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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/WD

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03/04/2026 06:29 PM

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Senator Gruters moved the following:

**Senate Amendment (with title amendment)**

Delete lines 95 - 695

and insert:

nonresidential risks submitted through the commercial lines  
clearinghouse pursuant to s. 627.3518, if an approved surplus  
lines clearinghouse insurer offers comparable coverage as  
defined in s. 627.3518(1) and the total cost of such coverage is  
not more than 20 percent greater than the corporation's  
actuarial total cost of insurance coverage for the specific  
risk, the corporation may not issue new coverage unless the



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12 premium charged is based on the actuarial total cost of  
13 insurance coverage as defined in s. 627.3518(1) and not subject  
14 to subparagraph (n)5. The actuarial total cost of insurance  
15 coverage used for comparison under this paragraph shall be  
16 determined without regard to the limitation in subparagraph  
17 (n)5. and shall reflect that actuarial total cost of insurance  
18 coverage as defined in s. 627.3518(1), determined without  
19 application of subparagraph (n)5. If no qualifying offer meeting  
20 the 20 percent threshold is received, the premium charged shall  
21 remain subject to subparagraph (n)5. For purposes of this  
22 paragraph, the term "total cost of such coverage" includes  
23 premium, fees, assessments, surcharges, and applicable taxes  
24 required to procure and maintain the policy. This paragraph does  
25 not apply to renewals of corporation coverage.

26 Section 2. Section 627.3518, Florida Statutes, is amended  
27 to read:

28 627.3518 Citizens Property Insurance Corporation  
29 policyholder eligibility clearinghouse program.—The purpose of  
30 this section is to provide a framework for the corporation to  
31 implement a clearinghouse program ~~by January 1, 2014.~~

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

33 (a) "Actuarial total cost of insurance coverage" means, for  
34 each commercial residential or commercial nonresidential risk  
35 submitted through the commercial lines clearinghouse, the  
36 corporation's premium for that specific risk calculated strictly  
37 in accordance with the most recent rate filing in effect for the  
38 applicable line of business and rate class, applied uniformly in  
39 accordance with the corporation's approved rating plan, without  
40 deviation, discount, discretionary adjustment, selective credit,



41 reclassification, or modification, and prior to application of  
42 any statutory limitation on rate increases or policyholder  
43 premium caps, together with all policy fees, service charges,  
44 assessments, surcharges, and applicable taxes required to  
45 procure and maintain the policy for the applicable term.

46 (b) "Approved surplus lines clearinghouse insurer" means an  
47 eligible surplus lines insurer pursuant to s. 626.918 which has  
48 a financial strength rating of "A-" or higher and a financial  
49 size category of A-VII or higher from A.M. Best Company which  
50 the clearinghouse administrator recommends for participation in  
51 the program and which the office verifies meets the requirements  
52 for participation in the program within 10 business days after  
53 the commercial lines clearinghouse administrator's  
54 recommendation. If the office does not complete such  
55 verification within the 10-business-day period, the insurer is  
56 deemed verified for purposes of participation in the program.

57 (c) "Authorized insurer" means an insurer authorized to act  
58 as an insurer by a subsisting certificate of authority issued to  
59 the insurer by the office.

60 (d) "Commercial lines clearinghouse administrator" means  
61 the individual or entity employed or otherwise contracted by the  
62 corporation to provide administrative or professional services  
63 to implement the commercial lines clearinghouse required  
64 pursuant to subparagraphs (2) (b)1. and 2. within the corporation  
65 as set forth in paragraph (3) (b).

66 (e) "Comparable coverage" means coverage that has material  
67 terms and conditions that are substantially equivalent to or  
68 better than coverage from the corporation as to all aspects of  
69 such coverage, as determined by the corporation through the



70 clearinghouse process and applicable program standards.

71 (f) "Corporation" means Citizens Property Insurance  
72 Corporation.

73 (g) ~~(b)~~ "Exclusive agent" means any licensed insurance agent  
74 that has, by contract, agreed to act exclusively for one company  
75 or group of affiliated insurance companies and is disallowed by  
76 the provisions of that contract to directly write for any other  
77 unaffiliated insurer absent express consent from the company or  
78 group of affiliated insurance companies.

79 (h) ~~(e)~~ "Independent agent" means any licensed insurance  
80 agent not described in paragraph (g) ~~(b)~~.

81 (i) "Primary residence" has the same meaning as in s.  
82 627.351(6)(c)2.a.

