

By the Committees on Judiciary; and Banking and Insurance; and
Senators Perry and Broxson

590-01913-22

2022468c2

1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; redefining the term "covered policy" under the
4 Florida Hurricane Catastrophe Fund in relation to
5 certain collateral protection insurance policies;
6 amending s. 440.381, F.S.; revising the annual audit
7 requirement for construction classes to apply to
8 policies having estimated annual premiums over a
9 specified threshold; creating s. 624.46227, F.S.;
10 authorizing any association, trust, or pool created
11 for the purpose of forming a risk management mechanism
12 or providing self-insurance for a public entity to use
13 communications media technology to establish a quorum
14 and conduct public business; amending s. 626.221,
15 F.S.; exempting certain applicants for licensure as an
16 all-lines adjuster from a required examination;
17 amending s. 626.856, F.S.; revising the definition of
18 the term "company employee adjuster"; amending s.
19 627.062, F.S.; authorizing the use of a certain
20 modeling indication for residential property insurance
21 rate filings; amending s. 627.0629, F.S.; authorizing
22 insurers to file certain insurance rating plans based
23 on certain windstorm mitigation construction
24 standards, if certain requirements are met; amending
25 s. 627.0665, F.S.; revising notification requirements
26 for insurers who have automatic bank withdrawal
27 agreements with insureds to include notices when
28 withdrawal amounts increase above a specified
29 threshold; amending s. 627.351, F.S.; revising

590-01913-22

2022468c2

30 conditions for determining the ineligibility of
31 condominiums for wind-only coverage; amending s.
32 627.421, F.S.; deleting a requirement for electronic
33 transmissions of certain documents to include
34 specified notices; deleting a requirement that paper
35 copies of policies be provided upon request; amending
36 ss. 627.701 and 627.712, F.S.; revising policyholder
37 acknowledgment statement requirements for property
38 insurance policies having certain hurricane
39 deductibles or windstorm or contents coverage
40 exclusions, respectively; amending s. 627.7152, F.S.;
41 revising the definition of the term "assignment
42 agreement"; specifying the addresses to which a notice
43 of intent must be served; amending s. 627.7276, F.S.;
44 revising notice requirements for motor vehicle
45 policies that do not provide coverage for bodily
46 injury and property damage liability; amending ss.
47 634.171, 634.317, and 634.419, F.S.; authorizing
48 licensed personal lines or general lines agents to
49 solicit, negotiate, advertise, or sell motor vehicle
50 service agreements, home warranty contracts, and
51 service warranty contracts, respectively, without a
52 sales representative license; making technical
53 changes; reenacting ss. 624.424(10) and 627.351(6)(v),
54 F.S., relating to annual statements and other
55 information and Citizens Property Insurance
56 Corporation, respectively, to incorporate the
57 amendment made to s. 215.555, F.S., in references
58 thereto; reenacting s. 626.8734(1)(b), F.S., relating

590-01913-22

2022468c2

59 to nonresident all-lines adjuster license
60 qualifications, to incorporate the amendment made to
61 s. 626.221, F.S., in a reference thereto; reenacting
62 s. 626.865(1) (e), F.S., relating to public adjuster's
63 qualifications, to incorporate the amendment made to
64 s. 626.856, F.S., in a reference thereto; reenacting
65 s. 627.7153(1) and (2) (d), F.S., relating to policies
66 restricting assignment of post-loss benefits under a
67 property insurance policy, to incorporate the
68 amendment made to s. 627.7152, F.S., in references
69 thereto; providing effective dates.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Effective June 1, 2023, paragraph (c) of
74 subsection (2) of section 215.555, Florida Statutes, is amended
75 to read:

76 215.555 Florida Hurricane Catastrophe Fund.—

77 (2) DEFINITIONS.—As used in this section:

78 (c) "Covered policy" means any insurance policy covering
79 residential property in this state, including, but not limited
80 to, any homeowner, mobile home owner, farm owner, condominium
81 association, condominium unit owner, tenant, or apartment
82 building policy, or any other policy covering a residential
83 structure or its contents issued by any authorized insurer,
84 including a commercial self-insurance fund holding a certificate
85 of authority issued by the Office of Insurance Regulation under
86 s. 624.462, the Citizens Property Insurance Corporation, and any
87 joint underwriting association or similar entity created under

