

# FLORIDA SCHOOL BOARD INSURANCE TRUST

## 2012 REGULAR LEGISLATIVE SESSION – BILL TRACKING

AS OF TUESDAY, FEBRUARY 22, 2012

**Note: Updates to the prior edition are highlighted in yellow.**

As a service to its members the Florida School Board Insurance Trust (FSBIT) provides the following summary of insurance-related legislation subject to consideration during the regular session of the Florida Legislature. A brief summary of bills of potential interest to members is noted along with the current activity associated with that bill. Hyperlinks are included with each bill for direct access to bill text, analysis and filed amendments.

General information and links to both the Florida House of Representatives and the Florida Senate may be found at <http://www.leg.state.fl.us/Welcome/index.cfm?CFID=241560533&CFTOKEN=83917470>

Both the House and Senate offer free on-line bill tracking services that allow you to create your own list of bills to be tracked and also to receive email updates via email as frequently as every 15 minutes. The Senate's bill tracker may be found at <http://www.flsenate.gov/Tracker> and the House's at <http://www.myfloridahouse.gov/Sections/MyHouse/login.aspx> Both trackers work well, but we find the Senate tracking system is more navigable and provides quick access to all needed information pertaining to both House and Senate bills.

FSBIT's parent organization, the Florida School Board Association, also provides legislative information of interest to its membership. <http://www.fsba.org>. FSBA's 2012 legislative platform may be found at <http://www.fsba.org/userfiles/File/5%202012AdoptedLegislativePlatform.pdf>

If you have any questions or would like to see an additional bill or issue tracked, please contact Patrick Barber at FSBIT (pbarber@fsbit.net).

### OVERVIEW - **UPDATED**

As required by the Florida Constitution every ten years, drawing new state and congressional districts will be the first priority of the 2012 Legislature. The Legislature has passed its maps and briefs have been filed with the Florida Supreme Court. Oral argument is set to be heard on the 29<sup>th</sup>. Expect some re-visitation of the maps by the Legislature once that occurs. The goal is to complete the process in time for candidates in the re-drawn districts to file their qualifying paperwork.

The Legislature is also moving into the "meat" stage of its other constitutionally required mandate – passing a balanced budget. The House has passed its version; a budget that would spend \$69.2 billion – virtually the same as this year's budget. Education funding is increase by \$1.1 billion over last year; however last year's budget cut education by \$1.3 billion that lawmakers cut this year. Healthcare and higher education are deeply cut in order to pay for the increase in K-through-12 spending. Last Friday the Senate Budget Committee rolled out a \$70.7 billion budget plan. The Senate plan is about \$1.5 billion larger than the House plan.

On the insurance front, major property and casualty issues continue to take a back seat to the State's continuing budgetary and redistricting efforts. There has been no major movement of either a hurricane or catastrophic insurance catch-all bill. Citizen's Insurance Company has received attention via efforts to allow re-insurers to organize "depopulation" programs where surplus insurers could step in and write coverage. On the tort reform front, it appears that a bad-faith bill is dead for the session. Other tort issues have seen some limited movement including an expert testimony standard bill ("Daubert"). It is still unclear whether such legislation will see final passage. Finally it does appear there will be some PIP reform legislation to emerge from this session; however it is still unclear as to exactly what reforms will be adopted.

### RECENT AND ANTICIPATED ACTIVITY

For a detailed summary of the House and Senate Budget Proposals please visit the FSBA website ([www.fsba.org](http://www.fsba.org)). Or use this link: <http://www.fsba.org/boarderline.asp> Also see FSBA's Executive Director Dr. Blanton's video discussion of the budget proposals at: [http://www.associationstudios.com/Publisher\\_Main.aspx?PublisherId=1377](http://www.associationstudios.com/Publisher_Main.aspx?PublisherId=1377)

Expect bills to begin to move in earnest as we head on the downward slope towards the end of regular session. To that end bills which have passed their body will be reflected in **green**. Bills that have passed both bodies will be reflected in a separate category.

Senator Don Gaetz's (R-Destin's) school district insurance bill, SB 366, has completed its trek through the Senate committee process and is now on the Senate calendar (second reading). Yesterday the Senate Budget Committee unanimously passed the bill that will allow small and medium sized school districts to group together for insurance purchases. The bill would require that school officials show that such purchase groupings would be "financially advantageous." The House companion bill HB 453 – Stargel (R-Lakeland) is now in its second of four committee referrals.

**Note:** We have moved many bills which have received no legislative attention or unfavorable attention from their substantive category to a catch all (dead bill) list at the end of this document. If any of these bills begins to move again we will not the same and move the bill back to its substantive category.

### BILLS OF INTEREST

Bills are categorized by general subject matter and then listed numerically. Bills with specific references to school districts are noted with an asterisk (\*). Recent updates are highlighted in **yellow**.

#### PIP FRAUD

CS/HB 119 (Boyd) (Co-Sponsors: Albitton, Broxon, Horner, Wood) (Compare HB 523; SB 254)

Title: Motor Vehicle Personal Injury Protection Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/0119>

Summary: Creates “Comprehensive Insurance Fraud Investigation and Prevention Act” designed to fight PIP fraud and limit claims of for those violating provisions of the act; tolls payment timelines during investigations of fraudulent acts.

Referrals: Insurance and Banking Sub-Committee; Civil Justice Sub-Committee; Health & Human Affairs Committee; Economic Affairs Committee

Last Action: Favorable by Civil Justice Subcommittee; YEAS 10 NAYS 5

SB 1860 (Negron) (Compare HB 119, HB 523, SB 254)

Title: Motor Vehicle Personal Injury Protection Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1860>

Summary: Providing that certain entities exempt from licensure as a health care clinic must nonetheless be licensed in order to receive reimbursement for the provision of personal injury protection benefits; providing that knowingly submitting false, misleading, or fraudulent documents relating to licensure as a health care clinic, or submitting a claim for personal injury protection relating to clinic licensure documents, is a fraudulent insurance act under certain conditions; authorizing the Division of Insurance Fraud of the Department of Financial Services to establish a direct-support organization for the purpose of prosecuting, investigating, and preventing motor vehicle insurance fraud, etc.

