

1                   A bill to be entitled  
2           An act relating to insurance; amending s. 319.30,  
3           F.S.; revising the requirements for certain electronic  
4           signatures submitted through insurance companies;  
5           amending s. 624.155, F.S.; providing requirements for  
6           the delivery of certain violation notices to insurers;  
7           revising the circumstances under which an action may  
8           not lie; revising the timeframe during which the  
9           statute of limitations for certain actions for civil  
10          remedy is tolled; amending ss. 624.307 and 624.315,  
11          F.S.; authorizing the releases of specified  
12          information obtained by the Department of Financial  
13          Services and the office; providing an exception;  
14          amending s. 627.062, F.S.; requiring an extension of  
15          the office's review period of insurance rate standards  
16          under certain circumstances; deleting obsolete  
17          language; prohibiting the office from disapproving a  
18          rate for homeowners' insurance under certain  
19          circumstances; amending ss. 627.0651 and 627.410,  
20          F.S.; requiring an extension of the office's review  
21          period of insurance rate standards under certain  
22          circumstances; amending s. 627.70132, F.S.; revising  
23          the types of claims, supplemental claims, or reopened  
24          claims under a property insurance policy that are  
25          barred unless notice is given to the insurer within a

26 | specified timeframe; revising the timeframe of such  
 27 | claims; revising the definition of the terms  
 28 | "supplemental claim" and "reopened claim"; amending s.  
 29 | 627.7015, F.S.; revising the timeframe for insurers'  
 30 | notification of certain mediation program; conforming  
 31 | provisions to changes made by the act; amending s.  
 32 | 627.714, F.S.; specifying the maximum amount of loss  
 33 | assessment coverage for certain unit owners; providing  
 34 | an effective date.

35 |

36 | Be It Enacted by the Legislature of the State of Florida:

37 |

38 | Section 1. Paragraph (d) of subsection (3) of section  
 39 | 319.30, Florida Statutes, is amended to read:

40 | 319.30 Definitions; dismantling, destruction, change of  
 41 | identity of motor vehicle or mobile home; salvage.—

42 | (3)

43 | (d) An electronic signature that is consistent with  
 44 | chapter 668 satisfies any signature required under this  
 45 | subsection, except that an electronic signature on an odometer  
 46 | disclosure submitted through an insurance company must be  
 47 | executed using an electronic signature, as defined in s.  
 48 | 668.003(4), that uses a system providing an Identity Assurance  
 49 | Level, Authenticator Assurance Level, and Federation Assurance  
 50 | Level, as described in the National Institute of Standards and

51 Technology Special Publication 800-63-3, as of December 1, 2017,  
 52 that are equivalent to or greater than:

53 ~~1. Level 2, for each level, for a certificate of~~  
 54 ~~destruction or.~~

55 ~~2. Level 2 3, for each level, for a salvage certificate of~~  
 56 ~~title.~~

57 Section 2. Subsection (3) of section 624.155, Florida  
 58 Statutes, is amended to read:

59 624.155 Civil remedy.—

60 (3)(a) As a condition precedent to bringing an action  
 61 under this section, the department and the authorized insurer  
 62 must have been given 60 days' written notice of the violation.  
 63 Notice to the authorized insurer must be delivered to the name  
 64 and address designated by the insurer under s. 624.422(2).

65 (b) The notice shall be on a form provided by the  
 66 department and shall state with specificity the following  
 67 information, and such other information as the department may  
 68 require:

69 1. The statutory provision, including the specific  
 70 language of the statute, which the authorized insurer allegedly  
 71 violated.

72 2. The facts and circumstances giving rise to the  
 73 violation.

74 3. The name of any individual involved in the violation.

75 4. Reference to specific policy language that is relevant

76 to the violation, if any. If the person bringing the civil  
77 action is a third party claimant, she or he shall not be  
78 required to reference the specific policy language if the  
79 authorized insurer has not provided a copy of the policy to the  
80 third party claimant pursuant to written request.

81 5. A statement that the notice is given in order to  
82 perfect the right to pursue the civil remedy authorized by this  
83 section.

84 (c) No action shall lie if, within 60 days after the  
85 authorized insurer receives the ~~filing~~ notice pursuant to  
86 paragraph (a), the damages are paid or the circumstances giving  
87 rise to the violation are corrected.

88 (d) The authorized insurer that is the recipient of a  
89 notice filed pursuant to this section shall report to the  
90 department on the disposition of the alleged violation.

91 (e) The applicable statute of limitations for an action  
92 under this section shall be tolled for a period of:

93 1. Sixty days after the date on which appraisal is invoked  
94 by any party in a residential property insurance claim; and

95 2. Sixty-five ~~65~~ days after the date on which ~~by the~~  
96 ~~mailing of~~ the notice required under ~~by~~ this subsection or the  
97 ~~mailing of a~~ subsequent notice required under ~~by~~ this subsection  
98 is mailed.

99 (f) A notice required under this subsection may not be  
100 filed within 60 days after appraisal is invoked by any party in

101 a residential property insurance claim.

