

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to pet insurance and wellness
3 programs; amending s. 624.604, F.S.; revising the
4 definition of the term "property insurance" to include
5 a pet insurance option; amending s. 626.9541, F.S.;
6 providing that certain practices relating to pet
7 wellness programs are unfair methods of competition
8 and unfair or deceptive acts or practices; creating s.
9 627.71545, F.S.; providing a short title; providing a
10 purpose; providing applicability; providing
11 construction; defining terms; requiring pet insurers
12 that use such terms in their pet insurance policies to
13 use and include the statutory definitions in such
14 policies; requiring pet insurers to also make such
15 definitions available on their websites or their
16 program administrators' websites; requiring pet
17 insurers to make certain disclosures to pet insurance
18 applicants and policyholders; requiring pet insurers
19 to provide a summary of their bases or formulas for
20 determination of claim payments under a pet insurance
21 policy on their websites or their program
22 administrators' websites; requiring pet insurers to
23 disclose certain requirements for required medical
24 examinations of a pet by a veterinarian; requiring pet
25 insurers to create a document with a summary of
26 certain disclosures, to post such document on their
27 websites or their program administrators' websites,
28 and, upon issuance or delivery of a policy to a
29 policyholder, to provide such document to the

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30 policyholder; requiring that pet insurers make certain
31 additional written disclosures; providing that certain
32 required disclosures are in addition to disclosures
33 required by the Florida Insurance Code or the
34 Financial Services Commission rules; authorizing pet
35 insurance applicants and policyholders to examine and
36 return insurance policies and riders under certain
37 circumstances; requiring that premiums be refunded
38 under certain circumstances; requiring that pet
39 insurance policies and riders have a specified notice
40 printed on or attached to the first page; authorizing
41 pet insurers to issue policies that exclude coverage
42 on the basis of preexisting conditions with
43 appropriate written disclosure to the applicant or
44 policyholder; providing that pet insurers have a
45 specified burden of proof with regard to such
46 exclusions; authorizing pet insurers to issue new
47 policies that impose a waiting period of up to a
48 specified period of time for specified illnesses,
49 diseases, or conditions; prohibiting pet insurers from
50 issuing policies imposing a waiting period for
51 accidents; requiring pet insurers that issue a policy
52 that imposes a waiting period to include a provision
53 allowing for waiver of the waiting period upon
54 completion of a medical examination of the covered pet
55 by a veterinarian; authorizing pet insurers to require
56 that an examination be conducted by a veterinarian
57 after the purchase of the policy; providing
58 requirements and authorizations relating to such

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59 examination; prohibiting a pet insurer from requiring
60 a medical examination of the covered pet to renew a
61 policy; requiring that certain benefits comply with
62 certain provisions of the Florida Insurance Code;
63 prohibiting insurance applicants' eligibility from
64 being based on participation or lack of participation
65 in wellness programs; requiring pet insurers to ensure
66 that their agents are trained on specified topics;
67 providing rulemaking authority; providing an effective
68 date.

69

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

71

72 Section 1. Section 624.604, Florida Statutes, is amended to
73 read:

74 624.604 "Property insurance" defined.—"Property insurance"
75 is insurance on real or personal property of every kind and of
76 every interest therein, whether on land, water, or in the air,
77 against loss or damage from any and all hazard or cause, and
78 against loss consequential upon such loss or damage, other than
79 noncontractual legal liability for any such loss or damage.
80 Property insurance may include pet insurance that provides
81 coverage for accidents and for illnesses of pets. Property
82 insurance may contain a provision for accidental death or injury
83 as part of a multiple peril homeowner's policy. Such insurance,
84 which is incidental to the property insurance, is not subject to
85 the provisions of this code applicable to life or health
86 insurance. Property insurance does not include title insurance,
87 as defined in s. 624.608.

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88 Section 2. Paragraph (hh) is added to subsection (1) of
89 section 626.9541, Florida Statutes, to read:

90 626.9541 Unfair methods of competition and unfair or
91 deceptive acts or practices defined.—

92 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
93 ACTS.—The following are defined as unfair methods of competition
94 and unfair or deceptive acts or practices:

95 (hh) Sales practices for pet wellness programs.—

96 1. A pet insurance agent may not market a wellness program
97 as pet insurance.

