

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rommel offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 173 and 174, insert:

5 Section 4. Subsection (3) of section 624.607, Florida
6 Statutes, is amended to read:

7 624.607 "Marine insurance," "wet marine and transportation
8 insurance," and "inland marine insurance" defined.—

9 (3) For the purposes of this code, "inland marine
10 insurance" is as established by general custom of the insurance
11 business and promulgated by rule of the commission. However,
12 inland marine insurance solely related to indemnity of

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13 deductibles for property coverage is exempt from any requirement
14 of diligent effort, as defined in s. 626.914.

15 Section 5. Paragraph (a) of subsection (1) of section
16 626.916, Florida Statutes, is amended to read:

17 626.916 Eligibility for export.—

18 (1) No insurance coverage shall be eligible for export
19 unless it meets all of the following conditions:

20 (a)1.~~(a)~~ The full amount of insurance required must not be
21 procurable, after a diligent effort has been made by the
22 producing agent to do so, from among the insurers authorized to
23 transact and actually writing that kind and class of insurance
24 in this state, and the amount of insurance exported shall be
25 only the excess over the amount so procurable from authorized
26 insurers. Surplus lines agents must verify that a diligent
27 effort has been made by requiring a properly documented
28 statement of diligent effort from the retail or producing agent.
29 However, to be in compliance with the diligent-effort ~~diligent~~
30 ~~effort~~ requirement, the surplus lines agent's reliance must be
31 reasonable under the particular circumstances surrounding the
32 export of that particular risk. Reasonableness shall be assessed
33 by taking into account factors which include, but are not
34 limited to, a regularly conducted program of verification of the
35 information provided by the retail or producing agent.
36 Declinations must be documented on a risk-by-risk basis. If it
37 is not possible to obtain the full amount of insurance required

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38 | by layering the risk, it is permissible to export the full
39 | amount.

40 | 2. Notwithstanding subparagraph 1., inland marine
41 | insurance solely related to indemnity of deductibles for
42 | property coverage is exempt from any diligent-effort
43 | requirement.

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46 | **T I T L E A M E N D M E N T**

47 | Remove line 15 and insert:
48 | impose for failure to comply; amending ss. 624.607 and
49 | 626.916, F.S.; providing that certain inland marine
50 | insurance is exempt from any diligent-effort
51 | requirement; amending s. 626.112,

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