

1 A bill to be entitled
2 An act relating to insurance; amending s. 215.555,
3 F.S.; revising the definition of the term "covered
4 policy" under the Florida Hurricane Catastrophe Fund
5 in relation to certain collateral protection insurance
6 policies; amending s. 440.381, F.S.; revising the
7 annual audit requirement for construction classes to
8 apply to policies having estimated annual premiums of
9 at least a specified amount; amending s. 624.413,
10 F.S.; providing circumstances under which certain
11 persons are deemed to have control and are subject to
12 specified requirements; authorizing the Office of
13 Insurance Regulation to apply specified criteria to
14 specified applications to make certain determinations;
15 creating s. 624.46227, F.S.; authorizing any
16 association, trust, or pool created for the purpose of
17 forming a risk management mechanism or providing self-
18 insurance for a public entity to use communications
19 media technology to establish a quorum and conduct
20 public business; amending s. 626.221, F.S.; exempting
21 certain applicants for licensure as all-lines
22 adjusters from a required examination; amending s.
23 626.856, F.S.; revising the definition of the term
24 "company employee adjuster"; amending s. 627.062,
25 F.S.; authorizing the use of a certain modeling

26 | indication for residential property insurance rate
27 | filings; amending s. 627.0628, F.S.; revising the
28 | membership of the Florida Commission on Hurricane Loss
29 | Projection Methodology; amending s. 627.0629, F.S.;
30 | authorizing insurers to file certain insurance rating
31 | plans based on specified windstorm mitigation
32 | construction standards under certain circumstances;
33 | amending s. 627.0665, F.S.; revising the number of
34 | days of advance written notice that an insurer must
35 | give a named insured when a policy premium is
36 | increased under certain circumstances; revising
37 | notification requirements for insurers who have
38 | automatic bank withdrawal agreements with insureds to
39 | include notices when withdrawal amounts increase above
40 | a specified threshold; amending s. 627.351, F.S.;
41 | revising conditions for determining the ineligibility
42 | of condominiums for wind-only coverage; amending s.
43 | 627.421, F.S.; deleting a requirement for electronic
44 | transmission of certain documents to include specified
45 | notices; deleting a requirement that paper copies of
46 | policies be provided upon request; amending ss.
47 | 627.701 and 627.712, F.S.; revising policyholder
48 | acknowledgment statement requirements for property
49 | insurance policies having certain hurricane
50 | deductibles or windstorm or contents coverage

51 exclusions, respectively; amending s. 627.7152, F.S.;
52 revising the definition of the term "assignment
53 agreement"; specifying the addresses to which a notice
54 of intent must be served; amending s. 627.7276, F.S.;
55 revising notice requirements for motor vehicle
56 policies that do not provide coverage for bodily
57 injury and property damage liability; amending ss.
58 634.171, 634.317, and 634.419, F.S.; authorizing
59 licensed personal lines or general lines agents to
60 solicit, negotiate, advertise, or sell motor vehicle
61 service agreements, home warranty contracts, and
62 service warranty contracts, respectively, without a
63 sales representative license; making technical
64 changes; reenacting ss. 624.424(10) and 627.351(6)(v),
65 F.S., relating to annual statements and other
66 information and Citizens Property Insurance
67 Corporation, respectively, to incorporate the
68 amendment made to s. 215.555, F.S., in references
69 thereto; reenacting s. 626.865(1)(e), F.S., relating
70 to public adjuster's qualifications, to incorporate
71 the amendment made to s. 626.856, F.S., in a reference
72 thereto; reenacting s. 626.8734(1)(b), F.S., relating
73 to nonresident all-lines adjuster license
74 qualifications, to incorporate the amendment made to
75 s. 626.221, F.S., in a reference thereto; reenacting

76 s. 627.7153(1) and (2) (d), F.S., relating to policies
 77 restricting assignment of post-loss benefits under a
 78 property insurance policy, to incorporate the
 79 amendment made to s. 627.7152, F.S., in references
 80 thereto; providing effective dates.

81

82 Be It Enacted by the Legislature of the State of Florida:

83

84 Section 1. Effective June 1, 2023, paragraph (c) of
 85 subsection (2) of section 215.555, Florida Statutes, is amended
 86 to read:

87 215.555 Florida Hurricane Catastrophe Fund.—

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

89 (c) "Covered policy" means any insurance policy covering
 90 residential property in this state, including, but not limited
 91 to, any homeowner, mobile home owner, farm owner, condominium
 92 association, condominium unit owner, tenant, or apartment
 93 building policy, or any other policy covering a residential
 94 structure or its contents issued by any authorized insurer,
 95 including a commercial self-insurance fund holding a certificate
 96 of authority issued by the Office of Insurance Regulation under
 97 s. 624.462, the Citizens Property Insurance Corporation, and any
 98 joint underwriting association or similar entity created under
 99 law. The term ~~"covered policy"~~ includes any collateral
 100 protection insurance policy covering personal residences which

