

# FSLA

## Florida Session Update: Week 8

### Permissible Insurance Acts: [SB 762/HB 483](#)

Revising the types, value, and frequency of advertising and promotional gifts that licensed insurers or their agents may give to insureds, prospective insureds, or others; authorizing such insurers and agents to make specified charitable contributions on behalf of insureds or prospective insureds, etc.

| HOUSE                                      | SENATE   |
|--|--|
| Insurance & Banking— <i>passed 1.10.18</i> | Banking & Insurance— <i>passed 1.23.18</i>                     |
| Commerce— <i>passed 1.18.18</i>            | Commerce & Tourism— <i>passed 2.6.18</i>                       |
| <i>Passed 2.14.18</i>                      | Rules— <i>passed 3.1.18</i><br><i>On second reading 3.2.18</i> |

### Insurance: [SB 784/HB 465](#)

Providing an exception from valuation rules for stocks in subsidiaries for certain foreign insurers under certain conditions; exempting foreign insurers from investment requirements relating to subsidiaries and corporations under certain conditions; increasing the amount of capital and surplus required for an insurer to waive a requirement to be an eligible surplus lines insurer; revising circumstances in which insurers may exclude coverage for owners or operators of transportation network company vehicles, etc.

| HOUSE  | SENATE   |
|--|--|
| Insurance & Banking— <i>passed with committee substitute 1.23.18</i> | Banking & Insurance— <i>passed 2.6.18</i>                            |
| Commerce— <i>passed 2.1.18</i>                                       | Judiciary— <i>passed 2.20.18</i>                                     |
|  | General Gov't Appropriations<br>Appropriations— <i>passed 3.2.18</i> |

### Chief Financial Officer: [SB 792/HB 1421](#)

Proposing an amendment to the State Constitution to revise the duties and responsibilities of the Chief Financial Officer, etc.

| HOUSE  | SENATE                                    |
|--|---|
| Oversight, Transparency & Administration— <i>passed 2.8.18</i> | Ethics & Elections— <i>passed 1.30.18</i> |
| Appropriations— <i>passed 2.15.18</i>                          | Judiciary— <i>passed 2.6.18</i>           |
| Government Accountability                                      | Rules— <i>passed 3.1.18</i>               |

### Public Records/Trade Secrets: [HB 459/SB 956/HB 461/SB 958](#)

Providing that certain information related to agency contracts is not confidential or exempt from public records requirements; deleting provisions exempting certain information from public records requirements under the Florida

Emergency Planning and Community Right-to-Know Act; deleting provisions relating to a public records exemption for trade secrets held by Space Florida; deleting a requirement that certain trade secret information submitted to the Agency for Health Care Administration be clearly designated as such, etc.

| HOUSE  | SENATE                  |
|--|-------------------------|
| Oversight, Transparency & Administration— <i>passed</i><br>1.17.18       | Governmental Oversight  |
| Government Accountability— <i>passed</i> 2.8.18<br><i>Passed</i> 2.21.18 | Appropriations<br>Rules |

**Department of Financial Services: [HB 1073/SB 1292](#)**

Revises requirements for electronic originals & copying of certain records media; revises certain bureau names & creates new bureaus; revises service options for child transition plans; provides certain exemptions for members & veterans of armed forces; requires adjustments to Regulatory Trust Fund; revises requirements for licensure or appointment of managing general agents under the Florida Insurance Code; revises license application process for managing general agent; revises terms of office for Florida Fire Safety Board; deletes provision for staffing and funding formula of Florida State Fire College.

| HOUSE  | SENATE  |
|--|---|
| Insurance & Banking— <i>passed</i> 1.23.18                 | Banking & Insurance— <i>passed</i> 1.23.18                        |
| Government Operations Appropriations— <i>passed</i> 2.6.18 | Children & Families— <i>passed</i> 2.6.18                         |
| Commerce— <i>passed</i> 2.13.18<br><b>Passed 3.1.18</b>    | Appropriations— <i>passed</i> 2.15.18<br><i>On second reading</i> |

**Florida Insurance Code Exemption for Nonprofit Religious Organizations: [SB 660/HB 1021](#)**

Revising criteria under which a nonprofit religious organization that facilitates the sharing of contributions among its participants for financial or medical needs is exempt from requirements of the code, etc.

| HOUSE   | SENATE  |
|---|---|
| Health Innovation— <i>passed</i> 1.17.18                                  | Banking & Insurance— <i>passed</i> 1.10.18            |
| Insurance & Banking— <i>passed</i> 1.23.18                                | Judiciary— <i>passed</i> 1.18.18                      |
| Health & Human Services— <i>passed</i> 2.1.18<br><i>On second reading</i> | Rules— <i>passed</i> 1.25.18<br><i>Passed</i> 2.21.18 |

