

<b>Issue</b>	<b>CS/CS/CS/SB 408</b>	<b>CS/CS/HB 803</b>
<b>Statute of Limitations</b>	Not addressed	Provides that an action for breach against a property insurer must be brought within 6 years from date of loss.
<b>Definition of “Losses” under the Cat Fund</b>	Revises the definition of “losses” under the Cat Fund to include attorneys fees and PA fees paid by the insurer and to exclude losses under liability coverage, losses other than the covered event, condo and HO assessments, and bad faith awards. Effective to contracts beginning June 1, 2011.	Revises the definition of “losses” under the Cat Fund to include attorneys fees and PA fees paid by the insurer and to exclude losses under liability coverage, losses other than the covered event, condo and HO assessments, and bad faith awards. Effective to contracts beginning June 1, 2011.
<b>Capital Build-up Incentive Program</b>	Allows insurers to renegotiate the terms of surplus notes issued through the Insurance Capital Build-Up Incentive Program.	Allows insurers to renegotiate the terms of surplus notes issued through the Insurance Capital Build-Up Incentive Program.
<b>Minimum Capital and Surplus</b>	Increase from \$5 million to \$15 million for new insurers. Existing insurers increase from \$4 million to \$10 million by 2016, and \$15 million by 2021.	Increase from \$5 million to \$15 million for new insurers. Existing insurers increase from \$4 million to \$10 million by 2016, and \$15 million by 2021.
<b>Crop Insurance</b>	Provides that gross written premiums for federal multiple-peril crop insurance ceded to the Federal Crop Insurance Corporation or authorized reinsurers may not be included in the calculation of an insurer’s gross writing ratio.	Not addressed (Passed in veto override)
<b>Adjusters</b>	Exempts persons who adjust claims for institutions servicing or guaranteeing mortgages from the adjuster licensing requirements.	Exempts persons who adjust claims for institutions servicing or guaranteeing mortgages from the adjuster licensing requirements.
<b>Insurer Annual Statements/Accounting</b>	Prohibits an insurer from using the same accountant or partner of an accounting firm to prepare its annual audit and audited financial report for more than five consecutive years; requires a five year waiting period before the accountant or partner can be retained by the insurer for that purpose.	Not addressed (However, addressed in SB 1252, HB 1087)
<b>Public Adjuster Fees</b>	Limits PA fees on reopened claims to 20%.	Limits PA fees on reopened claims to 20%.

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<b>Public Adjuster Reform</b>	Prohibits certain statements on a PA advertisement or solicitation and requires a disclaimer; requires the insurance company adjuster, independent adjuster, investigator, or attorney to provide at least 48 hours notice to the insured before scheduling a meeting or on-site investigation of the property (allows the insured or claimant to waive the notice requirement); requires the PA to give the insurer prompt notice of a property insurance claim; requires the PA to give the insurer receives a copy of the PA contract, that the property is available for the insurer's inspection, and that the insurer may interview the insured directly about the loss; allows the PA to be present during the insurer's inspection of the property; prohibits a licensed contractor or subcontractor from adjusting claims without a PA license.	Prohibits certain statements on a PA advertisement or solicitation and requires a disclaimer; requires the insurance company adjuster, independent adjuster, investigator, or attorney to provide at least 48 hours notice to the insured before scheduling a meeting or on-site investigation of the property (allows the insured or claimant to waive the notice requirement); requires the PA to give the insurer prompt notice of a property insurance claim; requires the PA to give the insurer receives a copy of the PA contract, that the property is available for the insurer's inspection, and that the insurer may interview the insured directly about the loss; allows the PA to be present during the insurer's inspection of the property; prohibits a licensed contractor or subcontractor from adjusting claims without a PA license.
<b>Public Adjuster License Qualifications</b>	Requires 8 hours of continuing education for a PA apprentice (including 2 hours of ethics).	Not addressed
<b>Public Adjuster Contracts</b>	Requires certain disclosures on PA contracts. Affidavit required if all insureds cannot sign contract. Also requires PA to forward unaltered contract to insurers within 30 days.	Not addressed
<b>Claims Filing Deadline</b>	Provides a claims filing deadline for new/reopened claims of 3 years from the date of the hurricane or windstorm.	Provides a claims filing deadline for new/reopened claims of 4 years from the date of loss
<b>Insurer Report Card</b>	Repealed (Also in SB 1462 (Hays) and HB 4115 (Plakon))	Not addressed
<b>Fees for Use of the Public Model</b>	Requires that fees charged for the private sector to use the public model must be reasonable	Requires that fees charged for the private sector to use the public model must be reasonable

