

1 A bill to be entitled
2 An act relating to insurance; amending s. 624.155,
3 F.S.; defining the term "sufficient evidence";
4 providing procedures and timelines for objecting, and
5 responding to the objections, to the sufficiency of
6 evidence submitted by claimants to insurers; amending
7 s. 626.732, F.S.; revising the requirements for
8 licensing and qualifying for general lines agents;
9 amending s. 626.878, F.S.; specifying when adjusters
10 must include their appointment types if communicating
11 with policyholders by text message; prohibiting public
12 adjusters from engaging in certain adversarial
13 conduct; amending s. 627.4108, F.S.; limiting the
14 requirements for the claims-handling manuals to
15 authorized residential property insurers with active
16 residential policies; amending s. 627.4133, F.S.;
17 revising the circumstances under which an insurer or
18 agent may cancel or nonrenew certain residential
19 property insurance policies; amending s. 627.7011,
20 F.S.; revising the required statement by insurers
21 issuing a homeowner's insurance policy that does not
22 provide flood insurance coverage; amending s.
23 627.70131, F.S.; requiring that proof-of-loss
24 statements that are received by property insurers be
25 written; specifying when adjusters must include their

26 names and license numbers if communicating with
 27 policyholders by text message; revising the required
 28 statement by property insurers providing a preliminary
 29 or partial estimate of damage regarding a claim;
 30 revising the required statement by property insurers
 31 providing a payment on a claim which is not the full
 32 and final payment for the claim; providing an
 33 effective date.

34

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

36

37 **Section 1. Paragraph (a) of subsection (4) of section**
 38 **624.155, Florida Statutes, is amended to read:**

39 624.155 Civil remedy.—

40 (4) (a) 1. An action for bad faith involving a liability
 41 insurance claim, including any such action brought under the
 42 common law, may ~~shall~~ not lie if the insurer tenders the lesser
 43 of the policy limits or the amount demanded by the claimant
 44 within 90 days after receiving actual notice of a claim which is
 45 accompanied by sufficient evidence to support the amount of the
 46 claim.

47 2. For purposes of this paragraph, the term "sufficient
 48 evidence" means written or photographic evidence submitted to
 49 the insurer which indicates that the claimant has suffered
 50 personal injury or property damage. Evidence that may satisfy

51 this requirement includes, but is not limited to:
 52 a. Accident reports.
 53 b. Photographs of an accident scene, physical injuries, or
 54 property damage.
 55 c. Medical bills.
 56 d. Repair bills.
 57 e. Other receipts or copies of payments rendered.
 58 3. If an insurer does not believe that the submitted
 59 evidence is sufficient evidence, the insurer must provide a
 60 written notice of objection within 10 business days after
 61 receipt of the submitted evidence; otherwise, any objection to
 62 the sufficiency of the evidence for purposes of this paragraph
 63 is waived. The submitting party has an additional 10 business
 64 days after receipt of a written notice of objection to provide
 65 clarification or submit further evidence.

66 **Section 2. Subsection (1) of section 626.732, Florida**
 67 **Statutes, is amended to read:**

68 626.732 Requirement as to knowledge, experience, or
 69 instruction.—

70 (1) Except as provided in subsection (4), an applicant for
 71 a license as a general lines agent, except for a chartered
 72 property and casualty underwriter (CPCU), may not be qualified
 73 or licensed unless, within the 4 years immediately preceding the
 74 date the application for license is filed with the department,
 75 the applicant has satisfied, at a minimum, one of the following

76 requirements:

77 (a) Taught or successfully completed 60 ~~200~~ hours of
 78 coursework in property, casualty, surety, health, and marine
 79 insurance approved by the department, 3 hours of which must be
 80 on the subject matter of ethics.~~.~~

81 (b) Completed at least 1 year in responsible insurance
 82 duties as a substantially full-time bona fide employee in all
 83 lines of property and casualty insurance as set forth in the
 84 definition of a general lines agent under s. 626.015, but
 85 without the education requirement described in paragraph (a).~~.~~
 86 ~~or~~

87 (c) Completed at least 1 year of responsible insurance
 88 duties as a licensed and appointed customer representative,
 89 service representative, or personal lines agent and 40 hours of
 90 coursework approved by the department covering the areas of
 91 property, casualty, surety, health, and marine insurance.