Last Action: Unanimously passed Banking and Insurance; now in Budget

#### **PROPERTY/LIABILITY INSURANCE & OTHER INSURANCE REGULATORY MATTERS**

**\*SB 366 (Gaetz)(Identical HB 453)**

Title: Group Insurance for Public Employees

Link: <http://www.flSenate.gov/Session/Bill/2012/366>

Summary: Requiring that school districts procure certain types of insurance for their officers and employees through interlocal agreements; providing an exception; requiring each school district to enter into an interlocal agreement and establish the School District Insurance Consortium governed by a board of directors; providing for membership and specifying terms of office for board members; requiring the Department of Management Services to provide technical services to the consortium; requiring the consortium to advertise for competitive bids for insurance; requiring that school districts engage in collective bargaining with certified bargaining agents, etc.

Referrals: Education Pre-K - 12; Governmental Oversight and Accountability; Budget

Last Action: **Favorable by- Budget; YEAS 21 NAYS 0 02/22/2012 Senate • Placed on Calendar, on 2nd reading**

**\*HB 453 (Stargel)(Co-Sponsor: Porter)(Identical SB 366)**

Title: Group Insurance for Public Employees

Link: <http://www.flsenate.gov/Session/Bill/2012/453>

Summary: Requires school districts to procure certain types of insurance for their officers & employees through interlocal agreements; provides exception; requires each school district to enter into interlocal agreement & establish School District Insurance Consortium governed by board of directors; provides for membership & specifies terms of office for board members; requires DMS to provide technical services to consortium; requires consortium to advertise for competitive bids for insurance; requires school districts to engage in collective bargaining with certified bargaining agents.

Referrals: State Affairs Committee; Health and Human Services Committee; Appropriations Committee; Education Committee

Last Action: Favorable by State Affairs Committee; YEAS 14 NAYS 0 -HJ 177  
• Now in Health and Human Services Committee -HJ 177

CS/CS/SB 610 (by Banking & Insurance; Diaz de la Portilla)(Similar HB 379)

Title: Captive Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/0610>

Summary: Expanding the kinds of insurance for which a captive insurer may seek licensure; limiting the risks that certain captive insurers may insure; specifying requirements and conditions relating to a captive insurer's authority to conduct business; specifying certain fees to be paid by captive insurance companies; requiring biographical affidavits and background investigations for all officers and directors; providing restrictions on officers and directors involved with insolvent insurers under certain conditions; providing restrictions on officers and directors found guilty of, or that have pleaded guilty or nolo contendere to, any felony or crime involving moral turpitude, including a crime of dishonesty or breach of trust, etc.

Referrals: Banking & Insurance; Budget

Last Action: CS/CS by Budget Subcommittee on General Government Appropriations read 1st time -SJ 249

CS/CS/HB 379 (by Insurance and Banking Sub-Committee; Horner)(Similar CS/SB 610)

Title: Captive Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/379>

Summary: Expands kinds of insurance for which captive insurer may seek licensure; limits risks that certain captive insurers may insure; specifies requirements & conditions relating to captive insurer's authority to conduct business; requires before licensure captive insurers must file or submit to OIR information, documents, & statements; requires captive insurance company to file specific evidence with office relating to financial condition & quality of management & operations of company; specifies fees to be paid by captive insurance companies; authorizes foreign or alien captive insurance company to become domestic captive insurance company by

complying with requirements; authorizes office to waive any requirements for public hearings relating to redomestication of alien captive insurance company; requires biographical affidavits & background investigations for all officers & directors; provides restrictions on officers & directors involved with insolvent insurers; provides restrictions on officers & directors that have been found guilty of, or that have pleaded guilty or nolo contendere to, any felony or crime involving moral turpitude, including crime of dishonesty or breach of trust; revises capitalization requirements for captive insurance companies.

Referrals: Insurance and Banking Subcommittee; Finance and Tax Committee; Economic Affairs Committee

Last Action: **Placed on Special Order Calendar, 02/22/12**

CS/HB 1101 (Horner)(Compare SB 1620)

Title: Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1101>

Summary: Exempts salvage motor vehicle dealers from having to carry certain types of insurance coverage; revises provisions specifying which insurers are not subject to certain filing requirements relating to reinsurance; authorizes DFS to provide examinations in Spanish; revises provisions relating to limited licenses for travel insurance; provides that full-time salaried employee of licensed general lines agent or business entity that offers travel planning services may be issued license; exempts certain employees who conduct data entry from licensure as insurance adjusters; defines term "automated claims adjudication system" with respect to application of such exemption; prohibits residents of Canada from licensure as nonresident independent adjusters; revises disclosure statement signed by insured placing coverage in surplus lines market; provides additional factors that insurer may include in residential property insurance rate filing; increases amount of surplus as to policyholders that certain insurers who are members of plan to equitably apportion or share windstorm coverage may have in order to petition DFS to qualify as limited apportionment company; increases prior notice period for nonrenewal, cancellation, or termination of personal lines or commercial insurance policy covering residential structure or its contents; limits mandatory health benefits to certain health benefit plans; revises alternative procedures for resolution of disputed property insurance claims; revises provisions relating to cancellation for nonpayment of premiums for motor vehicle insurance; specifies interest rate applicable to accrual of interest on overdue payments of personal injury protection benefits.

Referrals: 1.9.12 - Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Health and Human Services Committee; Economic Affairs Committee

Last Action: CS referred to Economic Affairs Committee -HJ 318  
• Now in Economic Affairs Committee -HJ 318

**SB 1232 (Banking and Insurance)**

Title: OGSR/Personal Injury Protection and Property Damage Liability Insurance Policies

Link: <http://www.flSenate.gov/Session/Bill/2012/1232>

Summary: Amending provisions relating to a public records exemption for personal identifying information and policy numbers in personal injury protection and property damage liability insurance policies; saving the exemption from repeal under the Open Government Sunset Review Act; deleting a provision providing for the repeal of the exemption, etc.

Referrals: Banking and Insurance; Governmental Oversight and Accountability

Last Action: **Placed on Calendar, on 2nd reading**

CS/B 1620 (Richter)(Compare HB 1101)

Title: Property Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1620>

Summary: Revises notices to insureds for non-renewal, cancellation, or termination of commercial residential property insurance; revises provisions for alternative procedures for disputed property claims; increases the amount of surplus required for an association to qualify as a limited apportionment company.