83 (j) ~~(d)~~ "Program" means a the clearinghouse created under  
84 this section, consisting of the personal lines clearinghouse and  
85 the commercial lines clearinghouses established under  
86 subparagraphs (2)(b)1. and 2.

87 (k) "Surplus lines agent" means an insurance agent licensed  
88 pursuant to s. 626.927 or s. 626.9272.

89 (2)(a) The corporation shall establish a personal lines  
90 clearinghouse ~~in order~~ to confirm an applicant's eligibility  
91 with the corporation, ~~and~~ to enhance access of new applicants  
92 for personal lines coverage and existing personal lines  
93 policyholders of the corporation to offers of coverage from  
94 authorized insurers, ~~and the corporation shall establish a~~  
95 program for personal residential risks ~~in order~~ to facilitate  
96 the diversion of ineligible applicants and existing  
97 policyholders from the corporation into the voluntary insurance  
98 market.



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99           (b)1. To facilitate the diversion of applicants and  
100 existing policyholders from the corporation to approved surplus  
101 lines clearinghouse insurers, the corporation shall amend its  
102 plan of operation and implement on or before January 1, 2027, a  
103 separate commercial lines clearinghouse in order to enhance  
104 access to offers of coverage from approved surplus lines  
105 clearinghouse insurers for new applicants for commercial  
106 residential coverage and commercial nonresidential coverage and  
107 existing commercial residential and commercial nonresidential  
108 policyholders of the corporation.

109           2. To facilitate the diversion of ineligible applicants and  
110 existing policyholders from the corporation to authorized  
111 insurers, the corporation shall implement, on or before January  
112 1, 2027, a separate commercial lines clearinghouse to confirm  
113 eligibility for coverage from the corporation and to enhance  
114 access to offers of coverage from authorized insurers for new  
115 applicants for commercial residential and commercial  
116 nonresidential coverage and existing commercial residential and  
117 commercial nonresidential policyholders of the corporation ~~The~~  
118 ~~corporation shall also develop appropriate procedures for~~  
119 ~~facilitating the diversion of ineligible applicants and existing~~  
120 ~~policyholders for commercial residential coverage into the~~  
121 ~~private insurance market and shall report such procedures to the~~  
122 ~~President of the Senate and the Speaker of the House of~~  
123 ~~Representatives by January 1, 2014.~~

124           (3) The corporation board shall establish the ~~clearinghouse~~  
125 program as an organizational unit within the corporation. The  
126 program shall have all the rights and responsibilities in  
127 carrying out its duties as a licensed general lines agent and a



128 surplus lines agent and may, but is not ~~may not be~~ required to,  
129 employ or engage a licensed general lines agent or a surplus  
130 lines agent, or to maintain an insurance agency license to carry  
131 out its activities in the solicitation and placement of  
132 insurance coverage. In establishing the program, the corporation  
133 has all of the following rights and responsibilities ~~may~~:

134 (a) Before binding or renewing coverage by the corporation,  
135 the corporation:

136 1. Shall require all new applications for personal lines  
137 coverage, and all personal lines policies due for renewal, to be  
138 submitted for coverage to the program in order to facilitate  
139 obtaining an offer of coverage from an authorized insurer.

140 2. Must, if the corporation establishes a clearinghouse  
141 pursuant to subparagraph (2) (b)2., require all new applications  
142 for commercial lines coverage, and all commercial lines policies  
143 due for renewal, to be submitted for coverage to the program in  
144 order to facilitate obtaining an offer of coverage from an  
145 authorized insurer. The new or renewal applications must be  
146 submitted for coverage through the commercial lines  
147 clearinghouse, which shall serve as the single point of intake  
148 for the commercial lines clearinghouse in order to facilitate  
149 obtaining an offer of coverage from an authorized insurer.

150 3. Must, if the corporation establishes a clearinghouse  
151 pursuant to subparagraph (2) (b)1., require all new applications  
152 for commercial lines coverage, and all commercial lines policies  
153 due for renewal, to be submitted for coverage to the program in  
154 order to facilitate obtaining an offer of coverage from an  
155 approved surplus lines clearinghouse insurer. The new or renewal  
156 applications must be submitted for coverage through the



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157 commercial lines clearinghouse, which shall serve as the single  
158 point of intake for the commercial lines clearinghouse in order  
159 to facilitate obtaining an offer of coverage from an approved  
160 surplus lines clearinghouse insurer before binding or renewing  
161 coverage by the corporation.

