



2021 Legislative Session Update

HB 305/SB 76 - Property Insurance

Designed to address the property insurance marketplace crisis, the bill amends the one-way attorney fee statute and provides an alternative one for property insurance claims. It also reduces from 3 years to 2 years the time allowed for an insured to file a property insurance claim, aligns Florida law to the federal standard for application of contingency fee multipliers, and allows insurers to offer homeowner's policies that allow depreciation for roofs 10 years or older.

- Last week the House Insurance & Banking Committee took up HB 305 and amended it. The amendment struck language on attorney fee reform and the contingency fee multiplier. Because the amendment changed the title of the bill, the bill was temporarily postponed, and it will be voted on Tuesday, March 23rd at 9:30 a.m.
- The Senate Rules Committee had a long agenda, but spent the bulk of it devoted to SB 76, their version of the same bill. The bill was changed via a strike-all amendment offered by the sponsor, Sen. Boyd, but retains substantive provisions regarding attorney fee reform, contingency fee multiplier use, and payment of ACV on roofs. Because the committee ran out of time, the bill will be debated and voted upon at the next Rules Committee on Thursday, March 25th at 9:00 a.m.

Both meetings will be viewable on <https://thefloridachannel.org>.

HB717/SB 1598 - Consumer Protection

This bill, an initiative of Chief Financial Officer Jimmy Patronis, is back for the second year. It does a number of things, but specific to the surplus lines market, it requires dispute resolution for certain policies sold in Florida to occur in Florida, it applies certain claims handling requirements currently applicable to the admitted market to the surplus lines market, and it mandates that the notification regarding the export of a policy to the surplus lines market, currently given only to commercial policyholders, be given to all policyholders.

- The House bill cleared its second committee Week 2; the Senate version passed Banking & Insurance Week 3, and the Senate bill heard be heard for the second time in Week 4.

HB 815/SB 742 - Insurance

Known as the “insurance omnibus bill,” this bill makes a number of changes to improve efficiencies and address regulatory constraints. Specifically, it reinstates the diligent effort exemption for flood insurance, clarifies the application of assignment agreements, and makes updates to the loss run framework specifically as it relates to group health insurance, among other changes.

- Both “omnibus” bills were heard in their first committees Week 2; they were amended and are now identical as they work through the process.

HB 7/SB 72 - Civil Liability for Damages Relating to COVID-19 **SB 74/HB 7005 - COVID-19 Related Claims Against Health Care Providers**

These bills protect businesses (HB 7/SB 72) and health care providers/facilities (HB 7005/SB 74) from civil liability for COVID-19 damages.

- Recently, the Senate merged their bills, and this past Thursday, passed the combined legislation off the Senate floor. The House already passed both of their bills, but is waiting to receive the merged Senate product before a final vote on the issue is taken.

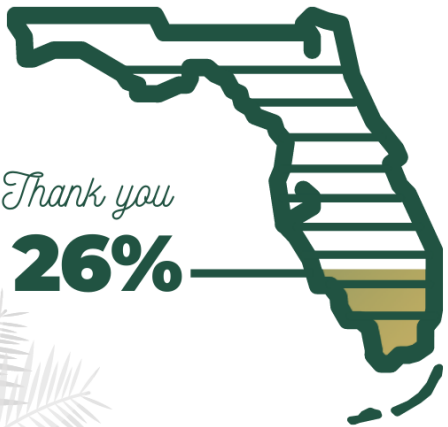
HB 969/SB 1734 - Consumer Data Privacy

Modeled after privacy laws enacted in other states, the bill requires businesses to publish privacy policies, provides a definition for “personal information” subject to privacy regulation, gives consumers the right to access, delete, and opt-out of the sharing of personal information, requires businesses to comply with certain requests, and allows the Attorney General to subject businesses in violation of these requirements to civil penalties, while also providing a private cause of action for enforcement.

- The House heard this bill in its first committee Week 2 of session; it passed unanimously with several amendments, and will be up in its second committee Week 4. The Senate version will also be up Week 4, just in its first committee; a strike-all amendment has been filed. Both sponsors have indicated that this issue is continuing to develop.
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