

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Botana offered the following:

3

4 **Amendment**

5 Remove lines 75-223 and insert:

6 policy that was in force at the time of the loss.

7 2. An insurer or agent may cancel or nonrenew such a
8 policy prior to the repair of the dwelling or residential
9 property:

10 a. Upon 10 days' notice:

11 (I) For nonpayment of premium; or

12 (II) If the named insured no longer has an insurable
13 interest in the property; or

14 b. Upon 45 days' notice:

15 (I) For a material misstatement or fraud related to the
16 claim;

523411 - h1149-line 75.docx

Published On: 2/21/2024 7:01:21 PM

Amendment No. 1

17 (II) If the insurer or its agent has made a reasonable
18 written inquiry to the insured as to the status of the repair
19 and the insured has failed within 30 calendar days to provide
20 information that is responsive to the inquiry to the address or
21 e-mail account designated by the insurer or its agent; or

22 (III) If the insurer has paid policy limits under a
23 personal residential property insurance policy for a loss to the
24 insured dwelling that was damaged, or policy limits under a
25 commercial residential property insurance policy for a loss to
26 each insured structure that was damaged.

27 3. If the insurer elects to nonrenew a policy after the
28 expiration of the time in subparagraph 1., the insurer must
29 provide notice in accordance with subsection (1).

30 4. This paragraph does not prevent the insurer from
31 canceling or nonrenewing the policy after the repair is
32 completed for the same reasons the insurer would otherwise have
33 canceled or nonrenewed the policy but for subparagraph 1.

34 5. For purposes of this paragraph:

35 a. A structure is deemed to be repaired when substantially
36 completed and restored to the extent that it is insurable by:

37 (I) Another authorized insurer writing policies in this
38 state if the structure is currently insured by an authorized
39 insurer; or

Amendment No. 1

40 (II) Another authorized or eligible surplus lines insurer
41 writing policies in this state if the structure is currently
42 insured by an eligible surplus lines insurer.

43 b. The term "insurer" means an authorized insurer or an
44 eligible surplus lines insurer.

45 c. The term "damage" includes, but is not limited to,
46 flood damage related to a hurricane if flood is a covered peril
47 under the personal residential or commercial residential
48 property insurance policy.

49 6. The commission may adopt rules, and the Commissioner of
50 Insurance Regulation may issue orders, necessary to implement
51 this paragraph.

52 7. In the event of wide-spread significant flooding, as
53 determined by the Commissioner of Insurance Regulation, caused
54 by a hurricane or other natural event, the Commissioner of
55 Insurance Regulation may issue an order preventing insurers from
56 canceling or nonrenewing personal residential or commercial
57 residential property insurance policies covering dwellings or
58 residential properties located within zip codes, as determined
59 by the Commissioner of Insurance Regulation, directly affected
60 by such flooding. If a claim is made while such an order is in
61 effect, the insurer may not cancel or nonrenew personal
62 residential or commercial residential property insurance
63 policies covering dwellings or residential properties until the
64 earlier of the completion of repairs or the expiration of one

523411 - h1149-line 75.docx

Published On: 2/21/2024 7:01:21 PM

Amendment No. 1

65 subsequent renewal of the policy that was in force at the time
66 of the loss, even if the personal residential or commercial
67 residential property insurance policies do not cover the peril
68 of flood. An order issued pursuant to this subparagraph may
69 remain in effect for an initial period of 90 days and may be
70 renewed for subsequent 90-day periods, not to exceed a total of
71 270 days. The subparagraph only applies to coverage periods and
72 does not alter coverage otherwise provided by any insurance
73 policy.

74 Section 2. Paragraph (e) of subsection (2) of section
75 627.4133, Florida Statutes, is amended to read:

76 627.4133 Notice of cancellation, nonrenewal, or renewal
77 premium.—

78 (2) With respect to any personal lines or commercial
79 residential property insurance policy, including, but not
80 limited to, any homeowner, mobile home owner, farmowner,
81 condominium association, condominium unit owner, apartment
82 building, or other policy covering a residential structure or
83 its contents:

84 (e)1. Notwithstanding subparagraph 2., an insurer may not
85 cancel or nonrenew a personal residential or commercial
86 residential property insurance policy covering a dwelling or
87 residential property located in this state which has been
88 damaged by a covered peril until the earlier of the completion
89 of repairs or the expiration of one subsequent renewal of the

Amendment No. 1

90 ~~policy that was in force at the time of the loss. An authorized~~
91 ~~insurer may not cancel or nonrenew a personal residential or~~
92 ~~commercial residential property insurance policy covering a~~
93 ~~dwelling or residential property located in this state:~~