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<b>Rate Submission and Review</b>	<p>Requires the OIR to issue an approval or notice of intent to disapprove of a “file &amp; use” filing within 90 days of submission.</p> <p>Prohibits the OIR from impeding an insurer’s right to acquire policyholders, advertise, or appoint agents, including agent commissions.</p> <p>Deletes obsolete language relating to the presumed factor for medical malpractice insurance.</p>	<p>Requires the OIR to issue an approval or notice of intent to disapprove of a “file &amp; use” filing within 90 days of submission.</p> <p>Prohibits the OIR from impeding an insurer’s right to acquire policyholders, advertise, or appoint agents, including agent commissions.</p> <p>Deletes obsolete language relating to the presumed factor for medical malpractice insurance.</p>
<b>Expedited Filings for Reinsurance Costs</b>	Not addressed	Allows all reinsurance costs, the cost of financing products used to replace reinsurance, the financing costs incurred in the purchase of reinsurance, or the costs of the price increase Cat Fund coverage to be included in an expedited rate filing to a maximum of 15 percent per policy.
<b>Use &amp; File</b>	Extends prohibition on “use & file” to May 1, 2012	Extends prohibition on “use & file” to May 1, 2012
<b>Separate Filing for Products to Replace TICL</b>	<p>No longer prohibits the following acts in order for an insurer to make a separate filing related to reinsurance or financing products that replace Cat Fund TICL coverage:</p> <p>Including expenses or profit for the insurer.</p> <p>Including other changes in its rate in the filing.</p> <p>Having implemented a rate increase in the past 6 months.</p> <p>Filing for a rate increase within 6 months of approval.</p>	Not addressed
<b>Rate Certification</b>	Allows an insurer to provide additional information in a rate filing without having to withdraw the filing and refile; requires certification of the additional information.	Allows an insurer to provide additional information in a rate filing without having to withdraw the filing and refile; requires certification of the additional information.
<b>Rates for Sinkhole Coverage</b>	Allows OIR to disapprove a rate for sinkhole coverage <b>only if</b> the rate is inadequate or the insurer uses an unlawful rating factor.	Not addressed

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<b>Wind Mitigation Credits</b>	Not addressed (except for technical changes)	Not addressed
<b>Uniform Home Grading Scale</b>	Repealed	Repealed
<b>Reinsurance</b>	Allows an insurer to include in its rate filing the costs of replacing the Cat Fund TICL coverage with reinsurance without removing expenses and profit load.	Not addressed
<b>Citizens Property Insurance Corporation</b>	<p>Renames Citizens "Tax Payer Funded Property Insurance Corporation" and requires Citizens to include the words "A Taxpayer-Funded Corporation" in its logo</p> <p>Renames the Citizens "High Risk Account" the "Coastal Account"</p> <p>Specifies that the Citizens policyholder surcharge is payable upon cancellation,</p> <p>Provides that members of the Citizens board with insurance experience are deemed to be within the exception in s. 112.313(7)(b), F.S., that allows a public officer to practice a particular profession or occupation when required or permitted by law or ordinance.</p> <p>Provides procedures for board members who have a conflict of interest regarding a particular matter.</p>	Not addressed
<b>Citizens Rates on Sinkholes</b>	Provides that rates for sinkhole coverage provided by Citizens are not subject to the 10% cap	Not addressed (but is in HB 1243)
<b>Citizens Sinkhole Coverage</b>	Requires Citizens to offer sinkhole coverage, but restricts coverage to dwelling only; requires any payment for sinkhole loss be used to repair the loss.	Not addressed
<b>Citizens PA Prohibition</b>	Prohibits Citizens policyholders from using a PA until after Citizens has made an offer on the claim; limits PA fees to 10% on Citizens claims.	Not addressed
<b>HRA Boundaries</b>	Removes the requirement that the boundaries of the High Risk Account be reduced	Not addressed (but is in HB 1243)

