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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
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The Committee on Banking and Insurance (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 41 - 54

and insert:

Section 2. Subsection (1) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(1) Subject to the insurer's requirement as to payment of premium, every policy shall be mailed, delivered, or electronically transmitted to the insured or to the person



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11 entitled thereto not later than 60 days after the effectuation  
12 of coverage. Notwithstanding any other provision of law, an  
13 insurer may allow a policyholder of personal lines insurance to  
14 affirmatively elect delivery of the policy documents, including,  
15 but not limited to, policies, endorsements, notices, or  
16 documents, by electronic means in lieu of delivery by mail.  
17 Electronic transmission of a policy, related notices, and other  
18 documents for individual and group health insurance policies or  
19 certificates of coverage pursuant to parts VI and VII of this  
20 chapter, respectively; health maintenance contracts or  
21 certificates of coverage pursuant to part I of chapter 641;  
22 prepaid limited health service contracts pursuant to part I of  
23 chapter 636; and ~~for~~ commercial risks, including, but not  
24 limited to, workers' compensation and employers' liability,  
25 commercial automobile liability, commercial automobile physical  
26 damage, commercial lines residential property, commercial  
27 nonresidential property, farmowners insurance, and the types of  
28 commercial lines risks set forth in s. 627.062(3)(d),  
29 constitutes delivery to the insured or to the person entitled to  
30 delivery, unless the insured or the person entitled to delivery  
31 communicates to the insurer in writing or electronically that he  
32 or she does not agree to delivery by electronic means.  
33 ~~Electronic transmission shall include a notice to the insured or~~  
34 ~~to the person entitled to delivery of a policy of his or her~~  
35 ~~right to receive the policy via United States mail rather than~~  
36 ~~via electronic transmission. A paper copy of the policy shall be~~  
37 ~~provided to the insured or to the person entitled to delivery at~~  
38 ~~his or her request.~~

39 Section 3. Paragraphs (e) and (f) are added to subsection



40 (3) of section 627.701, Florida Statutes, and paragraph (a) of  
41 that subsection is republished, to read:

42 627.701 Liability of insureds; coinsurance; deductibles.—

43 (3) (a) Except as otherwise provided in this subsection,  
44 prior to issuing a personal lines residential property insurance  
45 policy, the insurer must offer alternative deductible amounts  
46 applicable to hurricane losses equal to \$500, 2 percent, 5  
47 percent, and 10 percent of the policy dwelling limits, unless  
48 the specific percentage deductible is less than \$500. The  
49 written notice of the offer shall specify the hurricane  
50 deductible to be applied in the event that the applicant or  
51 policyholder fails to affirmatively choose a hurricane  
52 deductible. The insurer must provide such policyholder with  
53 notice of the availability of the deductible amounts specified  
54 in this subsection in a form approved by the office in  
55 conjunction with each renewal of the policy. The failure to  
56 provide such notice constitutes a violation of this code but  
57 does not affect the coverage provided under the policy.

58 (e) Notwithstanding paragraph (a), an insurer may offer a  
59 deductible no greater than:

60 1. Ten percent for a policy covering a risk with dwelling  
61 limits of at least \$1 million, but less than \$3 million.

62 2. Fifteen percent for a policy covering a risk with  
63 dwelling limits greater than \$3 million.

64 (f) Notwithstanding s. 627.062(2)(k)3., between July 1,  
65 2023, and July 1, 2024, an insurer may make an additional filing  
66 to implement changes under paragraph (e).

67 Section 4. Paragraph (a) of subsection (2) and subsection  
68 (3) of section 627.712, Florida Statutes, are amended to read:



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69           627.712 Residential windstorm coverage required;  
70 availability of exclusions for windstorm or contents.—

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

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

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

82           2. When the policyholder is other than a natural person,  
83 the policyholder provides to the insurer on the policyholder's  
84 letterhead the following statement that must be signed by the  
85 policyholder's authorized representative and dated: "... (Name of  
86 entity)... does not want the insurance on its ...(type of  
87 structure)... to pay for damage from windstorms. ...(Name of  
88 entity)... will be responsible for these costs. ...(Name of  
89 entity's)... insurance will not."

90           (3) An insurer issuing a residential property insurance  
91 policy, except for a condominium unit owner policy or a tenant  
92 policy, must make available, at the option of the policyholder,  
93 an exclusion of coverage for the contents. The coverage may be  
94 excluded only if the policyholder personally writes or types and  
95 provides to the insurer the following statement ~~in his or her  
96 own handwriting~~ and signs his or her signature, which must also  
97 be signed by every other named insured on the policy, and dated:



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98 "I do not want the insurance on my (home/mobile home) to pay for  
99 the costs to repair or replace any contents that are damaged. I  
100 will pay those costs. My insurance will not."

101 Section 5. Paragraph (b) of subsection (2) of section  
102 627.0628, Florida Statutes, is amended to read:

103 627.0628 Florida Commission on Hurricane Loss Projection  
104 Methodology; public records exemption; public meetings  
105 exemption.—

106 (2) COMMISSION CREATED.—

107 (b) The commission shall consist of the following 12  
108 members:

109 1. The insurance consumer advocate.

110 2. The senior employee of the State Board of Administration  
111 responsible for operations of the Florida Hurricane Catastrophe  
112 Fund.

113 3. The Executive Director of the Citizens Property  
114 Insurance Corporation or the executive director's designee. The  
115 executive director's designee must be a full-time employee of  
116 the corporation.

117  
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 5 - 9

121 and insert:

122 amending s. 627.421, F.S.; revising the types of  
123 documents and kinds of insurance for which electronic  
124 transmission constitutes delivery to the insured or  
125 person entitled to delivery; deleting a requirement to  
126 include a certain notice to an insured electing to



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127 receive policy documents electronically; deleting a  
128 requirement to provide a paper copy of the policy upon  
129 request by such person; amending s. 627.701, F.S.;  
130 specifying limitations on personal lines residential  
131 property insurance deductibles on policies covering  
132 risks with specified dwelling limits; authorizing  
133 insurers to make an additional filing within a certain  
134 timeframe to implement changes; amending s. 627.712,  
135 F.S.; providing that a policyholder's written  
136 exclusion from residential windstorm coverage may be  
137 typed rather than handwritten; amending s. 627.0628,  
138 F.S.; revising membership requirements for specified  
139 members of the Florida Commission on Hurricane Loss  
140 Projection Methodology; amending s. 627.0629, F.S.;