

By the Committee on Judiciary; and Senator Bradley

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1                   A bill to be entitled  
2           An act relating to policy cancellations and  
3           nonrenewals by property insurers; amending s.  
4           626.9201, F.S.; prohibiting insurers from canceling  
5           and nonrenewing, within certain timeframes, policies  
6           covering personal residential or commercial  
7           residential properties damaged by hurricanes or wind  
8           losses; providing exceptions; providing construction;  
9           authorizing the Financial Services Commission to adopt  
10          rules and the Commissioner of Insurance Regulation to  
11          issue orders; requiring that certain policies contain  
12          similar terms under certain circumstances; amending s.  
13          627.4133, F.S.; prohibiting insurers from canceling  
14          and nonrenewing, within certain timeframes, policies  
15          covering personal residential or commercial  
16          residential properties damaged by hurricanes or wind  
17          losses; providing that such prohibition applies to  
18          flood damages caused by hurricanes under certain  
19          circumstances; revising exceptions; providing  
20          construction; requiring that certain policies contain  
21          similar terms under certain circumstances; providing  
22          an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Paragraph (c) is added to subsection (2) of  
27           section 626.9201, Florida Statutes, to read:

28           626.9201 Notice of cancellation or nonrenewal.—

29           (2) An insurer issuing a policy providing coverage for

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30 property, casualty, surety, or marine insurance must give the  
31 named insured written notice of cancellation or termination  
32 other than nonrenewal at least 45 days before the effective date  
33 of the cancellation or termination, including in the written  
34 notice the reasons for the cancellation or termination, except  
35 that:

36 (c) An insurer may not cancel or nonrenew a personal  
37 residential or commercial residential property insurance policy  
38 covering a dwelling or residential property located in this  
39 state:

40 1. For a period of 90 days after the dwelling or  
41 residential property has been repaired, if such property has  
42 been damaged as a result of a hurricane or wind loss that is the  
43 subject of the declaration of emergency pursuant to s. 252.36  
44 and the filing of an order by the Commissioner of Insurance  
45 Regulation. Damage under this subsection includes flood damage  
46 caused by a hurricane if flood is a covered peril under the  
47 personal residential or commercial residential property  
48 insurance policy. If flood is not a covered peril under the  
49 commercial property insurance policy and the property has been  
50 damaged as a result of flood caused by a hurricane, an insurer  
51 may not cancel or nonrenew the personal residential or  
52 commercial residential property insurance policy until the  
53 earlier of when the property has been repaired or 18 months  
54 after the date of loss.

55 2. However, an insurer or agent may cancel or nonrenew such  
56 a policy before the repair of the dwelling or residential  
57 property:

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

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59 b. Upon 45 days' notice:

60 (I) For a material misstatement or fraud related to the  
61 claim;

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

64 (III) If the insurer has paid the policy limits for a loss  
65 to the insured dwelling under a personal residential property  
66 insurance policy, or policy limits for a loss to each insured  
67 structure that was damaged under a commercial residential  
68 property insurance policy.

69 3. If the insurer elects to nonrenew a policy covering a  
70 property that has been damaged, the insurer must provide at  
71 least 90 days' notice to the insured that the insurer intends to  
72 nonrenew the policy 90 days after the dwelling or residential  
73 property has been repaired. This subsection does not prevent the  
74 insurer from canceling or nonrenewing the policy 90 days after  
75 the repairs are complete for the same reasons the insurer would  
76 otherwise have canceled or nonrenewed the policy but for the  
77 limitations of this subsection. The commission may adopt rules,  
78 and the Commissioner of Insurance Regulation may issue orders,  
79 necessary to implement this subsection.

80 4. For purposes of this subsection:

81 a. A structure is deemed to be repaired when the following  
82 persons have inspected and certified or attested to the  
83 completion of the repairs:

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

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

86 (III) A general, building, or residential contractor  
87 licensed under s. 489.111;

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88 (IV) A professional engineer licensed under s. 471.015; or

89 (V) A professional architect licensed under s. 481.213.

90 b. If a policy is extended or renewed to comply with this  
91 subsection or with any other provision of the Commissioner of  
92 Insurance Regulation's order, the policy must contain similar  
93 policy terms as the policy being extended or renewed. However,  
94 this subsection does not impact current law with regard to the  
95 rates insurers may charge for policies extended or renewed under  
96 this subsection.

97 c. Flood damage that is not communicated to the insurer and  
98 the agent of the insurer before the expiration of the policy is  
99 presumed nonexistent and may not be construed to alter any terms  
100 of a policy, create a separate cause of action, or create any  
101 additional duty on the part of the insurer or an agent of an  
102 insurer to the insured.