92 **Section 3. Subsection (2) of section 626.878, Florida**
 93 **Statutes, is amended, and subsection (4) is added to that**
 94 **section, to read:**

95 626.878 Rules; code of ethics.—

96 (2) A person licensed as an adjuster must identify himself
 97 or herself in any advertisement, solicitation, or written
 98 document based on the adjuster appointment type held. However,
 99 if the adjuster is communicating with a policyholder by text
 100 message, the adjuster appointment type held is required only in

101 the initial text message and is not required in subsequent text
 102 messages.

103 (4) A public adjuster may not engage in any adversarial
 104 conduct with insurance company claims personnel during the
 105 course of adjusting claims, including, but not limited to,
 106 electronically recording insurance company claims personnel and
 107 consultants without their consent.

108 **Section 4. Subsection (1) of section 627.4108, Florida**
 109 **Statutes, is amended to read:**

110 627.4108 Claims-handling manuals; submission;
 111 attestation.-

112 (1) Each authorized residential property insurer with
 113 active residential policies conducting business in this state
 114 must create and use a claims-handling manual that provides
 115 guidelines and procedures and that complies with the
 116 requirements of this code and, at a minimum, comports to usual
 117 and customary industry claims-handling practices. Such manual
 118 must include all of the following guidelines and procedures for:

119 (a) Initially receiving and acknowledging initial receipt
 120 of the claim and reviewing and evaluating the claim.~~†~~

121 (b) Communicating with policyholders, beginning with the
 122 receipt of the claim and continuing until closure of the claim.~~†~~

123 (c) Setting the claim reserve.~~†~~

124 (d) Investigating the claim, including conducting
 125 inspections of the property that is the subject of the claim.~~†~~

126 (e) Making preliminary estimates and estimates of the
 127 covered damages to the insured property and communicating such
 128 estimates to the policyholder.~~;~~

129 (f) Paying, partially paying, or denying ~~The payment,~~
 130 ~~partial payment, or denial of~~ the claim and communicating such
 131 claim decision to the policyholder.~~;~~

132 (g) Closing claims.~~;~~ ~~and~~

133 (h) Engaging in any aspect of the claims-handling process
 134 which the office determines should be included in the claims-
 135 handling manual in order to:

136 1. Comply with the laws of this state or rules or orders
 137 of the office or department;

138 2. Ensure that the claims-handling manual, at a minimum,
 139 comports with usual and customary industry claims-handling
 140 guidelines; or

141 3. Protect policyholders of the insurer or the general
 142 public.

143 **Section 5. Paragraph (e) of subsection (2) of section**
 144 **627.4133, Florida Statutes, is amended to read:**

145 627.4133 Notice of cancellation, nonrenewal, or renewal
 146 premium.—

147 (2) With respect to any personal lines or commercial
 148 residential property insurance policy, including, but not
 149 limited to, any homeowner, mobile home owner, farmowner,
 150 condominium association, condominium unit owner, apartment

151 building, or other policy covering a residential structure or
 152 its contents:

153 (e)1. An authorized insurer may not cancel or nonrenew a
 154 personal residential or commercial residential property
 155 insurance policy covering a dwelling or residential property
 156 located in this state:

157 a. For a period of 90 days after the dwelling or
 158 residential property has been repaired, if such property has
 159 been damaged as a result of a hurricane or wind loss that is the
 160 subject of the declaration of emergency pursuant to s. 252.36
 161 and the filing of an order by the Commissioner of Insurance
 162 Regulation.

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

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

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

171 b. Upon 45 days' notice:

172 (I) For a material misstatement or fraud related to the
 173 claim;

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

176 (III) If the insurer has paid policy limits; or
 177 (IV) If the named insured does not have an insurable
 178 interest in the insured property.

179 3. If the insurer elects to nonrenew a policy covering a
 180 property that has been damaged, the insurer must ~~shall~~ provide
 181 at least 90 days' notice to the insured that the insurer intends
 182 to nonrenew the policy 90 days after the dwelling or residential
 183 property has been repaired. Nothing in this paragraph prevents
 184 ~~shall prevent~~ the insurer from canceling or nonrenewing the
 185 policy 90 days after the repairs are complete for the same
 186 reasons the insurer would otherwise have canceled or nonrenewed
 187 the policy but for the limitations of subparagraph 1. The
 188 Financial Services Commission may adopt rules, and the
 189 Commissioner of Insurance Regulation may issue orders, necessary
 190 to implement this paragraph.

191 4. This paragraph ~~shall~~ also applies ~~apply~~ to personal
 192 residential and commercial residential policies covering
 193 property that was damaged as the result of Hurricane Ian or
 194 Hurricane Nicole.

195 5. For purposes of this paragraph:

196 a. A structure is deemed to be repaired when substantially
 197 completed and restored to the extent that it is insurable by
 198 another authorized insurer writing policies in this state.

