

BILL TRACKING UPDATE – AS OF 4.1.19

[HB 387/SB 538](#): Nonadmitted Insurance Markets

Extends the diligent effort exemption for flood insurance; repeals an agent affidavit requirement; deregulates the policy fee allowed to be charged by surplus lines agents.

Senate	House
Banking & Insurance Committee— <i>passed 3.11.19</i>	Insurance & Banking Committee— <i>passed 2.20.19</i>
Appropriations Subcommittee on Agriculture, Environment, and General Government	Commerce Committee— <i>passed 3.5.19</i>
Appropriations Committee	Third Committee reference removed
Senate Floor	House Floor— <i>passed 3.27.19 (112-1 vote)</i>

[SB 122/HB 7065](#): AOB

Revising certain attorney fee provisions in the Florida Insurance Code to specify that an insured or beneficiary entitled, under certain circumstances, to attorney fees under an insurance policy or contract must be a named insured or named beneficiary; providing that such right to attorney fees may not be assigned or extended by agreement, except to certain persons, etc.

The House Judiciary committee adopted a [strike-all amendment](#) on March 28th that encompassed many revisions we suggested to Chairs Renner & Rommel. They included clarification that non-assignable policies may be “made available,” instead of requiring an “offer;” notification language for insureds of the non-assignable nature of the policy; clarification of the definitions of “assignment agreement” and “assignee” to encompass instances of multiple assignments/cases brought by billing companies; language important to Sen. Lee to prevent AOB attorneys from forum-shopping; and tweaks to the auto glass provisions to clarify the timing of notice and response. Notably, they did not include a strengthening of the attorney fee threshold, express reference to ss. 627.428 or 626.9373, or a prohibition on the application of contingency risk multipliers.

Senate	House
Banking & Insurance— <i>passed 2.11.19</i>	Civil Justice— <i>passed 2.5.19</i>
Judiciary— <i>passed 3.18.19</i>	Insurance & Banking— <i>passed 3.19.19</i>
Rules	Judiciary— <i>passed 3.28.19 with strike-all amendment</i>

[HB 301/SB 714](#): Insurance

Revises circumstances under which civil actions against insurers are prohibited; decreases amount of replacement cost in definition of "diligent effort," as used in Surplus Lines Law; expands circumstances under which insurers may offer discounts related to loss mitigation; limits attorney fees awarded in judgments against insurers; lowers maximum tax rate increase implemented by Citizens Property Insurance Corporation in Monroe County; specifies provisions on personal injury protection deductibles.

This week, the House Commerce committee approved the “omnibus insurance bill,” and adopted a few amendments. On Friday evening, Sen. Brandes released a [delete-all amendment](#) to encompass those changes, which will be considered in Senate Judiciary on Monday afternoon. The Senate amendment, if adopted, would mean the bill now:

- *Increases LAE reimbursement paid by the CAT Fund to a flat 10%*
- *Allows salvage title to be delivered by electronic means*
- *Overturns current OIR rule requirement that workers’ comp application sworn statements must be notarized*
- *Allows for a right of contribution among liability insurers (starts line 114)*

- For first party statutory bad faith, prohibits civil remedy notices from being filed within 60 after appraisal is invoked in a residential property insurance claim. Removes language that DFS must return CRNs for lack of specificity (because they do not, as a matter of course, which then gives bad faith plaintiffs an argument in court that their CRN must have been sufficiently specific if DFS didn't return it)
- Adds one more prong to the eligibility for a COA (demonstrates to the OIR that its authorization is in the state's best interest) and makes the list of COA factors disjunctive
- Exempts HMOs and prepaid limited health services orgs from RBC
- Consistent with HB 387, deregulates policy fee for surplus lines agents but then also goes on to authorize retail agents to charge a policy fee when helping place a surplus lines policy
- Exempts loss control services/items from the \$100 "gift" limit in the unfair insurance trade practices statute
- Allows multi-line discounts for Citizens policies
- Allows a reservation of rights to be delivered by means other than registered/certified mail; allowing proof of mailing and Intelligent Mail barcoding
- Adding NAIFA requested language that agents be provided life insurance lapse notices, but exempting insurers that maintain systems/procedures to allow independent verification of lapse, insurers who direct sell, etc.
- Reducing Florida's "down payment" for motor vehicle insurance from 2 months' premium to 1 month's premium
- Making the submission of incomplete WC information a 3rd degree felony (currently it's a 2nd)

Senate	House
Banking & Insurance—passed 3.11.19	Insurance & Banking—passed 2.13.19
Judiciary—on agenda 4.1.19	Civil Justice—passed 3.13.19
Rules	Commerce—passed 3.28.19

HB 311/SB 932: Autonomous Vehicles

Exempts autonomous vehicles & operators from certain prohibitions; provides that human operator is not required to operate fully autonomous vehicle; authorizes fully autonomous vehicle to operate regardless of presence of human operator; provides that automated driving system is deemed operator of autonomous vehicle operating with system engaged; authorizes Florida Turnpike Enterprise to fund & operate test facilities; provides requirements for operation of on-demand autonomous vehicle network.

