



Insurance Legislation

As of February 26, 2009

<i>Issue</i>	<i>Bill Number and Sponsor</i>	<i>References</i>	<i>Status</i>	<i>Description</i>
Low & Moderate Income Homeowners/ Insurance Assistance	<u>HB 229</u> Braynon	Military & Local Affairs; Insurance, Business & Financial Affairs; Economic Development & Community Affairs; Finance & Tax Council	In Military & Local Affairs	Authorizes counties to establish fund for providing no-interest loans to assist low-income & moderate-income homeowners in paying homeowners' insurance premiums; authorizes governing authority of counties to levy surtaxes on building-related permits to finance assistance fund; limits amount families may receive from fund in any year; requires loans to be repaid if homestead is sold or refinanced.
	<u>SB 328</u> Wilson	Community Affairs; Banking & Insurance; Finance & Tax; Transportation & Economic Development Appropriations; Ways & Means	In Community Affairs	
Property Insurance Rates	<u>HB 351</u> Legg	Insurance, Business & Financial Affairs; Military & Local Affairs; General Government	Temporarily postponed in Insurance, Business & Financial Affairs on February 17	Requires property insurance companies to consider county ordinances and the Florida Building Code when setting rates.

Property Insurance Rates, Con't	SB 742 Fasano	Banking & Insurance; Community Affairs; General Government Appropriations	On Banking & Insurance agenda for March 4	
My Safe Florida Home Program	HB 359 Steinberg	Insurance, Business & Financial Affairs; General Government; Appropriations Council on General Government & Health Care	In Insurance, Business & Financial Affairs	Authorizes condominium unit owners to apply for My Safe Florida Home Program grants to retrofit their properties; provides additional funding.
	SB 1344 Bennett	Banking & Insurance; Regulated Industries; General Government Appropriations; Ways & Means	In Banking & Insurance	
	SB 2078 Justice		Filed, February 24	Revises criteria for mitigation grants; requires the DFS to assign contractors to homeowners; expands the list of improvements for which grants may be used; authorizes an insurer to accept as valid a uniform mitigation verification form signed by specified parties; provides penalties for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; \$25M appropriation.
Cherry Picking	SB 410 Fasano	Banking & Insurance; Judiciary	In Banking & Insurance	Amends the Unfair Trade Practices Act (s. 626.9541, FS) to require insurers to offer in Florida the same lines of insurance that the insurer offers in another state.
Condominium Insurance	CS/HB 419 Bogdanoff	Civil Justice & Courts (CS, 6 Yeas, 0 Nays); Insurance, Business & Financial Affairs; Criminal & Civil Justice	Committee Substitute by Civil Justice & Courts on February 17 (6 Yeas, 0 Nays)	Requires coverage under condominium unit owner's policy to include specified amount of loss assessment coverage; provides notice requirements for certain coverage; requires coverage for certain personal property to be responsibility of condominium unit owner; revises board meeting notice requirements.

Condominium Insurance, Cont.	SB 714 Jones	Banking & Insurance; Regulated Industries; General Government Appropriations	In Banking & Insurance	Requires that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal. Requires that such replacement cost be determined at least once within a specified period.
	HB 831 Frishe		Filed, February 11	Requires that condominium unit owners' policies issued on or after a specified date include a specified minimum amount of loss-assessment coverage. Deletes provisions relating to the responsibility to provide property insurance for certain improvements or additions. Requires that an association require unit owners to provide evidence of a currently effective personal liability policy.
	SB 880 Fasano	Regulated Industries; Banking & Insurance; Community Affairs; Judiciary	In Regulated Industries	
Cat Fund	HB 437 Rader		Filed, January 19	Creates the Division of the Florida Hurricane Catastrophe Fund within the State Board of Administration; revises provisions requiring SBA to invest specified funds; provides for division assumption of SBA duties with respect to fund; revises membership of Florida Hurricane Catastrophe Fund Finance Corporation; provides for reversion of fund assets upon termination of fund; makes changes to the TICL layer.
Title Insurance	SB 444 Bennett	Banking & Insurance; Judiciary; General Government Appropriations	In Banking & Insurance	Authorizes a title insurance agent or agency to charge a reasonable fee for certain services; prohibits charges for certain services from being set below the cost to provide such services; prohibits a person from knowingly quoting, charging, accepting, collecting, or receiving a premium for title insurance other than the premium approved by the OIR; revises definitions.

