

LEGISLATIVE
SUMMARY



2021



David Altmaier, Insurance Commissioner



FINANCIAL SERVICES
COMMISSION

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GOVERNOR

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CHIEF FINANCIAL OFFICER

ASHLEY MOODY
ATTORNEY GENERAL

NICOLE "NIKKI" FRIED
COMMISSIONER OF
AGRICULTURE

OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

July 19, 2021

Dear Floridians,

I am pleased to present the *2021 Legislative Summary* prepared by the Florida Office of Insurance Regulation (OIR). This report provides a brief overview of insurance legislation passed by the Florida Legislature during the 2021 Regular Session with action taken by the Governor. It also includes a summary of the OIR budget for Fiscal Year 2021-2022. Additional information regarding the 2021 Regular Session can be found online at www.leg.state.fl.us.

I encourage you to review this report and visit our website for more information about the OIR's role in promoting a stable and competitive insurance market that allows *reliable* insurance products to be *available* to Florida consumers at *affordable* prices.

Sincerely,

David Altmaier

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**Summary of Insurance, Administrative, and Budget-Related Legislation
Enacted by the Florida Legislature during the 2021 Regular Session**

BUDGET

General Appropriations Act (SB 2500 by Appropriation)

Action by Governor: Approved by the Governor (Ch. Law 2021-36)

Effective Date: 7/1/2021

The Legislature approved the FY 2021-22 General Appropriations Act on 4/30/21, during Regular Session. The Governor signed it into law on 6/02/21. Funds appropriated to the Office of Insurance Regulation (Office) from the Insurance Regulatory Trust are shown in Table 1.

Table 1. Appropriations Overview Fiscal Year 2021-22: Office of Insurance Regulation (Office)			
Positions	FY 2020-21	FY 2021-22	Over/(Under)
Full-time equivalent (FTE) positions	283	279	(-4 FTE)
Funding (By Budget Category)	FY 2020-21	FY 2021-22	Over/(Under)
Salaries and Benefits	\$21,039,617	\$22,102,869	\$1,063,252
Other Personal Services	\$290,169	\$429,106	\$138,937
Expenses	\$2,469,173	\$2,418,973	(\$50,200)
Operation Capital Outlay	\$98,000	\$1,000	(\$97,000)
Contracted Services	\$1,780,726	\$1,780,726	\$0
Financial Examination Contracts*	\$4,626,763	\$5,151,763	\$525,000
Florida Public Hurricane Model (Enhancements)	\$969,689	\$969,689	\$0
Lease or Lease-Purchase of Equipment	\$37,403	\$47,603	\$10,200
Risk Management Insurance	\$182,751	\$89,428	(\$93,323)
DMS Human Resources Contract	\$90,647	\$90,616	(\$31)
TOTAL	\$31,584,938	\$33,081,773	\$1,547,035
*Budget authority for financial examinations of Property and Casualty, and Life and Health Insurance companies. Insurance companies reimburse the Insurance Regulatory Trust Fund for examination costs. The Trust Fund acts as a pass-through.			

Appropriations Proviso for the Office, Fiscal Year 2021-22

Line #2487 – Existing Proviso (Public Hurricane Model – Enhancements) \$969,689

Funds in Specific Appropriation 2487 shall be transferred to Florida International University and utilized to promote and enhance collaborative research among state universities. The Florida Public Hurricane Loss Model located at Florida International University may consult with the private sector and the Florida Catastrophic Storm Risk Management Center located at The Florida State University to enhance the marketability, viability, and applications of the Florida Public Hurricane Loss Model. The Office of Insurance Regulation (Office) shall have the ability to accurately calculate hurricane risk and project catastrophic losses, and nothing shall interfere with or supersede the Office's authority to enter into agreements with Florida International University.

GENERAL INSURANCE

Pub. Rec./Trade Secrets ([HB 1055](#) by Gregory)

Action by Governor: Approved by Governor (Chapter No. 2021-223)

Statute(s) Affected: 119.0715

Effective Date: Upon becoming law

Providing an exemption from public records requirements for a trade secret held by an agency; providing that an agency employee is not liable for the release of certain records; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.

For a copy of the final House staff analysis, please [click here](#).

OSGR/Office of Insurance Regulation ([SB 7014](#) by Banking and Insurance)

Action by Governor: Approved by Governor (Chapter No. 2021-106)

Statute(s) Affected: 624.4212

Effective Date: October 1, 2021

Adding the Office of Insurance Consumer Advocate to the list of entities to which the Office of Insurance Regulation may disclose confidential and exempt information; removing the scheduled repeal of an exemption from public records requirements for certain proprietary business information and information that is confidential and held by the Office of Insurance Regulation, etc.

For a copy of the final Senate staff analysis, please [click here](#).

LIFE AND HEALTH INSURANCE

Podiatric Medicine ([HB 17](#) by Bell)

Action by Governor: Approved by Governor (Chapter No. 2021-136)

Statute(s) Affected: 624.27

Effective Date: July 1, 2021

Authorizes Board of Podiatric Medicine to require a specified number of continuing education hours related to safe & effective prescribing of controlled substances; provides for governance of podiatric physicians who are supervising medical assistants.

For a copy of the final House staff analysis, please [click here](#).

