

By the Committees on Rules; and 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 certain orders; authorizing the Commissioner of  
12      Insurance Regulation to waive certain provisions;  
13      providing construction; requiring that certain  
14      policies contain similar terms under certain  
15      circumstances; amending s. 627.4133, F.S.; prohibiting  
16      insurers from canceling and nonrenewing, within  
17      certain timeframes, policies covering personal  
18      residential or commercial residential properties  
19      damaged by hurricanes or wind losses; providing that  
20      such prohibition applies to flood damages caused by  
21      hurricanes under certain circumstances; providing that  
22      an insurer may not cancel personal residential or  
23      commercial residential property insurance policies  
24      until certain repairs are made or a specified policy  
25      renewal expires; providing that certain claims for  
26      loss or damage will not be covered under an extended  
27      or renewed policy; providing applicability; revising  
28      exceptions; authorizing the Commissioner of Insurance  
29      to waive certain provisions; providing construction;

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30 deleting applicability; revising construction;  
31 requiring that certain policies contain similar terms  
32 under certain circumstances; providing an effective  
33 date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Paragraph (c) is added to subsection (2) of  
38 section 626.9201, Florida Statutes, to read:

39 626.9201 Notice of cancellation or nonrenewal.—

40 (2) An insurer issuing a policy providing coverage for  
41 property, casualty, surety, or marine insurance must give the  
42 named insured written notice of cancellation or termination  
43 other than nonrenewal at least 45 days before the effective date  
44 of the cancellation or termination, including in the written  
45 notice the reasons for the cancellation or termination, except  
46 that:

47 (c) An insurer may not cancel or nonrenew a personal  
48 residential or commercial residential property insurance policy  
49 covering a dwelling or residential property located in this  
50 state:

51 1. For a period of 90 days after the dwelling or  
52 residential property has been repaired, if such property has  
53 been damaged as a result of a hurricane or wind loss that is the  
54 subject of the declaration of emergency pursuant to s. 252.36  
55 and the filing of an order by the Commissioner of Insurance  
56 Regulation. Damage under this subsection includes flood damage  
57 caused by a hurricane if flood is a covered peril under the  
58 personal residential or commercial residential property

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59 insurance policy. If flood is not a covered peril under the  
60 personal residential or commercial residential property  
61 insurance policy, and the property has been damaged as a result  
62 of flood caused by a hurricane, an insurer may not cancel or  
63 nonrenew the personal residential or commercial residential  
64 property insurance policy until the earlier of when the property  
65 has been repaired or the expiration of one subsequent renewal of  
66 the policy that was in force at the time of the loss. If an  
67 insurer is required to extend or renew a policy pursuant to this  
68 subparagraph, any claim for loss or damage arising from  
69 unrepaired damage as a result of flood caused by a hurricane  
70 will not be covered under the extended or renewed policy. Such  
71 loss or damage will be excluded from the extended or renewed  
72 policy regardless of any other cause or event that contributes  
73 concurrently or in any sequence to the loss. When flood is not a  
74 covered peril under the personal residential or commercial  
75 residential property insurance policy, the requirements under  
76 this subparagraph to extend or renew the policy do not apply if  
77 the insurer has no actual knowledge of the flood damage or if  
78 the flood damage, along with the physical evidence of the  
79 damage, is not communicated to the insurer before the expiration  
80 of the policy.

81 2. However, an insurer or agent may cancel or nonrenew such  
82 a policy before the repair of the dwelling or residential  
83 property:

84 a. Upon 10 days' notice:

85 (I) For nonpayment of premium; or

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

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88 b. Upon 45 days' notice:

89 (I) For a material misstatement or fraud related to the  
90 claim;

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

93 (III) If, after the expiration of the declaration of  
94 emergency pursuant to s. 252.36 and the order by the  
95 Commissioner of Insurance Regulation, the insurer has made a  
96 reasonable written inquiry to the insured as to the status of  
97 the repairs, and the insured has failed to respond within 30  
98 calendar days to provide information that is responsive to the  
99 inquiry, including the reasons for any delay in completing  
100 repairs, to the address or e-mail account designated by the  
101 insurer or its agent; or

102 (IV) If the insurer has paid the policy limits for a loss  
103 to the insured dwelling under a personal residential property  
104 insurance policy, or policy limits for a loss to each insured  
105 structure that was damaged under a commercial residential  
106 property insurance policy.

