

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 767](#)

**TITLE:** Residential Property Insurance

**SPONSOR(S):** Benarroch

### Committee References

[Insurance & Banking](#)

17 Y, 0 N

[State Administration Budget](#)

11 Y, 0 N

[Commerce](#)

22 Y, 0 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill requires the Office of Insurance Regulation (OIR) to create a resource center on its website to help consumers understand insurance. It must include, among other things, information on the dynamics of the insurance market, the claims process, consumer protection, disaster preparedness, and on the insurance coverage choices available to consumers. Insurers are required to provide notice of this resource center on every offer for coverage or renewal, including a website address and quick-response ("QR") code to the website.

The bill provides that the statewide average requested rate change and final approved statewide average rate change in a filing, as well as the county rating examples submitted to OIR through the rate collection system for the purpose of displaying rates on its website, are not a trade secret.

The bill provides that when establishing the coverage amount or adjudicating a claim for a dwelling or other structure under a homeowners' insurance policy, an insurer may not include the value of the land on which the dwelling or structure is located.

The bill requires insurers to notify consumers if they offer an enhanced discount for a roof system that uses a secondary water resistance.

### **Fiscal or Economic Impact:**

The bill results in no additional cost to OIR.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

#### Insurance Comprehensive Resource Center

The bill requires the Office of Insurance Regulation ("OIR") to create a resource center on its [website](#) to help consumers understand insurance. It must include:

- Reports, using graphic information whenever possible, outlining information about the state of the market and the adverse and positive trends affecting it.
- Tools that aid consumers in finding insurers, including a list of all insurers in the state and their contact information.
- Tools that aid consumers in selecting coverages beneficial to them including:
  - educational materials that explain the [types of coverage](#) in residential property insurance coverage;
  - the difference between replacement cost reimbursement and actual cash value reimbursement;
  - a glossary of common terms used in insurance policies;
  - a comparison of the coverage, terms, conditions, and exclusions contained in different homeowners' and dwelling fire forms; and

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**DATE:** 2/11/2026

- answers to commonly asked questions about residential property insurance coverage.
- Information about available [mitigation credits and discounts](#) and the [My Safe Florida Home Program](#).
- Access to annual statements, market conduct information, all major adverse findings by OIR for the previous 3 calendar years, and other Information related to each insurer.
- Information on the Citizens Property Insurance Corporation take-out process<sup>1</sup>, the clearinghouse<sup>2</sup>, and general information as reported by OIR.
- Information on the claims process, including:
  - clear, step-by-step guidance on how to file a claim, what to expect during the claim process, and timelines for resolution of a claim;
  - the obligations of insurers and insureds related to claim reporting, claim handling, communications regarding claims, claim investigations, claim decisions, and claim payments; and
  - for each insurer with active policies in the state, the means by which to report a claim, including telephone numbers, e-mail addresses, or website addresses the insured can use to report a claim.
- Information on consumer protection, including:
  - the rights of insureds under Florida law related to coverage, coverage renewals, nonrenewals, and cancellations, and mandated offers of coverage; and
  - contact information for the Division of Consumer Services at DFS and information on how to file consumer complaints with the division.
- Information on news and updates relevant to consumers regarding the residential property insurance market, including regulatory changes, information on insurers that enter or exit the market, and industry trends.
- Information on disaster preparedness directly related to insurance, prepared by OIR or the Division of Emergency Management.
- For any residential property rate filing: whether the insurer uses affiliated entities to perform administrative, claims handling, or other functions of the insurer, and if so, the total percentage of direct written premium paid to the affiliated entities by the insurer in the preceding calendar year. (Section [1](#)).

The bill requires insurers to provide notice of the comprehensive resource center with every offer of residential property insurance coverage and at the time of renewal of coverage, including the internet address for the website and a quick-response ("QR") code for the website. (Section [1](#)).

#### Trade Secrets

The bill provides that the statewide average requested rate change and final approved statewide average rate change within a filing is not a [trade secret](#) and is not subject to the public records exemption for trade secrets provided in Florida's public records law or in the Florida Insurance Code. Additionally, the bill provides that the county rating examples submitted to OIR through the rate collection system for purpose of displaying rates on OIR's website is not a trade secret and thus not subject to the public records exemptions. (Section [1](#)).

#### Dwellings

The bill provides that when establishing the coverage amount or adjusting a claim for a dwelling or other structure under a homeowner's insurance policy, an insurer may not include the value of the land on which such dwelling or structure is located. This provision may not be construed to permit inclusion of the value of land for dwellings or structures located on the shoreline, surrounded in whole or in part by a body of water, or on land formed or altered by erosion or accretion. (Section [2](#)).

