

1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; redefining the term "covered policy" under the
4 Florida Hurricane Catastrophe Fund in relation to
5 certain collateral protection insurance policies;
6 amending s. 440.381, F.S.; revising the annual audit
7 requirement for construction classes to apply to new
8 and renewal policies having estimated annual premiums
9 over a specified threshold; amending s. 624.423, F.S.;
10 specifying when service of process is valid and
11 binding upon insurers; creating s. 624.46227, F.S.;
12 authorizing any association, trust, or pool created
13 for the purpose of forming a risk management mechanism
14 or providing self-insurance for a public entity to
15 establish a quorum and conduct public business through
16 communications media technology; amending s. 626.856,
17 F.S.; revising the definition of the term "company
18 employee adjuster"; amending s. 627.062, F.S.;
19 authorizing the use of a certain modeling indication
20 for residential property insurance rate filings;
21 amending s. 627.0629, F.S.; authorizing insurers to
22 file certain insurance rating plans based on certain
23 windstorm mitigation construction standards, if
24 certain requirements are met; amending s. 627.0665,
25 F.S.; revising notification requirements for insurers

26 | who have automatic bank withdrawal agreements with
27 | insureds to include notices when withdrawal amounts
28 | increase above a specified threshold; amending s.
29 | 627.351, F.S.; revising conditions for determining the
30 | ineligibility of condominiums for wind-only coverage;
31 | amending s. 627.421, F.S.; deleting a requirement for
32 | electronic transmissions of certain documents to
33 | include specified notices; deleting a requirement that
34 | paper copies of policies be provided upon request;
35 | amending ss. 627.701 and 627.712, F.S.; revising
36 | policyholder acknowledgment statement requirements for
37 | property insurance policies having certain hurricane
38 | deductibles or windstorm or contents coverage
39 | exclusions, respectively; amending s. 627.7152, F.S.;
40 | revising the definition of the term "assignment
41 | agreement"; specifying the addresses to which a notice
42 | of intent must be served; amending s. 627.7276, F.S.;
43 | revising notice requirements for motor vehicle
44 | policies that do not provide coverage for bodily
45 | injury and property damage liability; amending ss.
46 | 634.171, 634.317, and 634.419, F.S.; authorizing
47 | licensed personal lines or general lines agents to
48 | solicit, negotiate, advertise, or sell motor vehicle
49 | service agreements, home warranty contracts, and
50 | service warranty contracts, respectively, without a

51 sales representative license; making technical
 52 changes; reenacting ss. 624.424(10) and 627.351(6)(v),
 53 F.S., relating to annual statements and other
 54 information and Citizens Property Insurance
 55 Corporation, respectively, to incorporate the
 56 amendment made to s. 215.555, F.S., in references
 57 thereto; reenacting s. 626.865(1)(e), F.S., relating
 58 to public adjuster's qualifications, to incorporate
 59 the amendment made to s. 626.856, F.S., in a reference
 60 thereto; reenacting s. 627.7153(1) and (2)(d), F.S.,
 61 relating to policies restricting assignment of post-
 62 loss benefits under a property insurance policy, to
 63 incorporate the amendment made to s. 627.7152, F.S.,
 64 in references thereto; providing effective dates.

65

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

67

68 Section 1. Effective June 1, 2023, paragraph (c) of
 69 subsection (2) of section 215.555, Florida Statutes, is amended
 70 to read:

71 215.555 Florida Hurricane Catastrophe Fund.—

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

73 (c) "Covered policy" means any insurance policy covering
 74 residential property in this state, including, but not limited
 75 to, any homeowner, mobile home owner, farm owner, condominium

76 association, condominium unit owner, tenant, or apartment
77 building policy, or any other policy covering a residential
78 structure or its contents issued by any authorized insurer,
79 including a commercial self-insurance fund holding a certificate
80 of authority issued by the Office of Insurance Regulation under
81 s. 624.462, the Citizens Property Insurance Corporation, and any
82 joint underwriting association or similar entity created under
83 law. The term "~~covered policy~~" includes any collateral
84 protection insurance policy covering personal residences which
85 protects both the borrower's and the lender's financial
86 interests, in an amount at least equal to the coverage amount
87 for the dwelling in place under the lapsed homeowner's policy,
88 the coverage amount that the homeowner has been notified of by
89 the collateral protection insurer, or the coverage amount the
90 homeowner requests from the collateral protection insurer, if
91 such collateral protection insurance policy can be accurately
92 reported as required in subsection (5). Additionally, covered
93 policies include policies covering the peril of wind removed
94 from the Florida Residential Property and Casualty Joint
95 Underwriting Association or from the Citizens Property Insurance
96 Corporation, created under s. 627.351(6), or from the Florida
97 Windstorm Underwriting Association, created under s. 627.351(2),
98 by an authorized insurer under the terms and conditions of an
99 executed assumption agreement between the authorized insurer and
100 such association or Citizens Property Insurance Corporation.

