



WEEKLY LEGISLATIVE UPDATE: WEEK 5

February 16, 2017

The Personal Insurance Federation of Florida (PIFF) is a leading property & casualty insurance trade association that advocates for a healthy and competitive marketplace for the benefit of insurance consumers in Florida.

HB 47 - Relating to Texting While Driving Representative Stark

Summary: Revises penalties for violations of Florida Ban on Texting While Driving Law; provides enhanced penalties for such violations when committed in school zone or school crossing; removes requirement that specified provisions be enforced as secondary action by law enforcement agency. Effective Date: July 1, 2017

PIFF Position: Supports decreasing distracted driving

Legislative Actions: Now in Transportation and Infrastructure Subcommittee

HB 69 - Relating to Use of Wireless Communications Devices while Driving Representative Slosberg

Summary: Provides for primary enforcement of Florida Ban on Texting While Driving Law for drivers age 18 or younger; requires deposit of fines into Emergency Medical Services Trust Fund. Effective Date: July 1, 2017

PIFF Position: Supports decreasing distracted driving

Legislative Actions: Now in Transportation and Infrastructure Subcommittee

Comparison Bill: SB 144

2017

LEGISLATIVE PRIORITIES

AOB Reform- PIFF supports a change to Florida's "one-way attorney fee" law so that businesses that sue insurance companies are required to pay their own lawyers.

PIP Insurance- PIFF members believe that any changes to the PIP law must be thoughtful, comprehensive, and consumer-focused. Any new mandatory levels of coverage could increase premiums for all consumers.

Bad Faith- PIFF supports restoring bad faith laws to their original intent as a tool to protect consumers and end the windfall profits for trial lawyers.

Transportation Network Companies- PIFF members support strengthening the law regarding insurance requirements to ensure TNC drivers and passengers are adequately protected.

Prejudgment Interest- PIFF opposes any change to current law.

Premium Tax Credit- PIFF opposes any change to current law.

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SB 94- Relating to Property Insurance Appraisers and Property Insurance Appraisal Umpires

Senator Artiles

Summary: Authorizing the Department of Financial Services to investigate property insurance appraisal umpires for violations of the insurance code; creating the Property Insurance Appraisal Umpire Law; providing qualifications for license as an umpire; authorizing the department to refuse, suspend, or revoke an umpires license under certain circumstances; providing an appropriation and authorizing positions, etc. APPROPRIATION: \$136,337.00 Effective Date: 10/1/2017

PIFF Position: Monitoring

Legislative Actions: Referred to Banking and Insurance; Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

HB 97- Relating to Certificates of Title for Motor Vehicles Representative Pigman

Summary: Prohibits DHSMV from charging fee for certificate of title issued for motor vehicle solely to remove deceased joint owner if the other joint owner is surviving spouse. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Favorable with CS by Transportation and Infrastructure Subcommittee; 15 Yeas, 0 Nays.

Comparison Bill: SB 164

SB 112 - Relating to Flood Hazard Mitigation

Senator Brandes

Summary: Authorizing the Division of Emergency Management of the Executive Office of the Governor to administer a matching grant program for local governments to implement flood hazard risk reduction policies and projects; revising the powers of the Florida Communities Trust to authorize the undertaking, coordination, and funding of flood mitigation projects; authorizing the trust to acquire and dispose of real and personal property to reduce flood hazards, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Referred to Banking and Insurance; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

Comparison Bill: HB 613

SB 144- Relating to Use of Wireless Communications Devices While Driving

Senator Garcia

Summary: Providing for primary enforcement of the Florida Ban on Texting While Driving Law for drivers age 18 or younger; requiring deposit of fines into the Emergency Medical Services Trust Fund; providing an effective date, etc. Effective Date: 7/1/2017

PIFF Position: Supports decreasing distracted driving

Legislative Actions: Temporarily postponed by Communications, Energy, and Public Utilities

Comparison Bill: HB 69

SB 146- Relating to Damages Recoverable for the Cost of Medical or Health Care Services

Senator Passidomo

Summary: Providing for the calculation of an award of damages for certain medical or health care services paid or owed by a claimant or a governmental or commercial insurance payor; providing that the amount of a lien or subrogation claim asserted by Medicaid, Medicare, or a payor regulated under the Florida Insurance Code for certain past medical expenses, in addition to the amount of copayments or deductibles payable by the claimant, is the maximum amount recoverable and admissible into evidence under certain circumstances, etc. Effective Date: Upon becoming a law