107 3. If the insurer elects to nonrenew a policy covering a  
108 property that has been damaged, the insurer must provide at  
109 least 90 days' notice to the insured that the insurer intends to  
110 nonrenew the policy 90 days after the dwelling or residential  
111 property has been repaired. This subsection does not prevent the  
112 insurer from canceling or nonrenewing the policy 90 days after  
113 the repairs are complete for the same reasons the insurer would  
114 otherwise have canceled or nonrenewed the policy but for the  
115 limitations of this subsection. The commission may adopt rules,  
116 and the Commissioner of Insurance Regulation may issue orders,

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117 necessary to implement this subsection. The Commissioner of  
118 Insurance Regulation may also waive any of the provisions of  
119 this paragraph upon approval of a petition filed by an insurer  
120 requiring relief due to solvency concerns or other factors that  
121 could harm policyholders if the provisions of this paragraph  
122 were enforced upon the insurer.

123 4. For purposes of this paragraph:

124 a. A structure is deemed to be repaired:

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

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

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

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

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

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

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

137 b. If a policy is extended or renewed to comply with this  
138 paragraph or with any other provision of the Commissioner of  
139 Insurance Regulation's order, the policy must contain similar  
140 policy terms as the policy being extended or renewed. However,  
141 this paragraph does not impact current law with regard to the  
142 rates insurers may charge for policies extended or renewed under  
143 this paragraph.

144 5. This subsection does not affect the provisions of s.  
145 95.11 or s. 627.70132.

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146 6. This paragraph is not intended to revise or modify any  
147 provision of an emergency order issued by the office before July  
148 1, 2024.

149 Section 2. Paragraph (e) of subsection (2) of section  
150 627.4133, Florida Statutes, is amended to read:

151 627.4133 Notice of cancellation, nonrenewal, or renewal  
152 premium.—

153 (2) With respect to any personal lines or commercial  
154 residential property insurance policy, including, but not  
155 limited to, any homeowner, mobile home owner, farmowner,  
156 condominium association, condominium unit owner, apartment  
157 building, or other policy covering a residential structure or  
158 its contents:

159 (e)1. An ~~authorized~~ insurer may not cancel or nonrenew a  
160 personal residential or commercial residential property  
161 insurance policy covering a dwelling or residential property  
162 located in this state:

163 a. For a period of 90 days after the dwelling or  
164 residential property has been repaired, if such property has  
165 been damaged as a result of a hurricane or wind loss that is the  
166 subject of the declaration of emergency pursuant to s. 252.36  
167 and the filing of an order by the Commissioner of Insurance  
168 Regulation. Damage under this sub-subparagraph includes flood  
169 damage caused by a hurricane if flood is a covered peril under  
170 the personal residential or commercial residential property  
171 insurance policy. If flood is not a covered peril under the  
172 personal residential or commercial residential property  
173 insurance policy, and the property has been damaged as a result  
174 of flood caused by a hurricane, an insurer may not cancel or

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175 nonrenew the personal residential or commercial residential  
176 property insurance policy until the earlier of when the property  
177 has been repaired or the expiration of one subsequent renewal of  
178 the policy that was in force at the time of loss. If an insurer  
179 is required to extend or renew a policy pursuant to this sub-  
180 subparagraph, any claim for loss or damage arising from  
181 unrepaired damage as a result of flood caused by a hurricane  
182 will not be covered under the extended or renewed policy. Such  
183 loss or damage will be excluded from the extended or renewed  
184 policy regardless of any other cause or event that contributes  
185 concurrently or in any sequence to the loss. When flood is not a  
186 covered peril under the personal residential or commercial  
187 residential property insurance policy, the requirements under  
188 this sub-subparagraph to extend or renew the policy do not apply  
189 if the insurer has no actual knowledge of the flood damage or if  
190 the flood damage, along with the physical evidence of the  
191 damage, is not communicated to the insurer before the expiration  
192 of the policy.

