

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to pet insurance; creating ch. 644,
3 F.S., to be entitled "Pet Insurance"; providing a
4 short title; creating s. 644.001, F.S.; providing
5 legislative purpose; providing applicability;
6 providing construction; creating s. 644.002, F.S.;
7 defining terms; requiring pet insurers to use certain
8 terms as defined in this act and include such
9 definitions in their policies and on their website or
10 on their program administrator's website; creating s.
11 644.003, F.S.; requiring pet insurers to disclose
12 certain information; requiring pet insurers to provide
13 a certain summary description; requiring pet insurers
14 who use a benefit schedule to disclose certain
15 information; specifying requirements for pet insurers
16 that determine claim payments based on usual and
17 customary fees; specifying requirements if a medical
18 examination by a licensed veterinarian is required to
19 effectuate coverage; requiring pet insurers to provide
20 policyholders with a summary of policy disclosures and
21 additional disclosures at a specified time; specifying
22 that certain disclosures are in addition to other
23 specified disclosure requirements; authorizing a
24 policyholder to return a pet insurance policy,
25 certificate, or rider and have the full premium
26 refunded under certain circumstances; requiring that
27 pet insurance policies, certificates, and riders must
28 contain a specified notice; creating s. 644.004, F.S.;
29 authorizing a pet insurer to issue policies that

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30 exclude coverage on the basis of a preexisting
31 condition under certain circumstances; specifying a
32 burden of proof for pet insurers relating to
33 preexisting conditions; authorizing pet insurers to
34 issue policies that impose certain waiting periods for
35 certain purposes; prohibiting pet insurers from
36 issuing policies with waiting periods for accidents;
37 requiring pet insurers to waive certain waiting
38 periods upon completion of a medical examination;
39 requiring that such waiver be explained in the policy;
40 authorizing pet insurers to require that such
41 examination be conducted by a licensed veterinarian;
42 requiring that such examination be paid for by the
43 policyholder under certain conditions; authorizing pet
44 insurers to make certain specifications and require
45 documentation relating to such examination;
46 prohibiting pet insurers from requiring a medical
47 examination to renew a pet insurance policy; requiring
48 prescriptive, wellness, or noninsurance benefits to
49 conform to certain laws and regulations under certain
50 circumstances; creating s. 644.005, F.S.; prohibiting
51 pet insurers and insurance producers from marketing a
52 wellness program as pet insurance; specifying that
53 coverages listed in an insurance policy are insurance;
54 providing requirements for wellness programs sold by
55 pet insurers or insurance producers; requiring pet
56 insurers and insurance producers to disclose certain
57 information; creating s. 644.006, F.S.; prohibiting
58 insurance producers from selling, soliciting, or

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59 negotiating a pet insurance product unless the
60 producer is licensed and has completed certain
61 training; requiring pet insurers to ensure their
62 producers are trained; specifying requirements for
63 such training; providing that training requirements of
64 another state satisfy training requirements in this
65 state under certain conditions; creating s. 644.007,
66 F.S.; requiring the Financial Services Commission to
67 adopt certain rules; specifying that the commission
68 has certain powers of administration and enforcement;
69 providing an effective date.

70

71 Be It Enacted by the Legislature of the State of Florida:

72

73 Section 1. Chapter 644, Florida Statutes, consisting of ss.
74 644.001-644.007, is created and entitled "Pet Insurance."

75 Section 2. This act may be cited as the "Pet Insurance
76 Act."

77 Section 3. Section 644.001, Florida Statutes, is created to
78 read:

79 644.001 Purpose and scope.-

80 (1) The purpose of this chapter is to promote the public
81 welfare by creating a comprehensive legal framework within which
82 pet insurance may be sold in this state.

83 (2) This chapter applies to all of the following:

84 (a) Pet insurance policies that are issued to any resident
85 of this state or that are sold, solicited, negotiated, or
86 offered in this state.

87 (b) Pet insurance policies or certificates that are

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88 delivered or issued for delivery in this state.

89 (3) All other applicable provisions of the insurance laws
90 of this state continue to apply to pet insurance except that the
91 specific provisions of this chapter supersede any general
92 provisions of law which would otherwise be applicable to pet
93 insurance.