590-01913-22

2022468c2

88 law. The term ~~"covered policy"~~ includes any collateral
89 protection insurance policy covering personal residences which
90 protects both the borrower's and the lender's financial
91 interests, in an amount at least equal to the coverage amount
92 for the dwelling in place under the lapsed homeowner's policy,
93 the coverage amount that the homeowner has been notified of by
94 the collateral protection insurer, or the coverage amount the
95 homeowner requests from the collateral protection insurer, if
96 such collateral protection insurance policy can be accurately
97 reported as required in subsection (5). Additionally, covered
98 policies include policies covering the peril of wind removed
99 from the Florida Residential Property and Casualty Joint
100 Underwriting Association or from the Citizens Property Insurance
101 Corporation, created under s. 627.351(6), or from the Florida
102 Windstorm Underwriting Association, created under s. 627.351(2),
103 by an authorized insurer under the terms and conditions of an
104 executed assumption agreement between the authorized insurer and
105 such association or Citizens Property Insurance Corporation.
106 Each assumption agreement between the association and such
107 authorized insurer or Citizens Property Insurance Corporation
108 must be approved by the Office of Insurance Regulation before
109 the effective date of the assumption, and the Office of
110 Insurance Regulation must provide written notification to the
111 board within 15 working days after such approval. "Covered
112 policy" does not include any policy that excludes wind coverage
113 or hurricane coverage or any reinsurance agreement and does not
114 include any policy otherwise meeting this definition which is
115 issued by a surplus lines insurer or a reinsurer. All commercial
116 residential excess policies and all deductible buy-back policies

590-01913-22

2022468c2

117 that, based on sound actuarial principles, require individual
118 ratemaking must ~~shall~~ be excluded by rule if the actuarial
119 soundness of the fund is not jeopardized. For this purpose, the
120 term "excess policy" means a policy that provides insurance
121 protection for large commercial property risks and that provides
122 a layer of coverage above a primary layer insured by another
123 insurer.

124 Section 2. Subsection (3) of section 440.381, Florida
125 Statutes, is amended to read:

126 440.381 Application for coverage; reporting payroll;
127 payroll audit procedures; penalties.-

128 (3) The Financial Services Commission, in consultation with
129 the department, shall establish by rule minimum requirements for
130 audits of payroll and classifications ~~in order~~ to ensure that
131 the appropriate premium is charged for workers' compensation
132 coverage. The rules must ~~shall~~ ensure that audits performed by
133 both carriers and employers are adequate to provide that all
134 sources of payments to employees, subcontractors, and
135 independent contractors are ~~have been~~ reviewed and that the
136 accuracy of classification of employees is ~~has been~~ verified.
137 The rules must require ~~shall provide~~ that employers in all
138 classes other than the construction class be audited at least
139 ~~not less frequently than~~ biennially and may provide for more
140 frequent audits of employers in specified classifications based
141 on factors such as amount of premium, type of business, loss
142 ratios, or other relevant factors. ~~In no event shall~~ Employers
143 in the construction class, ~~generating more than the amount of~~
144 premium required to be experience rated, must be audited at
145 least ~~less than~~ annually. The annual audits required for

590-01913-22

2022468c2

146 construction classes must ~~shall~~ consist of physical onsite
147 audits for policies only if the estimated annual premium is
148 \$10,000 or more. Payroll verification audit rules must include,
149 but need not be limited to, the use of state and federal reports
150 of employee income, payroll and other accounting records,
151 certificates of insurance maintained by subcontractors, and
152 duties of employees. At the completion of an audit, the employer
153 or officer of the corporation and the auditor must print and
154 sign their names on the audit document and attach proof of
155 identification to the audit document.

156 Section 3. Section 624.46227, Florida Statutes, is created
157 to read:

158 624.46227 Meeting requirements.—Any association, trust, or
159 pool authorized by state law and created for the purpose of
160 forming a risk management mechanism or providing self-insurance
161 for public entities in this state may use communications media
162 technology to establish a quorum and conduct public business.

163 Section 4. Paragraph (j) of subsection (2) of section
164 626.221, Florida Statutes, is amended to read:

165 626.221 Examination requirement; exemptions.—

166 (2) However, an examination is not necessary for any of the
167 following:

168 (j) An applicant for license as an all-lines adjuster who
169 has the designation of Accredited Claims Adjuster (ACA) from a
170 regionally accredited postsecondary institution in this state,
171 Associate in Claims (AIC) from the Insurance Institute of
172 America, Professional Claims Adjuster (PCA) from the
173 Professional Career Institute, Professional Property Insurance
174 Adjuster (PPIA) from the HurriClaim Training Academy, Certified

590-01913-22

2022468c2

175 Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster
176 (CCA) from AE21 Incorporated, Claims Adjuster Certified
177 Professional (CACP) from WebCE, Inc., Accredited Insurance
178 Claims Specialist (AICS) from Encore Claim Services, Certified
179 All Lines Adjuster (CALA) from Kaplan, or Universal Claims
180 Certification (UCC) from Claims and Litigation Management
181 Alliance (CLM) whose curriculum has been approved by the
182 department and which includes comprehensive analysis of basic
183 property and casualty lines of insurance and testing at least
184 equal to that of standard department testing for the all-lines
185 adjuster license. The department shall adopt rules establishing
186 standards for the approval of curriculum.

187 Section 5. Section 626.856, Florida Statutes, is amended to
188 read:

189 626.856 "Company employee adjuster" defined.—A "company
190 employee adjuster" means a person licensed as an all-lines
191 adjuster who is appointed and employed on an insurer's staff of
192 adjusters, by an affiliate, or by a wholly owned subsidiary of
193 the insurer, and who undertakes on behalf of such insurer or
194 other insurers under common control or ownership to ascertain
195 and determine the amount of any claim, loss, or damage payable
196 under a contract of insurance, or undertakes to effect
197 settlement of such claim, loss, or damage.