PIFF Position: Support accuracy in damages legislation

Legislative Actions: Referred to Judiciary; Banking and Insurance; Rules

Comparison Bill: SB 384, HB 537, HB 583

SB 156 - Relating to Motor Vehicle Insurance (No-Fault Repeal)

Senator Brandes

Summary: Authorizing insurers to provide for termination of motor vehicle insurance policies issued or renewed on or after a specified date as a result of the repeal of sections by this act; requiring certain motor vehicle insurance policies to provide certain property damage liability and bodily injury liability coverage, rather than only such policies providing personal injury protection; expanding the scope of certain criminal acts related to false and fraudulent insurance claims by removing limitations to such acts under the no-fault law, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect January 2, 2019

PIFF Position: Monitoring

Legislative Actions: Referred to Banking and Insurance; Judiciary; Criminal Justice; Appropriations

Comparison Bill: HB 461

SB 164 - Relating to Certificates of Title for Motor Vehicles

Senator Grimsley

Summary: Prohibiting the Department of Highway Safety and Motor Vehicles from charging a fee for a certificate of title issued for a motor vehicle solely to remove a deceased joint owner if the other joint owner is the surviving spouse, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Favorable with CS by Transportation; 4 Yeas, 0 Nays; Committee Substitute Text (C1) Filed

Comparison Bill: HB 97

SB 188 - Relating to Vacation Rentals

Senator Steube

Summary: Providing that local laws, ordinances, and regulations adopted after a certain date may not restrict the use of, prohibit, or regulate vacation rentals based solely on their classification, use, or occupancy, etc. Effective Date: Upon becoming a law

PIFF Position: Monitoring

Legislative Actions: Referred to Regulated Industries; Community Affairs; Rules

Comparison Bill: HB 425

HB 191 - Relating to Commercial Lines of Residential Coverage

Representative Beshears

Summary: Provides conditions under which specified commercial lines residential coverage is exportable. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Now in Insurance & Banking Subcommittee

Comparison Bill: SB 208

HB 193 - Relating to Towing and Storage Fees

Representative Cortes

Summary: Prohibits counties & municipalities from enacting ordinances or rules that impose a fee or charge on wrecker operators or vehicle storage companies when providing certain services; provides exceptions. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: On Committee agenda - Transportation & Infrastructure Subcommittee, 02/22/17, 1:15 pm, 116 K

Comparison Bill: SB 282

SB 208- Relating to Surplus Lines Insurance

Senator Passidomo

Summary: Revising conditions for the export eligibility of commercial lines residential coverage, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Referred to Banking and Insurance; Commerce and Tourism; Rules

Comparison Bill: HB 191

HB 221- Relating to Transportation Network Companies

Representative Sprowls

Summary: Provides that transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles/for-hire vehicles; requires TNC to designate & maintain agent for service of process; provides fare requirements & requirements for TNC's digital network; provides for electronic receipt; provides automobile insurance requirements & requirements for specified proof of coverage; provides disclosure requirements for TNC driver in event of accident; requires TNC to cause its insurer to issue certain payments directly to certain parties; requires TNC to make specified disclosures in writing to TNC drivers; authorizes specified insurers to exclude certain coverage; provides that right to exclude coverage applies to coverage included in automobile insurance policy; provides that specified automobile insurers have right of contribution against other insurers that provide automobile insurance to same TNC drivers in satisfaction of certain coverage requirements under certain circumstances; requires TNC to provide specified information to certain parties during claims coverage investigation; requires certain insurers to disclose specified information to other insurer involved in claim; provides that TNC drivers are independent contractors if specified conditions are met; requires TNC to implement zero-tolerance policy for drug/alcohol use; provides TNC driver requirements; requires TNC to conduct background check for TNC driver; prohibits TNC driver from accepting certain rides or soliciting/accepting street hails; requires TNC to adopt nondiscrimination policy & notify TNC drivers of policy; requires TNC drivers to comply with nondiscrimination policy & applicable laws regarding nondiscrimination & accommodation of service animals; prohibits TNC from imposing additional charges for providing services to persons who have physical disabilities; requires TNC to maintain specified records; specifies that TNCs, TNC drivers, & TNC vehicles are governed exclusively by state law; prohibits local governmental entities & subdivisions from taking specified actions; provides applicability & construction. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: On Committee agenda - Government Accountability Committee, 02/21/17, 10:00 am, 17 H

Comparison Bill: SB 340

SB 262- Relating to Health Insurance

Senator Steube

Summary: Deleting a provision that provides that health maintenance organizations are not vicariously liable for certain medical negligence except under certain circumstances; authorizing specified persons to bring a civil action against a health maintenance organization for certain violations; specifying a health maintenance organizations liability for such violations, etc.