#### Notice of Enhanced Discounts for Secondary Water Resistance

<sup>1</sup> The take-out process allows authorized private market property insurers to select Citizens' policies for the purpose of offering coverage. See [s. 627.351, F.S.](#)

<sup>2</sup> The clearinghouse program is designed to confirm eligibility for coverage through Citizens. New and renewal personal lines residential policies for Citizens are placed into the clearinghouse where participating private insurers can review and decide to make offers of coverage before policies are placed or renewed with Citizens. See [s. 627.3518, F.S.](#)

The bill requires the [notice of premium discounts for hurricane loss mitigation](#) that is currently provided to applicants for insurance coverage and policyholders to include a notification of whether the insurer offers an enhanced discount for a roof system that uses a [secondary water resistance](#). (Section [3](#)).

#### Effective Date

The bill provides an effective date of July 1, 2026. (Section [5](#)).

#### **RULEMAKING:**

The bill requires the Financial Services Commission to prescribe a format for the rate transparency report required by the bill.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

#### **FISCAL OR ECONOMIC IMPACT:**

##### STATE GOVERNMENT:

OIR may need to make information technology modifications to implement the bill, however, these changes can be handled within existing resources.<sup>3</sup>

## **RELEVANT INFORMATION**

#### **SUBJECT OVERVIEW:**

##### [CHOICES Website](#)

OIR has an existing rate comparison tool on its website entitled “CHOICES” that provides consumers with rate information for various types of insurance. The CHOICES homeowner’s rate comparison tool provides sample average rates for a variety of companies writing insurance in each county, in addition to rates for Citizens Property Insurance Corporation.<sup>4</sup>

The rates provided in the CHOICES system are for illustrative purposes only. The website encourages consumers to contact either an insurance agent or the insurance company for a premium quote based on individual circumstances. Rates for insurers that submitted data as trade secret are not included.<sup>5</sup>

##### [Department of Financial Services](#)

The Department of Financial Services offers a variety of information and resources on its website to educate consumers regarding insurance and financial topics. Information may be found on homeowner’s insurance, automobile insurance, life insurance and annuities, health insurance, and long-term care insurance.<sup>6</sup> The resources include over 30 consumer guides on specific insurance topics, including:<sup>7</sup>

- assignment of benefits;
- automobile insurance;
- filing an auto claim;
- automobile mediation program;
- homeowners’ insurance;

<sup>3</sup> OIR, Agency Analysis of 2026 Senate Bill 832, p. #6 (Jan. 5, 2026).

<sup>4</sup> OIR, *CHOICES Rate Comparison Tool*, <https://floir.com/consumers/choices-rate-comparison-search> (last visited Jan. 15, 2026).

<sup>5</sup> *Id.*

<sup>6</sup> DFS, *About the Division*, <https://www.myfloridacfo.com/Division/Consumers/> (last visited Jan. 15, 2026).

<sup>7</sup> DFS, *Consumer Guides*, <https://www.myfloridacfo.com/division/consumers/understanding-insurance/guides> (last visited Jan. 15, 2026).

- homeowner claims bill of rights;
- post-disaster insurance claims;
- premium discounts for hurricane loss mitigation;
- residential property mediation program;
- renters' insurance;
- settling a sinkhole claim;
- sinkhole and catastrophic ground cover collapse;
- Florida's hurricane deductible;
- what to expect after filing a homeowners' claim;
- the flood claim process; and
- getting help with a property insurance claim.

These guides are available in both English and Spanish.<sup>8</sup>

### **Types of Coverage and Policy Forms**

There are eight different homeowners' policy forms.<sup>9</sup> Policy forms represent the type of property insurance needed for a homeowner, condo owner, or renter.<sup>10</sup> These forms include:

- HO-1 – these forms are the most basic type of home insurance, and it protects only against eleven specified perils, such as fire, lightning, windstorms, and hail, but do not provide coverage for liability nor personal property.
- HO-2 – these policies cover all the common perils from HO-1, plus seven additional perils including falling objects, certain sudden or accidental damage, and the weight of ice, snow, or sleet. These policies only cover named perils, meaning that if a peril isn't explicitly listed in the policy, it won't be covered by the insurer. Some of these policies provide coverage for personal property and personal liability.
- HO-3 – this is the most common type of homeowners insurance, and it provides coverage for all perils except those explicitly excluded. These policies also provide coverage for personal property and personal liability coverage.
- HO-4 – this policy form is for renters' insurance.
- HO-5 – this is known as the comprehensive form and provides the most coverage. Personal property losses are repaid based on the replacement cost for the item, instead of the actual cash value. These policies tend to have higher coverage limits and less restrictions on perils.
- HO-6 – this policy form applies to condo owners.
- HO-7 – this policy form applies to mobile homes.
- HO-8 – this policy form applies to older properties, typically built more than 40 years ago.

