

Amendment No.4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Cassel offered the following:

Amendment (with title amendment)

Remove lines 455-530 and insert:

transacting property insurance business in this state shall be
subject to an additional market conduct examination after a
hurricane if the insurer:

(a) Is among the top 20 percent of insurers based upon a
calculation of the ratio of hurricane-related property insurance
claims filed to the number of property insurance policies in
force;

(b) Is among the top 20 percent of insurers based upon a
calculation of the ratio of consumer complaints made to the
department to hurricane-related claims;

(c) Has made significant payments to its managing general

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17 agent since the hurricane; or

18 (d) Is identified by the office as necessitating a market
19 conduct exam for any other reason.

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21 All relevant criteria under this section and s. 624.316 shall be
22 applied to the market conduct examination under this subsection.
23 Such an examination must be initiated within 18 months after the
24 landfall of a hurricane that results in an executive order or a
25 state of emergency issued by the Governor. An examination of an
26 insurer under this subsection must also include an examination
27 of its managing general agent as if it were the insurer.

28 Section 4. Paragraph (c) of subsection (2) of section
29 624.418, Florida Statutes, is amended to read:

30 624.418 Suspension, revocation of certificate of authority
31 for violations and special grounds.—

32 (2) The office may, in its discretion, suspend or revoke
33 the certificate of authority of an insurer if it finds that the
34 insurer:

35 (c) Has for any line, class, or combination thereof, with
36 such frequency as to indicate its general business practice in
37 this state, without just cause:

38 1. Refused to pay proper claims arising under its
39 policies, whether any such claim is in favor of an insured or is
40 in favor of a third person with respect to the liability of an
41 insured to such third person, or without just cause compels such

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42 insureds or claimants to accept less than the amount due them or
43 to employ attorneys or to bring suit against the insurer or such
44 an insured to secure full payment or settlement of such claims;
45 or

46 2. Compelled insureds to participate in appraisal under a
47 property insurance policy in order to secure full payment or
48 settlement of such claims.

49 Section 5. Paragraph (a) of subsection (10) and subsection
50 (11) of section 624.424, Florida Statutes, are amended and
51 subsection (12) is created to read:

52 624.424 Annual statement and other information.—

53 (10) (a) Each insurer or insurer group doing business in
54 this state shall file on a quarterly basis in conjunction with
55 financial reports required by paragraph (1) (a) a supplemental
56 report on an individual and group basis on a form prescribed by
57 the commission with information on personal lines and commercial
58 lines residential property insurance policies in this state. The
59 supplemental report shall include separate information for
60 personal lines property policies and for commercial lines
61 property policies and totals for each item specified, including
62 premiums written for each of the property lines of business as
63 described in ss. 215.555(2) (c) and 627.351(6) (a). The report
64 shall include the following information for each county on a
65 monthly basis:

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- 66 1. Total number of policies in force at the end of each
67 month.
- 68 2. Total number of policies canceled.
- 69 3. Total number of policies nonrenewed.
- 70 4. Number of policies canceled due to hurricane risk.
- 71 5. Number of policies nonrenewed due to hurricane risk.
- 72 6. Number of new policies written.
- 73 7. Total dollar value of structure exposure under policies
74 that include wind coverage.
- 75 8. Number of policies that exclude wind coverage.
- 76 9. Number of claims open each month.
- 77 10. Number of claims closed each month.
- 78 11. Number of claims pending each month.
- 79 12. Number of claims in which either the insurer or insured
80 invoked any form of alternative dispute resolution, which party
81 invoked alternative dispute resolution, and specifying which
82 form of alternative dispute resolution was used.
- 83 13. Number of policies cancelled or not renewed while a
84 claim is pending.

85 (11) Beginning January 1, 2022, each authorized insurer or
86 insurer group issuing personal lines or commercial lines
87 residential property insurance policies in this state shall file
88 with the office on an annual basis in conjunction with the
89 statements required by paragraph (1)(a) a supplemental report on
90 an individual and group basis for closed claims. The office

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91 shall compile the data for each insurer or insurer group on a
92 statewide basis and make such data publicly available on its
93 website monthly. Such information, when aggregated on a
94 statewide basis as to an individual insurer or insurer group, is
95 not a trade secret as defined in s. 688.002(4) or s. 812.081 and
96 is not subject to the public records exemption for trade secrets
97 provided in s. 119.0715. The report must be on a form prescribed
98 by the commission and must include the following information for
99 each claim closed, excluding liability only claims, within the
100 reporting period in this state:

101 (a) The unique claim identification number.

102 (b) The type of policy.

103 (c) The zip code of the property where the claim occurred.

104 (d) The county where the claim occurred.

105 (e) The date of loss.

106 (f) The peril or type of loss, including information about:

107 1. The types of vendors used for mitigation, repair, or
108 replacement; and

109 2. The names of vendors used, if known.

110 (g) The date the claim was reported to insurer.

111 (h) The initial date the claim was closed, including
112 information about whether the claim was closed with or without
113 payment.

114 (i) The date the claim was most recently reopened, if
115 applicable.

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116 (j) The date a supplemental claim was filed, if applicable.

117 (k) The date the claim was most recently closed, if

118 different from the initial date the claim was closed.

119 (l) The name of the public adjuster on the claim, if any.

120 (m) The Florida Bar number and name of the attorney for the

121 claimant, if any.

122 (n) The total indemnity paid by the insurer.

123 (o) The total loss adjustment expenses paid by the insurer.

124 (p) The amount paid for claimant's attorney fees, if any.

125 (q) The amount paid in costs for claimant's attorney's
126 expenses, including, but not limited to, expert witness fees.

127 (r) The contingency risk multiplier, if any, that the
128 claimant's attorney requested to be applied in calculating the
129 attorney fees awarded to the claimant's attorney.

130 (s) The contingency risk multiplier, if any, that a court
131 applied in calculating the attorney fees awarded to the
132 claimant's attorney.

133 (t) Data submitted to the Department of Financial Services
134 by each claimant and each insurer or insurer group under
135 subsections 627.70152(3) and (4).

136 (u) Any other information deemed necessary by the
137 commission to provide the office with the ability to track
138 litigation and claims trends occurring in the property market.

139 (12) The office shall aggregate on a statewide basis the
140 data submitted by each insurer or insurer group under subsection

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141 (11) and make such data publicly available by publishing such
142 data on the office's website within 1 month after each annual
143 filing. Such information, when aggregated on a statewide basis
144 as to an individual insurer or insurer group, is not a trade
145 secret as defined in s. 688.002(4) or s. 812.081 and is not
146 subject to the public records exemption for trade secrets
147 provided in s. 119.0715.

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151 **T I T L E A M E N D M E N T**

152 Remove lines 39-41 and insert:
153 to be reported by property insurers in their quarterly
154 supplemental reports and requiring aggregation and publication
155 of such data; amending s. 626.9373, F.S.;