 reinsurance recoverables, policyholder surcharges and other  
530 surcharges, and other funds available to the corporation as  
531 security for bonds or other indebtedness. In recognition of s.  
532 10, Art. I of the State Constitution, prohibiting the impairment  
533 of obligations of contracts, it is the intent of the Legislature  
534 that no action be taken whose purpose is to impair any bond  
535 indenture or financing agreement or any revenue source committed  
536 by contract to such bond or other indebtedness.

537 4. Must require that the corporation operate subject to the  
538 supervision and approval of a board of governors consisting of  
539 nine individuals who are residents of this state and who are  
540 from different geographical areas of this ~~the~~ state, one of whom  
541 is appointed by the Governor and serves solely to advocate on  
542 behalf of the consumer. The appointment of a consumer  
543 representative by the Governor is deemed to be within the scope  
544 of the exemption provided in s. 112.313(7)(b) and is in addition  
545 to the appointments authorized under sub-subparagraph a.

546 a. The Governor, the Chief Financial Officer, the President  
547 of the Senate, and the Speaker of the House of Representatives  
548 shall each appoint two members of the board. At least one of the  
549 two members appointed by each appointing officer must have  
550 demonstrated expertise in insurance and be deemed to be within  
551 the scope of the exemption provided in s. 112.313(7)(b). The

597-02315-22

2022186c1

552 Chief Financial Officer shall designate one of the appointees as  
553 chair. All board members serve at the pleasure of the appointing  
554 officer. All members of the board are subject to removal at will  
555 by the officers who appointed them. All board members, including  
556 the chair, must be appointed to serve for 3-year terms beginning  
557 annually on a date designated by the plan. However, for the  
558 first term beginning on or after July 1, 2009, each appointing  
559 officer shall appoint one member of the board for a 2-year term  
560 and one member for a 3-year term. A board vacancy shall be  
561 filled for the unexpired term by the appointing officer. The  
562 Chief Financial Officer shall appoint a technical advisory group  
563 to provide information and advice to the board in connection  
564 with the board's duties under this subsection. The executive  
565 director and senior managers of the corporation shall be engaged  
566 by the board and serve at the pleasure of the board. Any  
567 executive director appointed on or after July 1, 2006, is  
568 subject to confirmation by the Senate. The executive director is  
569 responsible for employing other staff as the corporation may  
570 require, subject to review and concurrence by the board.

571 b. The board shall create a Market Accountability Advisory  
572 Committee to assist the corporation in developing awareness of  
573 its rates and its customer and agent service levels in  
574 relationship to the voluntary market insurers writing similar  
575 coverage.

576 (I) The members of the advisory committee consist of the  
577 following 11 persons, one of whom must be elected chair by the  
578 members of the committee: four representatives, one appointed by  
579 the Florida Association of Insurance Agents, one by the Florida  
580 Association of Insurance and Financial Advisors, one by the

597-02315-22

2022186c1

581 Professional Insurance Agents of Florida, and one by the Latin  
582 American Association of Insurance Agencies; three  
583 representatives appointed by the insurers with the three highest  
584 voluntary market share of residential property insurance  
585 business in this ~~the~~ state; one representative from the Office  
586 of Insurance Regulation; one consumer appointed by the board who  
587 is insured by the corporation at the time of appointment to the  
588 committee; one representative appointed by the Florida  
589 Association of Realtors; and one representative appointed by the  
590 Florida Bankers Association. All members shall be appointed to  
591 3-year terms and may serve for consecutive terms.

592 (II) The committee shall report to the corporation at each  
593 board meeting on insurance market issues that ~~which~~ may include  
594 rates and rate competition with the voluntary market; service,  
595 including policy issuance, claims processing, and general  
596 responsiveness to policyholders, applicants, and agents; and  
597 matters relating to depopulation.

598 5. Must provide a procedure for determining the eligibility  
599 of a risk for coverage, as follows:

600 a. Subject to s. 627.3517, with respect to personal lines  
601 residential risks, if the risk is offered coverage from an  
602 authorized insurer at the insurer's approved rate under a  
603 standard policy including wind coverage or, if consistent with  
604 the insurer's underwriting rules as filed with the office, a  
605 basic policy including wind coverage, for a new application to  
606 the corporation for coverage, the risk is not eligible for any  
607 policy issued by the corporation unless the premium for coverage  
608 from the authorized insurer is more than 20 percent greater than  
609 the premium for comparable coverage from the corporation.

597-02315-22

2022186c1

610 Whenever an offer of coverage for a personal lines residential  
611 risk is received for a policyholder of the corporation ~~at~~  
612 ~~renewal~~ from an authorized insurer, ~~if the offer is equal to or~~  
613 ~~less than the corporation's renewal premium for comparable~~  
614 ~~coverage~~, the risk is not eligible for coverage with the  
615 corporation unless the premium for coverage from the authorized  
616 insurer is more than 20 percent greater than the renewal premium  
617 for comparable coverage from the corporation. If the risk is not  
618 able to obtain such offer, the risk is eligible for a standard  
619 policy including wind coverage or a basic policy including wind  
620 coverage issued by the corporation; however, if the risk could  
621 not be insured under a standard policy including wind coverage  
622 regardless of market conditions, the risk is eligible for a  
623 basic policy including wind coverage unless rejected under  
624 subparagraph 8. However, a policyholder removed from the  
625 corporation through an assumption agreement remains eligible for  
626 coverage from the corporation until the end of the assumption  
627 period. The corporation shall determine the type of policy to be  
628 provided on the basis of objective standards specified in the  
629 underwriting manual and based on generally accepted underwriting  
630 practices.

631 (I) If the risk accepts an offer of coverage through the  
632 market assistance plan or through a mechanism established by the  
633 corporation other than a plan established by s. 627.3518, before  
634 a policy is issued to the risk by the corporation or during the  
635 first 30 days of coverage by the corporation, and the producing  
636 agent who submitted the application to the plan or to the  
637 corporation is not currently appointed by the insurer, the  
638 insurer shall:

597-02315-22

2022186c1

639 (A) Pay to the producing agent of record of the policy for  
640 the first year, an amount that is the greater of the insurer's  
641 usual and customary commission for the type of policy written or  
642 a fee equal to the usual and customary commission of the  
643 corporation; or

644 (B) Offer to allow the producing agent of record of the  
645 policy to continue servicing the policy for at least 1 year and  
646 offer to pay the agent the greater of the insurer's or the  
647 corporation's usual and customary commission for the type of  
648 policy written.