102 Section 3. Subsection (4) of section 624.307, Florida  
 103 Statutes, is amended to read:

104 624.307 General powers; duties.—

105 (4) The department and office may each collect, propose,  
 106 publish, and disseminate information relating to the subject  
 107 matter of any duties imposed upon it by law. Aggregate  
 108 information published or disseminated by the department or  
 109 office pursuant to the powers under this subsection may include  
 110 information covered by a notice of trade secret under subsection  
 111 624.4213(1), unless the information can be individually  
 112 extrapolated, in which case the information may not be published  
 113 or disseminated by the department or the office.

114 Section 4. Subsection (4) is added to section 624.315,  
 115 Florida Statutes, to read:

116 624.315 Department; annual report.—

117 (4) The office may include information covered by a notice  
 118 of trade secret under subsection 624.4213(1) in the report under  
 119 subsection (1) or make the information available under  
 120 subsection (2), unless the information can be individually  
 121 extrapolated, in which case the information may not be published  
 122 or disseminated by the department or the office.

123 Section 5. Paragraphs (a) and (j) of subsection (2) of  
 124 section 627.062, Florida Statutes, are amended to read:

125 627.062 Rate standards.—

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

127 (a) Insurers or rating organizations shall establish and  
 128 use rates, rating schedules, or rating manuals that allow the  
 129 insurer a reasonable rate of return on the classes of insurance  
 130 written in this state. A copy of rates, rating schedules, rating  
 131 manuals, premium credits or discount schedules, and surcharge  
 132 schedules, and changes thereto, must be filed with the office  
 133 under one of the following procedures:

134 1. If the filing is made at least 90 days before the  
 135 proposed effective date and is not implemented during the  
 136 office's review of the filing and any proceeding and judicial  
 137 review, such filing is considered a "file and use" filing. In  
 138 such case, the office shall finalize its review by issuance of a  
 139 notice of intent to approve or a notice of intent to disapprove  
 140 within 90 days after receipt of the filing. The notice of intent  
 141 to approve and the notice of intent to disapprove constitute  
 142 agency action for purposes of the Administrative Procedure Act.  
 143 Requests for supporting information, requests for mathematical  
 144 or mechanical corrections, or notification to the insurer by the  
 145 office of its preliminary findings does not toll the 90-day  
 146 period during any such proceedings and subsequent judicial  
 147 review. The rate shall be deemed approved if the office does not  
 148 issue a notice of intent to approve or a notice of intent to  
 149 disapprove within 90 days after receipt of the filing.

150 2. If the filing is not made in accordance with

151 subparagraph 1., such filing must be made as soon as  
152 practicable, but within 30 days after the effective date, and is  
153 considered a "use and file" filing. An insurer making a "use and  
154 file" filing is potentially subject to an order by the office to  
155 return to policyholders those portions of rates found to be  
156 excessive, as provided in paragraph (h).

157 3. If the last day of the 90-day timeframe for the  
158 issuance of a notice of intent under subparagraph 1. ends on a  
159 weekend or a holiday specified in s. 110.117, the closure of the  
160 office's review period shall be extended until the conclusion of  
161 the next business day.

162 ~~3. For all property insurance filings made or submitted~~  
163 ~~after January 25, 2007, but before May 1, 2012, an insurer~~  
164 ~~seeking a rate that is greater than the rate most recently~~  
165 ~~approved by the office shall make a "file and use" filing. For~~  
166 ~~purposes of this subparagraph, motor vehicle collision and~~  
167 ~~comprehensive coverages are not considered property coverages.~~

168 (j) With respect to residential property insurance rate  
169 filings:<sup>7</sup>

170 1. The rate filing must account for mitigation measures  
171 undertaken by policyholders to reduce hurricane losses.

172 2. The office may not disapprove a rate for homeowners'  
173 insurance solely because the rate filing uses a modeling  
174 indication that is the weighted or straight average of two or  
175 more models currently found to be accurate or reliable pursuant

176 | to s. 627.0628.

177 |

178 | The provisions of this subsection do not apply to workers'  
179 | compensation, employer's liability insurance, and motor vehicle  
180 | insurance.

181 | Section 6. Paragraph (a) of subsection (1) of section  
182 | 627.0651, Florida Statutes, is amended to read:

183 | 627.0651 Making and use of rates for motor vehicle  
184 | insurance.—

185 | (1) Insurers shall establish and use rates, rating  
186 | schedules, or rating manuals to allow the insurer a reasonable  
187 | rate of return on motor vehicle insurance written in this state.  
188 | A copy of rates, rating schedules, and rating manuals, and  
189 | changes therein, shall be filed with the office under one of the  
190 | following procedures:

191 | (a)1. If the filing is made at least 60 days before the  
192 | proposed effective date and the filing is not implemented during  
193 | the office's review of the filing and any proceeding and  
194 | judicial review, such filing shall be considered a "file and  
195 | use" filing. In such case, the office shall initiate proceedings  
196 | to disapprove the rate and so notify the insurer or shall  
197 | finalize its review within 60 days after receipt of the filing.  
198 | Notification to the insurer by the office of its preliminary  
199 | findings shall toll the 60-day period during any such  
200 | proceedings and subsequent judicial review. The rate shall be

201 deemed approved if the office does not issue notice to the  
 202 insurer of its preliminary findings within 60 days after the  
 203 filing.