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

197       c. The restrictions on cancellation and nonrenewal in sub-  
198 subparagraph b. are not applicable to loss or damage to the  
199 insured property that is valued at less than the applicable  
200 deductible for a personal residential property insurance policy  
201 or less than the applicable deductible for a commercial  
202 residential insurance policy.

203       2. However, an insurer or agent may cancel or nonrenew such

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204 a policy before ~~prior to~~ the repair of the dwelling or  
205 residential property:

206 a. Upon 10 days' notice:

207 (I) For nonpayment of premium; or

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

210 b. Upon 45 days' notice:

211 (I) For a material misstatement or fraud related to the  
212 claim;

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

215 (III) If, after the expiration of the declaration of  
216 emergency pursuant to s. 252.36 and the order by the  
217 Commissioner of Insurance Regulation, the insurer has made a  
218 reasonable written inquiry to the insured as to the status of  
219 the repairs and the insured has failed to respond within 30  
220 calendar days to provide information that is responsive to the  
221 inquiry, including the reasons for any delay in completing  
222 repairs, to the address or e-mail account designated by the  
223 insurer or its agent; or

224 (IV) If the insurer has paid policy limits for a loss to  
225 the insured dwelling under a personal residential policy, or  
226 policy limits for a loss to each insured structure that was  
227 damaged under a commercial residential policy.

228 3. If the insurer elects to nonrenew a policy covering a  
229 property that has been damaged, the insurer must ~~shall~~ provide  
230 at least 90 days' notice to the insured that the insurer intends  
231 to nonrenew the policy 90 days after the dwelling or residential  
232 property has been repaired. ~~Nothing in~~ This paragraph does not



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233 ~~shall~~ prevent the insurer from canceling or nonrenewing the  
234 policy 90 days after the repairs are complete for the same  
235 reasons the insurer would otherwise have canceled or nonrenewed  
236 the policy but for the limitations of subparagraph 1. The  
237 Financial Services Commission may adopt rules, and the  
238 Commissioner of Insurance Regulation may issue orders, necessary  
239 to implement this paragraph. The Commissioner of Insurance  
240 Regulation may also waive any of the provisions of this  
241 paragraph upon approval of a petition filed by an insurer  
242 requesting relief due to solvency concerns or other factors that  
243 could harm policyholders if the provisions of this paragraph  
244 were enforced upon the insurer.

245 4. This paragraph is not intended to revise or modify any  
246 provision of an emergency order issued by the office before July  
247 1, 2024 ~~This paragraph shall also apply to personal residential~~  
248 ~~and commercial residential policies covering property that was~~  
249 ~~damaged as the result of Hurricane Ian or Hurricane Nicole.~~

250 5. For purposes of this paragraph:

251 a. A structure is deemed to be repaired:

252 (I) When substantially completed and restored to the extent  
253 that it is insurable by Citizens Property Insurance Corporation  
254 or by another authorized insurer writing policies in this state;  
255 or

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

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

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

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

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

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

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

265 c. If a policy is extended or renewed to comply with this

266 paragraph or with any other provision of the Commissioner of

267 Insurance Regulation's order, the policy must contain similar

268 policy terms as the policy being extended or renewed unless the

269 insurer has updated approved forms that will apply to all

270 insureds with the same endorsement. However, this paragraph does

271 not impact current law with regard to the rates insurers may

272 charge for policies extended or renewed under this paragraph.

273 6. This paragraph does not affect the provisions of s.

274 95.11 or s. 627.70132.

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