101 Each assumption agreement between the association and such
 102 authorized insurer or Citizens Property Insurance Corporation
 103 must be approved by the Office of Insurance Regulation before
 104 the effective date of the assumption, and the Office of
 105 Insurance Regulation must provide written notification to the
 106 board within 15 working days after such approval. "Covered
 107 policy" does not include any policy that excludes wind coverage
 108 or hurricane coverage or any reinsurance agreement and does not
 109 include any policy otherwise meeting this definition which is
 110 issued by a surplus lines insurer or a reinsurer. All commercial
 111 residential excess policies and all deductible buy-back policies
 112 that, based on sound actuarial principles, require individual
 113 ratemaking must ~~shall~~ be excluded by rule if the actuarial
 114 soundness of the fund is not jeopardized. For this purpose, the
 115 term "excess policy" means a policy that provides insurance
 116 protection for large commercial property risks and that provides
 117 a layer of coverage above a primary layer insured by another
 118 insurer.

119 Section 2. Subsection (3) of section 440.381, Florida
 120 Statutes, is amended to read:

121 440.381 Application for coverage; reporting payroll;
 122 payroll audit procedures; penalties.—

123 (3) The Financial Services Commission, in consultation
 124 with the department, shall establish by rule minimum
 125 requirements for audits of payroll and classifications ~~in order~~

126 to ensure that the appropriate premium is charged for workers'
127 compensation coverage. The rules must ~~shall~~ ensure that audits
128 performed by both carriers and employers are adequate to provide
129 that all sources of payments to employees, subcontractors, and
130 independent contractors are ~~have been~~ reviewed and that the
131 accuracy of classification of employees is ~~has been~~ verified.
132 The rules must require ~~shall provide~~ that employers in all
133 classes other than the construction class be audited at least
134 ~~not less frequently than~~ biennially and may provide for more
135 frequent audits of employers in specified classifications based
136 on factors such as amount of premium, type of business, loss
137 ratios, or other relevant factors. ~~In no event shall~~ Employers
138 in the construction class, generating more than the amount of
139 premium required to be experience rated must, be audited at
140 least ~~less than~~ annually. The annual audits required for
141 construction classes must ~~shall~~ consist of physical onsite
142 audits for new and renewal policies only if the estimated annual
143 premium is \$10,000 or more. Payroll verification audit rules
144 must include, but need not be limited to, the use of state and
145 federal reports of employee income, payroll and other accounting
146 records, certificates of insurance maintained by subcontractors,
147 and duties of employees. At the completion of an audit, the
148 employer or officer of the corporation and the auditor must
149 print and sign their names on the audit document and attach
150 proof of identification to the audit document.

151 Section 3. Effective upon this act becoming a law,
 152 subsection (3) of section 624.423, Florida Statutes, is amended
 153 to read:

154 624.423 Serving process.—

155 (3) Service of process is valid and binding upon the
 156 insurer on the date process served upon the Chief Financial
 157 Officer is delivered to the insurer and sent or the date on
 158 which the insurer is notified that such information has been
 159 made available on a secured network in accordance with this
 160 section and s. 624.307(9) ~~shall for all purposes constitute~~
 161 ~~valid and binding service thereof upon the insurer.~~

162 Section 4. Section 624.46227, Florida Statutes, is created
 163 to read:

164 624.46227 Meeting requirements.—Any association, trust, or
 165 pool authorized by state law and created for the purpose of
 166 forming a risk management mechanism or providing self-insurance
 167 for public entities in this state may establish a quorum and
 168 conduct public business through communications media technology.

169 Section 5. Section 626.856, Florida Statutes, is amended
 170 to read:

171 626.856 "Company employee adjuster" defined.—A "company
 172 employee adjuster" means a person licensed as an all-lines
 173 adjuster who is appointed and employed on an insurer's staff of
 174 adjusters, by an affiliate, or by a wholly owned subsidiary of
 175 the insurer, and who undertakes on behalf of such insurer or

176 other insurers under common control or ownership to ascertain
 177 and determine the amount of any claim, loss, or damage payable
 178 under a contract of insurance, or undertakes to effect
 179 settlement of such claim, loss, or damage.

