



2021 Legislative Session Update

HB 305/SB 76 - Property Insurance

- *The House and Senate have chosen divergent paths on how to solve Florida's deteriorating property insurance marketplace. [SB 76](#) is expected to be approved by the full Senate this week, and adjusts the one-way attorney fee statute, while allowing for actual cash value coverage on older roofs and reinstating the federal contingency risk multiplier standard. [HB 305](#) will be heard in its second committee on Tuesday afternoon, and adds additional regulation of managing general agents, revising Citizens' eligibility thresholds, and, as it relates to litigation, provides a pre-suit notice and demand process.*

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 awaits its last committee hearing, after being postponed in Week 4. The Senate bill also awaits its last committee hearing in that chamber.*

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 bills await a hearing in their final committees of reference.*

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.

- *SB 72 was amended to include protections for health care providers and facilities, and the entire COVID-19 liability protection package was signed into law by the Governor on March 29th.*

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.

- *Both bills were heard Week 4 and were amended (current versions of HB 969/SB 1734), however, none of the amendments improved the compliance issues contained therein. The business community is very activated on this issue, and the Governor has engaged as well. This bill will be heard in Senate Rules on Tuesday, and we expect a more favorable delete-all amendment will be filed, that will hopefully remove the private causes of action, provide a more robust business to business exemption, and narrow the bill's applicability.*

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