649  
650 If the producing agent is unwilling or unable to accept  
651 appointment, the new insurer shall pay the agent in accordance  
652 with sub-sub-sub-subparagraph (A).

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

657 (A) Pay to the producing agent of record, for the first  
658 year, an amount that is the greater of the insurer's usual and  
659 customary commission for the type of policy written or a fee  
660 equal to the usual and customary commission of the corporation;  
661 or

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

666  
667 If the producing agent is unwilling or unable to accept

597-02315-22

2022186c1

668 appointment, the new insurer shall pay the agent in accordance  
669 with sub-sub-sub-subparagraph (A).

670 b. With respect to commercial lines residential risks, for  
671 a new application to the corporation for coverage, if the risk  
672 is offered coverage under a policy including wind coverage from  
673 an authorized insurer at its approved rate, the risk is not  
674 eligible for a policy issued by the corporation unless the  
675 premium for coverage from the authorized insurer is more than 15  
676 percent greater than the premium for comparable coverage from  
677 the corporation. Whenever an offer of coverage for a commercial  
678 lines residential risk is received for a policyholder of the  
679 corporation at renewal from an authorized insurer, if the offer  
680 is equal to or less than the corporation's renewal premium for  
681 comparable coverage, the risk is not eligible for coverage with  
682 the corporation. If the risk is not able to obtain any such  
683 offer, the risk is eligible for a policy including wind coverage  
684 issued by the corporation. However, a policyholder removed from  
685 the corporation through an assumption agreement remains eligible  
686 for coverage from the corporation until the end of the  
687 assumption period.

688 (I) If the risk accepts an offer of coverage through the  
689 market assistance plan or through a mechanism established by the  
690 corporation other than a plan established by s. 627.3518, before  
691 a policy is issued to the risk by the corporation or during the  
692 first 30 days of coverage by the corporation, and the producing  
693 agent who submitted the application to the plan or the  
694 corporation is not currently appointed by the insurer, the  
695 insurer shall:

696 (A) Pay to the producing agent of record of the policy, for

597-02315-22

2022186c1

697 the first year, an amount that is the greater of the insurer's  
698 usual and customary commission for the type of policy written or  
699 a fee equal to the usual and customary commission of the  
700 corporation; or

701 (B) Offer to allow the producing agent of record of the  
702 policy to continue servicing the policy for at least 1 year and  
703 offer to pay the agent the greater of the insurer's or the  
704 corporation's usual and customary commission for the type of  
705 policy written.

706

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

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

714 (A) Pay to the producing agent of record, for the first  
715 year, an amount that is the greater of the insurer's usual and  
716 customary commission for the type of policy written or a fee  
717 equal to the usual and customary commission of the corporation;  
718 or

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

723

724 If the producing agent is unwilling or unable to accept  
725 appointment, the new insurer shall pay the agent in accordance

597-02315-22

2022186c1

726 with sub-sub-sub-subparagraph (A).

727 c. For purposes of determining comparable coverage under  
728 sub-subparagraphs a. and b., the comparison must be based on  
729 those forms and coverages that are reasonably comparable. The  
730 corporation may rely on a determination of comparable coverage  
731 and premium made by the producing agent who submits the  
732 application to the corporation, made in the agent's capacity as  
733 the corporation's agent. A comparison may be made solely of the  
734 premium with respect to the main building or structure only on  
735 the following basis: the same coverage A or other building  
736 limits; the same percentage hurricane deductible that applies on  
737 an annual basis or that applies to each hurricane for commercial  
738 residential property; the same percentage of ordinance and law  
739 coverage, if the same limit is offered by both the corporation  
740 and the authorized insurer; the same mitigation credits, to the  
741 extent the same types of credits are offered both by the  
742 corporation and the authorized insurer; the same method for loss  
743 payment, such as replacement cost or actual cash value, if the  
744 same method is offered both by the corporation and the  
745 authorized insurer in accordance with underwriting rules; and  
746 any other form or coverage that is reasonably comparable as  
747 determined by the board. If an application is submitted to the  
748 corporation for wind-only coverage in the coastal account, the  
749 premium for the corporation's wind-only policy plus the premium  
750 for the ex-wind policy that is offered by an authorized insurer  
751 to the applicant must be compared to the premium for multiperil  
752 coverage offered by an authorized insurer, subject to the  
753 standards for comparison specified in this subparagraph. If the  
754 corporation or the applicant requests from the authorized

597-02315-22

2022186c1

755 insurer a breakdown of the premium of the offer by types of  
756 coverage so that a comparison may be made by the corporation or  
757 its agent and the authorized insurer refuses or is unable to  
758 provide such information, the corporation may treat the offer as  
759 not being an offer of coverage from an authorized insurer at the  
760 insurer's approved rate.

761 6. Must include rules for classifications of risks and  
762 rates.

763 7. Must provide that if premium and investment income for  
764 an account attributable to a particular calendar year are in  
765 excess of projected losses and expenses for the account  
766 attributable to that year, such excess shall be held in surplus  
767 in the account. Such surplus must be available to defray  
768 deficits in that account as to future years and used for that  
769 purpose before assessing assessable insurers and assessable  
770 insureds as to any calendar year.

771 8. Must provide objective criteria and procedures to be  
772 uniformly applied to all applicants in determining whether an  
773 individual risk is so hazardous as to be uninsurable. In making  
774 this determination and in establishing the criteria and  
775 procedures, the following must be considered:

776 a. Whether the likelihood of a loss for the individual risk  
777 is substantially higher than for other risks of the same class;  
778 and

779 b. Whether the uncertainty associated with the individual  
780 risk is such that an appropriate premium cannot be determined.

781  
782 The acceptance or rejection of a risk by the corporation must  
783 ~~shall~~ be construed as the private placement of insurance, and

597-02315-22

2022186c1

784 ~~the provisions of~~ chapter 120 does ~~de~~ not apply.

785       9. Must provide that the corporation make its best efforts  
786 to procure catastrophe reinsurance at reasonable rates, to cover  
787 its projected 100-year probable maximum loss as determined by  
788 the board of governors. If catastrophe reinsurance is not  
789 available at reasonable rates, the corporation need not purchase  
790 it, but the corporation shall include the costs of reinsurance  
791 to cover its projected 100-year probable maximum loss in its  
792 rate calculations even if it does not purchase catastrophe  
793 reinsurance.