180 Section 6. Paragraph (j) of subsection (2) of section
 181 627.062, Florida Statutes, is amended to read:

182 627.062 Rate standards.—

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

184 (j) With respect to residential property insurance rate
 185 filings, the rate filing:

186 1. Must account for mitigation measures undertaken by
 187 policyholders to reduce hurricane losses.

188 2. May use a modeling indication that is the weighted or
 189 straight average of two or more models found by the commission
 190 to be accurate or reliable pursuant to s. 627.0628.

191
 192 The provisions of this subsection do not apply to workers'
 193 compensation, employer's liability insurance, and motor vehicle
 194 insurance.

195 Section 7. Subsection (9) is added to section 627.0629,
 196 Florida Statutes, to read:

197 627.0629 Residential property insurance; rate filings.—

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

201 differentials based on windstorm mitigation construction
 202 standards developed by an independent, not-for-profit scientific
 203 research organization, if such standards meet the requirements
 204 of this section.

205 Section 8. Section 627.0665, Florida Statutes, is amended
 206 to read:

207 627.0665 Automatic bank withdrawal agreements;
 208 notification required.—Any insurer licensed to issue insurance
 209 in this ~~the~~ state who has an automatic bank withdrawal agreement
 210 with an insured party for the payment of insurance premiums for
 211 any type of insurance shall give the named insured at least 15
 212 days advance written notice of any increase in policy premiums
 213 that results in the next automatic bank withdrawal being
 214 increased by more than \$10. Such notice must be provided before
 215 ~~prior to~~ any automatic bank withdrawal containing the of an
 216 increased premium amount.

217 Section 9. Paragraph (a) of subsection (6) of section
 218 627.351, Florida Statutes, is amended to read:

219 627.351 Insurance risk apportionment plans.—

220 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

224 1. The Legislature finds that private insurers are
 225 unwilling or unable to provide affordable property insurance

HB 503

2022

226 coverage in this state to the extent sought and needed. The
227 absence of affordable property insurance threatens the public
228 health, safety, and welfare and likewise threatens the economic
229 health of the state. The state therefore has a compelling public
230 interest and a public purpose to assist in assuring that
231 property in this ~~the~~ state is insured and that it is insured at
232 affordable rates so as to facilitate the remediation,
233 reconstruction, and replacement of damaged or destroyed property
234 in order to reduce or avoid the negative effects otherwise
235 resulting to the public health, safety, and welfare, to the
236 economy of the state, and to the revenues of the state and local
237 governments which are needed to provide for the public welfare.
238 It is necessary, therefore, to provide affordable property
239 insurance to applicants who are in good faith entitled to
240 procure insurance through the voluntary market but are unable to
241 do so. The Legislature intends, therefore, that affordable
242 property insurance be provided and that it continue to be
243 provided, as long as necessary, through Citizens Property
244 Insurance Corporation, a government entity that is an integral
245 part of the state, and that is not a private insurance company.
246 To that end, the corporation shall strive to increase the
247 availability of affordable property insurance in this state,
248 while achieving efficiencies and economies, and while providing
249 service to policyholders, applicants, and agents which is no
250 less than the quality generally provided in the voluntary

251 market, for the achievement of the foregoing public purposes.
252 Because it is essential for this government entity to have the
253 maximum financial resources to pay claims following a
254 catastrophic hurricane, it is the intent of the Legislature that
255 the corporation continue to be an integral part of the state and
256 that the income of the corporation be exempt from federal income
257 taxation and that interest on the debt obligations issued by the
258 corporation be exempt from federal income taxation.

259 2. The Residential Property and Casualty Joint
260 Underwriting Association originally created by this statute
261 shall be known as the Citizens Property Insurance Corporation.
262 The corporation shall provide insurance for residential and
263 commercial property, for applicants who are entitled, but, in
264 good faith, are unable to procure insurance through the
265 voluntary market. The corporation shall operate pursuant to a
266 plan of operation approved by order of the Financial Services
267 Commission. The plan is subject to continuous review by the
268 commission. The commission may, by order, withdraw approval of
269 all or part of a plan if the commission determines that
270 conditions have changed since approval was granted and that the
271 purposes of the plan require changes in the plan. For the
272 purposes of this subsection, residential coverage includes both
273 personal lines residential coverage, which consists of the type
274 of coverage provided by homeowner, mobile home owner, dwelling,
275 tenant, condominium unit owner, and similar policies; and

276 commercial lines residential coverage, which consists of the
277 type of coverage provided by condominium association, apartment
278 building, and similar policies.