**Assignment of Property Insurance Benefits: [SB 62](#)**

Prohibiting certain awards of attorney fees to certain persons or entities in suits based on claims arising under property insurance policies; requiring an assignee to meet certain requirements as a condition precedent to filing suit under a policy, etc.

| SENATE              |
|---------------------|
| Banking & Insurance |
| Judiciary           |
| Rules               |

**Property Insurance Assignment Agreements: [HB 7015](#)**

Authorizes insured & repair company to enter into assignment agreement for post-loss benefits to repair, replace, protect, & mitigate damaged property; requires notice of intent to initiate litigation & award of attorney fees for claims under assignment agreement; prohibits insurance policies from prohibiting assignment of post-loss benefits.

**HOUSE**

Judiciary—*approved as committee bill*  
*Passed House 1.12.18*

**Insurance: [SB 1168](#)**

Providing that certain attorney fees and costs paid by property insurers may not be included in the property insurer’s rate base and may not be used to justify a rate increase or rate change; providing that personal lines residential and commercial residential property insurance policies may not restrict the assignment of post-loss benefits; providing that an agreement to assign post-loss benefits of a residential homeowner’s property insurance is not valid unless specified conditions are met, etc.

**SENATE**

Banking & Insurance—*passed with amendments 1.23.18*  
Judiciary—*passed 2.6.18*  
Rules

**Florida Hurricane Catastrophe Fund: [HB 97/SB 1454](#)**

Revises reimbursements SBA must make to insurer to include 25 percent & 60 percent of insurer's losses; revises obligation of board with respect to all contracts covering particular contract year; revises amount of charges that reimbursement premium must include; requires money to be used by Division of Emergency Management for certain purposes; authorizes temporary rapid cash build-up factor to be used if fund balance drops below specified amount; authorizes board to direct OIR to levy emergency assessment on specified premiums to cure certain deficits in fund.

**HOUSE**

Insurance & Banking—*passed with amendment 1.23.18*  
Commerce

**SENATE**

Banking & Insurance—*passed 2.20.18*  
General Government Appropriations  
Appropriations

**Renters Insurance: [SB 678/HB 467](#)**

Requiring a residential rental agreement to specify whether renters insurance is required; providing that failure to include a certain notice in a rental agreement does not create a private cause of action or nullify any part of the rental agreement, etc.

**HOUSE**

Civil Justice & Claims  
Insurance & Banking  
Judiciary

**SENATE**

Banking & Insurance—*passed 12.5.17*  
Community Affairs  
Rules

**Hurricane Flood Insurance: [HB 1011/SB 1282](#)**

Revises mandatory homeowner's insurance policy disclosure related to absence of flood coverage; requires homeowner to initial flood insurance disclosure.

**HOUSE**

Insurance & Banking—*passed 1.10.18*  
Commerce—*passed 2.1.18*

**SENATE**

Banking & Insurance—*passed 1.30.18*  
Community Affairs—*passed 2.13.18*

Passed 2.14.18

Passed

Rules—passed 2.22.18

On third reading 3.2.18

**Property Insurance: SB 1652**

Prohibiting property insurers who fail to make inspections within a specified timeframe from denying or limiting payments for certain hurricane-related claims under certain circumstances.

SENATE

Banking & Insurance

Regulated Industries

Rules

**Residential Property Insurance Contracts: SB 1140**

Specifying requirements for an insurer offering residential coverage that places a restriction on the policyholder’s choice of contractor necessary to repair damage covered by the policy; providing penalties for violations, etc.

SENATE

Banking & Insurance

Regulated Industries

Rules

**Vacation Rentals: SB 1400/HB 773**

Requiring persons engaged in certain public lodging-related transactions to display a valid certificate of registration number in rental listings or advertisements; revising the inspection responsibilities of the Division of Hotels and Restaurants regarding vacation rentals; authorizing the division to refuse to issue or renew or to suspend or revoke the license of a public lodging establishment subject to a local final order directing the establishment to cease operations, etc.

HOUSE

Government Accountability—passed 2.22.18

Commerce

SENATE

Community Affairs—passed 1.30.18

Regulated Industries—passed 2.8.18

Appropriations

**Florida Building Commission: HB 299**

Revises membership of the commission; revises membership qualifications.

