



593712

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 2/AD/2R	.	Floor: C
05/01/2023 04:14 PM	.	05/03/2023 04:21 PM
	.	

Senator Martin moved the following:

1 **Senate Substitute for Amendment (762726) (with title**
2 **amendment)**

3
4 Delete lines 174 - 234

5 and insert:

6 a. January 1, 2024, for a structure that has a dwelling
7 replacement cost of ~~property valued at~~ \$600,000 or more.

8 b. January 1, 2025, for a structure that has a dwelling
9 replacement cost of ~~property valued at~~ \$500,000 or more.

10 c. January 1, 2026, for a structure that has a dwelling
11 replacement cost of ~~property valued at~~ \$400,000 or more.



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12 d. January 1, 2027, for all other personal lines
13 residential property insured by the corporation.

14 2. All personal lines residential policyholders whose
15 property insured by the corporation is located within the
16 special flood hazard area defined by the Federal Emergency
17 Management Agency must have flood coverage in place:

18 a. At the time of initial policy issuance for all new
19 personal lines residential policies issued by the corporation on
20 or after April 1, 2023.

21 b. By the time of the policy renewal for all personal lines
22 residential policies renewing on or after July 1, 2023.

23 3. Policyholders ~~whose policies issued by the corporation~~
24 ~~do not provide coverage for the peril of wind~~ are not required
25 to purchase flood insurance as a condition for maintaining the
26 following their policies issued by with the corporation:

27 a. Policies that do not provide coverage for the peril of
28 wind.

29 b. Policies that provide coverage under a condominium unit
30 owners form.

31

32 The flood insurance required under this paragraph must meet, at
33 a minimum, the coverage available from the National Flood
34 Insurance Program or the requirements of subparagraphs s.
35 627.715(1)(a)1., 2., and 3.

36 (11) In addition to any other method of alternative dispute
37 resolution authorized by state law, the corporation may adopt
38 policy forms that provide for the resolution of disputes
39 regarding its claim determinations, including disputes regarding
40 coverage for, or the scope and value of, a claim, in a



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41 proceeding before the Division of Administrative Hearings. Any
42 such policies are not subject to s. 627.70154. All proceedings
43 in the Division of Administrative Hearings pursuant to such
44 policies are subject to ss. 57.105 and 768.79 as if filed in the
45 courts of this state and are not considered chapter 120
46 administrative proceedings. Rule 1.442, Florida Rules of Civil
47 Procedure, applies to any offer served pursuant to s. 768.79,
48 except that, notwithstanding any provision in Rule 1.442,
49 Florida Rules of Civil Procedure, to the contrary, an offer
50 shall not be served earlier than 10 days after filing the
51 request for hearing with the Division of Administrative Hearings
52 and shall not be served later than 10 days before the date set
53 for the final hearing. The administrative law judge in such
54 proceedings shall award attorney fees and other relief pursuant
55 to ss. 57.105 and 768.79. The corporation may not seek, and the
56 office may not approve, a maximum hourly rate for attorney fees.

57 Section 4. Effective October 1, 2023, section 627.7155,
58 Florida Statutes, is created to read:

59 627.7155 Wind and flood coverage in residential and
60 commercial property insurance policies.—For residential and
61 commercial property insurance policies issued or renewed on or
62 after October 1, 2023:

63 (1) If a residential or commercial property insurer
64 requires that an insured or applicant have coverage for the
65 peril of flood when the insurer issues a policy covering the
66 peril of wind, unless the insurer verifies that the insured or
67 applicant has coverage for the peril of flood at the time the
68 policy was issued or renewed, the insurer may not deny a claim
69 for wind solely because the insured does not have coverage for



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70 the peril of flood, unless flood coverage that was verified at
71 the time of application or renewal, or equivalent coverage, is
72 not in force at the time of the loss.

73
74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 19 - 25

77 and insert:

78 binding arbitration provisions; specifying applicable
79 requirements, procedures, and restrictions relating to
80 such proceedings; creating s. 627.7155, F.S.;

81 prohibiting a property insurer that requires flood
82 coverage as a condition for wind coverage from denying
83 certain claims except under certain circumstances;