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

200 **Section 6. Paragraph (b) of subsection (4) of section**

201 **627.7011, Florida Statutes, is amended to read:**

202 627.7011 Homeowners' policies; offer of replacement cost
203 coverage and law and ordinance coverage.—

204 (4)

205 (b) An insurer that issues a homeowner's insurance policy
206 that does not provide flood insurance coverage must include on
207 the policy declarations page at initial issuance and every
208 renewal, in bold type no smaller than 18 points, the following
209 statement:

210 "FLOOD INSURANCE: YOU SHOULD CONSIDER THE PURCHASE OF FLOOD
211 INSURANCE. YOUR HOMEOWNER'S INSURANCE POLICY DOES NOT INCLUDE
212 COVERAGE FOR DAMAGE RESULTING FROM FLOOD EVEN IF HURRICANE WINDS
213 AND RAIN CAUSED THE FLOOD TO OCCUR. WITHOUT SEPARATE FLOOD
214 INSURANCE COVERAGE, YOUR ~~UNCOVERED~~ LOSSES CAUSED BY FLOOD ARE
215 NOT COVERED. PLEASE DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD
216 INSURANCE COVERAGE WITH YOUR INSURANCE AGENT."

217 **Section 7. Paragraphs (a), (b), and (c) of subsection (3),**
218 **paragraph (b) of subsection (4), and subsection (6) of section**
219 **627.70131, Florida Statutes, are amended to read:**

220 627.70131 Insurer's duty to acknowledge communications
221 regarding claims; investigation.—

222 (3) (a) Unless otherwise provided by the policy of
223 insurance or by law, within 7 days after an insurer receives the
224 written proof-of-loss statements, the insurer shall begin such
225 investigation as is reasonably necessary unless the failure to

226 | begin such investigation is caused by factors beyond the control
 227 | of the insurer.

228 | (b) If such investigation involves a physical inspection
 229 | of the property, the licensed adjuster assigned by the insurer
 230 | must provide the policyholder with a printed or electronic
 231 | document containing his or her name and state adjuster license
 232 | number. An insurer must conduct any such physical inspection
 233 | within 30 days after its receipt of the written proof-of-loss
 234 | statements.

235 | (c) Any subsequent communication with the policyholder
 236 | regarding the claim must also include the name and license
 237 | number of the adjuster communicating about the claim. However,
 238 | when the adjuster communicates with a policyholder by text
 239 | message, the adjuster's name and license number are required
 240 | only in the initial text message and are not required in
 241 | subsequent text messages. Communication of the adjuster's name
 242 | and license number may be included with other information
 243 | provided to the policyholder.

244 | (4) An insurer shall maintain:

245 | (b) Claim records, including dates, of:

246 | 1. Any claim-related communication made between the
 247 | insurer and the policyholder or the policyholder's
 248 | representative;

249 | 2. The insurer's receipt of the policyholder's written
 250 | proof-of-loss statement;

251 3. Any claim-related request for information made by the
 252 insurer to the policyholder or the policyholder's
 253 representative;

254 4. Any claim-related inspections of the property made by
 255 the insurer, including physical inspections and inspections made
 256 by electronic means;

257 5. Any detailed estimate of the amount of the loss
 258 generated by the insurer's adjuster;

259 6. The beginning and end of any tolling period provided
 260 for in subsection (8); and

261 7. The insurer's payment or denial of the claim.

262 (6) (a) When providing a preliminary or partial estimate of
 263 damage regarding a claim, an insurer shall include with the
 264 estimate the following statement printed in at least 12-point
 265 bold, uppercase type: "THIS ESTIMATE REPRESENTS OUR CURRENT
 266 EVALUATION OF ~~THE COVERED~~ DAMAGES TO YOUR INSURED PROPERTY AND
 267 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU
 268 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING
 269 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US."

270 (b) When providing a payment on a claim which is not the
 271 full and final payment for the claim, an insurer shall include
 272 with the payment the following statement printed in at least 12-
 273 point bold, uppercase type: "WE HAVE ISSUED A PARTIAL SETTLEMENT
 274 FOR ~~ARE CONTINUING TO EVALUATE YOUR CLAIM INVOLVING~~ YOUR INSURED
 275 PROPERTY AND MAY ISSUE ADDITIONAL PAYMENTS. IF YOU HAVE

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276 | QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR
277 | CLAIM, WE ENCOURAGE YOU TO CONTACT US."

278 | **Section 8.** This act shall take effect upon becoming a law.