94 (4) This chapter may not be construed to prohibit or limit
95 the types of exclusions pet insurers may use in their policies
96 or require pet insurers to have any of the limitations or
97 exclusions specified in s. 644.003.

98 Section 4. Section 644.002, Florida Statutes, is created to
99 read:

100 644.002 Definitions.—

101 (1) As used in this chapter, the term:

102 (a) "Chronic condition" means a condition that can be
103 treated or managed, but not cured.

104 (b) "Commission" means the Financial Services Commission.

105 (c) "Congenital anomaly or disorder" means a condition that
106 is present from birth, whether inherited or caused by the
107 environment, which may cause or contribute to illness or
108 disease.

109 (d) "Department" means the Department of Financial
110 Services.

111 (e) "Hereditary disorder" means an abnormality that is
112 genetically transmitted from parent to offspring and may cause
113 illness or disease.

114 (f) "Orthopedic" refers to conditions affecting the bones,
115 skeletal muscle, cartilage, tendons, ligaments, or joints. It
116 includes, but is not limited to, elbow dysplasia, hip dysplasia,

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117 intervertebral disc degeneration, patellar luxation, and
118 ruptured cranial cruciate ligaments. It does not include cancers
119 or metabolic, hemopoietic, or autoimmune diseases.

120 (g) "Pet insurance" means a property insurance policy that
121 provides coverage for accidents and illnesses of pets.

122 (h)1. "Preexisting condition" means any condition for which
123 any of the following are true before the effective date of a pet
124 insurance policy or during any waiting period:

125 a. A veterinarian provided medical advice.

126 b. The pet received treatment.

127 c. Based on information from verifiable sources, the pet
128 had signs or symptoms directly related to the condition for
129 which a claim is being made.

130 2. A preexisting condition does not include a condition
131 that was covered under a preceding policy period before the
132 renewal of the policy so long as there was no break in the
133 superseding policy period.

134 (i) "Renewal" means the issuing and delivering at the end
135 of an insurance policy period a policy which supersedes a policy
136 previously issued and delivered by the same pet insurer or
137 affiliated pet insurer and which provides types and limits of
138 coverage substantially similar to those contained in the policy
139 being superseded.

140 (j) "Veterinarian" means an individual who holds a valid
141 license to practice veterinary medicine from the appropriate
142 licensing entity in the jurisdiction in which he or she
143 practices.

144 (k) "Waiting period" means the period of time specified in
145 a pet insurance policy which is required to transpire before

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146 some or all of the coverage in the policy can begin. Waiting
147 periods may not be applied to renewals of existing coverage.

148 (1) "Wellness program" means a subscription-based or
149 reimbursement-based program that is separate from an insurance
150 policy which provides goods and services to promote the general
151 health, safety, or well-being of the pet.

152 (2) If a pet insurer uses any of the terms defined in this
153 section in a pet insurance policy, the pet insurer must use the
154 terms as they are defined in this section and include the
155 definitions of those terms in the policy. The pet insurer shall
156 also make the definitions of all of the terms used in its pet
157 insurance policy which are defined in this section available
158 through a clear and conspicuous link on the main page of the pet
159 insurer's or the pet insurer's program administrator's website.

160 Section 5. Section 644.003, Florida Statutes, is created to
161 read:

162 644.003 Required disclosures; right to return.-

163 (1) A pet insurer shall disclose all of the following to
164 consumers:

165 (a)1. Whether the policy excludes coverage due to any of
166 the following:

167 a. A preexisting condition.

168 b. A hereditary disorder.

169 c. A congenital anomaly or disorder.

170 d. A chronic condition.

171 2. If the policy includes any other exclusions not listed
172 in subparagraph 1., the pet insurer must state the following in
173 the disclosure: "Other exclusions may apply. Please refer to the
174 exclusions section of the policy for more information."

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175 (b) Any policy provision that limits coverage through a
176 waiting or affiliation period, a deductible, coinsurance, or an
177 annual or lifetime policy limit. Waiting periods and the
178 requirements applicable to them must be clearly and prominently
179 disclosed to consumers before the policy purchase.

180 (c) Whether the pet insurer reduces coverage or increases
181 premiums based on the insured's claim history, the age of the
182 covered pet, or a change in the geographic location of the
183 insured.

184 (d) Whether the underwriting company differs from the brand
185 name used to market and sell the product.

