

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 4081 — Repeal of Obsolete Insurance Provisions (Chapter 2011-11)

by Rep. Horner (SB 636 by Senator Simmons)

The bill (Chapter 2011-11, L.O.F.) repeals outdated or obsolete language relating to a refund to Citizens Property Insurance Corporation of funds not committed or reserved for insurers in the Insurance Capital Build-Up Incentive Program; requirements of pre-suit notice for suits brought against the Florida Automobile Joint Underwriting Association (FAJUA); form filings for compliance with the mandatory catastrophic ground cover collapse coverage; report on the development of a sinkhole database; feasibility study for Florida sinkhole coverage facility; and effective date of insurers' mandatory windstorm and contents coverage in property insurance policies.

The bill deletes s. 215.5595(11), F.S., which requires the State Board of Administration to refund to Citizens all uncommitted Insurance Capital Build-Up Incentive Program funds that were to have been transferred from Citizens to the Program in 2009 through SB 2860. The transfer of funds was never performed due to the Governor's veto of SB 2860; thus, the bill repeals this obsolete language from the statute.

The bill deletes s. 627.311(3)(k)2., F.S., which contains a 90 day pre-suit notice requirement for suits brought against FAJUA under s. 624.155, F.S. By its own terms, s. 627.311(3)(k)2., F.S., was to expire on October 1, 2007, unless reenacted by the Legislature prior to that date. Because the Legislature did not reinstate s. 627.311(3)(k)2., F.S., prior to October 1, 2007, that subparagraph expired and is obsolete. Therefore, the bill deletes obsolete language from the statute.

The bill deletes s. 627.706(3), F.S., which requires insurers to file a form implementing the mandated coverage of catastrophic ground cover collapse and the optional sinkhole coverage with the Office of Insurance Regulation (OIR) by June 1, 2007. Since the time for filing has passed, and all insurers have filed with OIR, the bill deletes the obsolete language from the statute.

The bill deletes s. 627.7065(5), F.S., which requires the Department of Environmental Protection, in consultation with the Department of Financial Services, to submit a report of sinkhole database recommendations and other similar matters by December 31, 2005, to the Governor, the Chief Financial Officer, and the legislative presiding officers. The report of sinkhole database recommendations was filed by the Department of Environmental Protection before the deadline of December 31, 2005.

The bill repeals s. 627.7077, F.S., which requires the Florida State University College of Business Department of Risk Management and Insurance (Department of Risk Management) was directed by the Legislature to perform a feasibility and cost-benefit study of a Florida Sinkhole Insurance Facility. The Department of Risk Management submitted the report, required by the statute, to the Legislature on April 1, 2005.

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The bill deletes s. 627.712(7), F.S., which provides an effective date of June 1, 2007, or at the latest, October 1, 2007, of the statute requiring residential property insurers to offer windstorm coverage for property insurance policies. This date has passed and insurance companies are now required to offer windstorm coverage.

These provisions were approved by the Governor and take effect July 1, 2011.

Vote: Senate 38-0; House 116-0