794       10. The policies issued by the corporation must provide  
795 that if the corporation or the market assistance plan obtains an  
796 offer from an authorized insurer to cover the risk at its  
797 approved rates, the risk is no longer eligible for renewal  
798 through the corporation, except as otherwise provided in this  
799 subsection.

800       11. Corporation policies and applications must include a  
801 notice that the corporation policy could, under this section, be  
802 replaced with a policy issued by an authorized insurer which  
803 does not provide coverage identical to the coverage provided by  
804 the corporation. The notice must also specify that acceptance of  
805 corporation coverage creates a conclusive presumption that the  
806 applicant or policyholder is aware of this potential.

807       12. May establish, subject to approval by the office,  
808 different eligibility requirements and operational procedures  
809 for any line or type of coverage for any specified county or  
810 area if the board determines that such changes are justified due  
811 to the voluntary market being sufficiently stable and  
812 competitive in such area or for such line or type of coverage

597-02315-22

2022186c1

813 and that consumers who, in good faith, are unable to obtain  
814 insurance through the voluntary market through ordinary methods  
815 continue to have access to coverage from the corporation. If  
816 coverage is sought in connection with a real property transfer,  
817 the requirements and procedures may not provide an effective  
818 date of coverage later than the date of the closing of the  
819 transfer as established by the transferor, the transferee, and,  
820 if applicable, the lender.

821 13. Must provide that, with respect to the coastal account,  
822 any assessable insurer with a surplus as to policyholders of \$25  
823 million or less writing 25 percent or more of its total  
824 countrywide property insurance premiums in this state may  
825 petition the office, within the first 90 days of each calendar  
826 year, to qualify as a limited apportionment company. A regular  
827 assessment levied by the corporation on a limited apportionment  
828 company for a deficit incurred by the corporation for the  
829 coastal account may be paid to the corporation on a monthly  
830 basis as the assessments are collected by the limited  
831 apportionment company from its insureds, but a limited  
832 apportionment company must begin collecting the regular  
833 assessments not later than 90 days after the regular assessments  
834 are levied by the corporation, and the regular assessments must  
835 be paid in full within 15 months after being levied by the  
836 corporation. A limited apportionment company shall collect from  
837 its policyholders any emergency assessment imposed under sub-  
838 subparagraph (b)3.d. The plan must provide that, if the office  
839 determines that any regular assessment will result in an  
840 impairment of the surplus of a limited apportionment company,  
841 the office may direct that all or part of such assessment be

597-02315-22

2022186c1

842 deferred as provided in subparagraph (q)4. However, an emergency  
843 assessment to be collected from policyholders under sub-  
844 subparagraph (b)3.d. may not be limited or deferred.

845 14. Must provide that the corporation appoint as its  
846 licensed agents only those agents who throughout such  
847 appointments also hold an appointment as defined in s. 626.015  
848 by an insurer who is authorized to write and is actually writing  
849 or renewing personal lines residential property coverage,  
850 commercial residential property coverage, or commercial  
851 nonresidential property coverage within this ~~the~~ state.

852 15. Must provide a premium payment plan option to its  
853 policyholders which, at a minimum, allows for quarterly and  
854 semiannual payment of premiums. A monthly payment plan may, but  
855 is not required to, be offered.

856 16. Must limit coverage on mobile homes or manufactured  
857 homes built before 1994 to actual cash value of the dwelling  
858 rather than replacement costs of the dwelling.

859 17. Must provide coverage for manufactured or mobile home  
860 dwellings. Such coverage must also include the following  
861 attached structures:

862 a. Screened enclosures that are aluminum framed or screened  
863 enclosures that are not covered by the same or substantially the  
864 same materials as those of the primary dwelling;

865 b. Carports that are aluminum or carports that are not  
866 covered by the same or substantially the same materials as those  
867 of the primary dwelling; and

868 c. Patios that have a roof covering that is constructed of  
869 materials that are not the same or substantially the same  
870 materials as those of the primary dwelling.

597-02315-22

2022186c1

871  
872 The corporation shall make available a policy for mobile homes  
873 or manufactured homes for a minimum insured value of at least  
874 \$3,000.

875 18. May provide such limits of coverage as the board  
876 determines, consistent with the requirements of this subsection.

877 19. May require commercial property to meet specified  
878 hurricane mitigation construction features as a condition of  
879 eligibility for coverage.

880 20. Must provide that new or renewal policies issued by the  
881 corporation on or after January 1, 2012, which cover sinkhole  
882 loss do not include coverage for any loss to appurtenant  
883 structures, driveways, sidewalks, decks, or patios that are  
884 directly or indirectly caused by sinkhole activity. The  
885 corporation shall exclude such coverage using a notice of  
886 coverage change, which may be included with the policy renewal,  
887 and not by issuance of a notice of nonrenewal of the excluded  
888 coverage upon renewal of the current policy.

889 21. As of January 1, 2012, must require that the agent  
890 obtain from an applicant for coverage from the corporation an  
891 acknowledgment signed by the applicant, ~~7~~ which includes, at a  
892 minimum, the following statement:

893  
894 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE  
895 AND ASSESSMENT LIABILITY:  
896

897 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE  
898 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A  
899 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,

597-02315-22

2022186c1

900 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND  
901 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE  
902 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT  
903 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA  
904 LEGISLATURE.

905 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER  
906 SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,  
907 BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO  
908 BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN  
909 PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE  
910 WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES  
911 ARE REGULATED AND APPROVED BY THE STATE.

912 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY  
913 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER  
914 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE  
915 FLORIDA LEGISLATURE.

916 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE  
917 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE  
918 STATE OF FLORIDA.

919

920 a. The corporation shall maintain, in electronic format or  
921 otherwise, a copy of the applicant's signed acknowledgment and  
922 provide a copy of the statement to the policyholder as part of  
923 the first renewal after the effective date of this subparagraph.

924 b. The signed acknowledgment form creates a conclusive  
925 presumption that the policyholder understood and accepted his or  
926 her potential surcharge and assessment liability as a  
927 policyholder of the corporation.