198 Section 6. Paragraph (j) of subsection (2) of section
199 627.062, Florida Statutes, is amended to read:

200 627.062 Rate standards.—

201 (2) As to all such classes of insurance:

202 (j) With respect to residential property insurance rate
203 filings, the rate filing:

590-01913-22

2022468c2

204 1. Must account for mitigation measures undertaken by
205 policyholders to reduce hurricane losses.

206 2. May use a modeling indication that is the weighted or
207 straight average of two or more hurricane loss projection models
208 found by the commission to be accurate or reliable pursuant to
209 s. 627.0628.

210
211 The provisions of this subsection do not apply to workers'
212 compensation, employer's liability insurance, and motor vehicle
213 insurance.

214 Section 7. Subsection (9) is added to section 627.0629,
215 Florida Statutes, to read:

216 627.0629 Residential property insurance; rate filings.—

217 (9) An insurer may file with the office a personal lines
218 residential property insurance rating plan that provides
219 justified premium discounts, credits, or other rate
220 differentials based on windstorm mitigation construction
221 standards developed by an independent, not-for-profit scientific
222 research organization, if such standards meet the requirements
223 of this section.

224 Section 8. Section 627.0665, Florida Statutes, is amended
225 to read:

226 627.0665 Automatic bank withdrawal agreements; notification
227 required.—Any insurer licensed to issue insurance in this ~~the~~
228 state who has an automatic bank withdrawal agreement with an
229 insured party for the payment of insurance premiums for any type
230 of insurance shall give the named insured at least 15 days
231 advance written notice of any increase in policy premiums that
232 results in the next automatic bank withdrawal being increased by

590-01913-22

2022468c2

233 more than \$10. Such notice must be provided before ~~prior to~~ any
234 automatic bank withdrawal containing the ~~of an~~ increased premium
235 amount.

236 Section 9. Paragraph (a) of subsection (6) of section
237 627.351, Florida Statutes, is amended to read:

238 627.351 Insurance risk apportionment plans.—

239 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

240 (a) The public purpose of this subsection is to ensure that
241 there is an orderly market for property insurance for residents
242 and businesses of this state.

243 1. The Legislature finds that private insurers are
244 unwilling or unable to provide affordable property insurance
245 coverage in this state to the extent sought and needed. The
246 absence of affordable property insurance threatens the public
247 health, safety, and welfare and likewise threatens the economic
248 health of the state. The state therefore has a compelling public
249 interest and a public purpose to assist in assuring that
250 property in this ~~the~~ state is insured and that it is insured at
251 affordable rates so as to facilitate the remediation,
252 reconstruction, and replacement of damaged or destroyed property
253 in order to reduce or avoid the negative effects otherwise
254 resulting to the public health, safety, and welfare, to the
255 economy of the state, and to the revenues of the state and local
256 governments which are needed to provide for the public welfare.
257 It is necessary, therefore, to provide affordable property
258 insurance to applicants who are in good faith entitled to
259 procure insurance through the voluntary market but are unable to
260 do so. The Legislature intends, therefore, that affordable
261 property insurance be provided and that it continue to be

590-01913-22

2022468c2

262 provided, as long as necessary, through Citizens Property
263 Insurance Corporation, a government entity that is an integral
264 part of the state, and that is not a private insurance company.
265 To that end, the corporation shall strive to increase the
266 availability of affordable property insurance in this state,
267 while achieving efficiencies and economies, and while providing
268 service to policyholders, applicants, and agents which is no
269 less than the quality generally provided in the voluntary
270 market, for the achievement of the foregoing public purposes.
271 Because it is essential for this government entity to have the
272 maximum financial resources to pay claims following a
273 catastrophic hurricane, it is the intent of the Legislature that
274 the corporation continue to be an integral part of the state and
275 that the income of the corporation be exempt from federal income
276 taxation and that interest on the debt obligations issued by the
277 corporation be exempt from federal income taxation.

278 2. The Residential Property and Casualty Joint Underwriting
279 Association originally created by this statute shall be known as
280 the Citizens Property Insurance Corporation. The corporation
281 shall provide insurance for residential and commercial property,
282 for applicants who are entitled, but, in good faith, are unable
283 to procure insurance through the voluntary market. The
284 corporation shall operate pursuant to a plan of operation
285 approved by order of the Financial Services Commission. The plan
286 is subject to continuous review by the commission. The
287 commission may, by order, withdraw approval of all or part of a
288 plan if the commission determines that conditions have changed
289 since approval was granted and that the purposes of the plan
290 require changes in the plan. For the purposes of this

590-01913-22

2022468c2

291 subsection, residential coverage includes both personal lines
292 residential coverage, which consists of the type of coverage
293 provided by homeowner, mobile home owner, dwelling, tenant,
294 condominium unit owner, and similar policies; and commercial
295 lines residential coverage, which consists of the type of
296 coverage provided by condominium association, apartment
297 building, and similar policies.