Professional Liability	HB 511 O'Toole	Civil Justice & Courts; Insurance, Business & Financial Affairs; Criminal & Civil Justice; Policy Council	In Civil Justice & Courts	Revises requirements for reporting professional liability claims to the OIR; revises definitions; requires absence of claims submission reports to be filed under specified circumstances.
	SB 2252 Baker		Filed, February 26	
Insurance Rates/Carbon Monoxide Detectors and Alarms	HB 513 Gonzalez	Insurance, Business & Financial Affairs; General Government Council; Government Operations Appropriations Committee; Appropriations Council on General Government & Health Care	In Insurance, Business & Financial Affairs	Requires residential property insurers to give discounts for the installation of carbon monoxide detectors.
	SB 822 Garcia	Banking & Insurance; General Government Appropriations	In Banking & Insurance	
Use of Education, Employment or Credit in Rating	HB 683 P. Taylor		Filed, February 2	Prohibits the use of education, employment or credit in the making and use of insurance rates.
	SB 1524 Storms	Banking & Insurance; Commerce	In Banking & Insurance	
Bodily Injury/Wrongful Death	HB 711 Waldman	Civil Justice & Courts; Insurance, Business & Financial Affairs; Criminal & Civil Justice Council; Policy Council	In Civil Justice & Courts	Prohibits bodily injury policies from including family member exclusions for wrongful death claims.
	SB 1254 Hill	Banking & Insurance; Judiciary	In Banking & Insurance	

CPIC/Dwelling Fire Policies	HB 715 Jenne		Filed, February 3	Requires CPIC's Plan of Operation to be expanded to require CPIC to offer certain dwelling fire policies.
	SB 1060 Bennett	Banking & Insurance; General Government Appropriations; Ways & Means	In Banking & Insurance	
Motor Vehicle Financial Responsibility	HB 735 Fetterman	Roads, Bridges & Ports; Economic Development & Community Affairs Council; Transportation & Economic Development Appropriations Committee; Appropriations Council on Education & Economic Development	In Roads, Bridges & Ports	Requires person who has been found guilty of or entered plea of guilty or nolo contendere to felony traffic offense or had mandatory revocation of driving privileges maintain a certain amount of security or insurance for liability coverage of accidents involving use of motor vehicle; requires DHSMV to provide notice to OIR of such persons.
	SB 1634 Gelber	Transportation; Banking & Insurance; Transportation & Economic Development Appropriations	In Transportation	
Premium Finance	HB 741 Patterson	Insurance, Business & Financial Affairs; General Government Policy Council	In Insurance, Business & Financial Affairs	Clarifies existing law that a discount given for payment of premium in full does not constitute premium financing provided that the discount is actuarially justified and approved by the OIR.
	SB 1432 Storms	Banking & Insurance; Finance & Tax	In Banking & Insurance	
Self Insurance Funds/Electric Cooperatives	HB 845 Drake		Filed, February 11	Allows 2 or more electric cooperatives to operate a self insurance fund; provides for criteria and purposes.
	SB 1138 Gaetz	Banking & Insurance; Communications, Energy, & Public Utilities; Higher Education; Ways & Means	In Banking & Insurance	

Surplus Lines Insurance	HB 853 Patterson		Filed, February 12	Specifies that the provisions of Chapter 627 do not apply to surplus lines insurers; provides for retroactive application.
	SB 1894 Bennett	Banking & Insurance; Finance & Tax; General Government Appropriations; Ways & Means	In Banking & Insurance	
Citizens Property Insurance Corporation Rates	SB 862 Fasano	Banking & Insurance; General Government Appropriations; Ways & Means	In Banking & Insurance	Extends the rate freeze on Citizens rates for another year.
Workers' Comp	HB 903 Flores		Filed, February 16	Revises current law relating to the award of attorneys fees in an attempt to fix the Murray decision.
	SB 2072 Richter		Filed, February 24	
	SB 1918 Richter		Filed, February 19	Workers' compensation insurance shell bill
	SB 2280 Gelber		Filed February, 26	Deletes provisions prohibiting payments for services in connection with a workers' comp claim which are not approved by a judge of compensation claims; deletes provisions prohibiting such judge from approving the payment of attorney's fees in excess of certain amounts; provides that Chapter 440 does not impair the right of a claimant to contract with an attorney.
	HB 311 P. Taylor		WITHDRAWN	
Public Records Exemption/ Florida Insurance Guaranty Association	HB 961 Wood		Filed, February 17	Exempts certain claims information from public record
Insurance Claims	SB 962 Gaetz	Banking & Insurance; Judiciary	In Banking & Insurance	Provides that it is an unfair claim settlement practice for an insurer to fail to adopt and implement standards for the adjustment of claims.