162 (b) Shall establish and maintain the operational systems  
163 and procedures necessary to implement the program.

164 (c) Shall employ or otherwise contract with individuals or  
165 other entities for appropriate administrative or professional  
166 services to effectuate the plan within the corporation in  
167 accordance with the applicable purchasing requirements under s.  
168 627.351 and, for purposes of implementing the commercial lines  
169 clearinghouse and providing offers of coverage from approved  
170 surplus lines clearinghouse insurers on or before January 1,  
171 2027, may contract with such individuals or entities in  
172 accordance with s. 287.057.

173 ~~(d)~~ (e) May enter into contracts with any authorized insurer  
174 and any approved surplus lines clearinghouse insurer to  
175 participate in the program and accept an appointment by such  
176 insurer.

177 ~~(e)~~ (d) May provide funds to operate the program. Insurers  
178 and agents participating in the personal lines clearinghouse  
179 program are not required to pay a fee to offset or partially  
180 offset the cost of the program or use the program for renewal of  
181 policies initially written through the clearinghouse.

182 (f) Shall operate and fund pursuant to paragraph (h) the  
183 commercial lines clearinghouse established under subparagraph  
184 (2) (b) 1. and the commercial lines clearinghouse established  
185 under subparagraph (2) (b) 2. separately.



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186 (g) If there is insufficient commercial support for any  
187 commercial lines clearinghouse, must be relieved of its  
188 obligations with respect to that commercial lines clearinghouse  
189 for which there is insufficient commercial support.

190 (h) Shall provide or permit access to shared or hosted  
191 technology, systems, interfaces, or applications programming  
192 interfaces to the commercial lines clearinghouse administrator,  
193 provided that each retains operational control over and  
194 responsibility for its own technology, systems, interfaces, or  
195 applications. Notwithstanding paragraph (e), the corporation may  
196 not provide funds to support or offset the infrastructure or  
197 operations of the commercial lines clearinghouse or any  
198 component thereof, but shall fund and operate its own  
199 technology, systems, interfaces, or applications as necessary  
200 for the corporation to access and interface with the commercial  
201 lines clearinghouse.

202 (i)~~(e)~~ May develop an enhanced application that includes  
203 information to assist private insurers in determining whether to  
204 make an offer of coverage through the program.

205 (j)~~(f)~~ For personal lines residential risks, may require  
206 that, before approving all new applications for coverage by the  
207 corporation, ~~that~~ every application be subject to a period of 2  
208 business days when any insurer participating in the program may  
209 select the application for coverage. For commercial lines  
210 residential and commercial lines nonresidential risks, the  
211 corporation may require, before approving all new applications  
212 for commercial lines coverage by the corporation, that every  
213 application be subject to a period of 5 business days when any  
214 insurer participating in the program may select the application



215 for coverage. The insurer may issue a binder on any policy  
216 selected for coverage for a period of at least 30 days but not  
217 more than 60 days.

218 (k) Shall, in creating the commercial lines clearinghouse,  
219 establish criteria to determine the capabilities necessary for  
220 the commercial lines clearinghouse administrator. For  
221 facilitating offers of surplus lines coverage, such criteria  
222 must include confirmed expertise in the surplus lines market, at  
223 least 5 years of publicly available audited financial  
224 statements, the ability to facilitate all approved surplus lines  
225 clearinghouse insurers to participate in the commercial lines  
226 clearinghouse, and other criteria that the corporation  
227 determines necessary to effectively establish, administer,  
228 manage offers of surplus lines coverage through the commercial  
229 lines clearinghouse, and the ability to collect and remit,  
230 either directly or through a surplus lines agent, all taxes  
231 pursuant to s. 626.932 and service fees pursuant to s. 626.9325.

232 (l) Shall select a commercial lines clearinghouse  
233 administrator for the clearinghouse established under  
234 subparagraph (2) (b)1. and a separate commercial lines  
235 clearinghouse administrator for the clearinghouse established  
236 under subparagraph (2) (b)2. within 90 days after the effective  
237 date of this act.

238 (m) Shall allow the commercial lines clearinghouse  
239 administrator to establish procedures and account clearance  
240 requirements the commercial lines clearinghouse administrator  
241 deems necessary to ensure an orderly process for offers of  
242 coverage to be provided by authorized insurers or approved  
243 surplus lines clearinghouse insurers, including engagement of or



244 with surplus lines agents or managing general agents or managing  
245 general underwriters pursuant to paragraph (5) (h), participating  
246 in the commercial lines clearinghouse.