298 3. With respect to coverage for personal lines residential
299 structures:

300 a. Effective January 1, 2014, a structure that has a
301 dwelling replacement cost of \$1 million or more, or a single
302 condominium unit that has a combined dwelling and contents
303 replacement cost of \$1 million or more, is not eligible for
304 coverage by the corporation. Such dwellings insured by the
305 corporation on December 31, 2013, may continue to be covered by
306 the corporation until the end of the policy term. The office
307 shall approve the method used by the corporation for valuing the
308 dwelling replacement cost for the purposes of this subparagraph.
309 If a policyholder is insured by the corporation before being
310 determined to be ineligible pursuant to this subparagraph and
311 such policyholder files a lawsuit challenging the determination,
312 the policyholder may remain insured by the corporation until the
313 conclusion of the litigation.

314 b. Effective January 1, 2015, a structure that has a
315 dwelling replacement cost of \$900,000 or more, or a single
316 condominium unit that has a combined dwelling and contents
317 replacement cost of \$900,000 or more, is not eligible for
318 coverage by the corporation. Such dwellings insured by the
319 corporation on December 31, 2014, may continue to be covered by

590-01913-22

2022468c2

320 the corporation only until the end of the policy term.

321 c. Effective January 1, 2016, a structure that has a
322 dwelling replacement cost of \$800,000 or more, or a single
323 condominium unit that has a combined dwelling and contents
324 replacement cost of \$800,000 or more, is not eligible for
325 coverage by the corporation. Such dwellings insured by the
326 corporation on December 31, 2015, may continue to be covered by
327 the corporation until the end of the policy term.

328 d. Effective January 1, 2017, a structure that has a
329 dwelling replacement cost of \$700,000 or more, or a single
330 condominium unit that has a combined dwelling and contents
331 replacement cost of \$700,000 or more, is not eligible for
332 coverage by the corporation. Such dwellings insured by the
333 corporation on December 31, 2016, may continue to be covered by
334 the corporation until the end of the policy term.

335
336 The requirements of sub-subparagraphs b.-d. do not apply in
337 counties where the office determines there is not a reasonable
338 degree of competition. In such counties a personal lines
339 residential structure that has a dwelling replacement cost of
340 less than \$1 million, or a single condominium unit that has a
341 combined dwelling and contents replacement cost of less than \$1
342 million, is eligible for coverage by the corporation.

343 4. It is the intent of the Legislature that policyholders,
344 applicants, and agents of the corporation receive service and
345 treatment of the highest possible level but never less than that
346 generally provided in the voluntary market. It is also intended
347 that the corporation be held to service standards no less than
348 those applied to insurers in the voluntary market by the office

590-01913-22

2022468c2

349 with respect to responsiveness, timeliness, customer courtesy,
350 and overall dealings with policyholders, applicants, or agents
351 of the corporation.

352 5.a. Effective January 1, 2009, a personal lines
353 residential structure that is located in the "wind-borne debris
354 region," as defined in s. 1609.2, International Building Code
355 (2006), and that has an insured value on the structure of
356 \$750,000 or more is not eligible for coverage by the corporation
357 unless the structure has opening protections as required under
358 the Florida Building Code for a newly constructed residential
359 structure in that area. A residential structure is deemed to
360 comply with this sub-subparagraph if it has shutters or opening
361 protections on all openings and if such opening protections
362 complied with the Florida Building Code at the time they were
363 installed.

364 b. Any major structure, as defined in s. 161.54(6)(a), that
365 is newly constructed, or rebuilt, repaired, restored, or
366 remodeled to increase the total square footage of finished area
367 by more than 25 percent, pursuant to a permit applied for after
368 July 1, 2015, is not eligible for coverage by the corporation if
369 the structure is seaward of the coastal construction control
370 line established pursuant to s. 161.053 or is within the Coastal
371 Barrier Resources System as designated by 16 U.S.C. ss. 3501-
372 3510.

373 6. With respect to wind-only coverage for commercial lines
374 residential condominiums, ~~effective July 1, 2014,~~ a condominium
375 may shall be deemed ineligible for coverage when if 50 percent
376 or more of the units are rented more than eight times in a
377 calendar year for a rental agreement period of less than 30

590-01913-22

2022468c2

378 days.