279 3. With respect to coverage for personal lines residential
280 structures:

281 a. Effective January 1, 2014, a structure that has a
282 dwelling replacement cost of \$1 million or more, or a single
283 condominium unit that has a combined dwelling and contents
284 replacement cost of \$1 million or more, is not eligible for
285 coverage by the corporation. Such dwellings insured by the
286 corporation on December 31, 2013, may continue to be covered by
287 the corporation until the end of the policy term. The office
288 shall approve the method used by the corporation for valuing the
289 dwelling replacement cost for the purposes of this subparagraph.
290 If a policyholder is insured by the corporation before being
291 determined to be ineligible pursuant to this subparagraph and
292 such policyholder files a lawsuit challenging the determination,
293 the policyholder may remain insured by the corporation until the
294 conclusion of the litigation.

295 b. Effective January 1, 2015, a structure that has a
296 dwelling replacement cost of \$900,000 or more, or a single
297 condominium unit that has a combined dwelling and contents
298 replacement cost of \$900,000 or more, is not eligible for
299 coverage by the corporation. Such dwellings insured by the
300 corporation on December 31, 2014, may continue to be covered by

301 the corporation only until the end of the policy term.

302 c. Effective January 1, 2016, a structure that has a
303 dwelling replacement cost of \$800,000 or more, or a single
304 condominium unit that has a combined dwelling and contents
305 replacement cost of \$800,000 or more, is not eligible for
306 coverage by the corporation. Such dwellings insured by the
307 corporation on December 31, 2015, may continue to be covered by
308 the corporation until the end of the policy term.

309 d. Effective January 1, 2017, a structure that has a
310 dwelling replacement cost of \$700,000 or more, or a single
311 condominium unit that has a combined dwelling and contents
312 replacement cost of \$700,000 or more, is not eligible for
313 coverage by the corporation. Such dwellings insured by the
314 corporation on December 31, 2016, may continue to be covered by
315 the corporation until the end of the policy term.

316
317 The requirements of sub-subparagraphs b.-d. do not apply in
318 counties where the office determines there is not a reasonable
319 degree of competition. In such counties a personal lines
320 residential structure that has a dwelling replacement cost of
321 less than \$1 million, or a single condominium unit that has a
322 combined dwelling and contents replacement cost of less than \$1
323 million, is eligible for coverage by the corporation.

324 4. It is the intent of the Legislature that policyholders,
325 applicants, and agents of the corporation receive service and

326 treatment of the highest possible level but never less than that
327 generally provided in the voluntary market. It is also intended
328 that the corporation be held to service standards no less than
329 those applied to insurers in the voluntary market by the office
330 with respect to responsiveness, timeliness, customer courtesy,
331 and overall dealings with policyholders, applicants, or agents
332 of the corporation.

333 5.a. Effective January 1, 2009, a personal lines
334 residential structure that is located in the "wind-borne debris
335 region," as defined in s. 1609.2, International Building Code
336 (2006), and that has an insured value on the structure of
337 \$750,000 or more is not eligible for coverage by the corporation
338 unless the structure has opening protections as required under
339 the Florida Building Code for a newly constructed residential
340 structure in that area. A residential structure is deemed to
341 comply with this sub-subparagraph if it has shutters or opening
342 protections on all openings and if such opening protections
343 complied with the Florida Building Code at the time they were
344 installed.

345 b. Any major structure, as defined in s. 161.54(6)(a),
346 that is newly constructed, or rebuilt, repaired, restored, or
347 remodeled to increase the total square footage of finished area
348 by more than 25 percent, pursuant to a permit applied for after
349 July 1, 2015, is not eligible for coverage by the corporation if
350 the structure is seaward of the coastal construction control

351 line established pursuant to s. 161.053 or is within the Coastal
352 Barrier Resources System as designated by 16 U.S.C. ss. 3501-
353 3510.

354 6. With respect to wind-only coverage for commercial lines
355 residential condominiums, ~~effective July 1, 2014,~~ a condominium
356 may ~~shall~~ be deemed ineligible for coverage when ~~if~~ 50 percent
357 or more of the units are rented more than eight times in a
358 calendar year for a rental agreement period of less than 30
359 days.