98 2. If a wellness program is sold by a pet insurance agent:

99 a. The purchase of the wellness program may not be a
100 prerequisite to the purchase of pet insurance;

101 b. The costs of the wellness program must be separate and
102 identifiable from any pet insurance policy sold by the pet
103 insurance agent;

104 c. The terms and conditions of the wellness program must be
105 separate from any pet insurance policy sold by the agent;

106 d. The products or coverages available through the wellness
107 program may not duplicate the products or coverages available
108 through the pet insurance policy; and

109 e. The advertising of the wellness program must not be
110 misleading.

111 Section 3. Section 627.71545, Florida Statutes, is created
112 to read:

113 627.71545 Pet insurance; noninsurance wellness programs.—

114 (1) This section may be cited as the "Pet Insurance Act."

115 (2) The purpose of this section is to promote the public
116 welfare by creating a comprehensive regulatory framework within

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117 which pet insurance may be sold in this state.

118 (3) This section applies to all of the following:

119 (a) Pet insurance policies that are issued to any resident
120 of this state or that are sold, solicited, negotiated, or
121 offered in this state.

122 (b) Pet insurance policies or certificates that are
123 delivered or issued for delivery in this state.

124 (4) (a) This section may not be construed to prohibit or
125 limit the types of exclusions pet insurers may use in their
126 policies or to require pet insurers to include in such policies
127 any of the limitations or exclusions specified in subsection
128 (9).

129 (b) All other applicable provisions of the Florida
130 Insurance Code apply to pet insurance, except that this section
131 supersedes any general provisions of the Florida Insurance Code
132 which otherwise apply to pet insurance.

133 (5) (a) As used in this section, the term:

134 1. "Chronic condition" means a condition that can be
135 treated or managed, but not cured.

136 2. "Congenital anomaly or disorder" means a condition that
137 is present from birth, whether inherited or caused by the
138 environment, and which may cause or contribute to illness or
139 disease.

140 3. "Hereditary disorder" means an abnormality that is
141 genetically transmitted from parent to offspring and may cause
142 illness or disease.

143 4. "Orthopedic conditions" means a condition that affects
144 the bones, skeletal muscle, cartilage, tendons, ligaments, or
145 joints. The term includes, but is not limited to, elbow

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146 dysplasia, hip dysplasia, intervertebral disc degeneration,
147 patellar luxation, and cranial cruciate ligament rupture, but
148 does not include cancer or any metabolic, hematopoietic, or
149 autoimmune disease.

150 5. "Pet insurance" means an insurance policy that provides
151 coverage for accidents and for illnesses and diseases of pets.
152 Such insurance reimburses a policyholder for expenses associated
153 with medical advice, diagnosis, care, or treatment provided by a
154 veterinarian, including, but not limited to, the cost of drugs
155 prescribed by the veterinarian.

156 6. "Pet insurance policy" or "policy" includes pet
157 insurance certificates.

158 7. "Preexisting condition" means a condition for which any
159 of the following is true before the effective date of or during
160 a waiting period applicable to a pet insurance policy:

161 a. A veterinarian provided medical advice.

162 b. The pet received previous treatment.

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

166
167 A condition for which coverage is afforded on a policy is not
168 deemed to be a preexisting condition on any renewal of the
169 policy.

170 8. "Renewal" means the issuance and delivery at the end of
171 an insurance policy period of a policy that supersedes the
172 policy previously issued and delivered by the same pet insurer
173 or affiliated pet insurer and that provides types and limits of
174 coverage substantially similar to those contained in the policy

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175 being superseded.

176 9. "Veterinarian" means a health care practitioner who is
177 licensed to engage in the practice of veterinary medicine in
178 this state under chapter 474.

179 10. "Waiting period" means the period of time specified in
180 a pet insurance policy which is required to run before some or
181 all of the coverage in the policy may begin. This period may not
182 be applied to renewals of existing coverage.