HOUSE

Careers & Competition—passed 11.15.17

Commerce

**Workers’ Compensation: HB 7009**

Requires panel to annually adopt statewide workers' compensation schedules of maximum reimbursement allowances; extends timeframes in which employees may receive certain workers' compensation benefits & in which carrier must notify treating doctor of certain requirements; revises provisions relating to retainer agreements & awarding attorney fees.

HOUSE

Commerce Committee—*passed 11.10.17*  
*Passed House 1.12.18*

### **Workers' Compensation Benefits for First Responders: [SB 376/](#)[HB 629/](#)[HB 227](#)**

Revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers' compensation benefits for first responders; providing that law enforcement officers, firefighters, emergency medical technicians, and paramedics are entitled to benefits under the Workers' Compensation Law for mental or nervous injuries, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances, etc.

| HOUSE   | SENATE                                     |
|---|--|
| Oversight, Transparency & Administration— <i>passed 1.30.18</i> | Banking & Insurance— <i>passed 12.5.17</i> |
| Government Operations Appropriations— <i>passed 2.13.18</i>     | Commerce & Tourism— <i>passed 1.16.18</i>  |
| Government Accountability<br><i>On special order 3.2.18</i>     | Appropriations— <i>passed 2.27.18</i>      |
|   | Rules— <i>passed 3.1.18</i>                |

### **Judges of Compensation Claims: [HB 687/](#)[SB 1412](#)**

Increases initial term of office for judge of compensation claims; provides benchmark & revises funding source for annual salaries of judges of compensation claims & Deputy Chief Judge of Compensation Claims.

| HOUSE                                    | SENATE   |
|--|--|
| Oversight, Transparency & Administration | Judiciary— <i>passed with amendment 1.25.18</i>    |
| Government Operations                    | General Gov't Appropriations— <i>passed 2.8.18</i> |
| Government Accountability                | Appropriations                                     |

### **Patient's Choice of Providers: [SB 714/](#)[HB 143](#)**

Citing this act as the "Patient's Freedom of Choice of Providers Act"; prohibiting a health insurer from excluding a willing and qualified health care provider from participating in the health insurer's provider network under certain circumstances, etc.

| HOUSE                   | SENATE              |
|-------------------------|---------------------|
| Health Innovation       | Banking & Insurance |
| Insurance & Banking     | Health Policy       |
| Health & Human Services | Rules               |

### **Firefighters: [SB 900/](#)[HB 695](#)**

Granting certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met; requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability; providing for death benefits to a firefighter's beneficiary if a firefighter died as a result of cancer or cancer treatments; specifying that any costs associated with benefits granted by the act are to be borne by the employer, etc.

| HOUSE | SENATE |
|-------|--------|
|-------|--------|

Oversight, Transparency & Administration—  
*workshopped 1.30.18*

Governmental Oversight—*passed 1.30.18*

Appropriations

Community Affairs—*passed 2.13.18*

Government Accountability

Appropriations

### **Workers' Compensation Ratemaking: [HB 1381](#)**

Revises & provides provisions relating to prospective loss costs & loss costs, including rates, liability insurance filings, workers' compensation & employer's liability insurance, public meetings & records requirements, underwriting rules, deviations, & OIR duties.

#### **HOUSE**

Insurance & Banking

Government Operations

Commerce

### **Prohibited Activities under the Workers' Compensation Law: [SB 1568](#)**

Requiring employers to comply with specified provisions relating to the unlawful employment of aliens, unfair immigration-related employment practices, and penalties for document fraud; providing a criminal penalty for violating such provisions, etc.

#### **SENATE**

Banking & Insurance—*passed 2.20.18*

Commerce & Tourism

Rules

### **Regulation of Workers' Compensation Insurance: [SB 1634](#)**

Authorizing the consumer advocate appointed by the Chief Financial Officer to intervene as a party in certain proceedings relating to the regulation of workers' compensation insurance or to seek review of certain agency actions relating to workers' compensation insurance before the Division of Administrative Hearings; specifying requirements and procedures for the consumer advocate in the examination of workers' compensation rates or form filings, etc.

#### **SENATE**

Banking & Insurance

Appropriations

Rules

### **Loss Sensitive Workers' Compensation Insurance Programs: [HB 1235](#)/[SB 1866](#)**

Provides that qualified insurer's offering of qualified loss-sensitive program of reinsurance, which accompanies issuance of certain guaranteed cost workers' compensation insurance policy to qualified insured, must be filed with OIR.

