



839006

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2024	.	
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The Committee on Judiciary (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) is added to subsection (2) of  
section 626.9201, Florida Statutes, to read:

626.9201 Notice of cancellation or nonrenewal.—

(2) An insurer issuing a policy providing coverage for  
property, casualty, surety, or marine insurance must give the  
named insured written notice of cancellation or termination  
other than nonrenewal at least 45 days before the effective date



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12 of the cancellation or termination, including in the written  
13 notice the reasons for the cancellation or termination, except  
14 that:

15 (c) An insurer may not cancel or nonrenew a personal  
16 residential or commercial residential property insurance policy  
17 covering a dwelling or residential property located in this  
18 state:

19 1. For a period of 90 days after the dwelling or  
20 residential property has been repaired, if such property has  
21 been damaged as a result of a hurricane or wind loss that is the  
22 subject of the declaration of emergency pursuant to s. 252.36  
23 and the filing of an order by the Commissioner of Insurance  
24 Regulation. Damage under this subsection includes flood damage  
25 caused by a hurricane if flood is a covered peril under the  
26 personal residential or commercial residential property  
27 insurance policy. If flood is not a covered peril under the  
28 commercial property insurance policy and the property has been  
29 damaged as a result of flood caused by a hurricane, an insurer  
30 may not cancel or nonrenew the personal residential or  
31 commercial residential property insurance policy until the  
32 earlier of when the property has been repaired or 18 months  
33 after the date of loss.

34 2. However, an insurer or agent may cancel or nonrenew such  
35 a policy before the repair of the dwelling or residential  
36 property:

37 a. Upon 10 days' notice for nonpayment of premium; or

38 b. Upon 45 days' notice:

39 (I) For a material misstatement or fraud related to the  
40 claim;



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41       (II) If the insurer determines that the insured has  
42 unreasonably caused a delay in the repair of the dwelling; or  
43       (III) If the insurer has paid the policy limits for a loss  
44 to the insured dwelling under a personal residential property  
45 insurance policy, or policy limits for a loss to each insured  
46 structure that was damaged under a commercial residential  
47 property insurance policy.

48       3. If the insurer elects to nonrenew a policy covering a  
49 property that has been damaged, the insurer must provide at  
50 least 90 days' notice to the insured that the insurer intends to  
51 nonrenew the policy 90 days after the dwelling or residential  
52 property has been repaired. This subsection does not prevent the  
53 insurer from canceling or nonrenewing the policy 90 days after  
54 the repairs are complete for the same reasons the insurer would  
55 otherwise have canceled or nonrenewed the policy but for the  
56 limitations of this subsection. The commission may adopt rules,  
57 and the Commissioner of Insurance Regulation may issue orders,  
58 necessary to implement this subsection.

59       4. For purposes of this subsection:

60       a. A structure is deemed to be repaired when the following  
61 persons have inspected and certified or attested to the  
62 completion of the repairs:

63       (I) A home inspector licensed under s. 468.8314;  
64       (II) A building code inspector certified under s. 468.607;  
65       (III) A general, building, or residential contractor  
66 licensed under s. 489.111;

67       (IV) A professional engineer licensed under s. 471.015; or  
68       (V) A professional architect licensed under s. 481.213.

69       b. If a policy is extended or renewed to comply with this



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70 subsection or with any other provision of the Commissioner of  
71 Insurance Regulation's order, the policy must contain similar  
72 policy terms as the policy being extended or renewed. However,  
73 this subsection does not impact current law with regard to the  
74 rates insurers may charge for policies extended or renewed under  
75 this subsection.

76 c. Flood damage that is not communicated to the insurer and  
77 the agent of the insurer before the expiration of the policy is  
78 presumed nonexistent and may not be construed to alter any terms  
79 of a policy, create a separate cause of action, or create any  
80 additional duty on the part of the insurer or an agent of an  
81 insurer to the insured.

82 5. This subsection does not affect the provisions of s.  
83 95.11 or s. 627.70132.

84 6. This paragraph is not intended to revise or modify any  
85 provision of an emergency order issued by the office before July  
86 1, 2024.

87 Section 2. Paragraph (e) of subsection (2) of section  
88 627.4133, Florida Statutes, is amended to read:

89 627.4133 Notice of cancellation, nonrenewal, or renewal  
90 premium.—

91 (2) With respect to any personal lines or commercial  
92 residential property insurance policy, including, but not  
93 limited to, any homeowner, mobile home owner, farmowner,  
94 condominium association, condominium unit owner, apartment  
95 building, or other policy covering a residential structure or  
96 its contents:

97 (e)1. An ~~authorized~~ insurer may not cancel or nonrenew a  
98 personal residential or commercial residential property



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99 insurance policy covering a dwelling or residential property  
100 located in this state:

101 a. For a period of 90 days after the dwelling or  
102 residential property has been repaired, if such property has  
103 been damaged as a result of a hurricane or wind loss that is the  
104 subject of the declaration of emergency pursuant to s. 252.36  
105 and the filing of an order by the Commissioner of Insurance  
106 Regulation. Damage under this sub-subparagraph includes flood  
107 damage caused by a hurricane if flood is a covered peril under  
108 the personal residential or commercial residential property  
109 insurance policy. If flood is not a covered peril under the  
110 personal residential or commercial residential property  
111 insurance policy and the property has been damaged as a result  
112 of flood caused by a hurricane, an insurer may not cancel or  
113 nonrenew the personal residential or commercial residential  
114 property insurance policy until the earlier of when the property  
115 has been repaired or 18 months after the date of loss.