360 Section 10. Subsection (1) of section 627.421, Florida
361 Statutes, is amended to read:

362 627.421 Delivery of policy.—

363 (1) Subject to the insurer's requirement as to payment of
364 premium, every policy shall be mailed, delivered, or
365 electronically transmitted to the insured or to the person
366 entitled thereto not later than 60 days after the effectuation
367 of coverage. Notwithstanding any other provision of law, an
368 insurer may allow a policyholder of personal lines insurance to
369 affirmatively elect delivery of the policy documents, including,
370 but not limited to, policies, endorsements, notices, or
371 documents, by electronic means in lieu of delivery by mail.
372 Electronic transmission of a policy for commercial risks,
373 including, but not limited to, workers' compensation and
374 employers' liability, commercial automobile liability,
375 commercial automobile physical damage, commercial lines

376 residential property, commercial nonresidential property,
 377 farmowners insurance, and the types of commercial lines risks
 378 set forth in s. 627.062(3)(d), constitutes delivery to the
 379 insured or to the person entitled to delivery, unless the
 380 insured or the person entitled to delivery communicates to the
 381 insurer in writing or electronically that he or she does not
 382 agree to delivery by electronic means. ~~Electronic transmission~~
 383 ~~shall include a notice to the insured or to the person entitled~~
 384 ~~to delivery of a policy of his or her right to receive the~~
 385 ~~policy via United States mail rather than via electronic~~
 386 ~~transmission. A paper copy of the policy shall be provided to~~
 387 ~~the insured or to the person entitled to delivery at his or her~~
 388 ~~request.~~

389 Section 11. Paragraph (d) of subsection (4) of section
 390 627.701, Florida Statutes, is amended to read:

391 627.701 Liability of insureds; coinsurance; deductibles.-

392 (4)

393 (d)1. A personal lines residential property insurance
 394 policy covering a risk valued at less than \$500,000 may not have
 395 a hurricane deductible in excess of 10 percent of the policy
 396 dwelling limits, unless the following conditions are met:

397 a. The policyholder must personally write or type and
 398 provide to the insurer the following statement ~~in his or her own~~
 399 ~~handwriting~~ and sign his or her name, which must also be signed
 400 by every other named insured on the policy, and dated: "I do not

401 want the insurance on my home to pay for the first (specify
402 dollar value) of damage from hurricanes. I will pay those costs.
403 My insurance will not."

404 b. If the structure insured by the policy is subject to a
405 mortgage or lien, the policyholder must provide the insurer with
406 a written statement from the mortgageholder or lienholder
407 indicating that the mortgageholder or lienholder approves the
408 policyholder electing to have the specified deductible.

409 2. A deductible subject to the requirements of this
410 paragraph applies for the term of the policy and for each
411 renewal thereafter. Changes to the deductible percentage may be
412 implemented only as of the date of renewal.

413 3. An insurer shall keep the original copy of the signed
414 statement required by this paragraph, electronically or
415 otherwise, and provide a copy to the policyholder providing the
416 signed statement. A signed statement meeting the requirements of
417 this paragraph creates a presumption that there was an informed,
418 knowing election of coverage.

419 4. The commission shall adopt rules providing appropriate
420 alternative methods for providing the statements required by
421 this section for policyholders who have a handicapping or
422 disabling condition that prevents them from providing a
423 handwritten statement.

424 Section 12. Paragraph (a) of subsection (2) and subsection
425 (3) of section 627.712, Florida Statutes, are amended to read:

426 627.712 Residential windstorm coverage required;
 427 availability of exclusions for windstorm or contents.—

428 (2) A property insurer must make available, at the option
 429 of the policyholder, an exclusion of windstorm coverage.

430 (a) The coverage may be excluded only if:

431 1. When the policyholder is a natural person, the
 432 policyholder personally writes or types and provides to the
 433 insurer the following statement ~~in his or her own handwriting~~
 434 and signs his or her name, which must also be signed by every
 435 other named insured on the policy, and dated: "I do not want the
 436 insurance on my (home/mobile home/condominium unit) to pay for
 437 damage from windstorms. I will pay those costs. My insurance
 438 will not."

439 2. When the policyholder is other than a natural person,
 440 the policyholder provides to the insurer on the policyholder's
 441 letterhead the following statement that must be signed by the
 442 policyholder's authorized representative and dated: "... (Name of
 443 entity)... does not want the insurance on its ...(type of
 444 structure)... to pay for damage from windstorms. ...(Name of
 445 entity)... will be responsible for these costs. ...(Name of
 446 entity's)... insurance will not."