247 (n) Shall submit to the commercial lines clearinghouse  
248 administrator its coverage terms and conditions, deductible  
249 structures, total cost of insurance coverage for the specific  
250 risk, actuarial total cost of insurance coverage for the  
251 specific risk, the currently approved rate applicable to the  
252 risk, and the premium that would be charged after application of  
253 s. 627.351(6) (n)5. The commercial lines clearinghouse  
254 administrator shall disclose the actuarial total cost of  
255 insurance coverage to participating approved surplus lines  
256 clearinghouse insurers and may, for renewals, disclose the total  
257 cost of insurance coverage to participating approved surplus  
258 lines clearinghouse insurers. The actuarial total cost of  
259 insurance coverage shall be binding for comparison purposes  
260 during the clearinghouse validation period and may not be  
261 revised, modified, reclassified, recalculated, adjusted,  
262 supplemented, or withdrawn once submitted. Any change to the  
263 corporation's coverage terms and conditions, deductible  
264 structures, rating classification, rating factor, or actuarial  
265 total cost of insurance coverage constitutes a new submission  
266 and restarts the validation period.

267  
268 Notwithstanding any other provision of this section, the  
269 commercial lines clearinghouse administrator may enter into  
270 commercially negotiated agreements with approved surplus lines  
271 clearinghouse insurers participating in the commercial lines  
272 clearinghouse on mutually agreed-upon terms.



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273           (4) The corporation may share risk exposure and policy  
274 information with the commercial lines clearinghouse  
275 administrator and, through the commercial lines clearinghouse,  
276 the commercial lines clearinghouse administrator may use such  
277 information as necessary to operate and administer the  
278 commercial lines clearinghouse and ensure the orderly, timely,  
279 and transparent assessment of risks by approved surplus lines  
280 clearinghouse insurers participating in the commercial lines  
281 clearinghouse. This subsection does not prohibit a commercial  
282 lines clearinghouse administrator from sharing risk information  
283 with approved surplus lines clearinghouse insurers for  
284 underwriting evaluation. Any risk information shared for  
285 purposes of this subsection, other than a submission of coverage  
286 for a specific risk, must be aggregated and deidentified.

287           (5) Any authorized insurer may participate in the program;  
288 however, participation is not mandatory for any insurer.  
289 Approved surplus lines clearinghouse insurers may participate in  
290 the commercial lines clearinghouse but may not participate in  
291 the personal lines clearinghouse; however, participation in the  
292 program is not mandatory for any surplus lines insurer. Insurers  
293 making offers of coverage to new applicants or renewal  
294 policyholders through the program:

295           (a) May not be required to individually appoint any agent  
296 whose customer is underwritten and bound through the program.  
297 Notwithstanding s. 626.112, insurers are not required to appoint  
298 any agent on a policy underwritten through the program for as  
299 long as that policy remains with the insurer. Insurers may, at  
300 their election, appoint any agent or surplus lines agent whose  
301 direct or indirect customer is initially underwritten and bound



302 through the program. In the event an insurer accepts a policy  
303 from an agent who is not appointed pursuant to this paragraph,  
304 and thereafter elects to accept a policy from such agent, the  
305 provisions of s. 626.112 requiring appointment apply to the  
306 agent.

307 (b) Must enter into a limited agency agreement with each  
308 agent or surplus lines agent that is not appointed in accordance  
309 with paragraph (a) and whose direct or indirect customer is  
310 underwritten and bound through the program. In addition, a  
311 surplus lines agent that enters into a limited agency or broker  
312 agreement with an approved surplus lines clearinghouse insurer  
313 making an offer of coverage through the program must also enter  
314 into a limited agency or broker agreement with each producing  
315 agent whose customer is underwritten and bound through the  
316 program.

317 (c) Must enter into its standard agency agreement with each  
318 agent or surplus lines agent whose direct or indirect customer  
319 is underwritten and bound through the program when that agent or  
320 surplus lines agent has been appointed by the insurer pursuant  
321 to s. 626.112. In addition, a surplus lines agent that enters  
322 into a standard agency or broker agreement with an approved  
323 surplus lines clearinghouse insurer making an offer of coverage  
324 through the program must also enter into a limited agency or  
325 broker agreement with each producing agent whose customer is  
326 underwritten and bound through the program.

327 (d) Must comply with s. 627.4133(2) or, if the insurer is  
328 an approved surplus lines clearinghouse insurer, s. 626.9201.