Fiduciary Duty of Insurers	SB 964 Gaetz	Banking & Insurance; Judiciary; Criminal & Civil Justice Appropriations	In Banking & Insurance	Provides legislative findings under s. 624.155, FS, that insurers have a fiduciary duty to treat their insureds fairly and in good faith.
Accident Response Fees	HB 1043 N. Thompson		Filed, February 20	Prohibits counties and municipalities from charging fees or seeking reimbursement for accident response.
	SB 2282 Bennett		Filed, February 26	
Civil Remedies Against CPIC	HB 1051 Domino		Filed, February 20	Authorizes a person to bring a civil action against CPIC in certain situations; prohibits the assessment of punitive damages against CPIC.
	SB 960 Gaetz	Banking & Insurance; Judiciary; General Government Appropriations	In Banking & Insurance	
Statewide Wind Pool	HB 1157 Bogdanoff		Filed, February 25	Makes changes to the Florida Hurricane Catastrophe Fund; implements the statewide wind pool.
Public Records Exemption/ Florida Hurricane Protection Program	HB 1159 Bogdanoff		Filed, February 25	Creates a public record exemption for certain records of the Florida Hurricane Protection Program of the Florida Hurricane Catastrophe Fund.
	SB 1046 Fasano	Banking & Insurance; Governmental Oversight & Accountability; Rules	In Banking & Insurance	
Viatical Settlements	HB 1167 Legg		Filed, February 25	Revises law relating to annual statements, increased administrative fines, life expectancy providers, disbursement disclosure requirements, fraudulent acts and prohibited practices, viatical settlement contracts, disclosure of marketing materials, criminal penalties, insurer notification requirements, insurer responsibilities under insurance transfer requests, information maintenance and reporting, and unenforceable contracts, agreements, arrangements, and transactions.

Viatical Settlements, Con't.	SB 1882 Fasano	Banking & Insurance; Judiciary; General Government Appropriations	In Banking & Insurance	Requires a viatical settlement provider's annual statement include certain information; provides additional grounds upon which the OIR may suspend, revoke, deny, or refuse to renew the license of a viatical settlement provider; requires that a viatical settlement provider provide to the viator a disclosure statement before or concurrently with the viator's execution of a viatical settlement contract.
	SB 1924 Gaetz		Filed, February 19	Requires a viatical settlement provider annually to file a statement containing certain information; clarifies grounds for which the OIR may suspend, revoke, deny, or refuse to renew the license of a viatical settlement provider; prohibits a person from performing the functions of a life expectancy provider regarding viatical settlement contracts without first having registered as such a provider.
Non-assessable Residential Property Insurance	HB 1171 Proctor		Filed, February 25	Defines "nonassessable residential property insurance" and "assessable residential property insurance"; exempts "nonassessable residential property insurance" from Cat Fund assessments and CPIC assessments; exempts "nonassessable residential property insurance" from rate regulation.
	SB 2036 Bennett		Filed, February 24	
Public Adjusters Insurance	HB 1239 Long		Filed, February 26	Specifies prohibitions for public adjusters relating to soliciting professional employment; prohibits public adjusters from sending unsolicited written communications under specified circumstances; specifies criteria for such communications; specifies requirements for and prohibitions relating to specified written or electronic communications from public adjusters to prospective clients.

Public Adjusters Insurance, Con't.	SB 1372 Bennett	Banking & Insurance; Criminal Justice; Ways & Means	In Banking & Insurance	Prohibits the sale of annuities to certain people; prohibits the family member of a life insurance agent from being the beneficiary of certain life insurance policies; expands the grounds for discretionary refusal, suspension, or revocation of certain insurance licenses.
Civil Actions Against Insurers	SB 1650 Oelrich	Banking & Insurance; Judiciary; General Government Appropriations	In Banking & Insurance	Authorizes an insured to bring a civil action against an insurer when the insured is damaged by the commission of certain acts by the insurer; requires the insured and any person demanding settlement to cooperate with the insurer with regard to facilitating the settlement; provides that the insurer is not liable for extra contractual damages for failing to pay the insurer's policy limits under certain circumstances.
Insurance	SB 1820 Fasano	Banking & Insurance; General Government Appropriations; Ways & Means	In Banking & Insurance	Provides penalties for incorrectly marking information as trade secret; limits the definition of "casualty insurance"; amends the list of unfair or deceptive acts to include the refusal to insure a risk solely because of the fact the individual owns animals; limits the number of residential property insurance policies that can be nonrenewed in one year to 2% of total policies; requires collateral from policyholder for large deductible workers' compensation policies; makes other changes related to the business of insurance.
Termination of Homeowners Insurance Policies	SB 2118 Dean		Filed, February 25	Requires OIR to provide certain information to the homeowners' insurance policyholder when a policy is cancelled or non renewed.

CPIC/Definition of "Subject Lines of Business"	SB 2146 Gardiner		Filed, February 25	Redefines the term "subject lines of business" in reference to Citizens.
Insurance Shell Bills	SB 1944 Richter		Filed, February 19	
	SB 1950 Richter		Filed, February 19	
	SB 1952 Richter		Filed, February 19	
	SB 1954 Richter		Filed, February 19	
	SB 2182 Alexander		Filed, February 25	
	SB 2186 Alexander		Filed, February 25	

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