447 (3) An insurer issuing a residential property insurance
 448 policy, except for a condominium unit owner policy or a tenant
 449 policy, must make available, at the option of the policyholder,
 450 an exclusion of coverage for the contents. The coverage may be

HB 503

2022

451 excluded only if the policyholder personally writes or types and
452 provides to the insurer the following statement ~~in his or her~~
453 ~~own handwriting~~ and signs his or her signature, which must also
454 be signed by every other named insured on the policy, and dated:
455 "I do not want the insurance on my (home/mobile home) to pay for
456 the costs to repair or replace any contents that are damaged. I
457 will pay those costs. My insurance will not."

458 Section 13. Effective upon this act becoming a law,
459 paragraph (b) of subsection (1) and paragraph (a) of subsection
460 (9) of section 627.7152, Florida Statutes, are amended to read:

461 627.7152 Assignment agreements.—

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

463 (b) "Assignment agreement" means any instrument by which
464 post-loss benefits under a residential property insurance policy
465 or commercial property insurance policy, as that term is defined
466 in s. 627.0625(1), are assigned or transferred, or acquired in
467 any manner, in whole or in part, to or from a person providing
468 services, including, but not limited to, scopes of service, to
469 inspect, protect, repair, restore, or replace property or to
470 mitigate against further damage to the property. This term does
471 not include fees collected by a public adjuster, as defined in
472 s. 626.854(1).

473 (9) (a) An assignee must provide the named insured,
474 insurer, and the assignor, if not the named insured, with a
475 written notice of intent to initiate litigation before filing

476 | suit under the policy. Such notice must be served at least 10
 477 | business days before filing suit, but not before the insurer has
 478 | made a determination of coverage under s. 627.70131, by
 479 | certified mail, return receipt requested, to the name and
 480 | mailing address designated by the insurer in the policy forms or
 481 | by electronic delivery to the e-mail address designated by the
 482 | insurer in the policy forms ~~at least 10 business days before~~
 483 | ~~filing suit, but may not be served before the insurer has made a~~
 484 | ~~determination of coverage under s. 627.70131.~~ The notice must
 485 | specify the damages in dispute, the amount claimed, and a
 486 | presuit settlement demand. Concurrent with the notice, and as a
 487 | precondition to filing suit, the assignee must provide the named
 488 | insured, insurer, and the assignor, if not the named insured, a
 489 | detailed written invoice or estimate of services, including
 490 | itemized information on equipment, materials, and supplies; the
 491 | number of labor hours; and, in the case of work performed, proof
 492 | that the work has been performed in accordance with accepted
 493 | industry standards.

494 | Section 14. Section 627.7276, Florida Statutes, is amended
 495 | to read:

496 | 627.7276 Notice of limited coverage.—

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

501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525

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

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

Section 15. Section 634.171, Florida Statutes, is amended
to read:

634.171 Salesperson to be licensed and appointed;
exemptions.—Salespersons for motor vehicle service agreement
companies and insurers must ~~shall~~ be licensed, appointed,
renewed, continued, reinstated, or terminated as prescribed in
chapter 626 for insurance representatives in general. However,
they are ~~shall be~~ exempt from all other provisions of chapter
626, including those relating to fingerprinting, photo
identification, education, and examination ~~provisions.~~
Applicable license, appointment, and other fees are as ~~shall be~~

526 ~~those~~ prescribed in s. 624.501. A licensed and appointed
 527 salesperson is ~~shall be~~ directly responsible and accountable for
 528 all acts of her or his employees and other representatives. Each
 529 service agreement company or insurer shall, on forms prescribed
 530 by the department, within 30 days after termination of the
 531 appointment, notify the department of such termination. An ~~No~~
 532 employee or a salesperson of a motor vehicle service agreement
 533 company or an insurer may not directly or indirectly solicit or
 534 negotiate insurance contracts, or hold herself or himself out in
 535 any manner to be an insurance agent, unless so qualified,
 536 licensed, and appointed therefor under the Florida Insurance
 537 Code. A licensed personal lines or general lines agent is not
 538 required to be licensed as a salesperson under this section to
 539 solicit, negotiate, advertise, or sell motor vehicle service
 540 agreements. A motor vehicle service agreement company is not
 541 required to be licensed as a salesperson to solicit, sell,
 542 issue, or otherwise transact the motor vehicle service
 543 agreements issued by the motor vehicle service agreement
 544 company.

