



389018

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2024	.	
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The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 197
and insert:
personal residential or commercial residential property
insurance policy, and the property has been damaged as a result
of flood caused by a hurricane, an insurer may not cancel or
nonrenew the personal residential or commercial residential
property insurance policy until the earlier of when the property
has been repaired or the expiration of one subsequent renewal of
the policy that was in force at the time of the loss. If an



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12 insurer is required to extend or renew a policy pursuant to this
13 subparagraph, any claim for loss or damage arising from
14 unrepaired damage as a result of flood caused by a hurricane
15 will not be covered under the extended or renewed policy. Such
16 loss or damage will be excluded from the extended or renewed
17 policy regardless of any other cause or event that contributes
18 concurrently or in any sequence to the loss. When flood is not a
19 covered peril under the personal residential or commercial
20 residential property insurance policy, the requirements under
21 this subparagraph to extend or renew the policy do not apply if
22 the insurer has no actual knowledge of the flood damage or if
23 the flood damage, along with the physical evidence of the
24 damage, is not communicated to the insurer before the expiration
25 of the policy.

26 2. However, an insurer or agent may cancel or nonrenew such
27 a policy before the repair of the dwelling or residential
28 property:

29 a. Upon 10 days' notice:

30 (I) For nonpayment of premium; or

31 (II) If the named insured no longer has an insurable
32 interest in the property; or

33 b. Upon 45 days' notice:

34 (I) For a material misstatement or fraud related to the
35 claim;

36 (II) If the insurer determines that the insured has
37 unreasonably caused a delay in the repair of the dwelling;

38 (III) If, after the expiration of the declaration of
39 emergency pursuant to s. 252.36 and the order by the

40 Commissioner of Insurance Regulation, the insurer has made a



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41 reasonable written inquiry to the insured as to the status of
42 the repairs, and the insured has failed to respond within 30
43 calendar days to provide information that is responsive to the
44 inquiry, including the reasons for any delay in completing
45 repairs, to the address or e-mail account designated by the
46 insurer or its agent; or

47 (IV) If the insurer has paid the policy limits for a loss
48 to the insured dwelling under a personal residential property
49 insurance policy, or policy limits for a loss to each insured
50 structure that was damaged under a commercial residential
51 property insurance policy.

52 3. If the insurer elects to nonrenew a policy covering a
53 property that has been damaged, the insurer must provide at
54 least 90 days' notice to the insured that the insurer intends to
55 nonrenew the policy 90 days after the dwelling or residential
56 property has been repaired. This subsection does not prevent the
57 insurer from canceling or nonrenewing the policy 90 days after
58 the repairs are complete for the same reasons the insurer would
59 otherwise have canceled or nonrenewed the policy but for the
60 limitations of this subsection. The commission may adopt rules,
61 and the Commissioner of Insurance Regulation may issue orders,
62 necessary to implement this subsection. The Commissioner of
63 Insurance Regulation may also waive any of the provisions of
64 this paragraph upon approval of a petition filed by an insurer
65 requiring relief due to solvency concerns or other factors that
66 could harm policyholders if the provisions of this paragraph
67 were enforced upon the insurer.

68 4. For purposes of this paragraph:

69 a. A structure is deemed to be repaired:



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70 (I) When substantially completed and restored to the extent
71 that it is insurable by Citizens Property Insurance Corporation
72 or by another authorized insurer or eligible surplus lines
73 insurer writing policies in this state; or

74 (II) When one of the following persons has inspected and
75 certified or attested to the completion of the repairs:

76 (A) A home inspector licensed under s. 468.8314;

77 (B) A building code inspector certified under s. 468.607;

78 (C) A general, building, or residential contractor licensed
79 under s. 489.111;

80 (D) A professional engineer licensed under s. 471.015; or

81 (E) A professional architect licensed under s. 481.213.