94 ~~a. For a period of 90 days after the dwelling or~~
95 ~~residential property has been repaired, if such property has~~
96 ~~been damaged as a result of a hurricane or wind loss that is the~~
97 ~~subject of the declaration of emergency pursuant to s. 252.36~~
98 ~~and the filing of an order by the Commissioner of Insurance~~
99 ~~Regulation.~~

100 ~~b. Until the earlier of when the dwelling or residential~~
101 ~~property has been repaired or 1 year after the insurer issues~~
102 ~~the final claim payment, if such property was damaged by any~~
103 ~~covered peril and sub-subparagraph a. does not apply.~~

104 ~~2. However,~~ An insurer or agent may cancel or nonrenew
105 such a policy prior to the repair of the dwelling or residential
106 property:

107 a. Upon 10 days' notice:

108 (I) For nonpayment of premium; or

109 (II) If the named insured no longer has an insurable
110 interest in the property; or

111 b. Upon 45 days' notice:

112 (I) For a material misstatement or fraud related to the
113 claim;

Amendment No. 1

114 (II) If the insurer or its agent has made a reasonable
115 written inquiry to the insured as to the status of the repair
116 and the insured has failed within 30 calendar days to provide
117 information that is responsive to the inquiry to the address or
118 e-mail account designated by the insurer or its agent ~~If the~~
119 ~~insurer determines that the insured has unreasonably caused a~~
120 ~~delay in the repair of the dwelling; or~~

121 (III) If the insurer has paid policy limits under a
122 personal residential property insurance policy for a loss to the
123 insured dwelling that was damaged, or policy limits under a
124 commercial residential property insurance policy for a loss to
125 each insured structure that was damaged.

126 3. If the insurer elects to nonrenew a policy after the
127 expiration of the time in subparagraph 1., the insurer must
128 provide notice in accordance with subsection (2) ~~covering a~~
129 ~~property that has been damaged, the insurer shall provide at~~
130 ~~least 90 days' notice to the insured that the insurer intends to~~
131 ~~nonrenew the policy 90 days after the dwelling or residential~~
132 ~~property has been repaired.~~

133 4. Nothing in This paragraph does not shall prevent the
134 insurer from canceling or nonrenewing the policy after the
135 repair is completed ~~90 days after the repairs are complete~~ for
136 the same reasons the insurer would otherwise have canceled or
137 nonrenewed the policy but for ~~the limitations of~~ subparagraph 1.
138 ~~The Financial Services Commission may adopt rules, and the~~

523411 - h1149-line 75.docx

Published On: 2/21/2024 7:01:21 PM

Amendment No. 1

139 ~~Commissioner of Insurance Regulation may issue orders, necessary~~
140 ~~to implement this paragraph.~~

141 ~~5.4.~~ This paragraph shall also apply to personal
142 residential and commercial residential policies covering
143 property that was damaged as the result of Hurricane Ian or
144 Hurricane Nicole.

145 ~~6. 5.~~ For purposes of this paragraph:

146 a. A structure is deemed to be repaired when substantially
147 completed and restored to the extent that it is insurable by:

148 (I) Another authorized insurer writing policies in this
149 state if the structure is currently insured by an authorized
150 insurer; or

151 (II) Another authorized or eligible surplus lines insurer
152 writing policies in this state if the structure is currently
153 insured by an eligible surplus lines insurer.

154 b. The term "insurer" means an authorized insurer or an
155 eligible surplus lines insurer.

156 c. Except for subparagraph 5., the term "damage" includes,
157 but is not limited to, flood damage related to a hurricane if
158 flood is a covered peril under the personal residential or
159 commercial residential property insurance policy.

160 7. In the event of wide-spread significant flooding, as
161 determined by the Commissioner of Insurance Regulation, caused
162 by a hurricane or other natural event, the Commissioner of
163 Insurance Regulation may issue an order preventing insurers from

Amendment No. 1

164 canceling or nonrenewing personal residential or commercial
165 residential property insurance policies covering dwellings or
166 residential properties located within zip codes, as determined
167 by the Commissioner of Insurance Regulation, directly affected
168 by such flooding. If a claim is made while such an order is in
169 effect, the insurer may not cancel or nonrenew personal
170 residential or commercial residential property insurance
171 policies covering dwellings or residential properties until the
172 earlier of the completion of repairs or the expiration of one
173 subsequent renewal of the policy that was in force at the time
174 of the loss, even if the personal residential or commercial
175 residential property insurance policies do not cover the peril
176 of flood. An order issued pursuant to this subparagraph may
177 remain in effect for an initial period of 90 days and may be
178 renewed for subsequent 90-day periods, not to exceed a total of
179 270 days. The subparagraph only applies to coverage periods and
180 does not alter coverage otherwise provided by any insurance
181 policy.