101 protects both the borrower's and the lender's financial
102 interests, in an amount at least equal to the coverage amount
103 for the dwelling in place under the lapsed homeowner's policy,
104 the coverage amount that the homeowner has been notified of by
105 the collateral protection insurer, or the coverage amount the
106 homeowner requests from the collateral protection insurer, if
107 such collateral protection insurance policy can be accurately
108 reported as required in subsection (5). Additionally, covered
109 policies include policies covering the peril of wind removed
110 from the Florida Residential Property and Casualty Joint
111 Underwriting Association or from the Citizens Property Insurance
112 Corporation, created under s. 627.351(6), or from the Florida
113 Windstorm Underwriting Association, created under s. 627.351(2),
114 by an authorized insurer under the terms and conditions of an
115 executed assumption agreement between the authorized insurer and
116 such association or Citizens Property Insurance Corporation.
117 Each assumption agreement between the association and such
118 authorized insurer or Citizens Property Insurance Corporation
119 must be approved by the Office of Insurance Regulation before
120 the effective date of the assumption, and the Office of
121 Insurance Regulation must provide written notification to the
122 board within 15 working days after such approval. "Covered
123 policy" does not include any policy that excludes wind coverage
124 or hurricane coverage or any reinsurance agreement and does not
125 include any policy otherwise meeting this definition which is

126 | issued by a surplus lines insurer or a reinsurer. All commercial
 127 | residential excess policies and all deductible buy-back policies
 128 | that, based on sound actuarial principles, require individual
 129 | ratemaking must ~~shall~~ be excluded by rule if the actuarial
 130 | soundness of the fund is not jeopardized. For this purpose, the
 131 | term "excess policy" means a policy that provides insurance
 132 | protection for large commercial property risks and that provides
 133 | a layer of coverage above a primary layer insured by another
 134 | insurer.

135 | Section 2. Subsection (3) of section 440.381, Florida
 136 | Statutes, is amended to read:

137 | 440.381 Application for coverage; reporting payroll;
 138 | payroll audit procedures; penalties.-

139 | (3) The Financial Services Commission, in consultation
 140 | with the department, shall establish by rule minimum
 141 | requirements for audits of payroll and classifications ~~in order~~
 142 | to ensure that the appropriate premium is charged for workers'
 143 | compensation coverage. The rules must ~~shall~~ ensure that audits
 144 | performed by both carriers and employers are adequate to provide
 145 | that all sources of payments to employees, subcontractors, and
 146 | independent contractors are ~~have been~~ reviewed and that the
 147 | accuracy of classification of employees is ~~has been~~ verified.
 148 | The rules must require ~~shall provide~~ that employers in all
 149 | classes other than the construction class be audited at least
 150 | ~~not less frequently than~~ biennially and may provide for more

151 frequent audits of employers in specified classifications based
 152 on factors such as amount of premium, type of business, loss
 153 ratios, or other relevant factors. ~~In no event shall~~ Employers
 154 in the construction class, generating more than the amount of
 155 premium required to be experience rated must, be audited at
 156 least less than annually. The annual audits required for
 157 construction classes must ~~shall~~ consist of physical onsite
 158 audits of policies only if the estimated annual premium is
 159 \$10,000 or more. Payroll verification audit rules must include,
 160 but need not be limited to, the use of state and federal reports
 161 of employee income, payroll and other accounting records,
 162 certificates of insurance maintained by subcontractors, and
 163 duties of employees. At the completion of an audit, the employer
 164 or officer of the corporation and the auditor must print and
 165 sign their names on the audit document and attach proof of
 166 identification to the audit document.

167 Section 3. Subsection (3) is added to section 624.413,
 168 Florida Statutes, to read:

169 624.413 Application for certificate of authority.—

170 (3) (a) If the aggregate percentage of ownership by persons
 171 maintaining citizenship from, residing in, or domiciled in, the
 172 same jurisdiction outside the United States is more than 10
 173 percent of an applicant for a certificate of authority from the
 174 office, or if such persons acquire or intend to acquire in the
 175 aggregate more than 10 percent ownership in an existing stock

176 insurer possessing a certificate of authority from the office,
177 then such persons may be:

- 178 1. Deemed to have control; and
179 2. Subject to the requirements of sworn biographical
180 statements, legible copies of fingerprints, and authority for
181 release of information in regard to the investigation of such
182 persons' backgrounds as specified in s. 628.051(2)(b).

183 (b) The office may apply the same criteria described in
184 paragraph (a) to each of the following applications to determine
185 if a person is deemed to have control and is subject to the
186 requirements of a sworn biographical statement, legible copies
187 of fingerprints, and authority for release of information in
188 regard to the investigation of the person's background as
189 specified in s. 628.051(2)(b):

190 1. A certificate of authority to form multiple-employer
191 welfare arrangements under s. 624.437.

192 2. A certificate of authority to act as an insurance
193 administrator under s. 626.8805.

194 3. A permit to form domestic insurer under s. 628.051.

195 4. An acquisition of control stock or voting securities
196 under s. 628.461.

197 5. An acquisition of ownership interest or control stock
198 of a specialty insurer under s. 628.4615.

199 6. A certificate of authority to transact insurance as a
200 domestic reciprocal insurer under s. 629.081.