103 5. This subsection does not affect the provisions of s.  
104 95.11 or s. 627.70132.

105 6. This paragraph is not intended to revise or modify any  
106 provision of an emergency order issued by the office before July  
107 1, 2024.

108 Section 2. Paragraph (e) of subsection (2) of section  
109 627.4133, Florida Statutes, is amended to read:

110 627.4133 Notice of cancellation, nonrenewal, or renewal  
111 premium.—

112 (2) With respect to any personal lines or commercial  
113 residential property insurance policy, including, but not  
114 limited to, any homeowner, mobile home owner, farmowner,  
115 condominium association, condominium unit owner, apartment  
116 building, or other policy covering a residential structure or

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117 its contents:

118 (e)1. An ~~authorized~~ insurer may not cancel or nonrenew a  
119 personal residential or commercial residential property  
120 insurance policy covering a dwelling or residential property  
121 located in this state:

122 a. For a period of 90 days after the dwelling or  
123 residential property has been repaired, if such property has  
124 been damaged as a result of a hurricane or wind loss that is the  
125 subject of the declaration of emergency pursuant to s. 252.36  
126 and the filing of an order by the Commissioner of Insurance  
127 Regulation. Damage under this sub-subparagraph includes flood  
128 damage caused by a hurricane if flood is a covered peril under  
129 the personal residential or commercial residential property  
130 insurance policy. If flood is not a covered peril under the  
131 personal residential or commercial residential property  
132 insurance policy and the property has been damaged as a result  
133 of flood caused by a hurricane, an insurer may not cancel or  
134 nonrenew the personal residential or commercial residential  
135 property insurance policy until the earlier of when the property  
136 has been repaired or 18 months after the date of loss.

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

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

- 144 a. Upon 10 days' notice for nonpayment of premium; or  
145 b. Upon 45 days' notice:

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146 (I) For a material misstatement or fraud related to the  
147 claim;

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

150 (III) If the insurer has paid policy limits for a loss to  
151 the insured dwelling under a personal residential policy, or  
152 policy limits for a loss to each insured structure that was  
153 damaged under a commercial residential policy.

154 3. If the insurer elects to nonrenew a policy covering a  
155 property that has been damaged, the insurer must ~~shall~~ provide  
156 at least 90 days' notice to the insured that the insurer intends  
157 to nonrenew the policy 90 days after the dwelling or residential  
158 property has been repaired. ~~Nothing in~~ This paragraph does not  
159 ~~shall~~ prevent the insurer from canceling or nonrenewing the  
160 policy 90 days after the repairs are complete for the same  
161 reasons the insurer would otherwise have canceled or nonrenewed  
162 the policy but for the limitations of subparagraph 1. The  
163 Financial Services Commission may adopt rules, and the  
164 Commissioner of Insurance Regulation may issue orders, necessary  
165 to implement this paragraph.

166 4. This paragraph is not intended to revise or modify any  
167 provision of an emergency order issued by the office before July  
168 1, 2024 ~~This paragraph shall also apply to personal residential~~  
169 ~~and commercial residential policies covering property that was~~  
170 ~~damaged as the result of Hurricane Ian or Hurricane Nicole.~~

171 5. For purposes of this paragraph:

172 a. A structure is deemed to be repaired when the following  
173 persons have inspected and certified or attested to the  
174 completion of the repairs:

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

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

177 (III) A general, building, or residential contractor  
178 licensed under s. 489.111;

179 (IV) A professional engineer licensed under s. 471.015; or

180 (V) A professional architect licensed under s. 481.213  
181 ~~substantially completed and restored to the extent that it is~~  
182 ~~insurable by another authorized insurer writing policies in this~~  
183 ~~state.~~

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

185 c. If a policy is extended or renewed to comply with this  
186 paragraph or with any other provision of the Commissioner of  
187 Insurance Regulation's order, the policy must contain similar  
188 policy terms as the policy being extended or renewed. However,  
189 this paragraph does not impact current law with regard to the  
190 rates insurers may charge for policies extended or renewed under  
191 this paragraph.

192 d. Flood damage that is not communicated to the insurer and  
193 the agent of the insurer before the expiration of the policy is  
194 presumed nonexistent and may not be construed to alter any terms  
195 of a policy, create a separate cause of action, or create any  
196 additional duty on the part of the insurer or an agent of an  
197 insurer to the insured.

198 6. This paragraph does not affect the provisions of s.  
199 95.11 or s. 627.70132.

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