Referrals: None

Last Action: Sub-referred to Budget Subcommittee on General Government Appropriations  
• Now in Budget Subcommittee on General Government Appropriations

CS/SB 1684 Hurricane Loss Mitigation Program (Hays)

Title: Hurricane Loss Mitigation Program

Link: <http://www.flSenate.gov/Session/Bill/2012/1684>

Summary: Hurricane Loss Mitigation Program; Revising provisions relating to the program; providing purposes and program duties including funding and supervising the public hurricane loss projection model; providing additional specification as to how moneys appropriated to the Division of Emergency Management for the program are spent; requiring that the form used by insurers to provide notice of premium discounts and the uniform mitigation verification inspection form be prescribed by the Division of Emergency Management.

Referrals: Referred to Military Affairs, Space, and Domestic Security; Banking and Insurance; Budget

Last Action: CS by Military Affairs, Space, and Domestic Security read 1st time -SJ 487

## **WORKERS COMPENSATION**

HB 307 (Bernard)(Co-Sponsor Campbell)(Identical SB 676)

Title: Workers Compensation Certificate of Exemption Process

Link: <http://www.flSenate.gov/Session/Bill/2012/0307>

Summary: Redefines term "employee" for purposes of workers' compensation; revises requirements relating to election of exemption from coverage to include applicability to

members of limited liability companies; revises requirements for submitting notice of election of exemption; revises duties of DFS relating to expiration of certificates of exemption; expands applicability of requirements relating to certificates of exemption.

Referrals: Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Last Action: Passed House YEAS 113 NAYS 2 -HJ 268 02/02/2012 In Senate Messages

HB 365 (Costello)(Similar SB 910)

Title: Public Employees

Links: <http://www.flsenate.gov/Session/Bill/2012/365>

Summary: Revises conditions under which certain special risk employees who suffer or have died from specified medical conditions are presumed to have been injured or killed accidentally & in line of duty; revises conditions under which presumption with respect to disability due to any of specified diseases is against occurrence in line of duty for purposes of workers' compensation claims; provides medical conditions or behaviors that are appropriate for consideration in denying or overcoming presumption of accidental disability or death suffered in line of duty for police officers & firefighters; changes evidentiary standard; revises definition of "compensation" or "salary" for purposes of firefighters' & police officers' pensions; authorizes municipality to change municipal representation of board of trustees pursuant to certain requirements; provides duties of board of trustees relating to reporting of expenses & operation under administrative expense budget, etc.

Referrals: Government Operations Subcommittee; Community and Military Affairs Subcommittee; Appropriations Committee; State Affairs Committee

Last Action: CS by Government Operations Subcommittee read 1st time -HJ 446

HB 511 (Hudson)(Multiple Co-Sponsors)(Identical SB 688)

Title: Workers Compensation

Link: <http://www.flsenate.gov/Session/Bill/2012/0511>

Summary: Revises requirements for determining amount of reimbursement for repackaged or relabeled prescription medication; provides limitations.

Referrals: Insurance and Banking Subcommittee; Health and Human Services Committee; Economic Affairs Committee

Last Action: Now in Economic Affairs Committee -HJ 682

SB 676 (Smith)(Identical HB 307)

Title: Workers Compensation Certificate of Exemption Process

Link: <http://www.flsenate.gov/Session/Bill/2012/0676>

Summary: Revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption, etc.

Referrals: Banking and Insurance; Commerce and Tourism; Budget

Last Action: Subreferred to Budget Subcommittee on General Government Appropriations -SJ 294; Now in Budget Subcommittee on General Government Appropriations

#### HB 789 (O'Toole) (Identical SB 1094)

Title: Workers Compensations

Link: <http://www.flSenate.gov/Session/Bill/2012/789>

Summary: Revises penalties applicable to employers who fail to secure payment of workers' compensation as required.

Referrals: Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Last Action: CS passed; YEAS 97 NAYS 20 -HJ 640

#### CS/SB 910 (Hays)(Similar HB 365)

Title: Public Employees

Link: <http://www.flSenate.gov/Session/Bill/2012/0910>

Summary: Revising conditions under which certain firefighters, law enforcement officers, correctional officers, or correctional probation officers who suffer or have died from any of specified medical conditions are presumed to have been injured or killed accidentally and in the line of duty; revising the conditions under which the presumption with respect to disability due to any of specified diseases is against occurrence in the line of duty for purposes of workers' compensation claims; providing medical conditions or behaviors that are appropriate for consideration in denying or overcoming the presumption of accidental disabilities or death suffered in the line of duty for firefighters and police officers, etc.

Referrals: Banking and Insurance; Governmental Oversight and Accountability; Budget

Last Action: CS by Banking and Insurance; YEAS 7 NAYS 1

#### SB 1094 (Hays) (Identical HB 789)

Title: Workers Compensations

Link: <http://www.flSenate.gov/Session/Bill/2012/1094>

Summary: Revising penalties applicable to employers who fail to secure the payment of workers' compensation as required, etc.

Referrals: Banking and Insurance; Budget

Last Action: On Committee agenda-- Budget Subcommittee on General Government Appropriations, 01/26/12, 8:30 am, 401 Senate Office Building --Temporarily Postponed

## **HEALTH INSURANCE**

HB 203 (Nelson) (Identical SB 918)

Title: State Group Insurance Program

Link: <http://www.flsenate.gov/Session/Bill/2012/0203>

Summary: Establishes state employee health & wellness clinic pilot program; provides conditions for Division of State Group Insurance to select vendor to manage program; specifies services to be provided by pilot program; provides for location & hours of operation of pilot program clinics; provides for duration of pilot program; requires report to Governor & Legislature.

Referrals: Health and Human Services Access Subcommittee; Appropriations Committee; Health and Human Services Committee

Last Action: Now in Health and Human Services Access Sub-Committee

SB 918 (Oelrich) (Identical HB 203)

Title: State Group Insurance Program

Summary: Establishing a state employee health and wellness clinic pilot program; providing conditions for the Division of State Group Insurance to select a vendor to manage the pilot program; specifying services to be provided by the pilot program; providing for location and hours of operation of pilot program clinics; providing for duration of the pilot program; requiring a report to the Governor and Legislature, etc.