329 (e) May participate through their designated ~~single-~~  
330 ~~designated~~ managing general agent, managing general underwriter,



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331 ~~or~~ broker, or surplus lines agent; however, the provisions of  
332 paragraph (7) (a) ~~(6) (a)~~ regarding ownership, control, and use of  
333 the expirations continue to apply.

334 (f) May make offers of coverage through the commercial  
335 lines clearinghouse other than comparable coverage, as long as  
336 such noncomparable offers of coverage are clearly designated as  
337 noncomparable. Such noncomparable offers of coverage are not  
338 subject to s. 627.351(6) (oo).

339 (g) ~~(f)~~ For authorized insurers, must pay to the producing  
340 agent a commission equal to that paid by the corporation or the  
341 usual and customary commission paid by the insurer for that line  
342 of business, whichever is greater.

343 (h) For approved surplus lines clearinghouse insurers, when  
344 coverage is placed through the clearinghouse, directly or  
345 through a managing general agent or managing general  
346 underwriter, must pay a total commission or equivalent  
347 compensation on gross written premium, exclusive of fees,  
348 surcharges, and taxes, to the surplus lines agent placing the  
349 risk. The surplus lines agent must pay the producing agent a  
350 commission that results in an effective commission percentage at  
351 least equal to the commission percentage published by the  
352 corporation and in effect on January 1, 2026, calculated in the  
353 same manner and on the same basis used by the corporation, and  
354 shall retain the remainder of the total commission or equivalent  
355 compensation. This paragraph does not prohibit an agent from  
356 voluntarily accepting a lower commission at the agent's sole  
357 discretion. As used in this paragraph, the term "effective  
358 commission percentage" means the commission expressed as a  
359 percentage of premium, exclusive of all fees, assessments,



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360 surcharges, and taxes.

361 (6) (a) ~~(5)~~ Notwithstanding s. 627.3517, any applicant for  
362 new personal lines coverage from the corporation is not eligible  
363 for coverage from the corporation if provided an offer of  
364 coverage from an authorized insurer through the program at a  
365 premium that is at or below the eligibility threshold for  
366 applicants for new coverage of a primary residence established  
367 in s. 627.351(6)(c)5.a., or for applicants for new coverage of a  
368 risk that is not a primary residence established in s.  
369 627.351(6)(c)5.b. Whenever an offer of coverage for a personal  
370 lines risk is received for a policyholder of the corporation at  
371 renewal from an authorized insurer through the program which is  
372 at or below the eligibility threshold for primary residences of  
373 policyholders of the corporation established in s.  
374 627.351(6)(c)5.a., or the eligibility threshold for risks that  
375 are not primary residences of policyholders of the corporation  
376 established in s. 627.351(6)(c)5.b., the risk is not eligible  
377 for coverage with the corporation. In the event an offer of  
378 coverage for a new applicant is received from an authorized  
379 insurer through the program, and the premium offered exceeds the  
380 eligibility threshold for applicants for new coverage of a  
381 primary residence established in s. 627.351(6)(c)5.a., or the  
382 eligibility threshold for applicants for new coverage on a risk  
383 that is not a primary residence established in s.  
384 627.351(6)(c)5.b., the applicant or insured may elect to accept  
385 such coverage, or may elect to accept or continue coverage with  
386 the corporation. In the event an offer of coverage for a  
387 personal lines risk is received from an authorized insurer at  
388 renewal through the program, and the premium offered exceeds the



389 eligibility threshold for primary residences of policyholders of  
390 the corporation established in s. 627.351(6)(c)5.a., or exceeds  
391 the eligibility threshold for risks that are not primary  
392 residences of policyholders of the corporation established in s.  
393 627.351(6)(c)5.b., the insured may elect to accept such  
394 coverage, or may elect to accept or continue coverage with the  
395 corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not  
396 apply to an offer of coverage from an authorized insurer  
397 obtained through the program. ~~As used in this subsection, the~~  
398 ~~term "primary residence" has the same meaning as in s.~~  
399 ~~627.351(6)(c)2.a.~~