186 (2) Before issuing a pet insurance policy, a pet insurer
187 shall provide, through a clear and conspicuous link on the main
188 page of the pet insurer's website or the website of the
189 insurer's program administrator, a summary description of the
190 basis or formula for the pet insurer's determination of claim
191 payments under the policy.

192 (3) A pet insurer that uses a benefit schedule to determine
193 claim payments under a pet insurance policy must clearly
194 disclose both of the following:

195 (a) The applicable benefit schedule in the policy.

196 (b) All benefit schedules used by the pet insurer under its
197 pet insurance policies through a clear and conspicuous link on
198 the main page of the pet insurer's or pet insurer's program
199 administrator's website.

200 (4) A pet insurer that determines claim payments under a
201 pet insurance policy based on usual and customary fees, or any
202 other reimbursement limitation based on prevailing veterinary
203 service provider charges, shall do both of the following:

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204 (a) Include a usual and customary fee limitation provision
205 in the policy which clearly describes the pet insurer's basis or
206 formula for determining usual and customary fees and how that
207 basis or formula is applied in calculating claim payments.

208 (b) Disclose the pet insurer's basis for determining usual
209 and customary fees through a clear and conspicuous link on the
210 main page of the pet insurer's or pet insurer's program
211 administrator's website.

212 (5) If any medical examination by a licensed veterinarian
213 is required to effectuate coverage, the pet insurer must clearly
214 and conspicuously disclose the required aspects of the
215 examination before the policy is purchased and must disclose
216 that examination documentation may result in a preexisting
217 condition exclusion.

218 (6) A pet insurer shall include a summary of all policy
219 disclosures required in subsections (1)-(5) in a separate
220 document titled "Insurer Disclosure of Important Policy
221 Provisions." The pet insurer shall post the document by way of a
222 clear and conspicuous link on the main page of the pet insurer's
223 or pet insurer's program administrator's website.

224 (7) At the time a pet insurance policy is issued or
225 delivered to a policyholder, the pet insurer shall provide the
226 policyholder with a copy of the Insurer Disclosure of Important
227 Policy Provisions document required under subsection (6) in at
228 least 12-point type. At such time, the pet insurer shall also
229 include a written disclosure with all of the following
230 information:

231 (a) The department's mailing address, toll-free telephone
232 number, and website.

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233 (b) The address and customer service telephone number of
234 the pet insurer or the insurance producer.

235 (c) If the policy was issued or delivered by an agent or a
236 broker, a statement advising the policyholder to contact the
237 agent or broker for assistance.

238 (8) The disclosures required in this section are in
239 addition to any other disclosures required by law, rule, or
240 regulation.

241 (9) (a) Unless a policyholder has filed a claim, the
242 policyholder has the right to return the pet insurance policy,
243 certificate, or rider to the insurer within 30 days after his or
244 her receipt of the pet insurance policy, certificate, or rider
245 and to have the full premium refunded if, after examination of
246 the policy, certificate, or rider, the policyholder is not
247 satisfied for any reason.

248 (b) Pet insurance policies, certificates, and riders must
249 have a notice prominently printed on the first page or attached
250 thereto which includes specific instructions to accomplish a
251 return under paragraph (a). The notice must state, in
252 substantially similar form, the following:

253
254 You have 30 days from the day you receive this policy,
255 certificate, or rider to review it and return it to
256 the insurer if you decide not to keep it. You do not
257 have to tell the insurer why you are returning it. If
258 you decide not to keep it, simply return it to the
259 insurer at its administrative office or return it to
260 the agent/insurance producer that you bought it from
261 as long as you have not filed a claim. You must return

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262 it within 30 days after the day you first received it.
263 The insurer will refund the full amount of any premium
264 paid within 30 days after it receives the returned
265 policy, certificate, or rider. The premium refund will
266 be sent directly to the person who paid it. The
267 policy, certificate, or rider will be void as if it
268 had never been issued.

269 Section 6. Section 644.004, Florida Statutes, is created to
270 read:

271 644.004 Policy restrictions.—

272 (1) A pet insurer may issue policies that exclude coverage
273 on the basis of one or more preexisting conditions with
274 appropriate disclosure to the consumer pursuant to s. 644.003.
275 The pet insurer has the burden of proving that the preexisting
276 condition exclusion applies to the condition for which a claim
277 is being made.