928 22. The corporation shall pay a producing agent of record a

597-02315-22

2022186c1

929 reasonable commission not to exceed the average of commissions  
930 paid in the preceding year by the 20 admitted insurers writing  
931 the greatest market share of property insurance in this state.

932 (n)1. Rates for coverage provided by the corporation must  
933 be actuarially sound and subject to s. 627.062, except as  
934 otherwise provided in this paragraph. The corporation shall file  
935 its recommended rates with the office at least annually. The  
936 corporation shall provide any additional information regarding  
937 the rates which the office requires. The office shall consider  
938 the recommendations of the board and issue a final order  
939 establishing the rates for the corporation within 45 days after  
940 the recommended rates are filed. The corporation may not pursue  
941 an administrative challenge or judicial review of the final  
942 order of the office.

943 2. In addition to the rates otherwise determined pursuant  
944 to this paragraph, the corporation shall impose and collect an  
945 amount equal to the premium tax provided in s. 624.509 to  
946 augment the financial resources of the corporation.

947 3. If ~~After~~ the public hurricane loss-projection model  
948 under s. 627.06281 is ~~has been~~ found to be accurate and reliable  
949 by the Florida Commission on Hurricane Loss Projection  
950 Methodology, it must ~~the model shall~~ be considered when  
951 establishing the windstorm portion of the corporation's rates.  
952 The corporation may use the public model results in combination  
953 with the results of private models to calculate rates for the  
954 windstorm portion of the corporation's rates. This subparagraph  
955 does not require or allow the corporation to adopt rates lower  
956 than the rates otherwise required or allowed by this paragraph.

957 4. The corporation must make a recommended actuarially

597-02315-22

2022186c1

958 sound rate filing for each personal and commercial line of  
959 business it writes.

960 5. Notwithstanding the board's recommended rates and the  
961 office's final order regarding the corporation's filed rates  
962 under subparagraph 1., the corporation shall annually implement  
963 a rate increase that ~~which~~, except for sinkhole coverage, does  
964 not exceed the following for any single policy issued by the  
965 corporation, excluding coverage changes and surcharges:

966 a. Eleven percent for 2022.

967 b. Twelve percent for 2023.

968 c. Thirteen percent for 2024.

969 d. Fourteen percent for 2025.

970 e. Fifteen percent for 2026 and all subsequent years.

971 6. The corporation may also implement an increase to  
972 reflect the effect on the corporation of the cash buildup factor  
973 pursuant to s. 215.555(5)(b).

974 7. The corporation's implementation of rates as prescribed  
975 in subparagraph 5. must ~~shall~~ cease for any line of business  
976 written by the corporation upon the corporation's implementation  
977 of actuarially sound rates. Thereafter, the corporation shall  
978 annually make a recommended actuarially sound rate filing for  
979 each commercial and personal line of business the corporation  
980 writes.

981 8. Policies assumed by the corporation from an unsound  
982 insurer shall be charged a premium for coverage that is the  
983 higher of the last premium amount charged by the unsound insurer  
984 or the premium charged by the corporation applicable to the  
985 policy. Premiums established by the unsound insurer shall remain  
986 unchanged until such time as the corporation's rate exceeds this

597-02315-22

2022186c1

987 amount and the policy becomes subject to the corporation's  
988 annually approved rate. For purposes of this subparagraph, the  
989 term "unsound insurer" means an insurer determined by the Office  
990 of Insurance Regulation to be in unsound condition as defined in  
991 s. 624.80(2) or an insurer placed in receivership under chapter  
992 631.

993 (q)1. The corporation shall certify to the office its needs  
994 for annual assessments as to a particular calendar year, and for  
995 any interim assessments that it deems to be necessary to sustain  
996 operations as to a particular year pending the receipt of annual  
997 assessments. Upon verification, the office shall approve such  
998 certification, and the corporation shall levy such annual or  
999 interim assessments. Such assessments shall be prorated as  
1000 provided in paragraph (b). The corporation shall take all  
1001 reasonable and prudent steps necessary to collect the amount of  
1002 assessments due from each assessable insurer, including, if  
1003 prudent, filing suit to collect the assessments, and the office  
1004 may provide such assistance to the corporation it deems  
1005 appropriate. If the corporation is unable to collect an  
1006 assessment from any assessable insurer, the uncollected  
1007 assessments shall be levied as an additional assessment against  
1008 the assessable insurers and any assessable insurer required to  
1009 pay an additional assessment as a result of such failure to pay  
1010 shall have a cause of action against such nonpaying assessable  
1011 insurer. Assessments shall be included as an appropriate factor  
1012 in the making of rates. The failure of a surplus lines agent to  
1013 collect and remit any regular or emergency assessment levied by  
1014 the corporation is considered to be a violation of s. 626.936  
1015 and subjects the surplus lines agent to the penalties provided

597-02315-22

2022186c1

1016 in that section.

1017       2. The governing body of any unit of local government, any  
1018 residents of which are insured by the corporation, may issue  
1019 bonds as defined in s. 125.013 or s. 166.101 from time to time  
1020 to fund an assistance program, in conjunction with the  
1021 corporation, for the purpose of defraying deficits of the  
1022 corporation. In order to avoid needless and indiscriminate  
1023 proliferation, duplication, and fragmentation of such assistance  
1024 programs, any unit of local government, any residents of which  
1025 are insured by the corporation, may provide for the payment of  
1026 losses, regardless of whether or not the losses occurred within  
1027 or outside of the territorial jurisdiction of the local  
1028 government. Revenue bonds under this subparagraph may not be  
1029 issued until validated pursuant to chapter 75, unless a state of  
1030 emergency is declared by executive order or proclamation of the  
1031 Governor pursuant to s. 252.36 making such findings as are  
1032 necessary to determine that it is in the best interests of, and  
1033 necessary for, the protection of the public health, safety, and  
1034 general welfare of residents of this state and declaring it an  
1035 essential public purpose to permit certain municipalities or  
1036 counties to issue such bonds as will permit relief to claimants  
1037 and policyholders of the corporation. Any such unit of local  
1038 government may enter into such contracts with the corporation  
1039 and with any other entity created pursuant to this subsection as  
1040 are necessary to carry out this paragraph. Any bonds issued  
1041 under this subparagraph shall be payable from and secured by  
1042 moneys received by the corporation from emergency assessments  
1043 under sub-subparagraph (b)3.d., and assigned and pledged to or  
1044 on behalf of the unit of local government for the benefit of the

597-02315-22

2022186c1

1045 holders of such bonds. The funds, credit, property, and taxing  
1046 power of the state or of the unit of local government may ~~shall~~  
1047 not be pledged for the payment of such bonds.