#### **HOUSE**

Insurance & Banking

Commerce

#### **SENATE**

Banking & Insurance—*passed 2.20.18*

Commerce & Tourism

**Open Government Sunset Review/Payment Instrument Transaction Information/Office of Financial Regulation: SB 7010**

Amending provisions relating to an exemption from public records requirements for certain payment instrument transaction information held by the Office of Financial Regulation; removing the scheduled repeal of the exemption, etc.

| HOUSE | SENATE   |
|-------|--|
|       | Banking & Insurance— <i>passed 1.10.18</i>                     |
|       | Governmental Oversight & Accountability— <i>passed 1.30.18</i> |
|       | Rules— <b><i>passed 3.1.18</i></b>                             |

**Motor Vehicle Insurance: HB 19/SB 150**

Repealing provisions relating to application of the Florida Motor Vehicle No-Fault Law; revising requirements for a motor vehicle liability policy that serves as proof of financial responsibility for certain operators or owners.

| HOUSE  | SENATE  |
|--|---|
| Commerce— <i>passed 11.7.17</i><br><i>Passed 1.12.18</i> | Banking & Insurance— <i>passed 1.10.18</i>                      |
|  | HHS Appropriations— <b><i>temporarily postponed 2.28.18</i></b> |
|  | Appropriations  |

**Texting while Driving: HB 33/SB 90**

Revises legislative intent; requires law enforcement officer to inform motor vehicle operator of certain rights; prohibits certain actions by such officer; removes requirement that enforcement be accomplished as secondary action.

| HOUSE  | SENATE   |
|--|--|
| Transportation & Infrastructure— <i>passed 1.9.18</i>                          | Communications, Energy & Utilities— <i>passed 10.24.17</i> |
| Judiciary— <i>passed with amendment 1.25.18</i>                                | Transportation— <i>passed 1.10.18</i>                      |
| Government Accountability— <i>passed 2.1.18</i><br><b><i>Passed 3.2.18</i></b> | TED Appropriations— <i>passed with amendment 1.23.18</i>   |
|  | Appropriations   |

**Motor Vehicle Insurance Online Verification System: SB 78/HB 441**

Authorizes insured & repair company to enter into assignment agreement for post-loss benefits to repair, replace, protect, & mitigate damaged property; requires notice of intent to initiate litigation & award of attorney fees for claims under assignment agreement; prohibits insurance policies from prohibiting assignment of post-loss benefits.

| HOUSE   | SENATE              |
|---|---------------------|
| Transportation & Infrastructure— <i>passed 11.15.17</i> | Banking & Insurance |
| Transportation & Tourism Appropriations                 | TED Appropriations  |
| Government Accountability                               | Appropriations      |
|   | Rules               |

***\*an amended version of this language, to conform more closely to IICMA, has been offered as an amendment to a House Transportation bill that is pending on the floor of the Florida House of Representatives.***

### **Motor Vehicle Insurance Rates: [SB 410](#)**

Providing that the use of a United States Postal Service zip code or a combination of zip codes as a rating territory for motor vehicle insurance rates is deemed unfairly discriminatory, etc.

#### **SENATE**

Banking & Insurance  
Commerce & Tourism  
Rules

### **Motor Vehicle Coverage Exclusions: [HB 329/SB 518](#)**

Provides that private passenger motor vehicle policies may exclude certain identified individuals from specified coverages under certain circumstances; provides that such policies may not exclude coverage under certain circumstances.

#### **HOUSE**

#### **SENATE**

Insurance & Banking—*passed with amendment 11.15.17*  
Commerce—*passed 1.11.18*  
*Temporarily postponed on second reading 1.24.18*

Banking & Insurance—*failed 1.23.18*  
Commerce & Tourism  
Rules

### **Autonomous Vehicles: [HB 353/SB 712](#)**

Authorizes person to operate, or engage autonomous technology to operate, autonomous vehicle in autonomous mode; provides that autonomous technology is deemed operator of autonomous vehicle operating in autonomous mode; provides construction & applicability; defines "human operator."

#### **HOUSE**

#### **SENATE**

Transportation & Infrastructure—*passed 11.8.17*  
Appropriations—*passed 1.22.18*  
Governmental Accountability

Transportation—*passed with amendment 1.25.18*  
Banking & Insurance  
Rules

### **Motor Vehicle Insurance Coverage for Windshield Glass: [HB 811/SB 396](#)**

Authorizes requirement of inspection of damaged windshield for covered motor vehicle before windshield repair or replacement is authorized by insurer.