545 Section 16. Section 634.317, Florida Statutes, is amended
 546 to read:

547 634.317 License and appointment required; exemptions. ~~A No~~
 548 person may not solicit, negotiate, or effectuate home warranty
 549 contracts for remuneration in this state unless such person is
 550 licensed and appointed as a sales representative. A licensed and

551 appointed sales representative is ~~shall be~~ directly responsible
 552 and accountable for all acts of the licensee's employees. A
 553 licensed personal lines or general lines agent is not required
 554 to be licensed as a sales representative under this section to
 555 solicit, negotiate, advertise, or sell home warranty contracts.

556 Section 17. Section 634.419, Florida Statutes, is amended
 557 to read:

558 634.419 License and appointment required; exemptions.—~~A~~ ~~No~~
 559 person or an entity may not ~~shall~~ solicit, negotiate, advertise,
 560 or effectuate service warranty contracts in this state unless
 561 such person or entity is licensed and appointed as a sales
 562 representative. Sales representatives are ~~shall be~~ responsible
 563 for the actions of persons under their supervision. However, a
 564 service warranty association licensed as such under this part is
 565 ~~shall not be~~ required to be licensed and appointed as a sales
 566 representative to solicit, negotiate, advertise, or effectuate
 567 its products. A licensed personal lines or general lines agent
 568 is not required to be licensed as a sales representative under
 569 this section to solicit, negotiate, advertise, or sell service
 570 warranty contracts.

571 Section 18. Effective June 1, 2023, for the purpose of
 572 incorporating the amendment made by this act to section 215.555,
 573 Florida Statutes, in a reference thereto, subsection (10) of
 574 section 624.424, Florida Statutes, is reenacted to read:

575 624.424 Annual statement and other information.—

576 (10) Each insurer or insurer group doing business in this
577 state shall file on a quarterly basis in conjunction with
578 financial reports required by paragraph (1) (a) a supplemental
579 report on an individual and group basis on a form prescribed by
580 the commission with information on personal lines and commercial
581 lines residential property insurance policies in this state. The
582 supplemental report shall include separate information for
583 personal lines property policies and for commercial lines
584 property policies and totals for each item specified, including
585 premiums written for each of the property lines of business as
586 described in ss. 215.555(2) (c) and 627.351(6) (a). The report
587 shall include the following information for each county on a
588 monthly basis:

589 (a) Total number of policies in force at the end of each
590 month.

591 (b) Total number of policies canceled.

592 (c) Total number of policies nonrenewed.

593 (d) Number of policies canceled due to hurricane risk.

594 (e) Number of policies nonrenewed due to hurricane risk.

595 (f) Number of new policies written.

596 (g) Total dollar value of structure exposure under
597 policies that include wind coverage.

598 (h) Number of policies that exclude wind coverage.

599 Section 19. Effective June 1, 2023, for the purpose of
600 incorporating the amendment made by this act to section 215.555,

601 Florida Statutes, in a reference thereto, paragraph (v) of
 602 subsection (6) of section 627.351, Florida Statutes, is
 603 reenacted to read:

604 627.351 Insurance risk apportionment plans.—

605 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

606 (v)1. Effective July 1, 2002, policies of the Residential
 607 Property and Casualty Joint Underwriting Association become
 608 policies of the corporation. All obligations, rights, assets and
 609 liabilities of the association, including bonds, note and debt
 610 obligations, and the financing documents pertaining to them
 611 become those of the corporation as of July 1, 2002. The
 612 corporation is not required to issue endorsements or
 613 certificates of assumption to insureds during the remaining term
 614 of in-force transferred policies.

615 2. Effective July 1, 2002, policies of the Florida
 616 Windstorm Underwriting Association are transferred to the
 617 corporation and become policies of the corporation. All
 618 obligations, rights, assets, and liabilities of the association,
 619 including bonds, note and debt obligations, and the financing
 620 documents pertaining to them are transferred to and assumed by
 621 the corporation on July 1, 2002. The corporation is not required
 622 to issue endorsements or certificates of assumption to insureds
 623 during the remaining term of in-force transferred policies.

624 3. The Florida Windstorm Underwriting Association and the
 625 Residential Property and Casualty Joint Underwriting Association

626 shall take all actions necessary to further evidence the
627 transfers and provide the documents and instruments of further
628 assurance as may reasonably be requested by the corporation for
629 that purpose. The corporation shall execute assumptions and
630 instruments as the trustees or other parties to the financing
631 documents of the Florida Windstorm Underwriting Association or
632 the Residential Property and Casualty Joint Underwriting
633 Association may reasonably request to further evidence the
634 transfers and assumptions, which transfers and assumptions,
635 however, are effective on the date provided under this paragraph
636 whether or not, and regardless of the date on which, the
637 assumptions or instruments are executed by the corporation.
638 Subject to the relevant financing documents pertaining to their
639 outstanding bonds, notes, indebtedness, or other financing
640 obligations, the moneys, investments, receivables, choses in
641 action, and other intangibles of the Florida Windstorm
642 Underwriting Association shall be credited to the coastal
643 account of the corporation, and those of the personal lines
644 residential coverage account and the commercial lines
645 residential coverage account of the Residential Property and
646 Casualty Joint Underwriting Association shall be credited to the
647 personal lines account and the commercial lines account,
648 respectively, of the corporation.