- 201 7. A license to issue motor vehicle service agreements
 202 under s. 634.041.
- 203 8. A license to issue home warranties under s. 634.304.
- 204 9. A license to issue service warranties under s. 634.404.
- 205 10. A certificate of authority to operate as a prepaid
 206 limited health service organization under s. 636.008.
- 207 11. A license to operate as a discount plan organization
 208 under s. 636.204.
- 209 12. A certificate of authority to operate as a health
 210 maintenance organization under s. 641.21.
- 211 13. A certificate of authority to operate as a prepaid
 212 health clinic under s. 641.405.
- 213 14. A certificate of authority to offer continuing care
 214 contracts under ss. 651.022-651.0245.
- 215 Section 4. Section 624.46227, Florida Statutes, is created
 216 to read:
- 217 624.46227 Meeting requirements.—Any association, trust, or
 218 pool authorized by state law and created for the purpose of
 219 forming a risk management mechanism or providing self-insurance
 220 for public entities in this state may use communications media
 221 technology to establish a quorum and conduct public business.
- 222 Section 5. Paragraph (j) of subsection (2) of section
 223 626.221, Florida Statutes, is amended, and subsection (1) of
 224 that section is republished, to read:
- 225 626.221 Examination requirement; exemptions.—

226 (1) The department may not issue any license as agent or
 227 adjuster to any individual who has not qualified for, taken, and
 228 passed to the satisfaction of the department a written
 229 examination of the scope prescribed in s. 626.241.

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

232 (j) An applicant for license as an all-lines adjuster who
 233 has the designation of Accredited Claims Adjuster (ACA) from a
 234 regionally accredited postsecondary institution in this state,
 235 Certified All Lines Adjuster (CALA) from Kaplan, Associate in
 236 Claims (AIC) from the Insurance Institute of America,
 237 Professional Claims Adjuster (PCA) from the Professional Career
 238 Institute, Professional Property Insurance Adjuster (PPIA) from
 239 the HurriClaim Training Academy, Certified Adjuster (CA) from
 240 ALL LINES Training, Certified Claims Adjuster (CCA) from AE21
 241 Incorporated, Claims Adjuster Certified Professional (CACP) from
 242 WebCE, Inc., Accredited Insurance Claims Specialist (AICS) from
 243 Encore Claim Services, or Universal Claims Certification (UCC)
 244 from Claims and Litigation Management Alliance (CLM) whose
 245 curriculum has been approved by the department and which
 246 includes comprehensive analysis of basic property and casualty
 247 lines of insurance and testing at least equal to that of
 248 standard department testing for the all-lines adjuster license.
 249 The department shall adopt rules establishing standards for the
 250 approval of curriculum.

251 Section 6. Section 626.856, Florida Statutes, is amended
 252 to read:

253 626.856 "Company employee adjuster" defined.—A "company
 254 employee adjuster" means a person licensed as an all-lines
 255 adjuster who is appointed and employed on an insurer's staff of
 256 adjusters, by an affiliate, or by a wholly owned subsidiary of
 257 the insurer, and who undertakes on behalf of such insurer or
 258 other insurers under common control or ownership to ascertain
 259 and determine the amount of any claim, loss, or damage payable
 260 under a contract of insurance, or undertakes to effect
 261 settlement of such claim, loss, or damage.

262 Section 7. Paragraph (j) of subsection (2) of section
 263 627.062, Florida Statutes, is amended to read:

264 627.062 Rate standards.—

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

266 (j) With respect to residential property insurance rate
 267 filings, the rate filing:

268 1. Must account for mitigation measures undertaken by
 269 policyholders to reduce hurricane losses.

270 2. May use a modeling indication that is the weighted or
 271 straight average of two or more hurricane loss projection models
 272 found by the commission to be accurate or reliable pursuant to
 273 s. 627.0628.

274
 275 The provisions of this subsection do not apply to workers'

276 compensation, employer's liability insurance, and motor vehicle
 277 insurance.

278 Section 8. Paragraph (b) of subsection (2) of section
 279 627.0628, Florida Statutes, is amended to read:

280 627.0628 Florida Commission on Hurricane Loss Projection
 281 Methodology; public records exemption; public meetings
 282 exemption.—

283 (2) COMMISSION CREATED.—

284 (b) The commission shall consist of the following 12
 285 members:

286 1. The insurance consumer advocate.

287 2. The senior employee of the State Board of
 288 Administration responsible for operations of the Florida
 289 Hurricane Catastrophe Fund.

290 3. The Executive Director of the Citizens Property
 291 Insurance Corporation.

292 4. The Director of the Division of Emergency Management,
 293 or the director's designee, provided that the designee is a
 294 full-time employee of the division.

295 5. The actuary member of the Florida Hurricane Catastrophe
 296 Fund Advisory Council.

297 6. An employee of the office who is an actuary responsible
 298 for property insurance rate filings and who is appointed by the
 299 director of the office.

300 7. Five members appointed by the Chief Financial Officer,

301 as follows:

302 a. An actuary who is employed full time by a property and
 303 casualty insurer that was responsible for at least 1 percent of
 304 the aggregate statewide direct written premium for homeowner
 305 insurance in the calendar year preceding the member's
 306 appointment to the commission.

307 b. An expert in insurance finance who is a full-time
 308 member of the faculty of the State University System and who has
 309 a background in actuarial science.

310 c. An expert in statistics who is a full-time member of
 311 the faculty of the State University System and who has a
 312 background in insurance.

313 d. An expert in computer system design who is a full-time
 314 member of the faculty of the State University System.

315 e. An expert in meteorology who is a full-time member of
 316 the faculty of the State University System and who specializes
 317 in hurricanes.

318 8. A licensed professional structural engineer who is a
 319 full-time faculty member in the State University System and who
 320 has expertise in wind mitigation techniques. This appointment
 321 shall be made by the Governor.