183 11. "Wellness program" means a subscription or
184 reimbursement-based program that is separate from an insurance
185 policy and that provides goods and services to promote the
186 general health, safety, or well-being of the covered pet. If the
187 subscription or program includes language such as "undertakes to
188 indemnify another," "pays a specified amount upon determinable
189 contingencies," or "provides coverage for a fortuitous event,"
190 the subscription or program is transacting in the business of
191 insurance and is subject to the Florida Insurance Code. This
192 definition is not intended to classify a contract directly
193 between a service provider and a pet owner which involves only
194 the two parties as being the business of insurance, unless other
195 indications of insurance also exist.

196 (b) If a pet insurer uses any of the terms defined in
197 paragraph (a) in a pet insurance policy, the pet insurer must
198 use the definition of each term as provided in paragraph (a) and
199 must include such definition in the policy. The pet insurer must
200 also make such definitions available through a clear and
201 conspicuous link on the main page of the website of the pet
202 insurer or the pet insurer's program administrator.

203 (6) (a) A pet insurer transacting pet insurance must

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204 disclose the following to pet insurance applicants and
205 policyholders:

206 1. Whether the policy excludes coverage due to any of the
207 following:

208 a. A chronic condition;

209 b. A congenital anomaly or disorder;

210 c. A hereditary disorder; or

211 d. A preexisting condition.

212 2. If the policy includes any other exclusions not listed
213 in subparagraph 1., the following information in a statement in
214 the disclosure: "Other exclusions may apply. Please refer to the
215 exclusions section of the policy for more information."

216 3. Any policy provision that limits coverage through a
217 waiting period, a deductible, a coinsurance payment, or an
218 annual or lifetime policy limit. Waiting periods and applicable
219 requirements must be clearly and prominently disclosed to
220 applicants before the policy purchase.

221 4. Whether the pet insurer reduces coverage or increases
222 premium based on the policyholder's claims history, the age of
223 the covered pet, or a change in the geographic location of the
224 policyholder.

225 5. Whether the underwriting company differs from the brand
226 name used to market and sell the pet insurance.

227 (b) Before issuing a pet insurance policy, a pet insurer
228 shall, through a clear and conspicuous link on the main page of
229 the pet insurer's website or the website of the pet insurer's
230 program administrator, provide a summary description of the
231 basis or formula for the pet insurer's determination of claim
232 payments under the policy.

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- 233 1. A pet insurer that uses a benefit schedule to determine
234 claim payments under a pet insurance policy must clearly
235 disclose both of the following:
- 236 a. The applicable benefit schedule in the policy.
237 b. All benefit schedules used by the pet insurer under its
238 pet insurance policies through a clear and conspicuous link on
239 the main page of the pet insurer's or pet insurer's program
240 administrator's website.
- 241 2. A pet insurer that determines claim payments under a pet
242 insurance policy based on usual and customary fees, or any other
243 reimbursement limitation based on prevailing veterinary service
244 provider charges, shall do both of the following:
- 245 a. Include a usual and customary fee limitation provision
246 in the policy which clearly describes the pet insurer's basis or
247 formula for determining usual and customary fees and the manner
248 in which that basis or formula is applied in calculating claim
249 payments.
- 250 b. Disclose the pet insurer's basis for determining usual
251 and customary fees through a clear and conspicuous link on the
252 main page of the pet insurer's or pet insurer's program
253 administrator's website.
- 254 (c) If any medical examination of the pet by a veterinarian
255 is required to effectuate coverage, the pet insurer must clearly
256 and conspicuously disclose such requirement before the policy is
257 purchased and must disclose that examination documentation may
258 result in a preexisting condition exclusion.
- 259 (d) A pet insurer shall create a summary of all policy
260 disclosures required in paragraphs (a), (b), and (c) in a
261 separate document entitled "Insurer Disclosure of Important

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262 Policy Provisions.” The pet insurer shall post the document
263 through a clear and conspicuous link on the main page of the pet
264 insurer’s website or the website of the pet insurer’s program
265 administrator’s.

266 (e) At the time a pet insurance policy is issued or
267 delivered to a policyholder, the pet insurer shall provide the
268 policyholder with a copy of the Insurer Disclosure of Important
269 Policy Provisions document required under paragraph (d), in at
270 least 12-point type. At such time, the pet insurer shall also
271 include a written disclosure with all of the following:

272 1. Contact information for the Division of Consumer
273 Services of the department, including a link and toll-free
274 telephone number, for consumers to submit inquiries and
275 complaints relating to pet insurance products regulated by the
276 department or office.