1048 3.a. The corporation shall adopt one or more programs  
1049 subject to approval by the office for the reduction of both new  
1050 and renewal writings in the corporation. Beginning January 1,  
1051 2008, any program the corporation adopts for the payment of  
1052 bonuses to an insurer for each risk the insurer removes from the  
1053 corporation shall comply with s. 627.3511(2) and may not exceed  
1054 the amount referenced in s. 627.3511(2) for each risk removed.  
1055 The corporation may consider any prudent and not unfairly  
1056 discriminatory approach to reducing corporation writings, and  
1057 may adopt a credit against assessment liability or other  
1058 liability that provides an incentive for insurers to take risks  
1059 out of the corporation and to keep risks out of the corporation  
1060 by maintaining or increasing voluntary writings in counties or  
1061 areas in which corporation risks are highly concentrated and a  
1062 program to provide a formula under which an insurer voluntarily  
1063 taking risks out of the corporation by maintaining or increasing  
1064 voluntary writings will be relieved wholly or partially from  
1065 assessments under sub-subparagraph (b)3.a. However, any "take-  
1066 out bonus" or payment to an insurer must be conditioned on the  
1067 property being insured for at least 5 years by the insurer,  
1068 unless canceled or nonrenewed by the policyholder. If the policy  
1069 is canceled or nonrenewed by the policyholder before the end of  
1070 the 5-year period, the amount of the take-out bonus must be  
1071 prorated for the time period the policy was insured. When the  
1072 corporation enters into a contractual agreement for a take-out  
1073 plan, the producing agent of record of the corporation policy is

597-02315-22

2022186c1

1074 entitled to retain any unearned commission on such policy, and  
1075 the insurer shall either:

1076 (I) Pay to the producing agent of record of the policy, for  
1077 the first year, an amount which is the greater of the insurer's  
1078 usual and customary commission for the type of policy written or  
1079 a policy fee equal to the usual and customary commission of the  
1080 corporation; or

1081 (II) Offer to allow the producing agent of record of the  
1082 policy to continue servicing the policy for a period of not less  
1083 than 1 year and offer to pay the agent the insurer's usual and  
1084 customary commission for the type of policy written. If the  
1085 producing agent is unwilling or unable to accept appointment by  
1086 the new insurer, the new insurer shall pay the agent in  
1087 accordance with sub-sub-subparagraph (I).

1088 b. Any credit or exemption from regular assessments adopted  
1089 under this subparagraph shall last no longer than the 3 years  
1090 following the cancellation or expiration of the policy by the  
1091 corporation. With the approval of the office, the board may  
1092 extend such credits for an additional year if the insurer  
1093 guarantees an additional year of renewability for all policies  
1094 removed from the corporation, or for 2 additional years if the  
1095 insurer guarantees 2 additional years of renewability for all  
1096 policies so removed.

1097 c. There shall be no credit, limitation, exemption, or  
1098 deferment from emergency assessments to be collected from  
1099 policyholders pursuant to sub-subparagraph (b)3.d.

1100 d. Notwithstanding any other law, for purposes of a  
1101 depopulation, take-out, or keep-out program adopted by the  
1102 corporation, including an initial or renewal offer of coverage

597-02315-22

2022186c1

1103 made to a policyholder removed from the corporation pursuant to  
1104 such program, an eligible surplus lines insurer may participate  
1105 in the program in the same manner and on the same terms as an  
1106 authorized insurer, except as provided under this sub-  
1107 subparagraph.

1108 (I) The policy count of the corporation must be more than  
1109 700,000 within the 30 days before the time a takeout offer is  
1110 made by a surplus lines insurer.

1111 (II) To qualify for participation, the surplus lines  
1112 insurer must first obtain approval from the office for its  
1113 depopulation, take-out, or keep-out plan and then comply with  
1114 all of the corporation's requirements for the plan applicable to  
1115 admitted insurers and with all statutory provisions applicable  
1116 to the removal of policies from the corporation.

1117 (III) In considering a surplus lines insurer's request for  
1118 approval for its plan, the office shall determine whether the  
1119 surplus lines insurer meets the following requirements:

1120 (A) Maintains a surplus of \$50 million on a company or  
1121 pooled basis;

1122 (B) Has a superior, excellent, exceptional, or equally  
1123 comparable financial strength rating by a rating agency  
1124 acceptable to the office;

1125 (C) Maintains reserves, surplus, reinsurance, and  
1126 reinsurance equivalents sufficient to cover the insurer's 100-  
1127 year probable maximum hurricane loss at least twice in a single  
1128 hurricane season and submits such reinsurance to the office to  
1129 review for purposes of the take-out;

1130 (D) Provides prominent notice to the policyholder before  
1131 the assumption of the policy that surplus lines policies are not

597-02315-22

2022186c1

1132 provided coverage by the Florida Insurance Guaranty Association  
1133 and provides an outline of any substantial differences in  
1134 coverage between the existing policy and the policy being  
1135 offered to the insured; and

1136 (E) Provides policy coverage similar to that provided by  
1137 the corporation.

1138 (IV) To obtain approval for a plan, the surplus lines  
1139 insurer must file the following with the office:

1140 (A) Information requested by the office to demonstrate  
1141 compliance with s. 624.404(3), including biographical  
1142 affidavits, fingerprints processed pursuant to s. 624.34, and  
1143 the results of criminal history records checks for officers and  
1144 directors of the insurer and its parent or holding company;

1145 (B) A service-of-process consent and agreement form  
1146 executed by the insurer;

1147 (C) Proof that the insurer has been an eligible or  
1148 authorized insurer for at least 3 years;

1149 (D) A duly authenticated copy of the insurer's current  
1150 audited financial statement, in English, which, in the case of  
1151 statements originally made in the currencies of other countries,  
1152 expresses all monetary values in United States dollars, at an  
1153 exchange rate then current and shown in the statement, and  
1154 including any additional information relative to the insurer as  
1155 the office may request;

1156 (E) A complete certified copy of the latest official  
1157 financial statement required by the insurer's domiciliary state,  
1158 if different from the statement required by sub-sub-sub-  
1159 subparagraph (D); and

1160 (F) If applicable, a copy of the United States trust

597-02315-22

2022186c1

1161 account agreement.