322 Section 9. Subsection (9) is added to section 627.0629,
 323 Florida Statutes, to read:

324 627.0629 Residential property insurance; rate filings.—

325 (9) An insurer may file with the office a personal lines

326 residential property insurance rating plan that provides
 327 justified premium discounts, credits, or other rate
 328 differentials based on windstorm mitigation construction
 329 standards developed by an independent, not-for-profit scientific
 330 research organization, if such standards meet the requirements
 331 of this section.

332 Section 10. Section 627.0665, Florida Statutes, is amended
 333 to read:

334 627.0665 Automatic bank withdrawal agreements;
 335 notification required.—Any insurer licensed to issue insurance
 336 in this ~~the~~ state who has an automatic bank withdrawal agreement
 337 with an insured party for the payment of insurance premiums for
 338 any type of insurance shall give the named insured at least 10
 339 ~~15~~ days advance written notice of any increase in policy
 340 premiums that results in the next automatic bank withdrawal
 341 being increased by more than \$10. Such notice must be provided
 342 before ~~prior to~~ any automatic bank withdrawal containing the of
 343 ~~an~~ increased premium amount.

344 Section 11. Paragraph (a) of subsection (6) of section
 345 627.351, Florida Statutes, is amended to read:

346 627.351 Insurance risk apportionment plans.—

347 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

351 1. The Legislature finds that private insurers are
352 unwilling or unable to provide affordable property insurance
353 coverage in this state to the extent sought and needed. The
354 absence of affordable property insurance threatens the public
355 health, safety, and welfare and likewise threatens the economic
356 health of the state. The state therefore has a compelling public
357 interest and a public purpose to assist in assuring that
358 property in this ~~the~~ state is insured and that it is insured at
359 affordable rates so as to facilitate the remediation,
360 reconstruction, and replacement of damaged or destroyed property
361 in order to reduce or avoid the negative effects otherwise
362 resulting to the public health, safety, and welfare, to the
363 economy of the state, and to the revenues of the state and local
364 governments which are needed to provide for the public welfare.
365 It is necessary, therefore, to provide affordable property
366 insurance to applicants who are in good faith entitled to
367 procure insurance through the voluntary market but are unable to
368 do so. The Legislature intends, therefore, that affordable
369 property insurance be provided and that it continue to be
370 provided, as long as necessary, through Citizens Property
371 Insurance Corporation, a government entity that is an integral
372 part of the state, and that is not a private insurance company.
373 To that end, the corporation shall strive to increase the
374 availability of affordable property insurance in this state,
375 while achieving efficiencies and economies, and while providing

376 service to policyholders, applicants, and agents which is no
377 less than the quality generally provided in the voluntary
378 market, for the achievement of the foregoing public purposes.
379 Because it is essential for this government entity to have the
380 maximum financial resources to pay claims following a
381 catastrophic hurricane, it is the intent of the Legislature that
382 the corporation continue to be an integral part of the state and
383 that the income of the corporation be exempt from federal income
384 taxation and that interest on the debt obligations issued by the
385 corporation be exempt from federal income taxation.

386 2. The Residential Property and Casualty Joint
387 Underwriting Association originally created by this statute
388 shall be known as the Citizens Property Insurance Corporation.
389 The corporation shall provide insurance for residential and
390 commercial property, for applicants who are entitled, but, in
391 good faith, are unable to procure insurance through the
392 voluntary market. The corporation shall operate pursuant to a
393 plan of operation approved by order of the Financial Services
394 Commission. The plan is subject to continuous review by the
395 commission. The commission may, by order, withdraw approval of
396 all or part of a plan if the commission determines that
397 conditions have changed since approval was granted and that the
398 purposes of the plan require changes in the plan. For the
399 purposes of this subsection, residential coverage includes both
400 personal lines residential coverage, which consists of the type

401 of coverage provided by homeowner, mobile home owner, dwelling,
402 tenant, condominium unit owner, and similar policies; and
403 commercial lines residential coverage, which consists of the
404 type of coverage provided by condominium association, apartment
405 building, and similar policies.

406 3. With respect to coverage for personal lines residential
407 structures:

408 a. Effective January 1, 2014, a structure that has a
409 dwelling replacement cost of \$1 million or more, or a single
410 condominium unit that has a combined dwelling and contents
411 replacement cost of \$1 million or more, is not eligible for
412 coverage by the corporation. Such dwellings insured by the
413 corporation on December 31, 2013, may continue to be covered by
414 the corporation until the end of the policy term. The office
415 shall approve the method used by the corporation for valuing the
416 dwelling replacement cost for the purposes of this subparagraph.
417 If a policyholder is insured by the corporation before being
418 determined to be ineligible pursuant to this subparagraph and
419 such policyholder files a lawsuit challenging the determination,
420 the policyholder may remain insured by the corporation until the
421 conclusion of the litigation.

422 b. Effective January 1, 2015, a structure that has a
423 dwelling replacement cost of \$900,000 or more, or a single
424 condominium unit that has a combined dwelling and contents
425 replacement cost of \$900,000 or more, is not eligible for

426 coverage by the corporation. Such dwellings insured by the
427 corporation on December 31, 2014, may continue to be covered by
428 the corporation only until the end of the policy term.

