
ASHTON ADVOCACY CONSULTING

MEMORANDUM

TO: International Association of Certified Home Inspectors

FROM: Jennifer Ashton

DATE: March 9, 2025

SUBJECT: Bills to Watch – Session Week One

Bills to Watch

Home Inspectors:

Home Inspectors- HB 1251 by Rep. Bankson (R-Winter Garden) and identical filed bill SB 638 by Sen. Martin (R Fort Myers) Revising the examination and disclosure requirements for home inspectors; requiring home inspectors to maintain an errors and omissions insurance policy in a specified amount, etc.

- Changes the examination requirements for new inspectors 120 course hours to 200 hours
- Changes the course requirements to include:
 - State Insurance Inspections
 - Wind Mitigation
 - Four-Point
 - Roof Inspections
 - 8 Hours specifically dedicated to
 - Report writing (Practical Component)

HB 1251 has been referenced to Industries & Professional Activities Subcommittee and Commerce Committee. The bill sponsors on both sides have submitted letters to the Chair to request a hearing for this legislation.

Home Hardening Programs:

Home Hardening- HB 853 by Rep. LaMarca (R-Broward) and the similar filed bill-SB1461 by Sen. DiCeglie (R-Indian Rocks Beach) Exempts from sales & use tax impact-resistant doors, garage doors, & windows during specified month; specifies distribution of certain tax revenue proceeds.

My Safe Florida Home Program- HB 551 by Rep. LaMarca (R-Broward) and the identical SB 1466 by Sen. Dicegle (R-Indian Rocks Beach) Creates My Safe Florida Home Trust Fund within DFS; specifies sources of funds & purpose of trust fund; requires that certain percentage of specified sales tax be distributed into fund; requires Department of Revenue to distribute certain funds within specified timeframe.

- This will allow the program to have yearly recurring funds that won't need to be determined on a yearly basis.

My Safe Florida Condo Pilot Program- HB 393 by Re. Lopez (R-Miami) and the identical SB 592 by Senator Leek (R-Alachua) are clean up bills to last years My Safe Florida Condo Pilot Program Legislation. The legislation addresses participation and grant eligibility requirements.

(Section 1)- Participation- This removes detached units from the condominium definition for purposes of this program and changes the participation requirement to only condominiums three stories or more in height.

- changes the 100% association agreement requirement to 75%.
- Defines roof-related improvements for grant eligibility

On March 3rd 2025, Senator Leek presented SB 592 to the Banking & Insurance Committee. Two amendments were filed which cleaned up the grant eligibility language and the bill passed unanimously. The bill is now in Regulated Industries awaiting its second of three hearings.

Roofing:

Roofing Services- HB 715 by Rep. Porres (R-Miami) and the similar Roof Contracting bill- SB 1076 by Senator McClain (R-Alachua) Revises definition of term "roofing contractor"; revises official start date that residential property owner may cancel contract to replace or repair roof without penalty or obligation; revises language required to be in contract, or attached thereto, to replace or repair roof that is executed within a specified time of declaration of state of emergency.

Property Insurance: Litigation & Claims

(NEW) Property Insurance Claims– SB 1508 and the similar HB 1087 by Senator Tom Leek (R-Ormond Beach) and Rep. Randy Maggard (R-Dade City) removes the existing alternative procedure for resolving disputed residential property insurance claims (mediation) and replaces it with a mandatory one. It also specifies that a homeowner's insurance policy is the primary policy and any separate flood or wind policy is subject to subrogation – meaning that homeowners insurance companies would have to pay for the flood claims themselves and seek reimbursement later from the National Flood Insurance Program.

The House bill's stated goal is "to ensure the efficient delivery of the coverage offered under the policy, helping to restore an owner's property and livelihood to normalcy after a disaster or loss, while maintaining reasonable costs to the insurer." It takes a page from the Citizens Property Insurance Corporation's playbook by requiring disputes be presented and resolved by the state Division of Administrative Hearings (DOAH), rather than in the traditional court system. As such, it eliminates appraisal and arbitration clauses. Among its provisions:

- Either the policyholder or the insurance company can elect to use the procedure on unresolved claim disputes.
- Participation by lawyers is not required.
- The petitioner or their counsel must certify that a good faith effort was made to resolve the dispute.
- Upon receipt of a petition, the administrative law judge would review it and dismiss it if it “does not on its face specifically identify or itemize all of the following information:
 - The policyholder’s name, address, telephone number, and social security number.
 - The insurer’s name, address, and telephone number.
 - A detailed description of the loss or damage, including the date it occurred.
 - The alleged acts or omissions of the insurer giving rise to the dispute, including, if applicable, a denial of coverage.
 - An estimate of damages, if known, and the amount that is disputed by the insurer.
 - A specific explanation of any other disputed issue that the administrative law judge will be called to rule upon.
- The dismissal of any petition or portion of a petition is without prejudice and does not require a hearing.
- Within 14 days of receiving the petition, the insurance company must pay the requested claim or file a response to the petition with DOAH. The response must specify all claims requested but not paid and explain the company’s reason for nonpayment.
- The DOAH judge in ruling on the petition and the response will follow the process outlined in f.s. [25](#), except the judge must make a determination within 60 days after the filing of the petition.
- The procedure involves disputes over claims relating to a material issue of fact and excludes claims where:
 - The insurance company has a reasonable basis to suspect fraud.
 - The insurance company has determined there is no coverage under the policy.
 - The insurance company has a reasonable basis to believe material misrepresentation.
- All motions to dismiss must be handled as specified in f.s. [192\(5\)](#)

DFS, OIR and DOAH administer the mandatory procedure. There are requirements on the state and insurance companies to notify consumers of the mandatory claims resolution process. It does not apply to liability coverage disputes. There is insurance industry concern about losing the safeguards inherent in the appraisal and arbitrations clauses that these bills eliminate and fears of increased litigation as a result.

The bill also seeks to “better coordinate payment of claims.” It provides: “If a claim is submitted under a homeowner’s insurance policy and the insured also has a separate windstorm or flood insurance policy,

the homeowner's insurer is the primary insurer. Such insurer must pay the insured's loss...and has the right to seek subrogation from the windstorm or flood insurer." This part of the bill is the most problematic for the industry, with concerns it will create liquidity and cash flow risks for private insurers, forcing them to absorb flood-related losses before ever receiving federal reimbursement – sometimes a lengthy process. There's a broader market concern that shifting a federal responsibility onto state-based private insurance companies will drive higher premiums and loss of capital as reinsurers and investors lose confidence in a more unpredictable system.

Court Judgment Interest Rates and Insurance Reports and Practices – HB 451 by Rep. Alex Andrade (R-Pensacola) and the similar SB 554 by Senator Don Gaetz (R-Pensacola) would essentially undo the 2023 tort reform under HB 837 that eliminated one-way attorney fees for plaintiff attorneys and reverts to something similar to previous attorney fee calculations under SB 76 that were part of the 2021 reforms. HB 451 breakdown by section:

(Section 1) – Increased Judgment Interest Rate – The bill raises the interest rate on court judgments from 400 to 800 basis points.

(Section 2) – Insurance Transparency Reports – The Office of Insurance Regulation (OIR) must compile reports on:

- Business relationships between insurers and related entities that share executives or ownership.
- Executive compensation, detailing salaries, bonuses, and stock options as a percentage of the company's revenue.
- These reports must be public and cannot be labeled "trade secrets" to avoid disclosure.

(Section 3) – Rate Review Consideration

- The newly required insurance reports from Section 2 will now be factored into the state's insurance rate approval process.
- Executive compensation and company relationships will be used to determine if rate increases are justified.

(Section 4) – Claims Adjustments and Documentation

- Insurance company adjusters must use electronic estimating software. Deletes the requirement of the DFS emergency rule from October 2024 that public adjusters are subjected to these provisions
- If an adjuster manually changes pricing data, they must:
- Document all modifications.
- Provide explanations for changes.
- Identify who made the changes.
- Retain records for at least seven years.

(Section 5) – Claim Mediation Timeline – Insurers can no longer reinspect a property before a claim becomes eligible for mediation.

(Section 6) – Dispute Resolution & Attorney Fees

- When a policyholder sends a presuit demand, the insurer must either:
- Accept the demand.
- Make a counteroffer.
- Decline the demand.
- Before filing a lawsuit, both parties must go through mandatory mediation, splitting the cost equally.
- Attorney fees in property insurance cases are awarded based on how much the final judgment matches the original demand:
- 80% or more: Claimant gets full attorney fees.
- 20%-80%: Attorney fees awarded proportionally.
- Less than 20%: No attorney fees awarded.
- Exceptions: Attorney fees may still be awarded if:
- The insurer violates deadlines.
- The claimant's demand is reasonable.
- The court finds bad faith on either side.