Referrals: Health Regulation; Governmental Oversight and Accountability; Budget

Last Action: Now in Health Regulation

## **TORT REFORM/SOVERIGN IMMUNITY**

HB 243 (Metz)(Co-Sponsor Weinstein)(Identical SB 378)

Title: Expert Testimony

Link: <http://www.flsenate.gov/Session/Bill/2012/0243>

Summary: Provides that witness qualified as expert by knowledge, skill, experience, training, or education may testify in form of opinion as to facts at issue in case; requires courts to interpret & apply principles of expert testimony in conformity with specified U.S. Supreme Court decisions; subjects pure opinion testimony to such requirements; provides that facts or data that are otherwise inadmissible may not be disclosed to jury by proponent of opinion or

inference unless court determines that probative value of facts or data in assisting jury to evaluate expert's opinion substantially outweighs prejudicial effect.

References: Civil Justice Subcommittee; Judiciary Committee

Last Action: Favorable by- Judiciary Committee; YEAS 11 NAYS 5 -HJ 683

• Placed on Calendar -HJ 683

SB 378 (Richter)(Identical HB 243)

Title: Expert Testimony

Link: <http://www.flsenate.gov/Session/Bill/2012/378>

Summary: Providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data, etc.

Referrals: Judiciary; Budget

Last Action: Recalled from Budget Subcommittee on Criminal and Civil Justice Appropriations -SJ 258 ; Now in Budget

CS/HB 385 (Civil Justice Sub-Committee; Gaetz)(Similar SB 614; Compare SB 1506)

Title: Health Care

Link: <http://www.flsenate.gov/Session/Bill/2012/0385>

Summary: Provides sovereign immunity to emergency health care providers acting pursuant to obligations imposed by specified statutes; provides exception; provides that emergency health care providers are agents of state & requires them to indemnify state up to specified liability limits; provides for sanctions against emergency health care providers who fail to comply with indemnification obligations; provides that emergency medical provider may elect to not be agent of state; provides for revocation of election; provides that elections & revocations are effective upon receipt by DOH; provides applicability.

Referrals: Civil Justice Subcommittee; Health Care Appropriations Subcommittee; Health and Human Services Committee; Judiciary Committee

Last Action: C/S by Judiciary Sub-Committee; read first time.

SB 614 Bennett (Similar HB 385; Compare SB 1506)

Title: Sovereign Immunity

Links: <http://www.flsenate.gov/Session/Bill/2012/614>

Summary: Providing sovereign immunity to emergency health care providers acting pursuant to obligations imposed by specified statutes; providing an exception; providing that emergency health care providers are agents of the state and requiring them to indemnify the state up to the specified liability limits; providing for sanctions against emergency health care providers who fail to comply with indemnification obligations; providing definitions; providing applicability, etc.

Referrals: Health Regulation; Judiciary; Budget

Last Action: CS/CS by Judiciary Committee read 1st time -HJ 304 01/31/2012 House; Now in Government Operations Appropriations Subcommittee -HJ 317

## BAD FAITH

**Note: Currently there are no bad-faith bills receiving significant legislative attention. HB 427 was reported unfavorable by the House Civil Justice Subcommittee, and therefore laid on Table; YEAS 7 NAYS 8. If any bad faith legislation again receives attention we will note the same and move that bill or bills back to this section.**

## MISCELLANEOUS SCHOOL-RELATED

### \*SB 98 (Siplin) (Similar HB 317)

Title: Education

Link:

Summary: Authorizing district school boards to adopt resolutions that allow inspirational messages, including, but not limited to, prayers of invocation or benediction, at secondary school events, etc.

Referrals: Education Pre-K - 12; Judiciary; Rules

Last Action: **Passed Senate; On Committee agenda-- Judiciary Committee, 02/22/12, 8:00 am, 404 HOB**

### \*CS/SB 144 (Flores)

Title: Seclusion and Restraint on Students with Disabilities in Public Schools

Link: <http://www.flsenate.gov/Session/Bill/2012/0144>

Summary: Requiring that manual physical restraint be used only in an emergency when there is an imminent risk of serious injury or death to the student or others; providing restrictions on the use of manual physical restraint; prohibiting the use of manual physical restraint by school personnel who are not certified to use district-approved methods for applying restraint techniques; requiring that each school medically evaluate a student after the student is manually physically restrained; prohibiting school personnel from placing a student in seclusion; providing requirements for the use of time-out; requiring that a school district report its training and certification procedures to the Department of Education, etc.

Referrals: Education Pre-K - 12; Children, Families, and Elder Affairs; Budget

Last Action: Now in Children, Families, and Elder Affairs -SJ 300

\*CS/SB 260 (Education Pre-K; Wise)(Similar HB 315)

Title: Deaf and Hard-of-Hearing Children

Link: <http://www.flsenate.gov/Session/Bill/2012/260>

Summary: Creates the Deaf and Hard-of-hearing Children's Educational Bill of Rights; providing legislative findings and purpose; encouraging certain state agencies, institutions, and political subdivisions to develop recommendations ensuring that the language and communication needs of deaf and hard-of-hearing children are addressed; requiring that the act be expeditiously implemented; requiring that the Department of Education develop a communication plan to be included in the individual education plan for deaf and hard-of-hearing students; requiring that the department disseminate the model to each school district and provide training as it determines necessary, etc.

Referrals: Education Pre-K

Last Action: 1.10.12 – Passed Senate Unanimously - Now in House Messages

SB 256 (Flores) (Similar HB 291; SB 948)

Title: Youth and Student Athletes

Link: <http://www.flsenate.gov/Session/Bill/2012/0256>

Summary: Requiring independent sanctioning authorities to adopt policies to inform certain officials, coaches, and youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to a licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist, etc.

Referrals: Education Pre-K - 12; Health Regulation; Budget

Last Action: CS by Budget Subcommittee on Education Pre-K - 12 Appropriations; YEAS 9 NAYS 0 02/02/2012 Senate • Now in Budget

**\*HB 273 (Kier)(IdenticalSB 494)**

Title: Student Safety

Link: <http://www.flsenate.gov/Session/Bill/2012/0273>

Summary: Requires district school board policies to list emergency response agencies that are responsible for notifying school district of emergencies; requires emergency response agencies to notify private schools in school district under certain circumstances.

Referrals: K-20 Competitiveness Subcommittee; Community and Military Affairs Subcommittee; Education Committee

Last Action: Passed; YEAS 119 NAYS 0 -HJ 638

**CS/HB 291 (Renuart)(Similar HB 256; SB 948)**

Title: Youth Athletics

Link: <http://www.flsenate.gov/Session/Bill/2012/0291>

Summary: Requires independent sanctioning authority for youth athletic teams & FHSAA to adopt guidelines, bylaws, & policies relating to nature & risk of concussion & head injury in youth athletes; requires informed consent for participation in practice or competition; requires removal from practice or competition under certain circumstances & written medical clearance to return.