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

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

123 a. Upon 10 days' notice for nonpayment of premium; or

124 b. Upon 45 days' notice:

125 (I) For a material misstatement or fraud related to the  
126 claim;

127 (II) If the insurer determines that the insured has



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128 unreasonably caused a delay in the repair of the dwelling; or  
129 (III) If the insurer has paid policy limits for a loss to  
130 the insured dwelling under a personal residential policy, or  
131 policy limits for a loss to each insured structure that was  
132 damaged under a commercial residential policy.

133 3. If the insurer elects to nonrenew a policy covering a  
134 property that has been damaged, the insurer must ~~shall~~ provide  
135 at least 90 days' notice to the insured that the insurer intends  
136 to nonrenew the policy 90 days after the dwelling or residential  
137 property has been repaired. ~~Nothing in~~ This paragraph does not  
138 ~~shall~~ prevent the insurer from canceling or nonrenewing the  
139 policy 90 days after the repairs are complete for the same  
140 reasons the insurer would otherwise have canceled or nonrenewed  
141 the policy but for the limitations of subparagraph 1. The  
142 Financial Services Commission may adopt rules, and the  
143 Commissioner of Insurance Regulation may issue orders, necessary  
144 to implement this paragraph.

145 4. This paragraph is not intended to revise or modify any  
146 provision of an emergency order issued by the office before July  
147 1, 2024 ~~This paragraph shall also apply to personal residential~~  
148 ~~and commercial residential policies covering property that was~~  
149 ~~damaged as the result of Hurricane Ian or Hurricane Nicole.~~

150 5. For purposes of this paragraph:

151 a. A structure is deemed to be repaired when the following  
152 persons have inspected and certified or attested to the  
153 completion of the repairs:

154 (I) A home inspector licensed under s. 468.8314;

155 (II) A building code inspector certified under s. 468.607;

156 (III) A general, building, or residential contractor



157 licensed under s. 489.111;  
158 (IV) A professional engineer licensed under s. 471.015; or  
159 (V) A professional architect licensed under s. 481.213  
160 ~~substantially completed and restored to the extent that it is~~  
161 ~~insurable by another authorized insurer writing policies in this~~  
162 ~~state.~~

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

164 c. If a policy is extended or renewed to comply with this  
165 paragraph or with any other provision of the Commissioner of  
166 Insurance Regulation's order, the policy must contain similar  
167 policy terms as the policy being extended or renewed. However,  
168 this paragraph does not impact current law with regard to the  
169 rates insurers may charge for policies extended or renewed under  
170 this paragraph.

171 d. Flood damage that is not communicated to the insurer and  
172 the agent of the insurer before the expiration of the policy is  
173 presumed nonexistent and may not be construed to alter any terms  
174 of a policy, create a separate cause of action, or create any  
175 additional duty on the part of the insurer or an agent of an  
176 insurer to the insured.

177 6. This paragraph does not affect the provisions of s.  
178 95.11 or s. 627.70132.

179 Section 3. This act shall take effect July 1, 2024.

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

182 And the title is amended as follows:

183 Delete everything before the enacting clause  
184 and insert:

185 A bill to be entitled



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186 An act relating to policy cancellations and  
187 nonrenewals by property insurers; amending s.  
188 626.9201, F.S.; prohibiting insurers from canceling  
189 and nonrenewing, within certain timeframes, policies  
190 covering personal residential or commercial  
191 residential properties damaged by hurricanes or wind  
192 losses; providing exceptions; providing construction;  
193 authorizing the Financial Services Commission to adopt  
194 rules and the Commissioner of Insurance Regulation to  
195 issue orders; requiring that certain policies contain  
196 similar terms under certain circumstances; amending s.  
197 627.4133, F.S.; prohibiting insurers from canceling  
198 and nonrenewing, within certain timeframes, policies  
199 covering personal residential or commercial  
200 residential properties damaged by hurricanes or wind  
201 losses; providing that such prohibition applies to  
202 flood damages caused by hurricanes under certain  
203 circumstances; revising exceptions; providing  
204 construction; requiring that certain policies contain  
205 similar terms under certain circumstances; providing  
206 an effective date.