429 c. Effective January 1, 2016, a structure that has a
430 dwelling replacement cost of \$800,000 or more, or a single
431 condominium unit that has a combined dwelling and contents
432 replacement cost of \$800,000 or more, is not eligible for
433 coverage by the corporation. Such dwellings insured by the
434 corporation on December 31, 2015, may continue to be covered by
435 the corporation until the end of the policy term.

436 d. Effective January 1, 2017, a structure that has a
437 dwelling replacement cost of \$700,000 or more, or a single
438 condominium unit that has a combined dwelling and contents
439 replacement cost of \$700,000 or more, is not eligible for
440 coverage by the corporation. Such dwellings insured by the
441 corporation on December 31, 2016, may continue to be covered by
442 the corporation until the end of the policy term.

443
444 The requirements of sub-subparagraphs b.-d. do not apply in
445 counties where the office determines there is not a reasonable
446 degree of competition. In such counties a personal lines
447 residential structure that has a dwelling replacement cost of
448 less than \$1 million, or a single condominium unit that has a
449 combined dwelling and contents replacement cost of less than \$1
450 million, is eligible for coverage by the corporation.

451 4. It is the intent of the Legislature that policyholders,
452 applicants, and agents of the corporation receive service and
453 treatment of the highest possible level but never less than that
454 generally provided in the voluntary market. It is also intended
455 that the corporation be held to service standards no less than
456 those applied to insurers in the voluntary market by the office
457 with respect to responsiveness, timeliness, customer courtesy,
458 and overall dealings with policyholders, applicants, or agents
459 of the corporation.

460 5.a. Effective January 1, 2009, a personal lines
461 residential structure that is located in the "wind-borne debris
462 region," as defined in s. 1609.2, International Building Code
463 (2006), and that has an insured value on the structure of
464 \$750,000 or more is not eligible for coverage by the corporation
465 unless the structure has opening protections as required under
466 the Florida Building Code for a newly constructed residential
467 structure in that area. A residential structure is deemed to
468 comply with this sub-subparagraph if it has shutters or opening
469 protections on all openings and if such opening protections
470 complied with the Florida Building Code at the time they were
471 installed.

472 b. Any major structure, as defined in s. 161.54(6)(a),
473 that is newly constructed, or rebuilt, repaired, restored, or
474 remodeled to increase the total square footage of finished area
475 by more than 25 percent, pursuant to a permit applied for after

476 July 1, 2015, is not eligible for coverage by the corporation if
 477 the structure is seaward of the coastal construction control
 478 line established pursuant to s. 161.053 or is within the Coastal
 479 Barrier Resources System as designated by 16 U.S.C. ss. 3501-
 480 3510.

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

487 Section 12. Subsection (1) of section 627.421, Florida
 488 Statutes, is amended to read:

489 627.421 Delivery of policy.—

490 (1) Subject to the insurer's requirement as to payment of
 491 premium, every policy shall be mailed, delivered, or
 492 electronically transmitted to the insured or to the person
 493 entitled thereto not later than 60 days after the effectuation
 494 of coverage. Notwithstanding any other provision of law, an
 495 insurer may allow a policyholder of personal lines insurance to
 496 affirmatively elect delivery of the policy documents, including,
 497 but not limited to, policies, endorsements, notices, or
 498 documents, by electronic means in lieu of delivery by mail.
 499 Electronic transmission of a policy for commercial risks,
 500 including, but not limited to, workers' compensation and

501 employers' liability, commercial automobile liability,
 502 commercial automobile physical damage, commercial lines
 503 residential property, commercial nonresidential property,
 504 farmowners insurance, and the types of commercial lines risks
 505 set forth in s. 627.062(3)(d), constitutes delivery to the
 506 insured or to the person entitled to delivery, unless the
 507 insured or the person entitled to delivery communicates to the
 508 insurer in writing or electronically that he or she does not
 509 agree to delivery by electronic means. ~~Electronic transmission~~
 510 ~~shall include a notice to the insured or to the person entitled~~
 511 ~~to delivery of a policy of his or her right to receive the~~
 512 ~~policy via United States mail rather than via electronic~~
 513 ~~transmission. A paper copy of the policy shall be provided to~~
 514 ~~the insured or to the person entitled to delivery at his or her~~
 515 ~~request.~~

516 Section 13. Paragraph (d) of subsection (4) of section
 517 627.701, Florida Statutes, is amended to read:

518 627.701 Liability of insureds; coinsurance; deductibles.—

519 (4)

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

524 a. The policyholder must personally write or type and
 525 provide to the insurer the following statement ~~in his or her own~~

526 ~~handwriting~~ and sign his or her name, which must also be signed
527 by every other named insured on the policy, and dated: "I do not
528 want the insurance on my home to pay for the first (specify
529 dollar value) of damage from hurricanes. I will pay those costs.
530 My insurance will not."

531 b. If the structure insured by the policy is subject to a
532 mortgage or lien, the policyholder must provide the insurer with
533 a written statement from the mortgageholder or lienholder
534 indicating that the mortgageholder or lienholder approves the
535 policyholder electing to have the specified deductible.

536 2. A deductible subject to the requirements of this
537 paragraph applies for the term of the policy and for each
538 renewal thereafter. Changes to the deductible percentage may be
539 implemented only as of the date of renewal.