Effective Date: 10/1/2017

PIFF Position: Monitoring

Legislative Actions: On Committee agenda - Banking and Insurance, 02/21/17, 12:30 pm, 110 S

Comparison Bill: HB 675

SB 282- Relating to Towing and Storage Fees

Senator Artilles

Summary: Prohibiting counties and municipalities from enacting certain ordinances or rules to impose a fee or charge on wrecker operators or vehicle storage companies, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Referred to Community Affairs; Transportation; Appropriations Subcommittee on Finance and Tax; Appropriations

Comparison Bill: HB 193

SB 334- Relating to Prejudgment Interest

Senator Steube

Summary: Requiring a court to include interest in a final judgment in an action from which a plaintiff recovers economic or noneconomic damages; requiring a court to include interest on attorney fees and costs in the final judgment, if recovered, etc. Effective Date: 7/1/2017

PIFF Position: Supports the current law

Legislative Actions: On Committee agenda - Judiciary, 02/21/17, 3:30 pm, 110 S

Comparison Bill: HB 469

SB 340- Relating to Transportation Network Companies

Senator Brandes

Summary: Providing that a transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles or for-hire vehicles; providing requirements for a TNC's digital network; providing that specified automobile insurers have a right of contribution against other insurers that provide automobile insurance to the same TNC drivers in satisfaction of certain coverage requirements under certain circumstances, etc. Effective Date: 7/1/2017

PIFF Position: Supports

Legislative Actions: Referred to Banking and Insurance; Judiciary; Rules

Comparison Bill: HB 221

HB 359- Relating to Insurance

Representative Santiago

Summary: Removes provision repealing exemption from emergency assessment for medical malpractice insurance premiums; revises definition of asset; revises requirements for medical malpractice insurers to provide rate filing; permits insurers to charge insufficient funds fees; provides conditions under which an electronically delivered document meets formatting requirements; authorizes insurer to exclude certain household members from private passenger motor vehicle insurance. Effective Date: upon becoming law

PIFF Position: SUPPORT

Legislative Action: Now in Insurance & Banking Subcommittee

Comparison Bill: SB 454

SB 420- Relating to Flood Insurance

Senator Brandes

Summary: Revising the intervals at which specified standards and guidelines for projecting certain rate filings must be revised by the Florida Commission on Hurricane Loss Projection Methodology; authorizing an insurer to issue flood insurance policies on a flexible basis; specifying a condition for an eligible surplus lines insurer before a surplus lines agent may be excepted from a diligent-effort requirement when exporting flood insurance contracts or endorsements to the insurer, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: On Committee agenda - Banking and Insurance, 02/21/17, 12:30 pm, 110 S

SB 454- Relating to Regulation of Insurance Companies

Senator Brandes

Summary: Deleting a future repeal of an exemption of medical malpractice insurance premiums from certain emergency assessments by the State Board of Administration relating to the Florida Hurricane Catastrophe Fund; revising a definition of “assets” of an insurer to include certain assessments levied by the Office of Insurance Regulation, etc. Effective Date: Upon becoming a law

PIFF Position: SUPPORT

Legislative Action: Referred to Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; Rules

Comparison Bill: HB 359

HB 461- Relating to Motor Vehicle Insurance

Representative Hager

Summary: Repeals Florida Motor Vehicle No-Fault Law & requirements for personal injury protection coverage; increases amount of security required for owners, operators, & dealers of motor vehicles; increases amount of deposit to obtain certificate of self-insurance & certificate of insurance; increases amount of net worth to obtain self-insurance; provides legislative intent; provides notice requirements to inform policyholders of changes in insurance coverage. Effective Date: January 1, 2018

PIFF Position: Monitoring

Legislative Actions: Now In Insurance & Banking Subcommittee

Comparison Bill: SB 156

HB 469- Relating to Prejudgment Interest

Representative Harrison

Summary: Requires court to include interest on monetary damages & attorney fees & costs in final judgment; specifies dates on which interest shall begin to accrue; provides applicability.