82 b. If a policy is extended or renewed to comply with this
83 paragraph or with any other provision of the Commissioner of
84 Insurance Regulation's order, the policy must contain similar
85 policy terms as the policy being extended or renewed. However,
86 this paragraph does not impact current law with regard to the
87 rates insurers may charge for policies extended or renewed under
88 this paragraph.

89 5. This subsection does not affect the provisions of s.
90 95.11 or s. 627.70132.

91 6. This paragraph is not intended to revise or modify any
92 provision of an emergency order issued by the office before July
93 1, 2024.

94 Section 2. Paragraph (e) of subsection (2) of section
95 627.4133, Florida Statutes, is amended to read:

96 627.4133 Notice of cancellation, nonrenewal, or renewal
97 premium.—

98 (2) With respect to any personal lines or commercial



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99 residential property insurance policy, including, but not
100 limited to, any homeowner, mobile home owner, farmowner,
101 condominium association, condominium unit owner, apartment
102 building, or other policy covering a residential structure or
103 its contents:

104 (e)1. An ~~authorized~~ insurer may not cancel or nonrenew a
105 personal residential or commercial residential property
106 insurance policy covering a dwelling or residential property
107 located in this state:

108 a. For a period of 90 days after the dwelling or
109 residential property has been repaired, if such property has
110 been damaged as a result of a hurricane or wind loss that is the
111 subject of the declaration of emergency pursuant to s. 252.36
112 and the filing of an order by the Commissioner of Insurance
113 Regulation. Damage under this sub-subparagraph includes flood
114 damage caused by a hurricane if flood is a covered peril under
115 the personal residential or commercial residential property
116 insurance policy. If flood is not a covered peril under the
117 personal residential or commercial residential property
118 insurance policy, and the property has been damaged as a result
119 of flood caused by a hurricane, an insurer may not cancel or
120 nonrenew the personal residential or commercial residential
121 property insurance policy until the earlier of when the property
122 has been repaired or the expiration of one subsequent renewal of
123 the policy that was in force at the time of loss. If an insurer
124 is required to extend or renew a policy pursuant to this sub-
125 subparagraph, any claim for loss or damage arising from
126 unrepaired damage as a result of flood caused by a hurricane
127 will not be covered under the extended or renewed policy. Such



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128 loss or damage will be excluded from the extended or renewed
129 policy regardless of any other cause or event that contributes
130 concurrently or in any sequence to the loss. When flood is not a
131 covered peril under the personal residential or commercial
132 residential property insurance policy, the requirements under
133 this sub-subparagraph to extend or renew the policy do not apply
134 if the insurer has no actual knowledge of the flood damage or if
135 the flood damage, along with the physical evidence of the
136 damage, is not communicated to the insurer before the expiration
137 of the policy.

138 b. Until the earlier of when the dwelling or residential
139 property has been repaired or 1 year after the insurer issues
140 the final claim payment, if such property was damaged by any
141 covered peril and sub-subparagraph a. does not apply.

142 c. The restrictions on cancellation and nonrenewal in sub-
143 subparagraph b. are not applicable to loss or damage to the
144 insured property that is valued at less than the applicable
145 deductible for a personal residential property insurance policy
146 or less than the applicable deductible for a commercial
147 residential insurance policy.

148 2. However, an insurer or agent may cancel or nonrenew such
149 a policy before ~~prior to~~ the repair of the dwelling or
150 residential property:

151 a. Upon 10 days' notice:

152 (I) For nonpayment of premium; or

153 (II) If the named insured no longer has an insurable
154 interest in the property; or

155 b. Upon 45 days' notice:

156 (I) For a material misstatement or fraud related to the



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157 claim;

158 (II) If the insurer determines that the insured has
159 unreasonably caused a delay in the repair of the dwelling; ~~or~~

160 (III) If, after the expiration of the declaration of
161 emergency pursuant to s. 252.36 and the order by the
162 Commissioner of Insurance Regulation, the insurer has made a
163 reasonable written inquiry to the insured as to the status of
164 the repairs and the insured has failed to respond within 30
165 calendar days to provide information that is responsive to the
166 inquiry, including the reasons for any delay in completing
167 repairs, to the address or e-mail account designated by the
168 insurer or its agent; or

169 (IV) If the insurer has paid policy limits for a loss to
170 the insured dwelling under a personal residential policy, or
171 policy limits for a loss to each insured structure that was
172 damaged under a commercial residential policy.