277 2. The address and customer service telephone number of the
278 pet insurance agent.

279 (f) The disclosures required in this subsection are in
280 addition to any other disclosures required by the Florida
281 Insurance Code or rules prescribed by the commission.

282 (7) Unless the policyholder has filed a claim under the pet
283 insurance policy, a pet insurance applicant or policyholder may
284 examine and return the policy or rider to the pet insurer or pet
285 insurance agent or broker within 30 days after the applicant or
286 policyholder obtains the receipt and is entitled to the premium
287 refunded if, after examining the policy or rider, he or she is
288 not satisfied for any reason.

289 (8) A pet insurance policy and rider must have a notice
290 prominently printed on or attached to the first page which

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291 includes specific instructions to accomplish a return, in type
292 at least as large as any type appearing on the policy or rider
293 contract and in substantially the following language:

294
295 You have 30 days after the date you receive this
296 policy, certificate, or rider to review and return it
297 to the company if you decide not to keep it. You do
298 not have to tell the company why you are returning it.
299 If you decide not to keep policy, certificate, or
300 rider, simply return it to the company at the
301 company's administrative office, or to the insurance
302 agent or broker from whom you bought it, as long as
303 you have not filed a claim. You must return the
304 policy, certificate, or rider within 30 days after the
305 day you first receive it in order to receive a refund.
306 The company must refund the full amount of any premium
307 paid within 30 days after it receives the returned
308 policy, certificate, or rider. The premium refund will
309 be sent directly to the person who paid it. The
310 policy, certificate, or rider will be void as if it
311 had never been issued.

312
313 (9) (a) A pet insurer may issue a policy that excludes
314 coverage on the basis of one or more preexisting conditions with
315 appropriate written disclosure to the applicant or policyholder.
316 The pet insurer has the burden of proving that the preexisting
317 condition exclusion applies to the condition for which a claim
318 is being made.

319 (b)1. A pet insurer may issue a new policy imposing a

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320 waiting period that does not exceed 30 days after effectuation
321 of coverage for illnesses or diseases or for orthopedic
322 conditions not resulting from an accident. A pet insurer may not
323 issue a policy imposing a waiting period for accidents.

324 2. A pet insurer issuing a policy that imposes a waiting
325 period must include a provision in its contract which allows the
326 waiting period to be waived upon completion of a medical
327 examination of the pet by a veterinarian. The pet insurer may
328 require the examination to be conducted by a veterinarian after
329 the purchase of the policy.

330 a. A medical examination required under this subparagraph
331 must be paid for by the policyholder, unless the policy
332 specifies that the pet insurer will pay for the examination.

333 b. A pet insurer may specify requirements for the
334 examination and require documentation that the requirements have
335 been satisfied, provided that the specifications do not
336 unreasonably restrict the ability of the applicant or
337 policyholder to waive the waiting period.

338 (c) A pet insurer may not require a medical examination of
339 the covered pet for the policyholder to renew a policy.

340 (d) If a pet insurer includes any prescriptive, wellness,
341 or noninsurance benefit in the policy form, the benefit is made
342 part of the policy contract and must comply with all of the
343 applicable provisions of the Florida Insurance Code.

344 (e) An applicant's eligibility to purchase a pet insurance
345 policy may not be based on his or her participation, or lack of
346 participation, in a separate wellness program.

347 (10) (a) A pet insurer must ensure that its agents are
348 trained on the topics specified in paragraph (b) and that its

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349 agents have been appropriately trained on the coverages and
350 conditions of its pet insurance products.

351 (b) The training required under this subsection must
352 include information on all of the following topics:

353 1. Preexisting conditions and waiting periods.

354 2. The differences between pet insurance and noninsurance
355 wellness programs.

356 3. Chronic conditions, congenital anomalies or disorders,
357 and hereditary disorders and the way pet insurance policies
358 address those conditions or disorders.

359 4. Rating, underwriting, renewal, and other related
360 administrative topics.

361 (11) The commission may adopt rules necessary to administer
362 this section.

363 Section 4. This act shall take effect January 1, 2026.