Behavior Health Care Services Coverage and Access ([HB 701](#) by Stevenson)

Action by Governor: Approved by Governor (Chapter No. 2021-146)

Statute(s) Affected: 624.36, 627.4215, 641.31085

Effective Date: October 1, 2021

Requires DFS to submit a report relating to behavioral health care services & benefits to Governor & Legislature by a specified date; specifies minimum information report must contain; requires the department to make certain information available on its website; requires health insurers & health maintenance organizations to disclose specified information on their websites; requires health insurers & health maintenance organizations to annually provide certain written notices to insureds or subscribers.

For a copy of the final House staff analysis, please [click here](#).

Florida Life and Health Guaranty Association ([HB 797](#) by Robinson, W.)

Action by Governor: Approved by Governor (Chapter No. 2021-109)

Statute(s) Affected: 631.714, 631.717, 631.718, 631.721

Effective Date: July 1, 2021

Redefines "person," to apply to provisions relating to life & health insurance guaranty of payments; authorizes Florida Life & Health Insurance Guaranty Association to assume, reissue, & cause to be reissued covered policies of impaired insurers; revises association's standing before the court; provides association has right to appear or intervene before court or agency in another state; authorizes the board of directors of the association to credit specified assessments against certain future assessments; requires member insurers to pay deferred assessments.

For a copy of the final House staff analysis, please [click here](#).

PROPERTY AND CASUALTY INSURANCE

Property Insurance ([SB 76](#) by Boyd)

Action by Governor: Approved by Governor (Chapter No. 2021-77)

Statute(s) Affected: 624.424, 626.7451, 626.7452, 626.854, 626.9373, 627.351, 627.3518, 627.428, 627.70132, 627.7015, 627.70152, 627.70153, 628.801

Effective Date: July 1, 2021

Prohibiting certain practices by contractors; prohibiting a contractor from executing a contract with a residential property owner for a roofing repair or replacement unless certain notice is included; requiring property insurers, effective a certain date, to include certain data regarding closed claims in their annual reports to the Office of Insurance Regulation; requiring the Property Insurance Corporation to include the costs of catastrophe reinsurance to its projected 100-year probable maximum loss in its rate calculations even if the corporation does not purchase such reinsurance, etc.

For a copy of the final Senate staff analysis, please [click here](#).

Motor Vehicle Insurance Coverage Exclusions ([SB 420](#) by Hooper)

Action by Governor: Approved by Governor (Chapter No. 2021-96)

Statute(s) Affected: 627.736, 627.7407, 627.747

Effective Date: July 1, 2021

Providing that private passenger motor vehicle policies may exclude certain coverages for claims resulting from the operation of motor vehicles by identified individuals under certain circumstances; requiring excluded drivers to meet certain requirements for financial responsibility, etc.

For a copy of the final Senate staff analysis, please [click here](#).

Motor Vehicle Rentals ([SB 566](#) by Perry)

Action by Governor: Approved by Governor (Chapter No. 2021-175)

Statute(s) Affected: 627.7483

Effective Date: January 1, 2022

Specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying applicability of the surcharge; requiring motor vehicle rental companies to collect specified surcharges; specifying the applicable rental car surcharge on peer-to-peer car-sharing program agreements involving shared vehicles; specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs, etc.

For a copy of the final Senate staff analysis, please [click here](#).

Community Associations ([SB 630](#) by Baxley)

Action by Governor: Approved by Governor (Chapter No. 2021-99)

Statute(s) Affected: 627.714

Effective Date: July 1, 2021

Prohibiting insurance policies from providing specified rights of subrogation under certain circumstances; authorizing a condominium association to extinguish discriminatory restrictions; authorizing the board of administration of an association to take certain actions relating to electric vehicle charging stations and natural gas fuel stations; authorizing parties to initiate presuit mediation under certain circumstances; revising the allowable uses of certain escrow funds withdrawn by developers; authorizing certain developers to include reserves in the budget, etc.

For a copy of the final Senate staff analysis, please [click here](#).

Credit for Reinsurance ([SB 728](#) by Broxson)

Action by Governor: Approved by Governor (Chapter No. 2021-101)

Statute(s) Affected: 624.61

Effective Date: July 1, 2021

Revising the attorney designation requirement in reinsurance agreements with certain assuming insurers under certain circumstances; specifying requirements for assuming insurers and reinsurance agreements; authorizing a ceding insurer or its representative that is subject to rehabilitation, liquidation, or conservation to seek a certain court order; providing construction, etc.

For a copy of the final Senate staff analysis, please [click here](#).

Consumer Protection ([SB 1598](#) by Gruters)

Action by Governor: Approved by Governor (Chapter No. 2021-104)

Statute(s) Affected: 624.307, 624.501, 626.112, 626.602, 626.621, 626.782, 626.783, 626.796, 626.854, 626.916, 626.9541, 626.9741, 626.9953, 626.9957, 627.502, 627.70131, 627.7142, 631.57, 631.904

Effective Date: Upon becoming law

Deleting authorization for consumer reporting agencies to charge a fee for reissuing or providing a new unique personal identifier to a consumer; revising a requirement for persons licensed or authorized by the Department of Financial Services or the Office of Insurance Regulation to respond to the department's Division of Consumer Services regarding consumer complaints; deleting a fee for adjusting firm licenses; authorizing the department to disapprove the use of insurance agency names containing the word "Medicare" or "Medicaid"; revising the timeframes in which an insured or a claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation; revising disclosure requirements for certain classes of insurance before being eligible for export under the Surplus Lines Law, etc.

For a copy of the final Senate staff analysis, please [click here](#).