204 2. If the last day of the 60-day timeframe for the  
 205 office's notification or review finalization under subparagraph  
 206 1. ends on a weekend or a holiday specified in s. 110.117, the  
 207 closure of the office's review period shall be extended until  
 208 the conclusion of the next business day.

209 Section 7. Subsection (2) of section 627.410, Florida  
 210 Statutes, is amended to read:

211 627.410 Filing, approval of forms.—

212 (2) (a) Every such filing must be made at least 30 days in  
 213 advance of any such use or delivery. At the expiration of the 30  
 214 days, the form filed will be deemed approved unless prior  
 215 thereto it has been affirmatively approved or disapproved by  
 216 order of the office. The approval of such form by the office  
 217 constitutes a waiver of any unexpired portion of such waiting  
 218 period. The office may extend the period within which it may  
 219 affirmatively approve or disapprove such form by up to 15 days  
 220 by giving notice of such extension before expiration of the  
 221 initial 30-day period. At the expiration of such extended  
 222 period, and in the absence of prior affirmative approval or  
 223 disapproval, such form shall be deemed approved.

224 (b) If the last day of the initial 30-day period, or the  
 225 last day of the 15-day extension authorized by the office, under

226 paragraph (a) ends on a weekend or a holiday specified in s.  
 227 110.117, the closure of the review period shall be extended  
 228 until the conclusion of the next business day.

229 Section 8. Section 627.70132, Florida Statutes, is amended  
 230 to read:

231 627.70132 Notice of property insurance ~~windstorm or~~  
 232 ~~hurricane~~ claim. Except for a sinkhole loss as defined in  
 233 627.706(2), a claim, supplemental claim, or reopened claim under  
 234 an insurance policy that provides property insurance, as defined  
 235 in s. 624.604, ~~for loss or damage caused by the peril of~~  
 236 ~~windstorm or hurricane~~ is barred unless notice of the claim,  
 237 supplemental claim, or reopened claim is ~~was~~ given to the  
 238 insurer in accordance with the terms of the policy within 3  
 239 years after the date of loss ~~the hurricane first made landfall~~  
 240 ~~or the windstorm caused the covered damage~~. For purposes of this  
 241 section, the term "supplemental claim" or "reopened claim" means  
 242 any additional claim for recovery from the insurer for losses  
 243 ~~from the same hurricane or windstorm~~ which the insurer has  
 244 previously adjusted pursuant to the initial claim. This section  
 245 does not affect any applicable limitation on civil actions  
 246 provided in s. 95.11 for claims, supplemental claims, or  
 247 reopened claims timely filed under this section.

248 Section 9. Subsection (2) and paragraph (e) of subsection  
 249 (9) of section 627.7015, Florida Statutes, are amended to read:

250 627.7015 Alternative procedure for resolution of disputed

251 | property insurance claims.—

252 |       (2) ~~At the time of issuance and renewal of a policy or at~~  
 253 | ~~the time a first-party claim within the scope of this section is~~  
 254 | ~~filed by the policyholder,~~ The insurer shall notify the  
 255 | policyholder of its right to participate in the mediation  
 256 | program under this section and shall choose any of the following  
 257 | times to provide the notification:

- 258 |       (a) Upon the issuance and renewal of a policy; or
- 259 |       (b) At the time the policyholder:
  - 260 |           1. Disputes a claim; or
  - 261 |           2. Files a first-party claim within the scope of this  
 262 | section.

263 |  
 264 | The department shall prepare a consumer information pamphlet for  
 265 | distribution to persons participating in mediation.

266 |       (9) For purposes of this section, the term "claim" refers  
 267 | to any dispute between an insurer and a policyholder relating to  
 268 | a material issue of fact other than a dispute:

269 |       (e) With respect to a property ~~windstorm or hurricane~~ loss  
 270 | that does not comply with s. 627.70132.

271 |       Section 10. Subsection (2) of section 627.714, Florida  
 272 | Statutes, is amended to read:

273 |       627.714 Residential condominium unit owner coverage; loss  
 274 | assessment coverage required.—

275 |       (2) The maximum amount of any unit owner's loss assessment

276 coverage that can be assessed for any loss shall be an amount  
277 equal to that unit owner's loss assessment coverage limit in  
278 effect 1 day before the date of the occurrence that gave rise to  
279 the loss. Such coverage applies to any loss assessment  
280 regardless of the date of the assessment by the association. Any  
281 changes to the limits of a unit owner's coverage for loss  
282 assessments made on or after the day before the date of the  
283 occurrence do ~~are~~ not apply ~~applicable~~ to such loss.

284 Section 11. This act shall take effect upon becoming a  
285 law.