(Section 7) – Arbitration Disclosure – If an insurer offers mandatory arbitration with a premium discount, they must clearly show the discount amount in dollars in the policy quote.

(Sections 8, 9, 10) – Technical Adjustments – These sections update cross-references in existing laws to align with the changes introduced in HB 451.

(Section 11) – Effective Date – The bill goes into effect on **July 1, 2025**.

Resolution of Disputed Property Insurance Claims– SB 224 by Senator Tina Polsky (D-Boca Raton) and the identical HB 459 by Rep. Leonard Spencer (D-Winter Garden) requires, rather than authorizes, parties in property insurance claim disputes to participate in mediation. Specifically, it provides:

- Mediation must precede filing a lawsuit
- Parties may mutually agree to conduct mediation by teleconference or other electronic means
- Requires all insureds, or their representatives, to personally attend mediation
- Revises & specifies the costs of mediation, requiring the insurer bear all reasonable costs unless the policyholder fails to appear, and requires each party pay the cost for its own expert or representative
- Requires the policyholder to provide insurer with any information & certain documents within a specified timeframe after mediation is invoked
- Revises conditions under which a policyholder has a certain timeframe to rescind settlement.

The bill comes with an appropriation of \$1 million from the Insurance Regulatory Trust Fund to administer its provisions.

Insurance– [SB 230](#) by Senator Keith Truenow (R-Tavares) is the meatiest of all bills filed so far. It would put new restrictions on bad faith claims by first requiring a court ruling and final judgment that an insurance company breached the policy contract before a bad faith claim could be filed. It would also:

- Prohibit a bad faith claim simply because the insurance company paid a claim following a Notice of Intent to Litigate or a demand for judgment;
- Require the plaintiff to cite specific bad faith laws that were allegedly violated;
- Require the plaintiff to note the amount of damages required to cure the violation;
- Require any damages sought to be available under the terms of the insurance policy; and
- Prohibit attorney fees or costs from any damages sought.

The bill is meant to close loopholes identified since the initial bad faith law reforms that were part of the 2022 insurance consumer protections and market reforms. The bill contains other tweaks to current insurance law. It would prohibit public adjusters from engaging in certain adversarial conduct, revise the circumstances under which a carrier or agent may cancel certain policies, and revise the required disclaimer statement on policies that do not provide flood insurance. The bill would also reduce the current coursework requirement from 200 hours to 60 hours to become a general lines insurance agent.

Residential Property Insurers– [SB 128](#) by Senator Danny Burgess (R-Zephyrhills) is meant to give insurance consumers better notification of a policy cancellation, nonrenewal, and rate change by mandating notices be sent by email. Current state law allows emailing such documents only if the policyholder affirmatively elects email delivery, reflecting federal law. We as an industry cannot automatically email someone something, without their prior approval. The bill would also change the timetable for such notifications. Current law requires a 45-day notice for change in premium and 120-day notice for cancellation and nonrenewal. The bill as filed appears to shorten the 120-day notice of cancellation or nonrenewal to 45 days. Look for potential changes to this bill as a result.

(NEW) Office of Insurance Regulation– [SB 1656](#) and the identical [HB 1429](#) by Senator Jay Collins (R-Tampa) and Rep. Tom Fabricio (R-Miami Lakes) is a 147-page omnibus bill from the Florida Office of Insurance Regulation (OIR) that covers a variety of issues in different insurance lines. It proposes regulatory measures intended to improve transparency and target fraudulent practices without overburdening insurance companies.