Senate	House
Infrastructure & Security—passed 3.20.19	Transportation & Infrastructure—passed 3.6.19
Transportation Appropriations	Transportation & Tourism—passed 3.19.19
Appropriations	State Affairs

HB 1393/SB 1704: Department of Financial Services

Department of Financial Services: Revises requirements for cemetery companies licenses, combination funeral director & embalmer internships, funeral establishments, embalming facilities, disposition of proceeds from preneed contracts, preneed contracts, direct disposal establishments, & cinerator facilities; requires Division of State Fire Marshal to adopt rules; revises requirements for specified nonrenewable temporary license; removes provisions requiring certain licensed customer representatives & insurance agents to complete continuation education courses; revises requirements for certain lines insurance licenses; revises requirements for nonresident public adjuster's licenses.

Senate	House
Banking & Insurance—passed 3.25.19	Insurance & banking—passed 3.19

Innovation, Industry & Technology— <i>on agenda 4.2.19</i>	Gov't Operations Appropriations— <i>on agenda 4.1.19</i>
Rules	Commerce

HB 725/SB 1638: Commercial Motor Vehicles

Repeals assistive truck platooning technology pilot project; revises provisions relating to platoon vehicle operation, commercial motor vehicle safety regulations & penalties, apportionable vehicle requirements, certain license plate fees, vehicles registered under International Registration Plan, & theft of certain commercial cargo; authorizes DHSMV to partner with tax collector to conduct Fleet Vehicle Temporary Tag pilot program.

Senate	House
Infrastructure & Security— <i>on agenda 4.2.19</i>	Transportation & Infrastructure— <i>passed 3.6.19</i>
Transportation Appropriations	Transportation Appropriations— <i>passed 3.19.19</i>
Appropriations	State Affairs— <i>passed 3.28.19</i>

HB 733/SB 896/SB 1052: Motor Vehicle Insurance

Creates Responsible Roadways Act; revises security requirements & proof of such security for owners & operators of motor vehicles; repeals Florida Motor Vehicle No-Fault Law.

Sen. Lee and Sens. Simpson and Broxson have been negotiating on including a bad faith component to this bill. Language has been passed back and forth, and ILR recently responded to language drafted by an attorney/friend of Sen. Simpson. The bill is not moving in the House, and Sen. Lee continues to be disinclined to included bad faith reform to his bill.

Senate	House
Infrastructure & Security— <i>passed 3.12.19</i>	Insurance & Banking
Banking & Insurance— <i>on agenda 4.1.19</i>	Transportation & Infrastructure
Appropriations	Commerce

HB 735/SB 1024: Blockchain Technology

Establishes Florida Blockchain Working Group in DMS; provides for membership & duties of working group; requires working group to submit report to Governor & Legislature & make presentations; requires department to provide support staff & other assistance to working group; provides for termination of working group.

Senate	House
Banking & Insurance— <i>passed 3.18.19</i>	Oversight, Transparency & Public Management— <i>passed 3.20</i>
Innovation, Industry, and Technology— <i>on agenda 4.2.19</i>	Government Operations— <i>on agenda 4.1.19</i>
Rules	State Affairs

HB 17/SB 1320: Tort Reform/Damages Recoverable for Health Care Costs

Provides procedures for use in specified products liability actions; specifies seller is not liable for unreasonable misuse of product; authorizes reduction of damage for misuse of products; provides trier of fact may apportion in such cases; provides guidelines for determining when misused product may be considered to be defective; provides for calculation of damages; specifies that certain contracts are not subject to discovery or disclosure in certain actions; limits amount of damages in certain actions involving

liens or subrogation claims by certain payors; limits noneconomic damages in civil actions; provides jury may not be informed of such limit./ Requiring that certain evidence of the usual and customary rates for health care services, procedures, or equipment be introduced at trial under specified circumstances in personal injury or wrongful death actions for certain claims of damages, etc.

The House bill was narrowed down in the Commerce Committee to just reflect the accuracy in damages issue. [Full text here.](#)

Senate	House
Judiciary	Civil Justice— <i>passed 3.6.19</i>
Health Policy	Commerce— <i>passed with 3.21.19</i>
Rules	Judiciary

[SB 1476/HB 1145: Citizens Property Insurance Corporation](#)

Specifying a limit on annual rate increases, except for certain coverage, in policies issued by the corporation to insureds located in certain counties, etc.

Senate	House
Banking & Insurance— <i>passed 3.25.19</i>	Insurance & Banking
Community Affairs— <i>on agenda 4.2.19</i>	Health & Human Services
Rules	Commerce