

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Duggan offered the following:

**Amendment**

Remove lines 69-167 and insert:

6 (c)1. An insurer may not cancel or nonrenew a personal  
 7 residential or commercial residential property insurance policy  
 8 covering a dwelling or residential property located in this  
 9 state which has been damaged by a covered peril until the  
 10 earlier of the completion of repairs or the expiration of one  
 11 subsequent renewal of the policy that was in force at the time  
 12 of the loss.

13 2. Notwithstanding subparagraph 1., an insurer or agent  
 14 may cancel or nonrenew such a policy prior to the repair of the  
 15 dwelling or residential property:

16 a. Upon 10 days' notice:

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17 (I) For nonpayment of premium; or

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

20 b. Upon 45 days' notice:

21 (I) For a material misstatement or fraud related to the  
22 claim;

23 (II) If the insurer or its agent has made a reasonable  
24 written inquiry to the insured as to the status of the repair  
25 and the insured has failed within 30 calendar days to provide  
26 information that is responsive to the inquiry to the address or  
27 e-mail account designated by the insurer or its agent; or

28 (III) If the insurer has paid policy limits under a  
29 personal residential property insurance policy for a loss to the  
30 insured dwelling that was damaged, or policy limits under a  
31 commercial residential property insurance policy for a loss to  
32 each insured structure that was damaged.

33 3. If the insurer elects to nonrenew a policy after the  
34 expiration of the time in subparagraph 1., the insurer must  
35 provide notice in accordance with subsection (1).

36 4. This paragraph does not prevent the insurer from  
37 canceling or nonrenewing the policy after the repair is  
38 completed for the same reasons the insurer would otherwise have  
39 canceled or nonrenewed the policy but for subparagraph 1.

40 5. For purposes of this paragraph:

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41 a. A structure is deemed to be repaired when substantially  
42 completed and restored to the extent that it is insurable by:

43 (I) Another authorized insurer writing policies in this  
44 state if the structure is currently insured by an authorized  
45 insurer; or

46 (II) Another authorized or eligible surplus lines insurer  
47 writing policies in this state if the structure is currently  
48 insured by an eligible surplus lines insurer.

49 b. The term "insurer" means an authorized insurer or an  
50 eligible surplus lines insurer.

51 c. The term "damage" includes, but is not limited to,  
52 flood damage related to a hurricane if flood is a covered peril  
53 under the personal residential or commercial residential  
54 property insurance policy.

55 6. The commission may adopt rules, and the Commissioner of  
56 Insurance Regulation may issue orders, necessary to implement  
57 this paragraph.

58 7. In the event of wide-spread significant flooding, as  
59 determined by the Commissioner of Insurance Regulation, caused  
60 by a hurricane or other natural event, the Commissioner of  
61 Insurance Regulation may issue an order preventing insurers from  
62 canceling or nonrenewing personal residential or commercial  
63 residential property insurance policies covering dwellings or  
64 residential properties located within zip codes, as determined  
65 by the Commissioner of Insurance Regulation, directly affected

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66 by such flooding. If a claim is made while such an order is in  
67 effect, the insurer may not cancel or nonrenew personal  
68 residential or commercial residential property insurance  
69 policies covering dwellings or residential properties until the  
70 earlier of the completion of repairs or the expiration of one  
71 subsequent renewal of the policy that was in force at the time  
72 of the loss, even if the personal residential or commercial  
73 residential property insurance policies do not cover the peril  
74 of flood. An order issued pursuant to this subparagraph may  
75 remain in effect for an initial period of 90 days and may be  
76 renewed for subsequent 90-day periods, not to exceed a total of  
77 270 days. The subparagraph only applies to coverage periods and  
78 does not alter coverage otherwise provided by any insurance  
79 policy.

80 Section 2. Paragraph (e) of subsection (2) of section  
81 627.4133, Florida Statutes, is amended to read:

82 627.4133 Notice of cancellation, nonrenewal, or renewal  
83 premium.—

84 (2) With respect to any personal lines or commercial  
85 residential property insurance policy, including, but not  
86 limited to, any homeowner, mobile home owner, farmowner,  
87 condominium association, condominium unit owner, apartment  
88 building, or other policy covering a residential structure or  
89 its contents:

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90           (e)1. An insurer may not cancel or nonrenew a personal  
91 residential or commercial residential property insurance policy  
92 covering a dwelling or residential property located in this  
93 state which has been damaged by a covered peril until the  
94 earlier of the completion of repairs or the expiration of one  
95 subsequent renewal of the policy that was in force at the time  
96 of the loss. ~~An authorized insurer may not cancel or nonrenew a~~  
97 ~~personal residential or commercial residential property~~  
98 ~~insurance policy covering a dwelling or residential property~~  
99 ~~located in this state:~~

100           a. ~~For a period of 90 days after the dwelling or~~  
101 ~~residential property has been repaired, if such property has~~  
102 ~~been damaged as a result of a hurricane or wind loss that is the~~  
103 ~~subject of the declaration of emergency pursuant to s. 252.36~~  
104 ~~and the filing of an order by the Commissioner of Insurance~~  
105 ~~Regulation.~~

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

110           2. Notwithstanding subparagraph 1., However, An insurer or  
111 agent may cancel or nonrenew  
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