278 (2) (a) A pet insurer may issue policies that impose waiting
279 periods upon effectuation of the policy which do not exceed 30
280 days for illnesses or orthopedic conditions not resulting from
281 an accident. A pet insurer may not issue policies that impose
282 waiting periods for accidents.

283 (b) A pet insurer that imposes a waiting period permitted
284 in paragraph (a) shall waive the waiting period upon completion
285 of a medical examination. The pet insurer shall include a
286 provision in its policy which explains such waiver. Pet insurers
287 may require that such examination be conducted by a licensed
288 veterinarian after the purchase of the policy.

289 (c) The policyholder must pay for the medical examination
290 under paragraph (b) unless the policy specifies that the pet

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291 insurer will pay for the examination.

292 (d) A pet insurer may specify elements to be included as
293 part of the examination under paragraph (b) and require
294 documentation that such elements were included, provided the
295 specifications do not unreasonably restrict the ability to waive
296 the waiting periods as provided in paragraph (b).

297 (3) A pet insurer may not require a medical examination by
298 a veterinarian of the covered pet for the insured to renew the
299 policy.

300 (4) If a pet insurer includes any prescriptive, wellness,
301 or noninsurance benefits in the pet insurance policy, such
302 benefits are made part of the policy and must conform to all
303 applicable laws and regulations in the insurance code.

304 Section 7. Section 644.005, Florida Statutes, is created to
305 read:

306 644.005 Sales practices for wellness programs.—

307 (1) A pet insurer or an insurance producer may not market a
308 wellness program as pet insurance. Coverages included in the pet
309 insurance policy described as wellness benefits are insurance.

310 (2) If a wellness program is sold by a pet insurer or an
311 insurance producer, all of the following conditions must be met:

312 (a) The purchase of the wellness program may not be a
313 requirement for the purchase of pet insurance.

314 (b) The costs of the wellness program must be separate and
315 identifiable from any pet insurance policy sold by a pet insurer
316 or an insurance producer.

317 (c) The terms and conditions for the wellness program must
318 be separate from any pet insurance policy sold by a pet insurer
319 or an insurance producer.

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320 (d) The products or coverages available through the
321 wellness program may not duplicate products or coverages
322 available through the pet insurance policy.

323 (e) The advertising of the wellness program may not be
324 misleading and must be in accordance with subsection (3).

325 (3) A pet insurer or an insurance producer shall clearly
326 disclose all of the following to consumers, printed in 12-point
327 boldface type:

328 (a) That wellness programs are not insurance.

329 (b) The address and customer service telephone number of
330 the pet insurer or producer.

331 (c) The department's mailing address, toll-free telephone
332 number, and website address.

333 Section 8. Section 644.006, Florida Statutes, is created to
334 read:

335 644.006 Insurance producer training.-

336 (1) An insurance producer may not sell, solicit, or
337 negotiate a pet insurance product until after the producer is
338 appropriately licensed and has completed the required training
339 identified in subsection (3).

340 (2) Insurers shall ensure that its producers are trained
341 under subsection (3) and that its producers have been
342 appropriately trained on the coverages and conditions of its pet
343 insurance products.

344 (3) The training required under this section must include
345 information on all of the following topics:

346 (a) Preexisting conditions and waiting periods.

347 (b) The differences between pet insurance and noninsurance
348 wellness programs.

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349 (c) Hereditary disorders, congenital anomalies or
350 disorders, and chronic conditions and how pet insurance policies
351 interact with those conditions or disorders.

352 (d) Rating, underwriting, renewal, and other related
353 administrative topics.

354 (4) If an insurance producer satisfies the training
355 requirements of another state which are substantially similar to
356 the provisions of subsection (3), the producer is deemed to have
357 satisfied the training requirements in this state.

358 Section 9. Section 644.007, Florida Statutes, is created to
359 read:

360 644.007 Rulemaking authority and enforcement.—The
361 commission shall adopt rules to administer this chapter and has
362 the same powers of administration and enforcement of this
363 chapter as it has with respect to casualty or surety insurers in
364 general under the Florida Insurance Code.

365 Section 10. This act shall take effect January 1, 2025.