

# 2023 POLICY PRIORITIES

Over the last 60+ years, the Florida Surplus Lines Association has been working to ensure that the surplus lines marketplace can operate as an effective safety valve for distressed risks and a robust solution for emerging and niche risks. This is accomplished by advocating for regulatory consistency, ensuring the continued freedom of rate and form, and removing consumer impediments to affordable, quality products.

This year, our focus is on the latter category. Florida's judicial climate has been deteriorating for a number of years, and although Gov. DeSantis has done great work in improving the system by reinvigorating a textualist judicial approach through his numerous appointments, legislation is needed to balance the scales of our civil justice system.



## Civil Justice Reform: Improving Marketplace Health

This session, the Legislature is pursuing the most consequential tort reform in a generation. Florida is often referred to as a judicial hellhole, and high insurance rates and diminished capacity are caused, in significant part, by litigiousness. Legislation filed this year pursues several noteworthy reforms:

- Repeals the one-way attorney fee statutes to reduce manufactured first-party lawsuits, the end goal of which is to drive attorney's fees
- Adopts the federal standard for contingency fee multipliers, so that meritless litigation is no longer incentivized
- Requires medical damages in personal injury cases to reflect amounts that are actually paid, or could have been paid, and exposes cozy relationships between plaintiffs' attorneys and a small cottage industry of specific medical providers which conspire to inflate costs to consumers
- Reduces the statute of limitations for negligence cases from 4 years to 2 years, bringing Florida in line with the majority of states
- Addresses subjective, confusing, and inequitable prior court decisions about when extra-contractual damages can be awarded
- Allows juries to apportion fault to all at-fault parties in certain premises liability cases
- Ensures that those who are mostly responsible for their damages cannot sue and collect money from others for such damages.



## Improving Capacity in Florida

FSLA supports efforts to ameliorate pricing and capacity problems through litigation reform, as well as regulatory consistency to promote needed access to the surplus market for distressed, high capacity, and niche risks.



## Promoting Accessibility to Surplus Lines Solutions

We are in support of efforts to promote the accessibility of the surplus lines market to risks that need it but currently have trouble accessing it due to antiquated regulatory requirements.



## Supporting Workforce Housing

Surplus lines continue to be the main insurance solution for workforce housing: according to affordable home providers, surplus lines insurance almost exclusively writes their coverage. Many of these projects would have had a difficult, if not impossible, time obtaining insurance at all. The "safety valve" of the insurance industry, surplus lines fill in the unique coverage needs of the marketplace. FSLA supports the Legislature's efforts to expand access to workforce housing, and is working to ensure that insurance for those risks remains available, and hopefully becomes more affordable.