1162

1163 This sub-sub-subparagraph does not subject any surplus lines  
1164 insurer to requirements in addition to part VIII of chapter 626.  
1165 Surplus lines brokers making an offer of coverage under this  
1166 sub-subparagraph are not required to comply with s.  
1167 626.916(1) (a), (b), (c), or (e).

1168 (V) Within 10 days after the date of assumption, the  
1169 surplus lines insurer assuming policies from the corporation  
1170 shall remit to the Bureau of Collateral Management within the  
1171 Department of Financial Services a special deposit equal to the  
1172 unearned premium net of unearned commissions on the assumed  
1173 block of business. The surplus lines insurer shall submit to the  
1174 office, along with the special deposit, an accounting of the  
1175 policies assumed and the amount of unearned premium for such  
1176 policies and a sworn affidavit attesting to the accuracy of the  
1177 accounting by an officer of the surplus lines insurer.

1178 Thereafter, the surplus lines insurer shall make a filing within  
1179 10 days after the end of each calendar quarter attesting to the  
1180 unearned premium in force for the previous quarter on policies  
1181 assumed from the corporation and shall submit additional funds  
1182 with that filing if the special deposit is insufficient to cover  
1183 the unearned premium on assumed policies, or shall receive a  
1184 return of funds within 60 days if the special deposit exceeds  
1185 the amount of unearned premium required for assumed policies.  
1186 The special deposit is an asset of the surplus lines insurer  
1187 which is held by the department for the benefit of state  
1188 policyholders of the surplus lines insurer in the event of the  
1189 insolvency of the surplus lines insurer. If an order of

597-02315-22

2022186c1

1190 liquidation is entered in any state against the surplus lines  
1191 insurer, the department may use the special deposit for payment  
1192 of unearned premium or policy claims, return all or part of the  
1193 deposit to the domiciliary receiver, or use the funds in  
1194 accordance with any action authorized under part I of chapter  
1195 631 or in compliance with any order of a court having  
1196 jurisdiction over the insolvency.

1197 (VI) In advance of a surplus lines insurer assuming a  
1198 policy, surplus lines brokers representing a surplus lines  
1199 insurer on a take-out program shall obtain confirmation, in  
1200 written or e-mail form, from each producing agent stating that  
1201 the agent is willing to participate in the take-out program with  
1202 the surplus lines insurer engaging in the take-out program. The  
1203 take-out program is also subject to s. 627.3517. If a  
1204 policyholder is selected for removal from the corporation by a  
1205 surplus lines insurer and an authorized insurer, the corporation  
1206 must give priority to the offer of coverage from the authorized  
1207 insurer.

1208 (VII) (A) A risk that has a dwelling replacement cost of  
1209 \$700,000 or more or a single condominium unit that has a  
1210 combined dwelling and contents replacement cost of \$700,000 or  
1211 more is not eligible for coverage by the corporation if it is  
1212 offered comparable coverage from a qualified surplus lines  
1213 insurer at a premium no greater than the premium charged by the  
1214 corporation.

1215 (B) A risk that has a dwelling replacement cost below  
1216 \$700,000 or a single condominium unit that has a combined  
1217 dwelling and contents replacement cost below \$700,000 remains  
1218 eligible for coverage by the corporation if it is offered

597-02315-22

2022186c1

1219 coverage from a qualified surplus lines insurer.

1220 4. The plan shall provide for the deferment, in whole or in  
1221 part, of the assessment of an assessable insurer, other than an  
1222 emergency assessment collected from policyholders pursuant to  
1223 sub-subparagraph (b)3.d., if the office finds that payment of  
1224 the assessment would endanger or impair the solvency of the  
1225 insurer. In the event an assessment against an assessable  
1226 insurer is deferred in whole or in part, the amount by which  
1227 such assessment is deferred may be assessed against the other  
1228 assessable insurers in a manner consistent with the basis for  
1229 assessments set forth in paragraph (b).

1230 5. Effective July 1, 2007, in order to evaluate the costs  
1231 and benefits of approved take-out plans, if the corporation pays  
1232 a bonus or other payment to an insurer for an approved take-out  
1233 plan, it shall maintain a record of the address or such other  
1234 identifying information on the property or risk removed in order  
1235 to track if and when the property or risk is later insured by  
1236 the corporation.

1237 6. Any policy taken out, assumed, or removed from the  
1238 corporation is, as of the effective date of the take-out,  
1239 assumption, or removal, direct insurance issued by the insurer  
1240 and not by the corporation, even if the corporation continues to  
1241 service the policies. This subparagraph applies to policies of  
1242 the corporation and not policies taken out, assumed, or removed  
1243 from any other entity.

1244 7. For a policy taken out, assumed, or removed from the  
1245 corporation, the insurer may, for a period of no more than 3  
1246 years, continue to use any of the corporation's policy forms or  
1247 endorsements that apply to the policy taken out, removed, or

597-02315-22

2022186c1

1248 assumed without obtaining approval from the office for use of  
1249 such policy form or endorsement.

1250 (x)1. The following records of the corporation are  
1251 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
1252 s. 24(a), Art. I of the State Constitution:

1253 a. Underwriting files, except that a policyholder or an  
1254 applicant shall have access to his or her own underwriting  
1255 files. Confidential and exempt underwriting file records may  
1256 also be released to other governmental agencies upon written  
1257 request and demonstration of need; such records held by the  
1258 receiving agency remain confidential and exempt as provided  
1259 herein.

1260 b. Claims files, until termination of all litigation and  
1261 settlement of all claims arising out of the same incident,  
1262 although portions of the claims files may remain exempt, as  
1263 otherwise provided by law. Confidential and exempt claims file  
1264 records may be released to other governmental agencies upon  
1265 written request and demonstration of need; such records held by  
1266 the receiving agency remain confidential and exempt as provided  
1267 herein.

1268 c. Records obtained or generated by an internal auditor  
1269 pursuant to a routine audit, until the audit is completed, or if  
1270 the audit is conducted as part of an investigation, until the  
1271 investigation is closed or ceases to be active. An investigation  
1272 is considered "active" while the investigation is being  
1273 conducted with a reasonable, good faith belief that it could  
1274 lead to the filing of administrative, civil, or criminal  
1275 proceedings.