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<b>Notice of Nonrenewal, Cancellation or Termination</b>	Shortens the notice of nonrenewal for policies taken out of Citizens to 45 days.  Shortens the time for insurers to send out nonrenewal notices from 100 to 90 days; deletes the requirement to give 180 days if the policyholder has been an insured for at least 5 years.	Shortens the time for insurers to send out nonrenewal notices from 180 to 120 days if the policyholder has been an insured for at least 5 years.
<b>Notice of Nonrenewal, Cancellation or Termination for Solvency</b>	Allows an insurer to file a plan with OIR to cancel policies in 45 days, if the insurer needs to reduce exposure for solvency purposes.	Allows an insurer to file a plan with OIR to cancel policies in 45 days, if the insurer needs to reduce exposure for solvency purposes.
<b>Notice of Change in Policy Terms</b>	Allows an insurer provide a “Notice” of change in coverages as opposed to non-renewing and rewriting a policy if coverages change.	Allows an insurer provide a “Notice” of change in coverages as opposed to non-renewing and rewriting a policy if coverages change.
<b>ACV RCV Dwelling</b>	For dwelling, allows the insurer to pay ACV, less the deductible, and hold back RCV until there is a contract to perform repairs on the insured property. Prohibits a contractor from requiring advance payment for repairs or expenses. Requires the insurer to pay RCV without reservation or holdback for a total loss.	For dwelling, allows the insurer to pay ACV, less the deductible, and hold back RCV until there is a contract to perform repairs on the insured property. Prohibits a contractor from requiring advance payment for repairs or expenses. Requires the insurer to pay RCV without reservation or holdback for a total loss.
<b>ACV RCV Contents</b>	Requires insurer to offer RCV. If accepted, insurer must offer a policy with holdback and one without holdback. Prohibits the insurer from requiring a policyholder to advance payment for the replaced property.	Not addressed
<b>Claims Payment Deadline</b>	Requires a property insurance claim to be paid or denied by the insurer the later of 90 days after receiving notice of the claim unless there are factors beyond the insurer’s control that prevent payment; or 15 days after there are no longer factors beyond the control of the insurer that reasonably prevented payment.	Requires a property insurance claim to be paid or denied by the insurer the later of 90 days after receiving notice of the claim unless there are factors beyond the insurer’s control that prevent payment; or 15 days after there are no longer factors beyond the control of the insurer that reasonably prevented payment.

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<b>Sinkhole Coverage</b>	Provides that sinkhole coverage is not required to be offered by an insurer, and restricts the coverage to the principal building only.	Requires insurer to offer sinkhole coverage, but allows insurers to restrict coverage for sinkhole and catastrophic ground cover collapse to the principal building only.
<b>Applicability of Sinkhole Provisions to Commercial Property Insurers</b>	Expands the sinkhole provision to apply to all property insurers, including commercial property insurers	Not addressed
<b>Inspection of property</b>	Not addressed	Allows an insurer to inspect a property prior to issuing a policy covering sinkhole loss
<b>Application of the Deductible</b>	Allows an insurer to apply the deductible to expenses incurred when investigating a sinkhole claim.	Not addressed
<b>Definitions of “Professional Engineer” and Professional Geologist”</b>	Expanded	Expanded
<b>Definition of “Sinkhole Activity”</b>	Clarifies definition	Clarifies definition

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<b>Definition of “Structural Damage”</b>	<p>“A covered building suffers foundation movement outside an acceptable variance under the applicable building code; damage to a covered building, including the foundation, that prevents the primary structural members and/or primary structural systems from supporting the loads and forces they are designed to support; <b>and</b> the loss meets any additional conditions contained in the insurance policy.</p>	<p>A covered building has experienced:</p> <ol style="list-style-type: none"> <li>“1. Foundation displacement in excess of acceptable variances or deflections as defined in ACI 117-90 or the Florida Building Code and damage in the primary structural members or primary structural systems that prevents them from supporting the loads and forces they were designed to support as defined in the Florida Building Code;</li> <li>2. Damage that results in stresses in a primary structural member greater than one and one-third the nominal strength allowed under the Florida Building Code for new buildings of similar structure, purpose, or location;</li> <li>3. Listing, leaning, or buckling of the exterior load bearing walls or other vertical primary structural members to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base as defined within the Florida Building Code;</li> <li>4. Damage that results in the building, or any portion thereof, being likely to imminently collapse partially or completely because of the movement or instability of the ground within the influence zone of the supporting ground within the shear plane necessary for the purpose of supporting such building as defined within the Florida Building Code; <b>or</b></li> <li>5. Damage that qualifies as "substantial structural damage" as defined in the Florida Building Code.”</li> </ol>
<b>Sinkhole Claims</b>	<p>Clarifies that the sinkhole provisions of the bill do not apply to sinkhole claims made before 2/1/11, but do apply to claims made</p>	
<b>Sinkhole Claim Deadline</b>	<p>Two years</p>	<p>Four years</p>

