

ENROLLED
 HB 4081

2011 Legislature

1 A bill to be entitled
 2 An act relating to the repeal of obsolete insurance
 3 provisions; amending s. 215.5595, F.S.; deleting an
 4 obsolete requirement for the State Board of Administration
 5 to transfer to the Citizens Property Insurance Corporation
 6 certain funds of the Insurance Capital Build-Up Incentive
 7 Program; amending s. 627.311, F.S.; deleting an obsolete
 8 presuit notice requirement for the Florida Automobile
 9 Joint Underwriting Association; amending s. 627.706, F.S.;
 10 deleting an obsolete form filing deadline for sinkhole
 11 coverage; amending s. 627.7065, F.S.; deleting an obsolete
 12 reporting requirement for activities relating to the
 13 sinkhole database; repealing s. 627.7077, F.S., relating
 14 to a feasibility and cost-benefit study of a Florida
 15 Sinkhole Insurance Facility and other matters related to
 16 affordability and availability of sinkhole insurance;
 17 amending s. 627.712, F.S.; deleting an obsolete effective
 18 date for the exclusion of windstorm and contents coverage;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (11) of section 215.5595, Florida
 24 Statutes, is amended to read:

25 215.5595 Insurance Capital Build-Up Incentive Program.—
 26 ~~(11) On January 15, 2009, the State Board of~~
 27 ~~Administration shall transfer to Citizens Property Insurance~~
 28 ~~Corporation any funds that have not been committed or reserved~~

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29 ~~for insurers approved to receive such funds under the program,~~
 30 ~~from the funds that were transferred from Citizens Property~~
 31 ~~Insurance Corporation in 2008-2009 for such purposes.~~

32 Section 2. Paragraph (k) of subsection (3) of section
 33 627.311, Florida Statutes, is amended to read:

34 627.311 Joint underwriters and joint reinsurers; public
 35 records and public meetings exemptions.—

36 (3) The office may, after consultation with insurers
 37 licensed to write automobile insurance in this state, approve a
 38 joint underwriting plan for purposes of equitable apportionment
 39 or sharing among insurers of automobile liability insurance and
 40 other motor vehicle insurance, as an alternate to the plan
 41 required in s. 627.351(1). All insurers authorized to write
 42 automobile insurance in this state shall subscribe to the plan
 43 and participate therein. The plan shall be subject to continuous
 44 review by the office which may at any time disapprove the entire
 45 plan or any part thereof if it determines that conditions have
 46 changed since prior approval and that in view of the purposes of
 47 the plan changes are warranted. Any disapproval by the office
 48 shall be subject to the provisions of chapter 120. The Florida
 49 Automobile Joint Underwriting Association is created under the
 50 plan. The plan and the association:

51 (k)~~1~~. Shall have no liability, and no cause of action of
 52 any nature shall arise against any member insurer or its agents
 53 or employees, agents or employees of the association, members of
 54 the board of governors of the association, the Chief Financial
 55 Officer, or the office or its representatives for any action
 56 taken by them in the performance of their duties or

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57 | responsibilities under this subsection. Such immunity does not
58 | apply to actions for or arising out of breach of any contract or
59 | agreement pertaining to insurance, or any willful tort.

60 | ~~2. Notwithstanding the requirements of s. 624.155(3)(a),~~
61 | ~~as a condition precedent to bringing an action against the plan~~
62 | ~~under s. 624.155, the department and the plan must have been~~
63 | ~~given 90 days' written notice of the violation. If the~~
64 | ~~department returns a notice for lack of specificity, the 90-day~~
65 | ~~time period shall not begin until a proper notice is filed. This~~
66 | ~~notice must comply with the information requirements of s.~~
67 | ~~624.155(3)(b). Effective October 1, 2007, this subparagraph~~
68 | ~~shall expire unless reenacted by the Legislature prior to that~~
69 | ~~date.~~

70 | Section 3. Subsections (4) and (5) of section 627.706,
71 | Florida Statutes, are renumbered as subsections (3) and (4),
72 | respectively, and present subsection (3) of that section is
73 | amended to read:

74 | 627.706 Sinkhole insurance; catastrophic ground cover
75 | collapse; definitions.—

76 | ~~(3) On or before June 1, 2007, every insurer authorized to~~
77 | ~~transact property insurance in this state shall make a proper~~
78 | ~~filing with the office for the purpose of extending the~~
79 | ~~appropriate forms of property insurance to include coverage for~~
80 | ~~eatastrophic ground cover collapse or for sinkhole losses.~~
81 | ~~Coverage for catastrophic ground cover collapse may not go into~~
82 | ~~effect until the effective date provided for in the filing~~
83 | ~~approved by the office.~~

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84 Section 4. Subsection (6) of section 627.7065, Florida
 85 Statutes, is renumbered as subsection (5), and present
 86 subsection (5) of that section is amended to read:

87 627.7065 Database of information relating to sinkholes;
 88 the Department of Financial Services and the Department of
 89 Environmental Protection.—

90 ~~(5) The Department of Environmental Protection, in~~
 91 ~~consultation with the Department of Financial Services, shall~~
 92 ~~present a report of activities relating to the sinkhole~~
 93 ~~database, including recommendations regarding the database and~~
 94 ~~similar matters, to the Governor, the Speaker of the House of~~
 95 ~~Representatives, the President of the Senate, and the Chief~~
 96 ~~Financial Officer by December 31, 2005. The report may consider~~
 97 ~~the need for the Legislature to create an entity to study the~~
 98 ~~increase in sinkhole activity in the state and other similar~~
 99 ~~issues relating to sinkhole damage, including recommendations~~
 100 ~~and costs for staffing the entity. The report may include other~~
 101 ~~information, as appropriate.~~

102 Section 5. Section 627.7077, Florida Statutes, is
 103 repealed.

104 Section 6. Subsection (7) of section 627.712, Florida
 105 Statutes, is amended to read:

106 627.712 Residential windstorm coverage required;
 107 availability of exclusions for windstorm or contents.—

108 ~~(7) This section is effective July 1, 2007, but the office~~
 109 ~~may delay application of this section until a date no later than~~
 110 ~~October 1, 2007, upon approval by the Financial Services~~
 111 ~~Commission.~~

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Section 7. This act shall take effect July 1, 2011.