1276 d. Matters reasonably encompassed in privileged attorney-

597-02315-22

2022186c1

1277 client communications.

1278 e. Proprietary information licensed to the corporation  
1279 under contract and the contract provides for the confidentiality  
1280 of such proprietary information.

1281 f. All information relating to the medical condition or  
1282 medical status of a corporation employee which is not relevant  
1283 to the employee's capacity to perform his or her duties, except  
1284 as otherwise provided in this paragraph. Information that is  
1285 exempt includes ~~shall include~~, but is not limited to,  
1286 information relating to workers' compensation, insurance  
1287 benefits, and retirement or disability benefits.

1288 g. Upon an employee's entrance into the employee assistance  
1289 program, a program to assist any employee who has a behavioral  
1290 or medical disorder, substance abuse problem, or emotional  
1291 difficulty that affects the employee's job performance, all  
1292 records relative to that participation are ~~shall be~~ confidential  
1293 and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a),  
1294 Art. I of the State Constitution, except as otherwise provided  
1295 in s. 112.0455(11).

1296 h. Information relating to negotiations for financing,  
1297 reinsurance, depopulation, or contractual services, until the  
1298 conclusion of the negotiations.

1299 i. Minutes of closed meetings regarding underwriting files,  
1300 and minutes of closed meetings regarding an open claims file  
1301 until termination of all litigation and settlement of all claims  
1302 with regard to that claim, except that information otherwise  
1303 confidential or exempt by law must ~~shall~~ be redacted.

1304 2. If an authorized insurer, a reinsurance intermediary, an  
1305 eligible surplus lines insurer, or an entity that has filed an

597-02315-22

2022186c1

1306 application with the office for licensure as a property and  
1307 casualty insurer in this state is considering writing or  
1308 assisting in the underwriting of a risk insured by the  
1309 corporation, relevant information from both the underwriting  
1310 files and confidential claims files may be released to the  
1311 insurer, reinsurance intermediary, eligible surplus lines  
1312 insurer, or entity that has been created to seek authority to  
1313 write property insurance in this state, provided that the  
1314 recipient insurer agrees in writing, notarized and under oath,  
1315 to maintain the confidentiality of such files. If a policy file  
1316 is transferred to an insurer, that policy file is no longer a  
1317 public record because it is not held by an agency subject to ~~the~~  
1318 ~~provisions of~~ the public records law. Underwriting files and  
1319 confidential claims files may also be released to staff and the  
1320 board of governors of the market assistance plan established  
1321 pursuant to s. 627.3515, who must retain the confidentiality of  
1322 such files, except such files may be released to authorized  
1323 insurers that are considering assuming the risks to which the  
1324 files apply, provided the insurer agrees in writing, notarized  
1325 and under oath, to maintain the confidentiality of such files.  
1326 Finally, the corporation or the board or staff of the market  
1327 assistance plan may make the following information obtained from  
1328 underwriting files and confidential claims files available to an  
1329 entity that has obtained a permit to become an authorized  
1330 insurer, a reinsurer that may provide reinsurance under s.  
1331 624.610, a licensed reinsurance broker, a licensed rating  
1332 organization, a modeling company, or a licensed general lines  
1333 insurance agent: name, address, and telephone number of the  
1334 residential property owner or insured; location of the risk;

597-02315-22

2022186c1

1335 rating information; loss history; and policy type. The receiving  
1336 person must retain the confidentiality of the information  
1337 received and may use the information only for the purposes of  
1338 developing a take-out plan or a rating plan to be submitted to  
1339 the office for approval or otherwise analyzing the underwriting  
1340 of a risk or risks insured by the corporation on behalf of the  
1341 private insurance market. A licensed general lines insurance  
1342 agent may not use such information for the direct solicitation  
1343 of policyholders.

1344 3. A policyholder who has filed suit against the  
1345 corporation has the right to discover the contents of his or her  
1346 own claims file to the same extent that discovery of such  
1347 contents would be available from a private insurer in litigation  
1348 as provided by the Florida Rules of Civil Procedure, the Florida  
1349 Evidence Code, and other applicable law. Pursuant to subpoena, a  
1350 third party has the right to discover the contents of an  
1351 insured's or applicant's underwriting or claims file to the same  
1352 extent that discovery of such contents would be available from a  
1353 private insurer by subpoena as provided by the Florida Rules of  
1354 Civil Procedure, the Florida Evidence Code, and other applicable  
1355 law, and subject to any confidentiality protections requested by  
1356 the corporation and agreed to by the seeking party or ordered by  
1357 the court. The corporation may release confidential underwriting  
1358 and claims file contents and information as it deems necessary  
1359 and appropriate to underwrite or service insurance policies and  
1360 claims, subject to any confidentiality protections deemed  
1361 necessary and appropriate by the corporation.

1362 4. Portions of meetings of the corporation are exempt from  
1363 ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State

597-02315-22

2022186c1

1364 Constitution wherein confidential underwriting files or  
1365 confidential open claims files are discussed. All portions of  
1366 corporation meetings which are closed to the public shall be  
1367 recorded by a court reporter. The court reporter shall record  
1368 the times of commencement and termination of the meeting, all  
1369 discussion and proceedings, the names of all persons present at  
1370 any time, and the names of all persons speaking. No portion of  
1371 any closed meeting shall be off the record. Subject to the  
1372 provisions hereof and s. 119.07(1)(d)-(f), the court reporter's  
1373 notes of any closed meeting shall be retained by the corporation  
1374 for a minimum of 5 years. A copy of the transcript, less any  
1375 exempt matters, of any closed meeting wherein claims are  
1376 discussed shall become public as to individual claims after  
1377 settlement of the claim.

1378 Section 3. Section 627.3517, Florida Statutes, is amended  
1379 to read:

1380 627.3517 Consumer choice.—No provision of s. 627.351, s.  
1381 627.3511, or s. 627.3515 shall be construed to impair the right  
1382 of any insurance risk apportionment plan policyholder, upon  
1383 receipt of any keep-out ~~keepout~~ or take-out offer, to retain his  
1384 or her current agent, so long as that agent is duly licensed and  
1385 appointed by the insurance risk apportionment plan or otherwise  
1386 authorized to place business with the insurance risk  
1387 apportionment plan. This right may ~~shall~~ not be canceled,  
1388 suspended, impeded, abridged, or otherwise compromised by any  
1389 rule, plan of operation, or depopulation plan, whether through  
1390 keep-out ~~keepout~~, take-out, midterm assumption, or any other  
1391 means, of any insurance risk apportionment plan or depopulation  
1392 plan, including, but not limited to, those described in s.