379 Section 10. Subsection (1) of section 627.421, Florida
380 Statutes, is amended to read:

381 627.421 Delivery of policy.—

382 (1) Subject to the insurer's requirement as to payment of
383 premium, every policy shall be mailed, delivered, or
384 electronically transmitted to the insured or to the person
385 entitled thereto not later than 60 days after the effectuation
386 of coverage. Notwithstanding any other provision of law, an
387 insurer may allow a policyholder of personal lines insurance to
388 affirmatively elect delivery of the policy documents, including,
389 but not limited to, policies, endorsements, notices, or
390 documents, by electronic means in lieu of delivery by mail.
391 Electronic transmission of a policy for commercial risks,
392 including, but not limited to, workers' compensation and
393 employers' liability, commercial automobile liability,
394 commercial automobile physical damage, commercial lines
395 residential property, commercial nonresidential property,
396 farmowners insurance, and the types of commercial lines risks
397 set forth in s. 627.062(3)(d), constitutes delivery to the
398 insured or to the person entitled to delivery, unless the
399 insured or the person entitled to delivery communicates to the
400 insurer in writing or electronically that he or she does not
401 agree to delivery by electronic means. ~~Electronic transmission~~
402 ~~shall include a notice to the insured or to the person entitled~~
403 ~~to delivery of a policy of his or her right to receive the~~
404 ~~policy via United States mail rather than via electronic~~
405 ~~transmission. A paper copy of the policy shall be provided to~~
406 ~~the insured or to the person entitled to delivery at his or her~~

590-01913-22

2022468c2

407 ~~request.~~

408 Section 11. Paragraph (d) of subsection (4) of section
409 627.701, Florida Statutes, is amended to read:

410 627.701 Liability of insureds; coinsurance; deductibles.—
411 (4)

412 (d)1. A personal lines residential property insurance
413 policy covering a risk valued at less than \$500,000 may not have
414 a hurricane deductible in excess of 10 percent of the policy
415 dwelling limits, unless the following conditions are met:

416 a. The policyholder must personally write or type and
417 provide to the insurer the following statement ~~in his or her own~~
418 ~~handwriting~~ and sign his or her name, which must also be signed
419 by every other named insured on the policy, and dated: "I do not
420 want the insurance on my home to pay for the first (specify
421 dollar value) of damage from hurricanes. I will pay those costs.
422 My insurance will not."

423 b. If the structure insured by the policy is subject to a
424 mortgage or lien, the policyholder must provide the insurer with
425 a written statement from the mortgageholder or lienholder
426 indicating that the mortgageholder or lienholder approves the
427 policyholder electing to have the specified deductible.

428 2. A deductible subject to the requirements of this
429 paragraph applies for the term of the policy and for each
430 renewal thereafter. Changes to the deductible percentage may be
431 implemented only as of the date of renewal.

432 3. An insurer shall keep the original copy of the signed
433 statement required by this paragraph, electronically or
434 otherwise, and provide a copy to the policyholder providing the
435 signed statement. A signed statement meeting the requirements of

590-01913-22

2022468c2

436 this paragraph creates a presumption that there was an informed,
437 knowing election of coverage.

438 4. The commission shall adopt rules providing appropriate
439 alternative methods for providing the statements required by
440 this section for policyholders who have a handicapping or
441 disabling condition that prevents them from providing a
442 handwritten statement.

443 Section 12. Paragraph (a) of subsection (2) and subsection
444 (3) of section 627.712, Florida Statutes, are amended to read:

445 627.712 Residential windstorm coverage required;
446 availability of exclusions for windstorm or contents.-

447 (2) A property insurer must make available, at the option
448 of the policyholder, an exclusion of windstorm coverage.

449 (a) The coverage may be excluded only if:

450 1. When the policyholder is a natural person, the
451 policyholder personally writes or types and provides to the
452 insurer the following statement ~~in his or her own handwriting~~
453 and signs his or her name, which must also be signed by every
454 other named insured on the policy, and dated: "I do not want the
455 insurance on my (home/mobile home/condominium unit) to pay for
456 damage from windstorms. I will pay those costs. My insurance
457 will not."

458 2. When the policyholder is other than a natural person,
459 the policyholder provides to the insurer on the policyholder's
460 letterhead the following statement that must be signed by the
461 policyholder's authorized representative and dated: "... (Name of
462 entity)... does not want the insurance on its ... (type of
463 structure)... to pay for damage from windstorms. ... (Name of
464 entity)... will be responsible for these costs. ... (Name of

590-01913-22

2022468c2

465 entity's)... insurance will not."

466 (3) An insurer issuing a residential property insurance
467 policy, except for a condominium unit owner policy or a tenant
468 policy, must make available, at the option of the policyholder,
469 an exclusion of coverage for the contents. The coverage may be
470 excluded only if the policyholder personally writes or types and
471 provides to the insurer the following statement ~~in his or her~~
472 ~~own handwriting~~ and signs his or her signature, which must also
473 be signed by every other named insured on the policy, and dated:
474 "I do not want the insurance on my (home/mobile home) to pay for
475 the costs to repair or replace any contents that are damaged. I
476 will pay those costs. My insurance will not."

477 Section 13. Effective upon this act becoming a law,
478 paragraph (b) of subsection (1) and paragraph (a) of subsection
479 (9) of section 627.7152, Florida Statutes, are amended to read:

480 627.7152 Assignment agreements.-

481 (1) As used in this section, the term:

482 (b) "Assignment agreement" means any instrument by which
483 post-loss benefits under a residential property insurance policy
484 or commercial property insurance policy, as that term is defined
485 in s. 627.0625(1), are assigned or transferred, or acquired in
486 any manner, in whole or in part, to or from a person providing
487 services, including, but not limited to, services to inspect,
488 protect, repair, restore, or replace property or to mitigate
489 against further damage to the property. The term does not
490 include any instrument by which a licensed public adjuster as
491 defined in s. 626.854(1) receives any compensation, payment,
492 commission, fee, or other thing of value for providing services
493 under such licensure.