540 3. An insurer shall keep the original copy of the signed
541 statement required by this paragraph, electronically or
542 otherwise, and provide a copy to the policyholder providing the
543 signed statement. A signed statement meeting the requirements of
544 this paragraph creates a presumption that there was an informed,
545 knowing election of coverage.

546 4. The commission shall adopt rules providing appropriate
547 alternative methods for providing the statements required by
548 this section for policyholders who have a handicapping or
549 disabling condition that prevents them from providing a
550 handwritten statement.

551 Section 14. Paragraph (a) of subsection (2) and subsection
 552 (3) of section 627.712, Florida Statutes, are amended to read:

553 627.712 Residential windstorm coverage required;
 554 availability of exclusions for windstorm or contents.—

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

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

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

566 2. When the policyholder is other than a natural person,
 567 the policyholder provides to the insurer on the policyholder's
 568 letterhead the following statement that must be signed by the
 569 policyholder's authorized representative and dated: "... (Name of
 570 entity)... does not want the insurance on its ...(type of
 571 structure)... to pay for damage from windstorms. ...(Name of
 572 entity)... will be responsible for these costs. ...(Name of
 573 entity's)... insurance will not."

574 (3) An insurer issuing a residential property insurance
 575 policy, except for a condominium unit owner policy or a tenant

576 policy, must make available, at the option of the policyholder,
 577 an exclusion of coverage for the contents. The coverage may be
 578 excluded only if the policyholder personally writes or types and
 579 provides to the insurer the following statement ~~in his or her~~
 580 ~~own handwriting~~ and signs his or her signature, which must also
 581 be signed by every other named insured on the policy, and dated:
 582 "I do not want the insurance on my (home/mobile home) to pay for
 583 the costs to repair or replace any contents that are damaged. I
 584 will pay those costs. My insurance will not."

585 Section 15. Effective upon this act becoming a law,
 586 paragraph (b) of subsection (1) and paragraph (a) of subsection
 587 (9) of section 627.7152, Florida Statutes, are amended to read:

588 627.7152 Assignment agreements.—

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

590 (b) "Assignment agreement" means any instrument by which
 591 post-loss benefits under a residential property insurance policy
 592 or commercial property insurance policy, as that term is defined
 593 in s. 627.0625(1), are assigned or transferred, or acquired in
 594 any manner, in whole or in part, to or from a person providing
 595 services, including, but not limited to, inspecting, protecting,
 596 repairing, restoring, or replacing the ~~protect, repair, restore,~~
 597 ~~or replace~~ property or mitigating ~~to mitigate~~ against further
 598 damage to the property. The term does not include fees collected
 599 by a public adjuster, as defined in s. 626.854(1).

600 (9) (a) An assignee must provide the named insured,

601 insurer, and the assignor, if not the named insured, with a
 602 written notice of intent to initiate litigation before filing
 603 suit under the policy. Such notice must be served at least 10
 604 business days before filing suit, but not before the insurer has
 605 made a determination of coverage under s. 627.70131, by
 606 certified mail, return receipt requested, to the name and
 607 mailing address designated by the insurer in the policy forms or
 608 by electronic delivery to the e-mail address designated by the
 609 insurer in the policy forms ~~at least 10 business days before~~
 610 ~~filing suit, but may not be served before the insurer has made a~~
 611 ~~determination of coverage under s. 627.70131.~~ The notice must
 612 specify the damages in dispute, the amount claimed, and a
 613 presuit settlement demand. Concurrent with the notice, and as a
 614 precondition to filing suit, the assignee must provide the named
 615 insured, insurer, and the assignor, if not the named insured, a
 616 detailed written invoice or estimate of services, including
 617 itemized information on equipment, materials, and supplies; the
 618 number of labor hours; and, in the case of work performed, proof
 619 that the work has been performed in accordance with accepted
 620 industry standards.

621 Section 16. Section 627.7276, Florida Statutes, is amended
 622 to read:

623 627.7276 Notice of limited coverage.—

624 (1) An automobile policy that does not contain coverage
 625 for bodily injury and property damage must include a notice ~~be~~

626 ~~clearly stamped or printed to the effect~~ that such coverage is
 627 not included in the policy in the following manner:

628

629 "THIS POLICY DOES NOT PROVIDE BODILY INJURY AND
 630 PROPERTY DAMAGE LIABILITY INSURANCE OR ANY OTHER
 631 COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT
 632 MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL
 633 RESPONSIBILITY LAW."

634

635 (2) This notice legend ~~must accompany~~ appear on the policy
 636 declarations ~~declaration~~ page and ~~on the filing back of the~~
 637 ~~policy and be printed in a contrasting color from that used on~~
 638 ~~the policy and in type~~ size at least as large as the type size
 639 used on the declarations page ~~larger than the largest type used~~
 640 ~~in the text thereof, as an overprint or by a rubber stamp~~
 641 ~~impression.~~

642 Section 17. Section 634.171, Florida Statutes, is amended
 643 to read:

644 634.171 Salesperson to be licensed and appointed;
 645 exemptions.—Salespersons for motor vehicle service agreement
 646 companies and insurers must ~~shall~~ be licensed, appointed,
 647 renewed, continued, reinstated, or terminated as prescribed in
 648 chapter 626 for insurance representatives in general. However,
 649 they are ~~shall be~~ exempt from all other provisions of chapter
 650 626, including those relating to fingerprinting, photo