400 (b) Any applicant for new commercial lines residential  
401 coverage from the corporation is not eligible for coverage from  
402 the corporation if provided an offer of comparable coverage from  
403 an authorized insurer through the program at a premium that is  
404 at or below the eligibility threshold for applicants for new  
405 coverage established in s. 627.351(6)(c)5.c. The determination  
406 of whether an offer of comparable coverage from an authorized  
407 insurer through the program is at or below the eligibility  
408 threshold must be made before the submission of the  
409 corporation's coverage terms and conditions, deductible  
410 structures, and unalterable indicated total cost of insurance is  
411 provided to the commercial lines clearinghouse administrator.  
412 Whenever an offer of comparable coverage for a commercial lines  
413 residential risk is received for a policyholder of the  
414 corporation at renewal from an authorized insurer through the  
415 program which is at or below the eligibility threshold in s.  
416 627.351(6)(c)5.c., the risk is not eligible for coverage from  
417 the corporation. In the event that an offer of coverage for a



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418 new applicant is received from an authorized insurer through the  
419 program, and the premium offered exceeds the eligibility  
420 threshold established in s. 627.351(6)(c)5.c., the applicant or  
421 insured may elect to accept such coverage or may elect to accept  
422 or continue coverage with the corporation. In the event that an  
423 offer of coverage for a commercial lines residential risk is  
424 received from an authorized insurer at renewal through the  
425 program, and the premium offered exceeds the eligibility  
426 threshold for policyholders of the corporation established in s.  
427 627.351(6)(c)5.c., the insured may elect to accept such coverage  
428 or may elect to accept or continue coverage with the  
429 corporation. Section 627.351(6)(c)5.c.(I) does not apply to an  
430 offer of coverage from an authorized insurer obtained through  
431 the program.

432 (c)1. Except as provided in subparagraph 2., any applicant  
433 for new commercial lines residential coverage or commercial  
434 lines nonresidential coverage from the corporation and any  
435 policyholder of the corporation, when such applicant or  
436 corporation policyholder is offered commercial lines residential  
437 or commercial lines nonresidential coverage pursuant to the  
438 program by an approved surplus lines clearinghouse insurer,  
439 remains eligible for coverage from the corporation. The  
440 applicant or policyholder receiving an offer from an approved  
441 surplus lines clearinghouse insurer may elect to accept such  
442 coverage or may elect to accept or continue coverage with the  
443 corporation.

444 2. Any applicant for new commercial lines residential  
445 coverage or commercial lines nonresidential coverage from the  
446 corporation, when such applicant is offered commercial lines



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447 residential or commercial lines nonresidential coverage by an  
448 approved surplus lines insurer pursuant to the program and such  
449 offered coverage is comparable coverage, and the total cost of  
450 such insurance coverage is not more than 20 percent greater than  
451 the actuarial total cost of insurance coverage, may elect to  
452 accept such coverage from the approved surplus lines  
453 clearinghouse insurer or may elect to accept coverage with the  
454 corporation, but, if electing corporation coverage, such  
455 applicant must pay the total cost of insurance for corporation  
456 coverage that is subject to s. 627.351(6) (oo). This subparagraph  
457 does not apply to renewals of corporation coverage.

458 3. Section 627.351(6) (c) 5.c. (I) does not apply to an offer  
459 of coverage from an approved surplus lines clearinghouse insurer  
460 obtained through the program.

461 (7) ~~(6)~~ Independent insurance agents submitting new  
462 applications for coverage or that are the agent of record on a  
463 renewal policy submitted to the program:

464 (a) Are granted and must maintain ownership and the  
465 exclusive use of expirations, records, or other written or  
466 electronic information directly related to such applications or  
467 renewals written through the corporation or through an insurer  
468 participating in the program, notwithstanding s. 627.351(5) (a),  
469 s. 627.351(6) (c) 5.a. (I) (B) and (II) (B), or s.  
470 627.351(6) (c) 5.b. (I) (B) and (II) (B). Such ownership is granted  
471 for as long as the insured remains with the agency or until sold  
472 or surrendered in writing by the agent. Contracts with the  
473 corporation or required by the corporation or with any insurer  
474 or surplus lines agent may ~~must~~ not amend, modify, interfere  
475 with, or limit such rights of ownership. Such expirations,



476 records, or other written or electronic information may be used  
477 to review an application, issue a policy, or for any other  
478 purpose necessary for placing such business through the program.

479 (b) May not be required to be appointed by any insurer  
480 participating in the program for policies written solely through  
481 the program, notwithstanding the provisions of s. 626.112.

482 (c) May accept an appointment from any insurer  
483 participating in the program.

484 (d) May enter into either a standard or limited agency  
485 agreement with the insurer, at the insurer's option, and may  
486 enter into agreements with a surplus lines agent.