590-01913-22

2022468c2

494 (9) (a) An assignee must provide the named insured, insurer,
495 and the assignor, if not the named insured, with a written
496 notice of intent to initiate litigation before filing suit under
497 the policy. Such notice must be served at least 10 business days
498 before filing suit, but not before the insurer has made a
499 determination of coverage under s. 627.70131, by certified mail,
500 return receipt requested, to the name and mailing address
501 designated by the insurer in the policy forms or by electronic
502 delivery to the e-mail address designated by the insurer in the
503 policy forms ~~at least 10 business days before filing suit, but~~
504 ~~may not be served before the insurer has made a determination of~~
505 ~~coverage under s. 627.70131.~~ The notice must specify the damages
506 in dispute, the amount claimed, and a presuit settlement demand.
507 Concurrent with the notice, and as a precondition to filing
508 suit, the assignee must provide the named insured, insurer, and
509 the assignor, if not the named insured, a detailed written
510 invoice or estimate of services, including itemized information
511 on equipment, materials, and supplies; the number of labor
512 hours; and, in the case of work performed, proof that the work
513 has been performed in accordance with accepted industry
514 standards.

515 Section 14. Section 627.7276, Florida Statutes, is amended
516 to read:

517 627.7276 Notice of limited coverage.—

518 (1) An automobile policy that does not contain coverage for
519 bodily injury and property damage must include a notice ~~be~~
520 ~~clearly stamped or printed to the effect~~ that such coverage is
521 not included in the policy in the following manner:
522

590-01913-22

2022468c2

523 "THIS POLICY DOES NOT PROVIDE BODILY INJURY AND
524 PROPERTY DAMAGE LIABILITY INSURANCE OR ANY OTHER
525 COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT
526 MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL
527 RESPONSIBILITY LAW."

528
529 (2) This notice legend must accompany ~~appear on~~ the policy
530 declarations ~~declaration~~ page and ~~on the filing back of the~~
531 ~~policy and be printed in a contrasting color from that used on~~
532 ~~the policy and in type size larger than the largest type used in~~
533 ~~the text at least as large as the type size used on the~~
534 declarations page thereof, as an overprint or by a rubber stamp
535 impression.

536 Section 15. Section 634.171, Florida Statutes, is amended
537 to read:

538 634.171 Salesperson to be licensed and appointed;
539 exemptions.—Salespersons for motor vehicle service agreement
540 companies and insurers must ~~shall~~ be licensed, appointed,
541 renewed, continued, reinstated, or terminated as prescribed in
542 chapter 626 for insurance representatives in general. However,
543 they are ~~shall be~~ exempt from all other provisions of chapter
544 626, including those relating to fingerprinting, photo
545 identification, education, and examination ~~provisions.~~
546 Applicable license, appointment, and other fees are as ~~shall be~~
547 ~~those~~ prescribed in s. 624.501. A licensed and appointed
548 salesperson is ~~shall be~~ directly responsible and accountable for
549 all acts of her or his employees and other representatives. Each
550 service agreement company or insurer shall, on forms prescribed
551 by the department, within 30 days after termination of the

590-01913-22

2022468c2

552 appointment, notify the department of such termination. An ~~No~~
553 employee or a salesperson of a motor vehicle service agreement
554 company or an insurer may not directly or indirectly solicit or
555 negotiate insurance contracts, or hold herself or himself out in
556 any manner to be an insurance agent, unless so qualified,
557 licensed, and appointed therefor under the Florida Insurance
558 Code. A licensed personal lines or general lines agent is not
559 required to be licensed as a salesperson under this section to
560 solicit, negotiate, advertise, or sell motor vehicle service
561 agreements. A motor vehicle service agreement company is not
562 required to be licensed as a salesperson to solicit, sell,
563 issue, or otherwise transact the motor vehicle service
564 agreements issued by the motor vehicle service agreement
565 company.

566 Section 16. Section 634.317, Florida Statutes, is amended
567 to read:

568 634.317 License and appointment required; exemptions. ~~A~~ ~~No~~
569 person may not solicit, negotiate, or effectuate home warranty
570 contracts for remuneration in this state unless such person is
571 licensed and appointed as a sales representative. A licensed and
572 appointed sales representative is ~~shall be~~ directly responsible
573 and accountable for all acts of the licensee's employees. A
574 licensed personal lines or general lines agent is not required
575 to be licensed as a sales representative under this section to
576 solicit, negotiate, advertise, or sell home warranty contracts.