651 identification, education, and examination ~~provisions~~.
 652 Applicable license, appointment, and other fees are as ~~shall be~~
 653 ~~these~~ prescribed in s. 624.501. A licensed and appointed
 654 salesperson is ~~shall be~~ directly responsible and accountable for
 655 all acts of her or his employees and other representatives. Each
 656 service agreement company or insurer shall, on forms prescribed
 657 by the department, within 30 days after termination of the
 658 appointment, notify the department of such termination. An ~~No~~
 659 employee or a salesperson of a motor vehicle service agreement
 660 company or an insurer may not directly or indirectly solicit or
 661 negotiate insurance contracts, or hold herself or himself out in
 662 any manner to be an insurance agent, unless so qualified,
 663 licensed, and appointed therefor under the Florida Insurance
 664 Code. A licensed personal lines or general lines agent is not
 665 required to be licensed as a salesperson under this section to
 666 solicit, negotiate, advertise, or sell motor vehicle service
 667 agreements. A motor vehicle service agreement company is not
 668 required to be licensed as a salesperson to solicit, sell,
 669 issue, or otherwise transact the motor vehicle service
 670 agreements issued by the motor vehicle service agreement
 671 company.

672 Section 18. Section 634.317, Florida Statutes, is amended
 673 to read:

674 634.317 License and appointment required; exemptions.-A ~~No~~
 675 person may not solicit, negotiate, or effectuate home warranty

676 contracts for remuneration in this state unless such person is
 677 licensed and appointed as a sales representative. A licensed and
 678 appointed sales representative is ~~shall be~~ directly responsible
 679 and accountable for all acts of the licensee's employees. A
 680 licensed personal lines or general lines agent is not required
 681 to be licensed as a sales representative under this section to
 682 solicit, negotiate, advertise, or sell home warranty contracts.

683 Section 19. Section 634.419, Florida Statutes, is amended
 684 to read:

685 634.419 License and appointment required; exemptions.—~~A No~~
 686 person or an entity may not ~~shall~~ solicit, negotiate, advertise,
 687 or effectuate service warranty contracts in this state unless
 688 such person or entity is licensed and appointed as a sales
 689 representative. Sales representatives are ~~shall be~~ responsible
 690 for the actions of persons under their supervision. However, a
 691 service warranty association licensed as such under this part is
 692 ~~shall not be~~ required to be licensed and appointed as a sales
 693 representative to solicit, negotiate, advertise, or effectuate
 694 its products. A licensed personal lines or general lines agent
 695 is not required to be licensed as a sales representative under
 696 this section to solicit, negotiate, advertise, or sell service
 697 warranty contracts.

698 Section 20. Effective June 1, 2023, for the purpose of
 699 incorporating the amendment made by this act to section 215.555,
 700 Florida Statutes, in a reference thereto, subsection (10) of

701 section 624.424, Florida Statutes, is reenacted to read:
 702 624.424 Annual statement and other information.—
 703 (10) Each insurer or insurer group doing business in this
 704 state shall file on a quarterly basis in conjunction with
 705 financial reports required by paragraph (1) (a) a supplemental
 706 report on an individual and group basis on a form prescribed by
 707 the commission with information on personal lines and commercial
 708 lines residential property insurance policies in this state. The
 709 supplemental report shall include separate information for
 710 personal lines property policies and for commercial lines
 711 property policies and totals for each item specified, including
 712 premiums written for each of the property lines of business as
 713 described in ss. 215.555(2) (c) and 627.351(6) (a). The report
 714 shall include the following information for each county on a
 715 monthly basis:
 716 (a) Total number of policies in force at the end of each
 717 month.
 718 (b) Total number of policies canceled.
 719 (c) Total number of policies nonrenewed.
 720 (d) Number of policies canceled due to hurricane risk.
 721 (e) Number of policies nonrenewed due to hurricane risk.
 722 (f) Number of new policies written.
 723 (g) Total dollar value of structure exposure under
 724 policies that include wind coverage.
 725 (h) Number of policies that exclude wind coverage.

726 Section 21. Effective June 1, 2023, for the purpose of
 727 incorporating the amendment made by this act to section 215.555,
 728 Florida Statutes, in a reference thereto, paragraph (v) of
 729 subsection (6) of section 627.351, Florida Statutes, is
 730 reenacted to read:

731 627.351 Insurance risk apportionment plans.—

732 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

733 (v)1. Effective July 1, 2002, policies of the Residential
 734 Property and Casualty Joint Underwriting Association become
 735 policies of the corporation. All obligations, rights, assets and
 736 liabilities of the association, including bonds, note and debt
 737 obligations, and the financing documents pertaining to them
 738 become those of the corporation as of July 1, 2002. The
 739 corporation is not required to issue endorsements or
 740 certificates of assumption to insureds during the remaining term
 741 of in-force transferred policies.

742 2. Effective July 1, 2002, policies of the Florida
 743 Windstorm Underwriting Association are transferred to the
 744 corporation and become policies of the corporation. All
 745 obligations, rights, assets, and liabilities of the association,
 746 including bonds, note and debt obligations, and the financing
 747 documents pertaining to them are transferred to and assumed by
 748 the corporation on July 1, 2002. The corporation is not required
 749 to issue endorsements or certificates of assumption to insureds
 750 during the remaining term of in-force transferred policies.