### **My Safe Florida Home Program**

In 2006, the Legislature created the My Safe Florida Home Program ("MSFH Program") within DFS, with the intent that the MSFH Program provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants, subject to the availability of funds.<sup>11</sup>

Grants are matched with \$2 provided by the state for every \$1 provided by the homeowner up to \$10,000.<sup>12</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> Progressive, *What are the different types of homeowners insurance policies?*, <https://www.progressive.com/homeowners/faq/policy-types/> (last visited Jan. 15, 2026).

<sup>10</sup> *Id.*

<sup>11</sup> [S.215.5586, F.S.](#)

<sup>12</sup> *Id.*

## **Residential Property Insurance Mitigation Credits, Discounts, or other Rate Differentials**

Residential property insurance rates must account for mitigation measures undertaken by policyholders to reduce hurricane losses.<sup>13</sup> Specifically, insurer rate filings must include actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles to consumers who implement windstorm damage mitigation techniques to their properties.<sup>14</sup>

Upon their filing by an insurer or rating organization, the OIR determines the discounts, credits, and other rate differentials.<sup>15</sup> Windstorm mitigation measures that must be evaluated for purposes of mitigation discounts include fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength.<sup>16</sup>

The FSC is required to develop a uniform mitigation verification inspection form to be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance.<sup>17</sup>

## **Notice to Applicants and Policyholders about Premium Discounts for Hurricane Loss Mitigation**

An insurer is required to notify an applicant or policyholder of any personal lines residential property insurance policy of the availability of each premium discount, credit, other rate differential for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented.<sup>18</sup>

An insurer must provide this notification at the time of the issuance of the policy and at each renewal.<sup>19</sup>

## **Secondary Water Resistance**

A secondary water resistance is an underlayment material that is self-adhered and positioned directly to the roof deck to prevent water intrusion, and it is one of the improvements covered by the MSFH Program.<sup>20</sup>

This improvement can be completed in three ways:<sup>21</sup>

- At the time of reroofing, use a full-coverage self-adhered underlayment, commonly referred to as peel-and-stick, directly to the roof deck material.
- At time of reroofing, use a self-adhere product, commonly referred to as seam tape, on all joints and seams of the roof decking material. This still requires nailed down underlayment such as felt paper; or
- If not replacing the roof, install a foam adhesive on all the seams and joints from the attic side of roof.

## **Trade Secret and Public Records Exemptions**

Florida law defines “trade secret” as information that derives independent economic value from not being generally known by other people who can obtain economic value from its disclosure or use and that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.<sup>22</sup>

When insurers submit documents to OIR or DFS pursuant to the Florida Insurance Code, or as required by rule of OIR, DFS, or the FSC, the insurer may file with OIR or DFS a notice of trade secret.<sup>23</sup> If OIR or DFS receive a public

<sup>13</sup> [S. 627.062\(2\)\(j\), F.S.](#)

<sup>14</sup> [S. 627.0629\(1\), F.S.](#)

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> [S. 627.711\(2\)\(a\), F.S.](#)

<sup>18</sup> [S. 627.711\(1\), F.S.](#)

<sup>19</sup> *Id.*

<sup>20</sup> Department of Financial Services, *Secondary Water Resistance*,

<https://support.mysafeflhome.com/en/support/solutions/articles/156000024224-improvement-4-0-secondary-water-resistance-swr-> (last visited Feb. 11, 2026).

<sup>21</sup> *Id.*

<sup>22</sup> [S. 688.002\(4\), F.S.](#)

<sup>23</sup> [S. 624.4213, F.S.](#)

records request for a document marked as trade secret, OIR or DFS must notify the person that certified the document as trade secret.<sup>24</sup> The notice must inform the person that the company has 30 days following receipt of the notice to file an action in circuit court to get a determination of whether the document contains trade secrets and an order barring public disclosure of the document.<sup>25</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Insurance &amp; Banking Subcommittee</a>	17 Y, 0 N	1/21/2026	Brackett	Miguez
<a href="#">State Administration Budget Subcommittee</a>	11 Y, 0 N	2/5/2026	Topp	Helpling
<a href="#">Commerce Committee</a>	22 Y, 0 N, As CS	2/10/2026	Hamon	Miguez

THE CHANGES ADOPTED BY THE COMMITTEE:

- Removed the requirement for property insurers to provide a rate transparency report to policyholders and OIR.
- Required OIR's resource center to include all major adverse findings for the previous 3 calendar years for each insurer.
- Required OIR's resource center to include contact information for the Division of Consumer Services of the Department of Financial Services.
- Required insurers to include a notice of the resource center, the URL, and a QR code with each offer of residential property coverage to a consumer, and with every offer of renewal to a consumer.
- Required the insurer's notice of premium discounts to applicants and policyholders for hurricane loss mitigation to include information about whether the insurer offers enhanced discounts for roof systems that use a secondary water resistance.

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THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.  
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<sup>24</sup> *Id.*

<sup>25</sup> *Id.*