

By Senator Passidomo

28-00156-17

2017208__

1 A bill to be entitled
2 An act relating to surplus lines insurance; amending
3 s. 626.916, F.S.; revising conditions for the export
4 eligibility of commercial lines residential coverage;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (b) of subsection (3) of section
10 626.916, Florida Statutes, is amended to read:

11 626.916 Eligibility for export.—

12 (3)

13 (b) Paragraphs (1)(a)-(d) do not apply to commercial lines
14 residential coverage as described in s. 627.4025 or to classes
15 of insurance which are subject to s. 627.062(3)(d)1. These
16 classes may be exportable under the following conditions:

17 1. The insurance must be placed only by or through a
18 surplus lines agent licensed in this state;

19 2. The insurer must be made eligible under s. 626.918; and

20 3. The insured must sign a disclosure that substantially
21 provides the following: "You are agreeing to place coverage in
22 the surplus lines market. Superior coverage may be available in
23 the admitted market and at a lesser cost. Persons insured by
24 surplus lines carriers are not protected under the Florida
25 Insurance Guaranty Act with respect to any right of recovery for
26 the obligation of an insolvent unlicensed insurer." If the
27 notice is signed by the insured, the insured is presumed to have
28 been informed and to know that other coverage may be available,
29 and, with respect to the diligent-effort requirement under
30 subsection (1), there is no liability on the part of, and no
31 cause of action arises against, the retail agent presenting the
32 form.

28-00156-17

2017208__

33

Section 2. This act shall take effect July 1, 2017.