Referrals: Referred to K-20 Innovation Subcommittee; Health and Human Services Access Subcommittee; Education Committee

Last Action: Placed on Special Order Calendar, 02/22/12

**\*HB 315 (Rooney)(Similar CS/SB 260)**

Title: Deaf and Hard-of-Hearing Children

Link: <http://www.flsenate.gov/Session/Bill/2012/315>

Summary: Creates "Deaf and Hard-of-Hearing Children's Educational Bill of Rights"; provides findings & purpose; recognizes unique communication needs of deaf & hard-of-hearing children & encourages development of communication-driven & language-driven educational delivery system; requires DOE to develop communication model to become part of IEP process for deaf & hard-of-hearing students.

Referrals: K-20 Innovation Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

Last Action: Bill Filed

**\*SB 494 (Negron)(Identical HB 273)**

Title: Student Safety

Link: <http://www.flsenate.gov/Session/Bill/2012/494>

Summary: Requiring district school board policies to list the emergency response agencies that are responsible for notifying the school district of emergencies; requiring the emergency response agencies to notify private schools in the school district under certain circumstances, etc.

Referrals: Referred to Education Pre-K - 12; Military Affairs, Space, and Domestic Security; Budget -SJ 44

Last Action: Subreferred to Budget Subcommittee on Education Pre-K - 12 Appropriations  
• Now in Budget Subcommittee on Education Pre-K - 12 Appropriations

#### CS/SB 808 (Norman) (Similar HB 431)

Title: Joint Use of Public School Facilities

Link: <http://www.flsenate.gov/Session/Bill/2012/0808>

Summary: Encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, increase the number of joint-use agreements, and develop and adopt policies and procedures for an appeal process when negotiations for a joint-use agreement fail; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct, etc.

Referrals: Referred to Education Pre-K - 12; Judiciary; Budget -SJ 68

Last Action: Favorable by Judiciary; YEAS 7 NAYS 0  
• Now in Budget

#### CS/CS/CS/HB 1115 (Brandes & Grant)(Co-sponsors: Ahern & Corcoran)(Similar SB 1698 Wise)

Title: Teacher Protection Act

Link: <http://www.flsenate.gov/Session/Bill/2012/1115>

Summary: Teachers; Excludes certain professional teacher associations from definition of "employee organization" for purposes of provisions relating to public employee organizations unless such associations apply for registration under specified provisions. Note: the original bill was fundamentally altered via committee action to reflect the above and eliminated any provision relative to AG defense of teachers. The original bill contained the following provision(s): authorizes certain teachers who are made party to civil suit to request representation by Attorney General (AG); requires AG to defend teacher if AG determines that suit has arisen out of act that teacher in good faith believed was within scope of his or her duties; requires annual notice to teachers of their options under this provision; provides that certain determinations by AG are not admissible in evidence; provides construction; excludes certain professional teacher associations from definition of "employee organization" for purposes of provisions relating to public employee organizations unless such associations apply for registration under specified provisions.

Referrals: Civil Justice Subcommittee; Justice Appropriations Subcommittee; Education Committee; Judiciary Committee

Last Action: CS/CS/CS by- Education Committee; YEAS 10 NAYS 6

**SB 1698 (Wise)(Similar HB 1115 Brandes & Grant)**

Title: Teacher Protection Act

Link: <http://www.flSenate.gov/Session/Bill/2012/1698>

Summary: Teachers; Excludes certain professional teacher associations from definition of "employee organization" for purposes of provisions relating to public employee organizations unless such associations apply for registration under specified provisions. **Note: the original bill was fundamentally altered via committee action to reflect the above and eliminated any provision relative to AG defense of teachers.** authorizing certain teachers who are made a party to a civil suit to request representation by the Attorney General; requiring the Attorney General to defend the teacher if the Attorney General determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of his or her duties; excluding certain professional teacher associations from the definition of "employee organization" for purposes of provisions relating to public employee organizations unless such associations apply for registration under specified provisions, etc.

Referrals: Education Pre-K - 12; Judiciary; Budget

Last Action: Pending reference review under Rule 4.7(2) - (Committee Substitute)**CS by Education Pre-K - 12; YEAS 4 NAYS 2**

**CITIZENS PROPERTY INSURANCE**

CS/CS/HB 245 (Boyd) (Committee Bill – Insurance and Banking Sub-Committee)(Similar SB 578; Compare SB 1784)

Title: Depopulation of Citizens Property Insurance Corporation

Link: <http://www.flSenate.gov/Session/Bill/2012/0245>

Summary: Provides that eligible surplus lines insurers may participate, in same manner & on same terms as authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; provides exceptions, conditions, & requirements relating to participation by surplus lines insurer in corporation's depopulation, take-out, or keep-out programs; authorizes information from underwriting files & confidential files to be released by corporation to specified entities considering writing or underwriting risks insured by corporation; specifies that only corporation's transfer of policy file to insurer, as opposed to transfer of any file, changes file's public record status.

Referrals: Insurance and Banking Sub-Committee; Economic Affairs Committee

Last Action: CS passed as amended; YEAS 66 NAYS 48 -HJ 476 02/08/2012; Now in Senate Messages

CS/SB 578 (Richter) (Similar HB 245; Compare SB 1784)

Title: Depopulation of Citizens Property Insurance Corporation

Link: <http://www.flsenate.gov/Session/Bill/2012/578>

Summary: Providing that eligible surplus lines insurers may participate, in the same manner and on the same terms as an authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; authorizing information from underwriting files and confidential files to be released by the corporation to specified entities that are considering writing or underwriting risks insured by the corporation under certain circumstances.

Referrals: Banking and Insurance; Budget; Budget Sub-Committee on Appropriations

Last Action: CS by Budget Subcommittee on General Government Appropriations read 1st time - SJ 249

CS/SB 578 (Richter)(Similar HB 245)(Compare SB 1784)

Title: Depopulation of Citizens Property Insurance Corporation

Link: <http://www.flsenate.gov/Session/Bill/2012/0578>

Summary: Providing that eligible surplus lines insurers may participate, in the same manner and on the same terms as an authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; authorizing information from underwriting files and confidential files to be released by the corporation to specified entities that are considering writing or underwriting risks insured by the corporation under certain circumstances; specifying that only the corporation's transfer of a policy file to an insurer, as opposed to the transfer of any file, changes the file's public record status, etc.