487  
488 Applicants ineligible for coverage in accordance with subsection  
489 (6) ~~(5)~~ remain ineligible if their independent agent is  
490 unwilling or unable to enter into a standard or limited agency  
491 agreement with an insurer participating in the program.

492 (8) ~~(7)~~ Exclusive agents submitting new applications for  
493 coverage or that are the agent of record on a renewal policy  
494 submitted to the program:

495 (a) Must maintain ownership and the exclusive use of  
496 expirations, records, or other written or electronic information  
497 directly related to such applications or renewals written  
498 through the corporation or through an insurer participating in  
499 the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and  
500 (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts  
501 with the corporation or required by the corporation must not  
502 amend, modify, interfere with, or limit such rights of  
503 ownership. Such expirations, records, or other written or  
504 electronic information may be used to review an application,



505 issue a policy, or for any other purpose necessary for placing  
506 such business through the program.

507 (b) May not be required to be appointed by any insurer  
508 participating in the program for policies written solely through  
509 the program, notwithstanding the provisions of s. 626.112.

510 (c) Must only facilitate the placement of an offer of  
511 coverage from an insurer whose limited servicing agreement is  
512 approved by that exclusive agent's exclusive insurer.

513 (d) May enter into a limited servicing agreement with the  
514 insurer making an offer of coverage, and only after the  
515 exclusive agent's insurer has approved the limited servicing  
516 agreement terms. The exclusive agent's insurer must approve a  
517 limited service agreement for the program for any insurer for  
518 which it has approved a service agreement for other purposes.

519  
520 Applicants ineligible for coverage in accordance with subsection  
521 (6) ~~(5)~~ remain ineligible if their exclusive agent is unwilling  
522 or unable to enter into a standard or limited agency agreement  
523 with an insurer making an offer of coverage to that applicant.

524 (9) ~~(8)~~ Submission of an application for coverage by the  
525 corporation to the program does not constitute the binding of  
526 coverage by the corporation, and failure of the program to  
527 obtain an offer of coverage by an insurer may not be considered  
528 acceptance of coverage of the risk by the corporation.

529 (10) ~~(9)~~ The 45-day notice of nonrenewal requirement set  
530 forth in s. 627.4133(2)(b)5. applies when a policy is nonrenewed  
531 by the corporation because the risk has received an offer of  
532 coverage pursuant to this section which renders the risk  
533 ineligible for coverage by the corporation.



534       ~~(10) The program may not include commercial nonresidential~~  
535 ~~policies.~~

536       (11) Proprietary business information provided to the  
537 corporation's clearinghouse by insurers with respect to  
538 identifying and selecting risks for an offer of coverage is  
539 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
540 of the State Constitution.

541       (a) As used in this subsection, the term "proprietary  
542 business information" means information, regardless of form or  
543 characteristics, which is owned or controlled by an insurer and:

544           1. Is identified by the insurer as proprietary business  
545 information and is intended to be and is treated by the insurer  
546 as private in that the disclosure of the information would cause  
547 harm to the insurer, an individual, or the company's business  
548 operations and has not been disclosed unless disclosed pursuant  
549 to a statutory requirement, an order of a court or  
550 administrative body, or a private agreement that provides that  
551 the information will not be released to the public;

552           2. Is not otherwise readily ascertainable or publicly  
553 available by proper means by other persons from another source  
554 in the same configuration as provided to the clearinghouse; and

555           3. Includes:

556           a. Trade secrets, as defined in s. 688.002.

557           b. Information relating to competitive interests, the  
558 disclosure of which would impair the competitive business of the  
559 provider of the information.

560

561 Proprietary business information may be found in underwriting  
562 criteria or instructions which are used to identify and select



563 risks through the program for an offer of coverage and are  
564 shared with the clearinghouse to facilitate the shopping of  
565 risks with the insurer.

566 (b) The clearinghouse may disclose confidential and exempt  
567 proprietary business information:

568 1. If the insurer to which it pertains gives prior written  
569 consent;

570 2. Pursuant to a court order; or

571 3. To another state agency in this or another state or to a  
572 federal agency if the recipient agrees in writing to maintain  
573 the confidential and exempt status of the document, material, or  
574 other information and has verified in writing its legal  
575 authority to maintain such confidentiality.

576 (12) To promote actuarial soundness, program integrity, and  
577 mitigation of solvency or assessment risk to the corporation,  
578 the office may review operational processes related to the  
579 program. Such review may include, but is not limited to, all of  
580 the following:

581 (a) Comparable coverage determinations upon complaint to  
582 the office by or on behalf of a policy applicant.