#### **HOUSE**

#### **SENATE**

Insurance & Banking  
Transportation & Infrastructure  
Commerce

Banking & Insurance—*amended & passed 1.16.18*  
Commerce & Tourism—*passed 1.29.18; re-referred to*  
Banking & Insurance  
Rules

### **Traffic Accidents: [HB 1307/SB 1782](#)**

Authorizes law enforcement agency to contract with private entity to send claims adjuster to complete short-form crash report or provide driver exchange-of-information form; requires claims adjuster to submit report or form to DHSMV & law enforcement agency; revises requirements for short-form crash report.

#### **HOUSE**

#### **SENATE**

Transportation & Infrastructure

Transportation



**Personal Injury Protection Benefits: [HB 6011](#)**

Deletes requirement for insureds & health care providers to execute disclosure & acknowledgment form to claim personal injury protection benefits.

**HOUSE**

Insurance & Banking  
Health Innovation  
Commerce

**Unfair Insurance Trade Practices: [HB 533/SB 756](#)**

Authorizes certain insurers to refuse to insure or continue to insure applicant or insured for failing to purchase certain noninsurance motor vehicle services.

**SENATE**

**HOUSE**

Insurance & Banking—*passed 1.10.18*  
Commerce—*passed 1.18.18*  
*passed 1.31.18*  
*Passed 1.31.18*

Banking & Insurance—*passed 1.16.18*  
Commerce & Tourism—*passed 1.29.18*  
Rules—*passed 3.1.18*

**Actions against Contractors without Required Insurance Coverage: [SB 604/HB 89](#)**

Provides that contractor who fails to carry required insurance may be personally liable for damages that would have been covered by such insurance.

**HOUSE**

Civil Justice & Claims—*passed 11.8.17*  
Careers & Competition  
Judiciary

**SENATE**

Regulated Industries  
Judiciary  
Rules

**Construction Defect Claims: [HB 759/SB 680](#)**

Provides additional requirements for notices of claim, inspections, & notices of acceptance or rejection of settlement offers; revises provisions related to authorized representatives; requires, rather than authorizes, certain persons to serve copies of notices of claim to certain professionals; provides for mediation under certain circumstances, subject to certain requirements; revises provisions relating to tolling certain statutes of limitations.

**HOUSE**

Civil Justice—*passed 1.10.18*  
Judiciary—*postponed 1.25.18; postponed 2.7.18*

**SENATE**

Judiciary  
Ethics & Elections  
Rules

**Judicial Nominating Commissions: [HB 753/SB 1030](#)**

Revises procedures for appointing members to judicial nominating commissions.

**HOUSE****SENATE**

Civil Justice—*passed 1.30.18*  
Judiciary

Judiciary  
Ethics & Elections  
Rules

**Mediation: [SB 1034/HB 1043](#)**

Requiring that insurance carrier representatives who attend circuit court mediation have specified settlement authority and the ability to immediately consult by specified means with persons having certain additional settlement authority; limiting the information that may be included in the mediator’s report to the court, etc.

**HOUSE****SENATE**

Civil Justice & Claims—*postponed 1.23.18*

Judiciary—*temporarily postponed 1.10.18; postponed 1.25.18; postponed 1.30.18*

Insurance & Banking  
Judiciary

Banking & Insurance

**Nursing Home Liability: [SB 1408/HB 1369](#)**

Requiring the general and professional liability insurance coverage that must be maintained by a licensed nursing home to meet certain criteria; repealing provisions relating to punitive damages and limitations on awards, etc.

**HOUSE****SENATE**

Civil Justice—*passed 1.30.18*  
Health Care Appropriations  
Judiciary

Banking & Insurance  
Health Policy  
Appropriations  
Rules

**Nonjoinder of Insurers: [HB 6075/SB 1452](#)**

Repeals provisions relating to nonjoinder of insurers.

**HOUSE****SENATE**

Insurance & Banking  
Judiciary  
Commerce

Banking & Insurance  
Judiciary  
Rules

**Noneconomic Damages for Wrongful Death Suits: [HB 6025/SB 878](#)**

Repeals provisions relating to determination of noneconomic damages & limits on noneconomic damages.

**HOUSE****SENATE**

Civil Justice  
Judiciary

Judiciary  
Commerce & Tourism  
Rules

**Insurance Rates: [SB 258](#)**

Prohibiting attorney fees paid pursuant to specified provisions under the Workers' Compensation Law and the Florida Insurance Code from being included in an insurer's rate base or used to justify a rate or rate change, etc

**SENATE**

Banking & Insurance

Appropriations

Rules

**Insurer Reporting: [SB 1668](#)**

Requiring insurers filing rates with the Office of Insurance Regulation to provide specified information and projections relating to claim litigation in their rate filings, etc.

**SENATE**

Banking & Insurance

Judiciary

Rules