Referrals: Banking and Insurance; Budget

Last Action: C S by Budget Subcommittee on General Government Appropriations read 1st time - SJ 249

**HB 1127 (Albritton) (Identical SB 1346)**

Title: Citizens Property Insurance Corporation

Link: <http://www.flsenate.gov/Session/Bill/2012/1127>

Summary: Reduces to 2 percent from 6 percent amount of projected deficit in coastal account for prior calendar year which is recovered through regular assessments; requires that remaining projected deficits in personal & commercial lines accounts be recovered through emergency assessments after accounting for Citizens policyholder surcharge; requires OIR of FSC to notify assessable insurers & Florida Surplus Lines Service Office of dates assessable insurers shall collect & pay emergency assessments; removes reference to recoupment of residual market deficit assessments; requires board of governors to make determination that account has projected deficit before it levies Citizens policyholder surcharge; requires limited apportionment company begin collecting regular assessments within 90 days & pay in full within 15 months after assessment is levied; authorizes OIR to assist Citizens Property Insurance Corporation in collection of assessments; replaces term "market equalization surcharge" with term "policyholder surcharge."

Referrals: Referred to Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Last Action: **Placed on Special Order Calendar, 02/22/12**

SB 1346 (Oelrich) (Identical HB 1127)

Title: Citizens Property Insurance Corporation

Link: <http://www.flsenate.gov/Session/Bill/2012/1346>

Summary: Reducing to 2 percent from 6 percent the amount of the projected deficit in the coastal account for the prior calendar year which is recovered through regular assessments; requiring that remaining projected deficits in personal and commercial lines accounts be recovered through emergency assessments after accounting for the Citizens policyholder surcharge; requiring the Office of Insurance Regulation of the Financial Services Commission to notify assessable insurers and the Florida Surplus Lines Service Office of the dates assessable insurers shall collect and pay emergency assessments, etc.

Referrals: Bank & Insurance; Budget

Last Action: On Committee agenda-- Budget Subcommittee on General Government Appropriations, 01/26/12, 8:30 am, 401 Senate Office Building

#### **CATASTROPHIC FUND:**

HB 833 (Hager)(Co-Sponsor Boyd)(Identical SB 1372)

Title: Florida Hurricane Catastrophic Fund

Link: <http://www.flsenate.gov/Session/Bill/2012/0833>

Summary: Revises definitions of "retention" & "corporation"; provides for calculation of insurer's reimbursement premium & retention under reimbursement contract; revises coverage levels available under reimbursement contract; revises aggregate coverage limits; provides for phase-in of changes to coverage levels & limits; revises cash build-up factor included in reimbursement premiums; provides for phase-in; reduces maximum allowable emergency assessments; changes name of Florida Hurricane Catastrophe Fund Finance Corporation; repeals provisions related to temporary emergency options for additional coverage; terminates temporary increase in coverage limits option at end of 2011-2012 contract year; limits to 2012-2013 contract year provisions relating to TICL options addendum, TICL reimbursement premiums, & claims-paying capacity of fund.

Referrals: Insurance and Banking Sub-Committee; Economic Affairs Committee

Last Action: On Committee agenda-- Insurance and Banking Subcommittee, 01/30/12, 2:00 pm, 404 HOB --Removed from agenda

**CS/SB 1372 (Alexander)(Identical HB 833)**

Title: Florida Hurricane Catastrophic Fund

Link: <http://www.flsenate.gov/Session/Bill/2012/1372>

Summary: Providing for calculation of an insurer's reimbursement premium and retention under the reimbursement contract; revising coverage levels available under the reimbursement contract; revising aggregate coverage limits; providing for the phase-in of changes to coverage levels and limits; revising the cash build-up factor included in reimbursement premiums; providing for phase-in; reducing maximum allowable emergency assessments; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation; repealing provisions related to temporary emergency options for additional coverage, etc.

Referrals: Banking and Insurance; Budget

Last Action: Subreferred to Budget Subcommittee on General Government Appropriations  
• Now in Budget Subcommittee on General Government Appropriations

## CLAIMS BILLS

\*SB 26 (Bogdanoff)(Identical HB 911)

Title: Relief of Altavious Carte by the Palm Beach County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/0026>

Summary: Providing for the relief of Altavious Carter by the Palm Beach School Board; providing for an appropriation to compensate Altavious Carter for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs, etc. CLAIM: \$944,034

Referrals: Special Master

Last Action: Bill Filed

\*SB 36 (Diaz de la Portilla)(Identical HB 647)

Title: Relief of Marcus Button by Pasco County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/0036>

Summary: Providing for the relief of Marcus Button by the Pasco County School Board; providing for an appropriation to compensate Marcus Button for injuries sustained as a result of the negligence of an employee of the Pasco County School Board; providing a limitation on the payment of fees and costs, etc. CLAIM: \$675,000

Referrals: Special Master

Last Action: Bill Filed

\*SB 54 (Negron)(Identical HB 855)

Title: Relief of Carl Abbott by the Palm Beach County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/0054>

Summary: Providing for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of the Palm Beach County School District; providing a limitation on the payment of fees and costs, etc. CLAIM: Indeterminate

Referrals: Special Master

Last Action: Bill Filed

\*HB 647 (Jenne)(Identical SB 36)

Title: Relief of Marcus Button by Pasco County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/0647>

Summary: Provides for relief of Marcus Button by Pasco County School Board; provides for appropriation to compensate Marcus Button for injuries sustained as result of negligence of PCSB; provides limitation on payment of fees & costs. CLAIM: \$675,000

Referrals: Special Master

Last Action: Bill Filed

\*HB 855 (Workman)

Title: Relief of Marcus Button by Pasco County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/855>

Summary: Provides for relief of Carl Abbott by Palm Beach County School Board; provides for appropriation to compensate Carl Abbott for injuries sustained as result of negligence of PBCSD; provides limitation on payment of fees & costs. CLAIM: Indeterminate

Referrals: Special Master

Last Action: Now in Judiciary Committee

• CS by Civil Justice Subcommittee read 1st time -HJ 676

\*HB 911(Clemens)(Identical SB 26)

Title: Relief of Altavious Carte by the Palm Beach County School Board

Link: <http://www.flsenate.gov/Session/Bill/2012/911>

Referrals: Special Master

Last Action: Bill Filed

**BILLS NOT EXPECTED TO SEE MEANINGFUL LEGISLATIVE ACTION (NOTE: Should a bill on this list begin to move it will be moved back up to the appropriate substantive category)**

SB 254 (Bennet)(Compare HB 119; HB 523)

Title: Motor Vehicle Personal Injury Protection Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/0254>

Summary: Revises reporting requirements for motor vehicle crashes; authorizes insurance to contract with a preferred provider and to provide a discount for use of the preferred provider by insured; provides for forfeiture of discount if preferred provider is not utilized.

