

2021 Legislative Changes

For more detailed information on the bills that passed during the 2021 Legislative Session, please review FAIA's [Legislative Summary](#).

SB 76, INSURANCE (PROPERTY REFORM) THE BILL:

- Provides prohibitions on solicitations/inducements.
- Requires insurers to provide claims information to the Office of Insurance Regulation (OIR).
- Provides the OIR with regulatory authority over managing general agents (MGAs) that are part of a holding company.
- Reduces the claim filing deadline for ALL claims to two (2) years from the date of loss and provides a third year from the date of loss for a supplemental claim.
- Increases Citizens' glide path (10 percent to 15 percent over the next five years).
- Increases eligibility threshold for Citizens (15 percent to 20 percent).
- Reforms the one-way attorney fee statute and pre-suit notice requirements for first-party claims.
 - **Effective Date: July 1, 2021**

HB 1209, DEPARTMENT OF FINANCIAL SERVICES (DFS) THE BILL:

- Reduces the biannual update course from five to four hours; however, the overall number of CE hours remains the same, with the reduced hour being reallocated for elective coursework.
 - **Effective for compliance periods that end January 1, 2022, or LATER.**
(For a licensee with such a compliance period who has already taken the five-hour course, credit will be given for the four-hour course plus one elective hour).
- Repeals the diligent effort requirement for the export of personal lines flood policies.
- Repeals the Citizens' disclosure before the export of personal residential property risks.
- Creates an exemption from diligent effort requirements for insurance related to indemnity of deductibles for property insurance policies.
- Prohibits agents from providing replacement cost estimators and other proprietary information to anyone (including the consumer) AND prohibits lenders from requiring agents to provide the same information.
- Grants the DFS regulatory authority over appointment statutes.
 - **Effective Date: July 1, 2021**

SB 1598, CONSUMER PROTECTION THE BILL:

- Requires a residential property insurer (including surplus lines insurers) to initiate a claim investigation within 14 days of receiving a proof of loss statement.
- Directs insurers (including surplus lines insurers) to provide to policyholders the adjuster's name and state adjuster license number when a claim investigation involves a physical inspection of the property, and to maintain a record of each adjuster who communicates with the policyholder.
- Requires the insurer (including surplus lines insurers) to provide notices that explain when the insurer is providing a preliminary or partial estimate or making a claim payment that is not the full and final payment for the claim.
 - **Effective Date: January 1, 2022**
- Clarifies that the definition of "sliding" includes initiating, effectuating, or binding an insur-

ance policy without the prior informed consent of the owner of the property, and allows the DFS to impose fines or criminal penalties for violations.

- Eliminates the \$100 deductible an insured must pay to the Florida Insurance Guaranty Association (FIGA) to receive payment on their FIGA claim.
 - **Effective date: June 16, 2021**

SB 630, COMMUNITY ASSOCIATIONS THE BILL:

- Provides uniformity on subrogation rights between commercial-residential property policies and unit-owner policies.
 - **Effective date: July 1, 2021**

SB 72, COVID-19 LIABILITY PROTECTION THE BILL:

- The bill provides liability protections for businesses making good faith efforts to comply with public safety health guidelines. For a case against a business to proceed, a physician's affidavit (stating the business caused the damages) is necessary, and there is a one-year statute of limitations.
 - **Effective date: March 29, 2021, for all lawsuits filed on or after that date**

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