577 Section 17. Section 634.419, Florida Statutes, is amended
578 to read:

579 634.419 License and appointment required; exemptions. ~~A~~ ~~No~~
580 person or an entity may not ~~shall~~ solicit, negotiate, advertise,

590-01913-22

2022468c2

581 or effectuate service warranty contracts in this state unless
582 such person or entity is licensed and appointed as a sales
583 representative. Sales representatives are ~~shall be~~ responsible
584 for the actions of persons under their supervision. However, a
585 service warranty association licensed as such under this part is
586 ~~shall not be~~ required to be licensed and appointed as a sales
587 representative to solicit, negotiate, advertise, or effectuate
588 its products. A licensed personal lines or general lines agent
589 is not required to be licensed as a sales representative under
590 this section to solicit, negotiate, advertise, or sell service
591 warranty contracts.

592 Section 18. Effective June 1, 2023, for the purpose of
593 incorporating the amendment made by this act to section 215.555,
594 Florida Statutes, in a reference thereto, subsection (10) of
595 section 624.424, Florida Statutes, is reenacted to read:

596 624.424 Annual statement and other information.-

597 (10) Each insurer or insurer group doing business in this
598 state shall file on a quarterly basis in conjunction with
599 financial reports required by paragraph (1)(a) a supplemental
600 report on an individual and group basis on a form prescribed by
601 the commission with information on personal lines and commercial
602 lines residential property insurance policies in this state. The
603 supplemental report shall include separate information for
604 personal lines property policies and for commercial lines
605 property policies and totals for each item specified, including
606 premiums written for each of the property lines of business as
607 described in ss. 215.555(2)(c) and 627.351(6)(a). The report
608 shall include the following information for each county on a
609 monthly basis:

590-01913-22

2022468c2

- 610 (a) Total number of policies in force at the end of each
611 month.
- 612 (b) Total number of policies canceled.
- 613 (c) Total number of policies nonrenewed.
- 614 (d) Number of policies canceled due to hurricane risk.
- 615 (e) Number of policies nonrenewed due to hurricane risk.
- 616 (f) Number of new policies written.
- 617 (g) Total dollar value of structure exposure under policies
618 that include wind coverage.
- 619 (h) Number of policies that exclude wind coverage.

620 Section 19. Effective June 1, 2023, for the purpose of
621 incorporating the amendment made by this act to section 215.555,
622 Florida Statutes, in a reference thereto, paragraph (v) of
623 subsection (6) of section 627.351, Florida Statutes, is
624 reenacted to read:

625 627.351 Insurance risk apportionment plans.—

626 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

627 (v)1. Effective July 1, 2002, policies of the Residential
628 Property and Casualty Joint Underwriting Association become
629 policies of the corporation. All obligations, rights, assets and
630 liabilities of the association, including bonds, note and debt
631 obligations, and the financing documents pertaining to them
632 become those of the corporation as of July 1, 2002. The
633 corporation is not required to issue endorsements or
634 certificates of assumption to insureds during the remaining term
635 of in-force transferred policies.

636 2. Effective July 1, 2002, policies of the Florida
637 Windstorm Underwriting Association are transferred to the
638 corporation and become policies of the corporation. All

590-01913-22

2022468c2

639 obligations, rights, assets, and liabilities of the association,
640 including bonds, note and debt obligations, and the financing
641 documents pertaining to them are transferred to and assumed by
642 the corporation on July 1, 2002. The corporation is not required
643 to issue endorsements or certificates of assumption to insureds
644 during the remaining term of in-force transferred policies.

645 3. The Florida Windstorm Underwriting Association and the
646 Residential Property and Casualty Joint Underwriting Association
647 shall take all actions necessary to further evidence the
648 transfers and provide the documents and instruments of further
649 assurance as may reasonably be requested by the corporation for
650 that purpose. The corporation shall execute assumptions and
651 instruments as the trustees or other parties to the financing
652 documents of the Florida Windstorm Underwriting Association or
653 the Residential Property and Casualty Joint Underwriting
654 Association may reasonably request to further evidence the
655 transfers and assumptions, which transfers and assumptions,
656 however, are effective on the date provided under this paragraph
657 whether or not, and regardless of the date on which, the
658 assumptions or instruments are executed by the corporation.
659 Subject to the relevant financing documents pertaining to their
660 outstanding bonds, notes, indebtedness, or other financing
661 obligations, the moneys, investments, receivables, choses in
662 action, and other intangibles of the Florida Windstorm
663 Underwriting Association shall be credited to the coastal
664 account of the corporation, and those of the personal lines
665 residential coverage account and the commercial lines
666 residential coverage account of the Residential Property and
667 Casualty Joint Underwriting Association shall be credited to the

590-01913-22

2022468c2

668 personal lines account and the commercial lines account,
669 respectively, of the corporation.

670 4. Effective July 1, 2002, a new applicant for property
671 insurance coverage who would otherwise have been eligible for
672 coverage in the Florida Windstorm Underwriting Association is
673 eligible for coverage from the corporation as provided in this
674 subsection.