Referrals: Banking and Insurance; Transportation and Budget Committees

Last Action: Now in Banking and Insurance Note: Senator Bennett has indicated that he will not attempt to move his legislation and, instead, work with one of the other bills (SB 1860 or HB 119) moving through the committee process.

HB 523 (Workman)(Compare HB 119, SB 254)

Title: Motor Vehicle Personal Injury Protection Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/0523>

Summary: Revises reporting requirements for motor vehicle crash reports; imposes licensing fee for health care clinics authorized to submit claims; establishes direct-support organization for purpose of prosecuting, investigating & preventing motor vehicle insurance fraud.

Referrals: Insurance and Banking Sub-Committee; Health and Human Services Committee; Appropriations Committee; Economic Affairs Committee.

Last Action: In Insurance and Banking Sub-Committee

HB 1007 (Horner) (Co-Sponsors Bernard, Albritton)

Title: Motor Vehicle Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/1007>

Summary: Repeals Florida's no-fault law; substitutes Florida Mandatory Emergency Payments Coverage Law; Requires that drivers carry 10K of emergency medical services insurance; requires that drivers maintain bodily injury insurance of 25K per person and 50K per occurrence.

Referrals: Insurance and Banking Sub-Committee; Civil Justice Sub-Committee; Health & Human Affairs Committee; Economic Affairs Committee

Last Action: In Banking and Insurance Sub-Committee

SB 1788 (Hays)

Title: Mediation of Motor Vehicle Personal Injury and Property Claims

Link: <http://www.flSenate.gov/Session/Bill/2012/1788>

Summary: Repealing provisions relating to the mediation of motor vehicle insurance claims for personal injury less than a specified amount or property damage of any amount; deleting requirements, procedures, and processes with respect to requests filed with the Department of Financial Services for mediation of such claims, etc.

Referrals: Referred to Banking and Insurance; Budget

Last Action: Introduced

SB 728 (Ring) (Compare HB 753)

Title: Residential Property Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/0728>

Summary: Amends provisions relating to checklists of policy contents; applying provisions to commercial lines residential insurance policies entered into on or after a certain date; revising provisions relating to the disclosure of certain insurer and policy information to claimants; revising provisions relating to deductibles included in policies entered into on or after a certain date; allowing deductibles for windstorm losses; providing that the failure to provide certain statements on a policy will result in voiding certain deductibles; providing that the deductible for hurricane losses is based on dwelling policy limits for insurance contracts entered into on or after a certain date, specifying that certain provisions relating to deductibles must be stated in the policy, capping the amount of the deductible, and providing that failure to provide certain notice requirements voids a separate deductible for hurricane or windstorm losses, etc.

Referrals: Banking and Insurance; Budget

Last Action: In Banking and Insurance

HB 753 (Holder)(Compare SB 728)

Title: Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/0753>

Summary: Provides application of standard personal lines residential insurance policy to certain commercial lines residential property insurance policies; specifies that upon written request of claimant, insurer providing liability insurance coverage must disclose information to claimant within specified time after written request; authorizes surplus lines carrier to issue real or personal property coverage containing coinsurance clause imposing liability on insured; requires policy containing separate windstorm deductible or coinsurance provision to include disclosures in boldfaced type; voids separate deductibles for hurricane or windstorm coverage if policy fails to make disclosures relating to separate deductibles; provides applicable deductible in policy reverts to all covered perils deductible; specifies policies that contain commercial lines residential coverage must include specified statements relating to dwelling policy limits & deductibles; voids separate deductibles for hurricane or windstorm coverage if certain policies containing commercial lines residential coverage fail to make required disclosures relating to dwelling policy limits & deductibles.

Referrals: Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Economic Affairs Committee

Last Action: In Banking & Insurance Sub-Committee

SB 846 (Fasano)

Title: Property Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/0846>

Summary: Defining the term "claim-related document"; requiring an insurer to disclose to a claimant certain information relating to policy coverage, that the claimant may request and obtain all claim-related documents, and whether there are any time requirements that would result in an insurer denying a claim; providing for the extension of the period of coverage for additional living expenses resulting from a state of emergency, etc.

Referrals: Banking and Insurance; Judiciary; Budget

Last Action: In Banking and Insurance

SB 1190 (Hays)

Title: Insurance Premium Taxes

Link: <http://www.flSenate.gov/Session/Bill/2012/1190>

Summary: Exempting contributions to surplus which are collected by a mutual property and casualty insurance company domiciled in this state from its policyholders from insurance premium taxes under certain circumstances, etc.

Referrals: None

Last Action: Introduced

SB 1248 (Hays)

Title: Non-renewal of Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1248>

Summary: Providing specified exemptions from the requirement that an insurer provide notification of nonrenewal to an insured, etc.

Referrals: None

Last Action: Introduced

SB 1790 (Hays)

Title: Mediation of Property Insurance Claims

Link: <http://www.flSenate.gov/Session/Bill/2012/1790>

Summary: Deleting provisions requiring the Department of Financial Services to create and administer a nonadversarial property insurance mediation program for resolving disputed property insurance claims and delete requirements, procedures, and processes relating to the program, etc.

Referrals: None

Last Action: Withdrawn prior to introduction.

**SB 668 (Hays) (Identical HB 511)**

Title: Workers Compensation Medical Services

Link: <http://www.flSenate.gov/Session/Bill/2012/0668>

Summary: Revising requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication; providing limitations, etc.

