

**By** the Committee on Children, Families, and Elder Affairs; and Senator Yarborough

586-02686-26

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A bill to be entitled

An act relating to community-based care lead agency liability insurance; amending s. 409.993, F.S.; requiring the Office of Insurance Regulation, in collaboration with the Department of Children and Families and other entities, to review and analyze certain data; requiring the office to provide a certain report to the Governor and Legislature; authorizing the office to levy fines or otherwise penalize insurance companies, and the department to levy fines or otherwise penalize community-based care lead agencies, for failure to timely reply to certain requests for information; limiting the amount of certain fines to specified amounts; requiring the transfer of such fines to the General Revenue Fund; providing for legislative review and repeal; providing an effective date.

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

Section 1. Subsection (5) is added to section 409.993, Florida Statutes, to read:

409.993 Lead agencies and subcontractor liability.—

(5) OFFICE OF INSURANCE REGULATION REVIEW.—

(a) The Office of Insurance Regulation, in collaboration with the Department of Children and Families and community-based care lead agencies and their subcontracted providers, shall review all available, relevant, and appropriate data from the previous 5 fiscal years related to liability insurance coverage

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30 and availability to analyze the following:

31 1. Access to and availability of liability insurance  
32 through authorized insurance companies, surplus lines companies,  
33 and self-insurance funds;

34 2. Factors affecting the ability to obtain and maintain  
35 liability insurance;

36 3. Cost of general liability insurance based on insurance  
37 premium documentation;

38 4. Claims data;

39 5. Settlement and judicial disposition data;

40 6. Community-based care lead agency operating budget and  
41 expenses;

42 7. Impact of insurance costs on the financial condition of  
43 community-based care lead agencies and their subcontractors; and

44 8. Consistency of statutory insurance requirements with the  
45 general insurance market.

46 (b) The Office of Insurance Regulation shall develop a  
47 report on the findings of its review and analysis, including,  
48 but not limited to:

49 1. Summary of the methods used and data obtained for review  
50 and analysis;

51 2. Trends in insurance premium rates;

52 3. Trends in claims and settlements;

53 4. Trends in liability coverage affordability and  
54 availability; and

55 5. Actionable recommendations for agency and legislative  
56 changes to ensure affordable and available liability insurance  
57 for community-based care lead agencies and their subcontractors.

58 (c) The report must be provided to the Governor, the

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59 President of the Senate, and the Speaker of the House of  
60 Representatives by January 1, 2027.

61       (d) The Office of Insurance Regulation is authorized to  
62 levy fines or otherwise penalize an insurance company for  
63 failure to reply to any request for information within 30  
64 calendar days after such request. Any fine schedule set by the  
65 office may not exceed \$500 per day for the first 3 days late and  
66 \$1000 per day for each late day thereafter, which shall be  
67 transferred to the General Revenue Fund.

68       (e) The Department of Children and Families is authorized  
69 to levy fines or otherwise penalize a community-based care lead  
70 agency or subcontractor for failure to reply to any request for  
71 information within 30 calendar days after such request. Any fine  
72 schedule set by the department may not exceed \$500 per day for  
73 the first 3 days late and \$1000 for each late day thereafter,  
74 which shall be transferred to the General Revenue Fund.

75       (f) This subsection shall stand repealed on July 1, 2027,  
76 unless reviewed and saved from repeal through reenactment by the  
77 Legislature.

78       Section 2. This act shall take effect July 1, 2026.