



2021 Legislative Session - Bills to Watch

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.

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.

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.

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. HB 7/SB 72 require a complaint to be plead with particularity, a physician affidavit—confirming the physician's belief that the COVID-19 related injury occurred because of the defendant's conduct—be

submitted at the time of filing suit, and that a plaintiff prove, by clear and convincing evidence, that a defendant was at least grossly negligent. HB 7005/SB 74 simply requires a claimant to provide that a health care provider was at least grossly negligent, failed to substantially comply with government health standards or guidance, and provides protection if supplies or personnel were not readily available to comply with the standards or guidance.

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.

SB 846/HB 561 - Medical Expenses

Aimed at addressing the use of letters of protection in civil liability cases, this bill limits the scope of evidence that is admitted to prove past paid and unpaid medical charges in a personal injury or wrongful death lawsuit.

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