Referrals: Banking and Insurance; Health Regulation; Budget

Last Action: **On Committee agenda-- Health Regulation, 02/22/12, 3:30 pm, 412 Knott Building**

**HB 427 (Passidomo)(Identical SB 1224)**

Title: Civil Remedies Against Insurers

Link: <http://www.flSenate.gov/Session/Bill/2012/0427>

Summary: Requires that before bringing common-law bad faith action against insurer, party bringing action must first provide to DOI & insurer prior written notification of specified number of days; requires notice relating to bringing of common-law claim of bad faith must specify common-law duty violated by insurer; requires notice to specify amount of moneys that insurer has failed to tender or pay if specific statutory or common-law based violation includes such failure; provides that circumstances giving rise to statutory or common-law based violations are corrected by specifically described monetary tenders by insurer; provides that either third-party claimant or insured is entitled to general release, etc.

Referrals: Civil Justice Subcommittee; Insurance and Banking Subcommittee; Judiciary Committee

Last Action: Unfavorable by Civil Justice Subcommittee, laid on Table; YEAS 7 NAYS 8

**HB 1171 (Wood)(Identical SB 1630)**

Title: Interstate Health Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1171>

Summary: Authorizes solicitation & sale of interstate health insurance policies in this state; requires interstate health insurance policies & policy applications to contain certain notice; provides for application of certain provisions to insurers; excludes interstate health insurance policies from certain requirements; requires interstate health insurers to make filings relating to

policy forms & rates; requires OIR to make available on its website interstate health policy forms & rates; authorizes authorized domestic health insurers to engage in specified activities relating to sale of interstate health insurance; requires authorized domestic insurers to file notice with office of intent to engage in activities & copy of forms & rates; authorizes subsidiaries & related corporations of domestic health insurers, which provide creditable health insurance coverage & are governed by certain laws other than laws of this state, to engage in specified activities relating to sale of interstate health insurance; exempts interstate health insurance policies & applications from certain Florida Insurance Code provisions; provides exceptions.

Referrals: Health and Human Services Access Subcommittee; Insurance and Banking Subcommittee; Appropriations Committee; Health and Human Services Committee

Last Action: Introduced

SB 1630 (Alexander)(Identical HB 1171)

Title: Interstate Health Insurance

Link: <http://www.flsenate.gov/Session/Bill/2012/1630>

Summary: Authorizing solicitation and sale of interstate health insurance policies in this state by certain persons; requiring the Office of Insurance Regulation to make available on its website certain interstate health policy forms and rates; authorizing certain authorized domestic health insurers to engage in specified activities relating to the sale of interstate health insurance; authorizing subsidiaries and related corporations of certain domestic health insurers, which provide specified creditable health insurance coverage and are governed by certain laws other than the laws of this state to engage in specified activities relating to the sale of interstate health insurance, etc.

Referrals: None

Last Action: Bill Filed

SB 1224 (Oelrich)(Identical HB 427)

Title: Civil Remedies Against Insurers

Link: <http://www.flsenate.gov/Session/Bill/2012/1224>

Summary: Requiring that before bringing a common-law bad faith action against an insurer, the party bringing the action must first provide to the Department of Financial Services and the insurer prior written notification of a specified number of days; requiring that a notice relating to the bringing of a common-law claim of bad faith must specify the common-law duty violated by the insurer; requiring a notice to specify the amount of moneys that an insurer has failed to tender or pay if the specific statutory or common-law-based violation includes such failure; providing that the applicable statute of limitations is tolled for a specified period of time when certain notices alleging a common-law-based violation are mailed, etc.

Referrals: None

Last Action: Bill Filed

HB 761 (Articles) (Identical SB 1318)

Title: Property Loss Appraisers

Link: <http://www.flSenate.gov/Session/Bill/2012/0761>

Summary: Requires Citizens Property Insurance Corporation's plan of operation to provide for adoption of policy forms that require compliance with conditions & procedures relating to participation of umpires & appraisers in loss appraisal process; provides either party may submit written demand to enter into process of appraisal when insured & corporation fail to mutually agree to actual cash value, amount of loss, or cost of repair or replacement of property for which claim has been filed; provides exception upon which corporation may refuse to accept demand; provides that corporation waives right to demand appraisal under certain circumstances; requires each party to select competent & independent appraiser & notify opposing party within specified period; requires appraisers to select appraisal umpire under certain circumstances; authorizes either party to file petition, in county or circuit court in jurisdiction in which covered property is located, to designate appraisal umpire if appraisers cannot agree on selection of umpire; provides that appraisal proceedings are informal unless corporation & insured agree otherwise; defines & provides scope of term "informal" for purposes of appraisal proceedings; requires each appraiser to submit written report to other appraiser; provides for appraisal awards & compensation of appraisers & umpire; provides applicability & limitations.

Referrals: None

Last Action: Bill Filed

SB 1318 (Fasano) (Identical HB 761)

Title: Property Loss Appraisals

Link: <http://www.flSenate.gov/Session/Bill/2012/1318>

Summary: Requiring Citizens Property Insurance Corporation's plan of operation to provide for the adoption of policy forms that require compliance with certain conditions and procedures relating to the participation of umpires and appraisers in the loss appraisal process under certain circumstances; providing that either party may submit a written demand to enter into the process of appraisal when the insured and the corporation fail to mutually agree to the actual cash value, the amount of loss, or the cost of repair or replacement of property for which a claim has been filed; providing an exception upon which the corporation may refuse to accept such demand, etc.

Referrals: Banking & Insurance; Budget

Last Action: Bill Filed

SB 1566 (Fasano)

Title: Property Insurance

Link: <http://www.flSenate.gov/Session/Bill/2012/1566>

Summary: Revising the membership of the Market Accountability Advisory Committee of the board of governors of Citizens Property Insurance Corporation; extending the corporation's annual rate increase cap to sinkhole coverage; requiring an insurer to accept a private structural appraisal under certain circumstances; requiring an insurer to pay replacement cost coverage without reservation or depreciation for dwelling losses that result from a state of emergency, etc.

Referrals: None

Last Action: Bill Filed

SB 1784 (Hays)(Compare HB 245; SB 578)

Title: Citizens Property Insurance Corporation

Link: <http://www.flsenate.gov/Session/Bill/2012/1784>

Summary: Discontinuing policy discounts relating to the Citizens Property Insurance Corporation after a certain date; providing that certain residential structures are not eligible for coverage by the corporation after a certain date; directing the corporation to provide coverage to certain excluded residential structures but at rates deemed appropriate by the corporation; prohibiting the corporation from accepting applications for commercial nonresidential risks; providing that policies do not include coverage for screen enclosures or any structure detached from the house, etc.

Referrals: None

Last Action: Banking and Insurance; Commerce and Tourism; Budget