583 (b) Verification of the financial strength of approved  
584 surplus lines clearinghouse insurers participating in the  
585 program.

586 (c) The operational processes used by the commercial lines  
587 clearinghouse administrator to determine whether an offer of  
588 coverage from an insurer participating in the program precludes  
589 coverage from the corporation.

590 (d) The potential for material adverse impact to the  
591 corporation's surplus, solvency, or assessment exposure.



592       (13)(a) If, after a review under subsection (12), the  
593 office determines that program processes are creating a material  
594 risk to the solvency of the corporation, the office shall notify  
595 the corporation and submit written recommendations to the  
596 commission.

597       (b) Upon approval by the commission, the corporation may  
598 temporarily implement, to the limited extent and duration  
599 necessary, recommendations made by the office to address the  
600 solvency risk. Such recommendations may include, but are not  
601 limited to, all of the following:

- 602       1. Temporary exclusion of one or more participating  
603 insurers from the program.  
604       2. Temporary modification of program procedural timelines.  
605       3. If exigent circumstances exist, temporary suspension of  
606

607 ===== T I T L E   A M E N D M E N T =====

608 And the title is amended as follows:

609       Delete lines 4 - 69

610 and insert:

611       the corporation from issuing new coverage for  
612       commercial residential and commercial nonresidential  
613       risks under certain circumstances; providing an  
614       exception; specifying the components of the total cost  
615       of insurance coverage; requiring that the actuarial  
616       total cost of insurance coverage be determined in a  
617       specified manner; requiring that the premium be  
618       subject to certain provisions under certain  
619       circumstances; defining the term "total cost of such  
620       coverage"; providing applicability; amending s.



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621 627.3518, F.S.; deleting an obsolete provision;  
622 defining terms; revising the definition of the term  
623 "program"; requiring the corporation to establish a  
624 personal lines clearinghouse for specified purposes;  
625 requiring, on or before a specified date, the  
626 corporation to amend its plan of operation and  
627 implement a separate commercial lines clearinghouse  
628 for a specified purpose; requiring, on or before a  
629 specified date, the corporation to implement a  
630 separate commercial lines clearinghouse for specified  
631 purposes; deleting obsolete provisions; revising the  
632 program's rights and responsibilities; revising the  
633 rights and responsibilities the corporation has in  
634 establishing the program; authorizing the commercial  
635 lines clearinghouse administrator to enter into  
636 certain agreements; authorizing the corporation to  
637 share risk exposure and policy information with the  
638 commercial lines clearinghouse administrator;  
639 authorizing such administrator to use such information  
640 for a specified purpose; providing construction;  
641 requiring that certain risk information be aggregated  
642 and deidentified; authorizing approved surplus lines  
643 clearinghouse insurers to participate in the  
644 commercial lines clearinghouse; prohibiting such  
645 insurers from participating in the personal lines  
646 clearinghouse; specifying that participation in the  
647 program is not mandatory for such insurers; revising  
648 prohibitions and requirements for insurers making  
649 offers of coverage to new applicants or renewal



650 policyholders through the program; providing  
651 construction; defining the term "effective commission  
652 percentage"; specifying that applicants for new  
653 commercial lines residential coverage are not eligible  
654 for coverage from the corporation under certain  
655 circumstances; specifying the circumstances under  
656 which policyholders of the corporation are not  
657 eligible for new commercial lines residential coverage  
658 from the corporation; requiring that the determination  
659 of whether an offer of comparable coverage from an  
660 authorized insurer is at or below the eligibility  
661 threshold be made at a specified time; authorizing  
662 applicants or insureds to elect to accept coverage  
663 with authorized insurers or elect to accept or  
664 continue coverage with the corporation under certain  
665 circumstances; authorizing insureds to elect to accept  
666 coverage with specified insurers or elect to accept or  
667 continue coverage with the corporation under certain  
668 circumstances; providing applicability; specifying  
669 that certain applicants and policyholders remain  
670 eligible for coverage from the corporation;  
671 authorizing such applicants and policyholders to elect  
672 to accept coverage from clearinghouse insurers or  
673 elect to accept or continue coverage with the  
674 corporation; authorizing certain applicants to elect  
675 to accept coverage from clearinghouse insurers or  
676 elect to accept coverage with the corporation;  
677 requiring such applicants to pay a