Effective Date: July 1, 2017

PIFF Position: OPPOSE

Legislative Actions: Now in Civil Justice & Claims Subcommittee

Comparison Bill: SB 334

HB 597- Relating to Florida Hurricane Catastrophe Fund

Representative Santiago

Summary: Revises provisions regarding Hurricane Catastrophe Trust Fund, insurer options for purchasing optional market stabilization coverage layers, SBA advisory council, formula for determining Citizen's Property Insurance Corporation cash build-up factor, & insurance reimbursement premiums for insurance fraud purposes. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Now in Insurance & Banking Subcommittee

HB 613- Relating to Flood Hazard Mitigation

Representative Ahern

Summary: Authorizes DEM to administer, subject to appropriation, matching grant program for local governments to implement flood hazard risk mitigation policies & projects; authorizes Florida Communities Trust to acquire & dispose of real & personal property to reduce flood hazards; revises requirements for certain land acquisition agreements. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Now in Oversight, Transparency & Administration Subcommittee

Comparison Bill: SB 112

HB 639- Relating to Emergency Assessments For Property Insurance

Representative Shaw

Summary: Revises limitations on certain emergency assessments levied by Citizens Property Insurance Corporation & limits the corporation's authority to pledge certain account's emergency assessment to secure issuance of bonds or other security; revises limitation on Florida Insurance Guaranty Association's obligations for policies covering condominium or homeowners' associations; requires OIR to levy specified additional emergency assessments against certain insurers for specified purposes. Effective Date: upon becoming a law

PIFF Position: Monitoring

Legislative Actions: Now in Insurance & Banking Subcommittee

Comparison Bill: SB 728

HB 725- Relating to Autonomous Vehicles

Representative Brodeur

Summary: Autonomous Vehicles: Authorizes person to engage autonomous technology to operate autonomous vehicle in autonomous mode; provides that autonomous technology is deemed operator of autonomous vehicle operating in autonomous mode for determining compliance with traffic & motor vehicle laws; provides construction & applicability with respect to specific statutory provisions. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Now in Transportation & Infrastructure Subcommittee

SB 728 Relating to Property Insurance

Representative Rouson

Summary: Revising limitations on the aggregate amount of certain emergency assessments levied by the board of governors of the Citizens Property Insurance Corporation; prohibiting the corporation from pledging more than a specified percent of its commercial lines account emergency assessment authority to secure the issuance of bonds or any other security; revising a limitation on a certain obligation of the Florida Insurance Guaranty Association for policies covering condominium associations or homeowners' associations; requiring the Office of Insurance Regulation to levy specified additional emergency assessments against certain insurers for specified purposes, etc Effective Date: Upon becoming a law

PIFF Position: Monitoring

Legislative Actions: Filed

Comparison Bill: HB 639

SB 812- Relating to Insurance Policy and Transfers

Senator Perry

Summary: Authorizing an insurer to transfer a personal lines residential or commercial residential property insurance policy to another authorized insurer upon expiration of the policy term if specified conditions are met, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Filed

HB 813- Relating to Flood Insurance

Representative Larry Lee

Summary: Flood Insurance: Revises intervals at which specified standards & guidelines for projecting certain rate filings must be revised by Florida Commission on Hurricane Loss Projection Methodology; authorizes insurer to issue flood insurance policies on flexible basis; specifies condition for eligible surplus lines insurer before surplus lines agent may be excepted from diligent-effort requirement when exporting flood insurance contracts/endorsements to insurer. Effective Date: July 1, 2017

PIFF Position: Monitoring

Legislative Actions: Filed

Comparison Bill: SB 420

SB 922- Relating to Insurance Adjusters

Senator Rene Garcia

Summary: Insurance Adjusters; Revising applicability of the Licensing Procedures Law to include adjusting firms; prohibiting certain entities from acting as insurance adjusting firms without specified licenses; specifying that an unlicensed firm is subject to a certain administrative penalty, etc. Effective Date: 1/1/2018

PIFF Position: Monitoring

Legislative Actions: Filed

Comparison Bill: SB 986

SB 986- Relating to Department of Financial Services

Senator Stargel

Summary: Department of Financial Services; Replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; requiring certification of boiler inspectors; authorizing the department to expend funds for professional development of its employees, etc. Effective Date: 7/1/2017

PIFF Position: Monitoring

Legislative Actions: Filed

Comparison Bill: SB 986

HB 6009- Relating to Motorcycle Safety

Representative Hahnfeldt

Summary: Removes provisions authorizing certain persons over 21 years of age to operate/ride motorcycle without wearing protective headgear; provides penalties. Effective Date: July 1, 2017

PIFF Position: Supports increased safety requirements

Legislative Actions: Now in Transportation & Infrastructure Subcommittee

SB 7000- Relating to Florida Building Commission

Community Affairs

Summary: Requiring the commission to use the most recent published edition of the Florida Building Code as the foundation code; requiring the commission to review, rather than update, the Florida Building Code every 3 years; deleting a provision that specifies how long amendments or modifications to the foundation code remain effective, etc. Effective Date: 7/1/2017

PIFF Position: OPPOSE

Legislative Actions: Referred to Appropriations Subcommittee on General Government; Appropriations