597-02315-22

2022186c1

1393 627.351, s. 627.3511, or s. 627.3515. The commission shall adopt  
1394 any rules necessary to cause any insurance risk apportionment  
1395 plan or market assistance plan under such sections to  
1396 demonstrate that the operations of the plan do not interfere  
1397 with, promote, or allow interference with the rights created  
1398 under this section. If the policyholder's current agent is  
1399 unable or unwilling to be appointed with the insurer making the  
1400 take-out or keep-out ~~keepout~~ offer, the policyholder is ~~shall~~  
1401 not ~~be~~ disqualified from participation in the appropriate  
1402 insurance risk apportionment plan because of an offer of  
1403 coverage in the voluntary market. An offer of full property  
1404 insurance coverage by the insurer currently insuring either the  
1405 ex-wind or wind-only coverage on the policy to which the offer  
1406 applies is ~~shall~~ not ~~be~~ considered a take-out or keep-out  
1407 ~~keepout~~ offer. Any rule, plan of operation, or plan of  
1408 depopulation, through keep-out ~~keepout~~, take-out, midterm  
1409 assumption, or any other means, of any property insurance risk  
1410 apportionment plan under s. 627.351(2) or (6) is subject to ss.  
1411 627.351(2)(b) and (6)(c) and 627.3511(4).

1412 Section 4. Subsection (5) of section 627.3518, Florida  
1413 Statutes, is amended, and paragraph (a) of subsection (6) and  
1414 paragraph (a) of subsection (7) of that section are reenacted,  
1415 to read:

1416 627.3518 Citizens Property Insurance Corporation  
1417 policyholder eligibility clearinghouse program.—The purpose of  
1418 this section is to provide a framework for the corporation to  
1419 implement a clearinghouse program by January 1, 2014.

1420 (5) Notwithstanding s. 627.3517, any applicant for new  
1421 coverage from the corporation is not eligible for coverage from

597-02315-22

2022186c1

1422 the corporation if provided an offer of coverage from an  
1423 authorized insurer through the program at a premium that is at  
1424 or below the eligibility threshold established in s.  
1425 627.351(6)(c)5.a. Whenever an offer of coverage for a personal  
1426 lines risk is received for a policyholder of the corporation at  
1427 renewal from an authorized insurer through the program, if the  
1428 offer is at or below the eligibility threshold specified in s.  
1429 627.351(6)(c)5.a. ~~equal to or less than the corporation's~~  
1430 ~~renewal premium for comparable coverage,~~ the risk is not  
1431 eligible for coverage with the corporation. In the event that an  
1432 offer of coverage for a new applicant or a personal lines risk  
1433 at renewal is received from an authorized insurer through the  
1434 program, and the premium offered exceeds the eligibility  
1435 thresholds specified ~~threshold contained~~ in s.  
1436 627.351(6)(c)5.a., the applicant or insured may elect to accept  
1437 such coverage, or may elect to accept or continue coverage with  
1438 the corporation. ~~In the event an offer of coverage for a~~  
1439 ~~personal lines risk is received from an authorized insurer at~~  
1440 ~~renewal through the program, and the premium offered is more~~  
1441 ~~than the corporation's renewal premium for comparable coverage,~~  
1442 ~~the insured may elect to accept such coverage, or may elect to~~  
1443 ~~accept or continue coverage with the corporation.~~ Section  
1444 627.351(6)(c)5.a.(I) does not apply to an offer of coverage from  
1445 an authorized insurer obtained through the program. An applicant  
1446 for coverage from the corporation who was declared ineligible  
1447 for coverage at renewal by the corporation in the previous 36  
1448 months due to an offer of coverage pursuant to this subsection  
1449 shall be considered a renewal under this section if the  
1450 corporation determines that the authorized insurer making the

597-02315-22

2022186c1

1451 offer of coverage pursuant to this subsection continues to  
1452 insure the applicant and increased the rate on the policy in  
1453 excess of the increase allowed for the corporation under s.  
1454 627.351(6)(n)5.

1455 (6) Independent insurance agents submitting new  
1456 applications for coverage or that are the agent of record on a  
1457 renewal policy submitted to the program:

1458 (a) Are granted and must maintain ownership and the  
1459 exclusive use of expirations, records, or other written or  
1460 electronic information directly related to such applications or  
1461 renewals written through the corporation or through an insurer  
1462 participating in the program, notwithstanding s.  
1463 627.351(6)(c)5.a.(I)(B) and (II)(B). Such ownership is granted  
1464 for as long as the insured remains with the agency or until sold  
1465 or surrendered in writing by the agent. Contracts with the  
1466 corporation or required by the corporation must not amend,  
1467 modify, interfere with, or limit such rights of ownership. Such  
1468 expirations, records, or other written or electronic information  
1469 may be used to review an application, issue a policy, or for any  
1470 other purpose necessary for placing such business through the  
1471 program.

1472  
1473 Applicants ineligible for coverage in accordance with subsection  
1474 (5) remain ineligible if their independent agent is unwilling or  
1475 unable to enter into a standard or limited agency agreement with  
1476 an insurer participating in the program.

1477 (7) Exclusive agents submitting new applications for  
1478 coverage or that are the agent of record on a renewal policy  
1479 submitted to the program:

597-02315-22

2022186c1

1480 (a) Must maintain ownership and the exclusive use of  
1481 expirations, records, or other written or electronic information  
1482 directly related to such applications or renewals written  
1483 through the corporation or through an insurer participating in  
1484 the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and  
1485 (II)(B). Contracts with the corporation or required by the  
1486 corporation must not amend, modify, interfere with, or limit  
1487 such rights of ownership. Such expirations, records, or other  
1488 written or electronic information may be used to review an  
1489 application, issue a policy, or for any other purpose necessary  
1490 for placing such business through the program.

1491  
1492 Applicants ineligible for coverage in accordance with subsection  
1493 (5) remain ineligible if their exclusive agent is unwilling or  
1494 unable to enter into a standard or limited agency agreement with  
1495 an insurer making an offer of coverage to that applicant.

1496 Section 5. This act shall take effect January 1, 2023.