649 4. Effective July 1, 2002, a new applicant for property
650 insurance coverage who would otherwise have been eligible for

651 coverage in the Florida Windstorm Underwriting Association is
652 eligible for coverage from the corporation as provided in this
653 subsection.

654 5. The transfer of all policies, obligations, rights,
655 assets, and liabilities from the Florida Windstorm Underwriting
656 Association to the corporation and the renaming of the
657 Residential Property and Casualty Joint Underwriting Association
658 as the corporation does not affect the coverage with respect to
659 covered policies as defined in s. 215.555(2)(c) provided to
660 these entities by the Florida Hurricane Catastrophe Fund. The
661 coverage provided by the fund to the Florida Windstorm
662 Underwriting Association based on its exposures as of June 30,
663 2002, and each June 30 thereafter shall be redesignated as
664 coverage for the coastal account of the corporation.
665 Notwithstanding any other provision of law, the coverage
666 provided by the fund to the Residential Property and Casualty
667 Joint Underwriting Association based on its exposures as of June
668 30, 2002, and each June 30 thereafter shall be transferred to
669 the personal lines account and the commercial lines account of
670 the corporation. Notwithstanding any other provision of law, the
671 coastal account shall be treated, for all Florida Hurricane
672 Catastrophe Fund purposes, as if it were a separate
673 participating insurer with its own exposures, reimbursement
674 premium, and loss reimbursement. Likewise, the personal lines
675 and commercial lines accounts shall be viewed together, for all

676 fund purposes, as if the two accounts were one and represent a
677 single, separate participating insurer with its own exposures,
678 reimbursement premium, and loss reimbursement. The coverage
679 provided by the fund to the corporation shall constitute and
680 operate as a full transfer of coverage from the Florida
681 Windstorm Underwriting Association and Residential Property and
682 Casualty Joint Underwriting Association to the corporation.

683 Section 20. For the purpose of incorporating the amendment
684 made by this act to section 626.856, Florida Statutes, in a
685 reference thereto, paragraph (e) of subsection (1) of section
686 626.865, Florida Statutes, is reenacted to read:

687 626.865 Public adjuster's qualifications, bond.—

688 (1) The department shall issue a license to an applicant
689 for a public adjuster's license upon determining that the
690 applicant has paid the applicable fees specified in s. 624.501
691 and possesses the following qualifications:

692 (e) Has been licensed in this state as an all-lines
693 adjuster, and has been appointed on a continual basis for the
694 previous 6 months as a public adjuster apprentice under s.
695 626.8561, as an independent adjuster under s. 626.855, or as a
696 company employee adjuster under s. 626.856.

697 Section 21. Effective upon this act becoming a law, for
698 the purpose of incorporating the amendment made by this act to
699 section 627.7152, Florida Statutes, in references thereto,
700 subsection (1) and paragraph (d) of subsection (2) of section

701 627.7153, Florida Statutes, are reenacted to read:

702 627.7153 Policies restricting assignment of post-loss
703 benefits under a property insurance policy.—

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

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

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

711
712 THIS POLICY DOES NOT ALLOW THE UNRESTRICTED ASSIGNMENT
713 OF POST-LOSS INSURANCE BENEFITS. BY SELECTING THIS
714 POLICY, YOU WAIVE YOUR RIGHT TO FREELY ASSIGN OR
715 TRANSFER THE POST-LOSS PROPERTY INSURANCE BENEFITS
716 AVAILABLE UNDER THIS POLICY TO A THIRD PARTY OR TO
717 OTHERWISE FREELY ENTER INTO AN ASSIGNMENT AGREEMENT AS
718 THE TERM IS DEFINED IN SECTION 627.7152 OF THE FLORIDA
719 STATUTES.

720 Section 22. Except as otherwise expressly provided in this
721 act and except for this section, which shall take effect upon
722 this act becoming a law, this act shall take effect July 1,
723 2022.