751 3. The Florida Windstorm Underwriting Association and the
752 Residential Property and Casualty Joint Underwriting Association
753 shall take all actions necessary to further evidence the
754 transfers and provide the documents and instruments of further
755 assurance as may reasonably be requested by the corporation for
756 that purpose. The corporation shall execute assumptions and
757 instruments as the trustees or other parties to the financing
758 documents of the Florida Windstorm Underwriting Association or
759 the Residential Property and Casualty Joint Underwriting
760 Association may reasonably request to further evidence the
761 transfers and assumptions, which transfers and assumptions,
762 however, are effective on the date provided under this paragraph
763 whether or not, and regardless of the date on which, the
764 assumptions or instruments are executed by the corporation.
765 Subject to the relevant financing documents pertaining to their
766 outstanding bonds, notes, indebtedness, or other financing
767 obligations, the moneys, investments, receivables, choses in
768 action, and other intangibles of the Florida Windstorm
769 Underwriting Association shall be credited to the coastal
770 account of the corporation, and those of the personal lines
771 residential coverage account and the commercial lines
772 residential coverage account of the Residential Property and
773 Casualty Joint Underwriting Association shall be credited to the
774 personal lines account and the commercial lines account,
775 respectively, of the corporation.

776 4. Effective July 1, 2002, a new applicant for property
 777 insurance coverage who would otherwise have been eligible for
 778 coverage in the Florida Windstorm Underwriting Association is
 779 eligible for coverage from the corporation as provided in this
 780 subsection.

781 5. The transfer of all policies, obligations, rights,
 782 assets, and liabilities from the Florida Windstorm Underwriting
 783 Association to the corporation and the renaming of the
 784 Residential Property and Casualty Joint Underwriting Association
 785 as the corporation does not affect the coverage with respect to
 786 covered policies as defined in s. 215.555(2)(c) provided to
 787 these entities by the Florida Hurricane Catastrophe Fund. The
 788 coverage provided by the fund to the Florida Windstorm
 789 Underwriting Association based on its exposures as of June 30,
 790 2002, and each June 30 thereafter shall be redesignated as
 791 coverage for the coastal account of the corporation.
 792 Notwithstanding any other provision of law, the coverage
 793 provided by the fund to the Residential Property and Casualty
 794 Joint Underwriting Association based on its exposures as of June
 795 30, 2002, and each June 30 thereafter shall be transferred to
 796 the personal lines account and the commercial lines account of
 797 the corporation. Notwithstanding any other provision of law, the
 798 coastal account shall be treated, for all Florida Hurricane
 799 Catastrophe Fund purposes, as if it were a separate
 800 participating insurer with its own exposures, reimbursement

801 premium, and loss reimbursement. Likewise, the personal lines
 802 and commercial lines accounts shall be viewed together, for all
 803 fund purposes, as if the two accounts were one and represent a
 804 single, separate participating insurer with its own exposures,
 805 reimbursement premium, and loss reimbursement. The coverage
 806 provided by the fund to the corporation shall constitute and
 807 operate as a full transfer of coverage from the Florida
 808 Windstorm Underwriting Association and Residential Property and
 809 Casualty Joint Underwriting Association to the corporation.

810 Section 22. For the purpose of incorporating the amendment
 811 made by this act to section 626.856, Florida Statutes, in a
 812 reference thereto, paragraph (e) of subsection (1) of section
 813 626.865, Florida Statutes, is reenacted to read:

814 626.865 Public adjuster's qualifications, bond.—

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

819 (e) Has been licensed in this state as an all-lines
 820 adjuster, and has been appointed on a continual basis for the
 821 previous 6 months as a public adjuster apprentice under s.
 822 626.8561, as an independent adjuster under s. 626.855, or as a
 823 company employee adjuster under s. 626.856.

824 Section 23. For the purpose of incorporating the amendment
 825 made by this act to section 626.221, Florida Statutes, in a

826 reference thereto, paragraph (b) of subsection (1) of section
827 626.8734, Florida Statutes, is reenacted to read:

828 626.8734 Nonresident all-lines adjuster license
829 qualifications.—

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

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

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

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

845 3. An applicant who holds a certification set forth in s.
846 626.221(2)(j).

847 Section 24. Effective upon this act becoming a law, for
848 the purpose of incorporating the amendment made by this act to
849 section 627.7152, Florida Statutes, in references thereto,
850 subsection (1) and paragraph (d) of subsection (2) of section

851 627.7153, Florida Statutes, are reenacted to read:

852 627.7153 Policies restricting assignment of post-loss
853 benefits under a property insurance policy.—

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

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

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

861
862 THIS POLICY DOES NOT ALLOW THE UNRESTRICTED ASSIGNMENT
863 OF POST-LOSS INSURANCE BENEFITS. BY SELECTING THIS
864 POLICY, YOU WAIVE YOUR RIGHT TO FREELY ASSIGN OR
865 TRANSFER THE POST-LOSS PROPERTY INSURANCE BENEFITS
866 AVAILABLE UNDER THIS POLICY TO A THIRD PARTY OR TO
867 OTHERWISE FREELY ENTER INTO AN ASSIGNMENT AGREEMENT AS
868 THE TERM IS DEFINED IN SECTION 627.7152 OF THE FLORIDA
869 STATUTES.

870 Section 25. Except as otherwise expressly provided in this
871 act and except for this section, which shall take effect upon
872 this act becoming a law, this act shall take effect July 1,
873 2022.