675 5. The transfer of all policies, obligations, rights,
676 assets, and liabilities from the Florida Windstorm Underwriting
677 Association to the corporation and the renaming of the
678 Residential Property and Casualty Joint Underwriting Association
679 as the corporation does not affect the coverage with respect to
680 covered policies as defined in s. 215.555(2)(c) provided to
681 these entities by the Florida Hurricane Catastrophe Fund. The
682 coverage provided by the fund to the Florida Windstorm
683 Underwriting Association based on its exposures as of June 30,
684 2002, and each June 30 thereafter shall be redesignated as
685 coverage for the coastal account of the corporation.
686 Notwithstanding any other provision of law, the coverage
687 provided by the fund to the Residential Property and Casualty
688 Joint Underwriting Association based on its exposures as of June
689 30, 2002, and each June 30 thereafter shall be transferred to
690 the personal lines account and the commercial lines account of
691 the corporation. Notwithstanding any other provision of law, the
692 coastal account shall be treated, for all Florida Hurricane
693 Catastrophe Fund purposes, as if it were a separate
694 participating insurer with its own exposures, reimbursement
695 premium, and loss reimbursement. Likewise, the personal lines
696 and commercial lines accounts shall be viewed together, for all

590-01913-22

2022468c2

697 fund purposes, as if the two accounts were one and represent a
698 single, separate participating insurer with its own exposures,
699 reimbursement premium, and loss reimbursement. The coverage
700 provided by the fund to the corporation shall constitute and
701 operate as a full transfer of coverage from the Florida
702 Windstorm Underwriting Association and Residential Property and
703 Casualty Joint Underwriting Association to the corporation.

704 Section 20. For the purpose of incorporating the amendment
705 made by this act to section 626.221, Florida Statutes, in a
706 reference thereto, paragraph (b) of subsection (1) of section
707 626.8734, Florida Statutes, is reenacted to read:

708 626.8734 Nonresident all-lines adjuster license
709 qualifications.—

710 (1) The department shall issue a license to an applicant
711 for a nonresident all-lines adjuster license upon determining
712 that the applicant has paid the applicable license fees required
713 under s. 624.501 and:

714 (b) Has passed to the satisfaction of the department a
715 written Florida all-lines adjuster examination of the scope
716 prescribed in s. 626.241(6); however, the requirement for the
717 examination does not apply to:

718 1. An applicant who is licensed as an all-lines adjuster in
719 his or her home state if that state has entered into a
720 reciprocal agreement with the department;

721 2. An applicant who is licensed as a nonresident all-lines
722 adjuster in a state other than his or her home state and a
723 reciprocal agreement with the appropriate official of the state
724 of licensure has been entered into with the department; or

725 3. An applicant who holds a certification set forth in s.

590-01913-22

2022468c2

726 626.221(2)(j).

727 Section 21. For the purpose of incorporating the amendment
728 made by this act to section 626.856, Florida Statutes, in a
729 reference thereto, paragraph (e) of subsection (1) of section
730 626.865, Florida Statutes, is reenacted to read:

731 626.865 Public adjuster's qualifications, bond.—

732 (1) The department shall issue a license to an applicant
733 for a public adjuster's license upon determining that the
734 applicant has paid the applicable fees specified in s. 624.501
735 and possesses the following qualifications:

736 (e) Has been licensed in this state as an all-lines
737 adjuster, and has been appointed on a continual basis for the
738 previous 6 months as a public adjuster apprentice under s.
739 626.8561, as an independent adjuster under s. 626.855, or as a
740 company employee adjuster under s. 626.856.

741 Section 22. Effective upon this act becoming a law, for the
742 purpose of incorporating the amendment made by this act to
743 section 627.7152, Florida Statutes, in references thereto,
744 subsection (1) and paragraph (d) of subsection (2) of section
745 627.7153, Florida Statutes, are reenacted to read:

746 627.7153 Policies restricting assignment of post-loss
747 benefits under a property insurance policy.—

748 (1) As used in this section, the term "assignment
749 agreement" has the same meaning as provided in s. 627.7152.

750 (2) An insurer may make available a policy that restricts
751 in whole or in part an insured's right to execute an assignment
752 agreement only if all of the following conditions are met:

753 (d) Each restricted policy include on its face the
754 following notice in 18-point uppercase and boldfaced type:

590-01913-22

2022468c2

755

756 THIS POLICY DOES NOT ALLOW THE UNRESTRICTED ASSIGNMENT
757 OF POST-LOSS INSURANCE BENEFITS. BY SELECTING THIS
758 POLICY, YOU WAIVE YOUR RIGHT TO FREELY ASSIGN OR
759 TRANSFER THE POST-LOSS PROPERTY INSURANCE BENEFITS
760 AVAILABLE UNDER THIS POLICY TO A THIRD PARTY OR TO
761 OTHERWISE FREELY ENTER INTO AN ASSIGNMENT AGREEMENT AS
762 THE TERM IS DEFINED IN SECTION 627.7152 OF THE FLORIDA
763 STATUTES.

764 Section 23. Except as otherwise expressly provided in this
765 act and except for this section, which shall take effect upon
766 this act becoming a law, this act shall take effect July 1,
767 2022.