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<b>Sinkhole Database</b>	Repealed	Repealed
<b>Sinkhole Testing</b>	Clarifies that a policyholder can demand testing only when an insurer denies a	Clarifies that a policyholder can demand testing only when an insurer denies a
<b>Sinkhole Repair</b>	Requires policyholders to enter into a contract for repairs within 90 days; and	Requires policyholders to enter into a contract for repairs within 90 days; and
<b>Sinkhole Repair</b>	Requires the engineer responsible for monitoring repairs to issue a report to the policyholder specifying the repairs made and certifying that repairs have been completed properly. Requires the engineer to file the report with the county clerk.	Not addressed
<b>Rebates on Sinkhole Repairs</b>	Prohibits contractors from offering rebates.	Prohibits contractors from offering rebates.
<b>Costs of Sinkhole Testing</b>	Requires policyholders to reimburse the insurer for up to 50 percent of the cost of a professional test if there is no sinkhole loss found (not to exceed \$2,500 or the amount of the deductible).	Requires policyholder to pay 50% of costs of sinkhole testing up to \$2,500, whichever is less; requires insurer to reimburse policyholder if a there is a sinkhole loss.
<b>Nonrenewal</b>	Allows an insurer to nonrenew a policy if it has paid policy limits	Not addressed
<b>Burden of Proof</b>	Clarifies that findings, opinions, and recommendations of the insurer's professional engineer and geologist are presumed correct and that presumption shifts the burden of proof (Warfel)	Not addressed
<b>Sinkhole Reports</b>	Requires all parties to file sinkhole reports with the clerks of court	Requires all parties to file sinkhole reports with the clerks of court



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<b>Neutral Evaluation</b>	<p>Specifies minimum requirements for neutral evaluation findings; allows for the use of appraisal in sinkhole claims; and implements conflict of interest requirements for neutral evaluators.</p> <p>Gives neutral evaluators immunity from suit as provided in s. 44.107.</p> <p>Allows neutral evaluators to have reasonable access to the insured structure; prohibits a party from requiring insurers to pay for extraordinary costs not required by neutral evaluation (i.e., court reporters); expands the time for holding neutral evaluation conferences to 90 days; and requires the neutral evaluator’s report to be sent to the parties within 14 days after the conference and to be admissible in any subsequent court action.</p>	<p>Specifies minimum requirements for neutral evaluation findings; allows for the use of appraisal in sinkhole claims; and implements conflict of interest requirements for neutral evaluators.</p> <p>Gives neutral evaluators immunity from suit as provided in s. 44.107.</p> <p>Allows neutral evaluators to have reasonable access to the insured structure; prohibits a party from requiring insurers to pay for extraordinary costs not required by neutral evaluation (i.e., court reporters); expands the time for holding neutral evaluation conferences to 90 days; and requires the neutral evaluator’s report to be sent to the parties within 14 days after the conference and to be admissible in any subsequent court action.</p>
<b>Uniform Mitigation Verification Form</b>	Provides that an insurer may verify a uniform mitigation inspection form submitted by the policyholder or policyholder’s agent.	Provides that an insurer may verify a uniform mitigation inspection form submitted by the policyholder or policyholder’s agent.
<b>Definition of “Covered Claim” Under FIGA</b>	Not addressed	Excludes attorneys fees and public adjuster fees in a sinkhole loss from the definition of “covered claim” under FIGA
<b>MGA Regulation</b>	Allows OIR to examine MGAs that represent only one insurer	NOT ADDRESSED
<b>Joint Policies</b>	Allows insurers offering joint home & auto policies to non-renew after 90 days’ notice	NOT ADDRESSED