173 3. If the insurer elects to nonrenew a policy covering a
174 property that has been damaged, the insurer must ~~shall~~ provide
175 at least 90 days' notice to the insured that the insurer intends
176 to nonrenew the policy 90 days after the dwelling or residential
177 property has been repaired. ~~Nothing in~~ This paragraph does not
178 ~~shall~~ prevent the insurer from canceling or nonrenewing the
179 policy 90 days after the repairs are complete for the same
180 reasons the insurer would otherwise have canceled or nonrenewed
181 the policy but for the limitations of subparagraph 1. The
182 Financial Services Commission may adopt rules, and the
183 Commissioner of Insurance Regulation may issue orders, necessary
184 to implement this paragraph. The Commissioner of Insurance
185 Regulation may also waive any of the provisions of this



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186 paragraph upon approval of a petition filed by an insurer
187 requesting relief due to solvency concerns or other factors that
188 could harm policyholders if the provisions of this paragraph
189 were enforced upon the insurer.

190 4. This paragraph is not intended to revise or modify any
191 provision of an emergency order issued by the office before July
192 1, 2024 ~~This paragraph shall also apply to personal residential~~
193 ~~and commercial residential policies covering property that was~~
194 ~~damaged as the result of Hurricane Ian or Hurricane Nicole.~~

195 5. For purposes of this paragraph:

196 a. A structure is deemed to be repaired:

197 (I) When substantially completed and restored to the extent
198 that it is insurable by Citizens Property Insurance Corporation
199 or by another authorized insurer writing policies in this state;
200 or

201 (II) When one of the following persons have inspected and
202 certified or attested to the completion of the repairs:

203 (A) A home inspector licensed under s. 468.8314;

204 (B) A building code inspector certified under s. 468.607;

205 (C) A general, building, or residential contractor licensed
206 under s. 489.111;

207 (D) A professional engineer licensed under s. 471.015; or

208 (E) A professional architect licensed under s. 481.213.

209 b. The term "insurer" means an authorized insurer.

210 c. If a policy is extended or renewed to comply with this
211 paragraph or with any other provision of the Commissioner of
212 Insurance Regulation's order, the policy must contain similar
213 policy terms as the policy being extended or renewed unless the
214 insurer has updated approved forms that will apply to all



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215 insureds with the same endorsement. However, this paragraph does
216 not impact current law with regard to the rates insurers may
217 charge for policies extended or renewed under this paragraph.
218

219 ===== T I T L E A M E N D M E N T =====

220 And the title is amended as follows:

221 Delete lines 11 - 19

222 and insert:

223 issue certain orders; authorizing the Commissioner of
224 Insurance Regulation to waive certain provisions;
225 providing construction; requiring that certain
226 policies contain similar terms under certain
227 circumstances; amending s. 627.4133, F.S.; prohibiting
228 insurers from canceling and nonrenewing, within
229 certain timeframes, policies covering personal
230 residential or commercial residential properties
231 damaged by hurricanes or wind losses; providing that
232 such prohibition applies to flood damages caused by
233 hurricanes under certain circumstances; providing that
234 an insurer may not cancel personal residential or
235 commercial residential property insurance policies
236 until certain repairs are made or a specified policy
237 renewal expires; providing that certain claims for
238 loss or damage will not be covered under an extended
239 or renewed policy; providing applicability; revising
240 exceptions; authorizing the Commissioner of Insurance
241 to waive certain provisions; providing construction;
242 deleting applicability; revising