Among other things, it authorizes personal residential property carriers to submit only one “use and file” filing during a specified timeframe; deletes a provision relating to the charge and collection of the actual costs and expenses incurred by OIR to review certain requests by the carrier; and requires the Financial Services Commission to adopt rules to ensure the cybersecurity of consumers’ nonpublic insurance data. On the health side, it specifies that the Chief Financial Officer is the agent for service of process under certain circumstances for health maintenance organizations

(NEW) Insurance and Hurricane Mitigation Grants– [SB 1740](#) and the identical [HB 1433](#) by Senator Blaise Ingoglia (R-Spring Hill) and Rep. Yvette Benarroch (R-Marco Island) covers both insurance regulation and wind mitigation efforts. It specifies that hurricane mitigation grants funded through the My Safe Florida Home Program may be awarded only to projects that will result in rate credits or discounts. On the regulation side, it increases the Certificate of Authority minimum surplus requirements from \$15 million to \$35 million for not wholly owned subsidiaries of foreign insurers; from \$7.5 million to \$10 million for carriers offering only sinkhole coverage; and from \$10 million to

\$12.5 million for carriers offering only renter's insurance. It also increases the lookback period from 2 years to 5 years for Directors and Officers of insolvent companies and adds attorneys in fact to the lookback period; it prohibits future service as a director of a reciprocal, carrier, MGA, or affiliated entity; but does not change the director's burden for proving 'not at fault' past service.

(NEW) Uniform Mitigation Verification Inspection Form – [SB 1596](#) by Senator Nick DiCeglie (R-St. Petersburg) authorizes the Governor and Cabinet sitting as the Financial Services Commission to incorporate flood mitigation criteria into the uniform mitigation verification inspection form. The current form includes only wind mitigation criteria. There is no House bill companion currently.

(NEW) Property Insurer Financial Strength Ratings – [SB 792](#) by Senator Jennifer Bradley (R-Fleming Island) would require annual insurance reports prepared by the Office of Insurance Regulation for the Legislature and the Governor to include financial strength ratings of property insurance companies issued by third-parties whose fees are not paid for by insurance companies. There is no House companion bill currently.

(NEW) Residual Market Insurers – [HB 643](#) and the identical [SB 1184](#) by Rep. John Snyder (R-Stuart) and Senator Nick DiCeglie (R-St. Petersburg) revises the circumstances under which insurance coverage is eligible for agents to export to surplus lines carriers. It repeals diligent effort and essentially republishes the surplus lines requirements in [Chapter 627](#) and places them in [Chapter 626](#) so it is clear that surplus lines are subject to these provisions versus the current confusion of these requirements scattered in several parts of the insurance code. The bill also addresses an insurance company's duty to acknowledge communications regarding residential property insurance claims & investigations, notice of property insurance claims, and lawsuits arising under a property insurance policy. It also prohibits any assignment agreements of post-loss insurance benefits under a residential or commercial property insurance policy.

Property Insurance – Citizens Property Insurance Corporation:

(NEW) Citizens Rates – [HB 705](#) and the identical [SB 1448](#) by Rep. Jose Alvarez (D-Kissimmee) and Senator Nick DiCeglie (R-St. Petersburg) would require new policies to Citizens Property Insurance Corporation after June 1, 2025 to pay market rates instead of the capped rate enjoyed by current policyholders. Its purpose is to comply with the legislature's previous mandate that Citizens' rates be actuarially-sound and non-competitive with the private market.

(NEW) Coverage by Citizens Property Insurance Corporation – [SB 1020](#) and the identical [HB 1073](#) by Senator Ana Maria Rodriguez (R-Doral) and Rep. Jim Mooney, Jr. (R-Islamorada) would allow higher-priced homes in Miami-Dade and Monroe counties to get coverage from state-backed Citizens Insurance. Current law restricts Citizens from selling policies for homes with replacement dwelling costs of \$700,000 or more except in those two counties, where the limit is \$ 1million. The bills would raise the limit in those two counties to \$1.5 million. The bills would also require Citizens to annually raise rates by up to 10% in counties without a reasonable degree of competition, such as Miami-Dade and Monroe, as designated by the Florida Office of Insurance Regulation (OIR). It would also exclude properties in X flood zones from the Citizens flood insurance requirement for wind policies.

Resilience:

Resilient Buildings– [HB 143](#) by Rep. Webster Barnaby (R-Deltona) and the similar [SB 62](#) by Senator Ana Maria Rodriguez (R-Doral) would authorize owners of resilient buildings to receive a specified tax credit for those improvements and outlines specific LEED (Leadership in Energy and Environmental Design) requirements of a building. The bill also creates the Florida Resilient Building Advisory Council which would work with the Department of Environmental Protection.

Nature-based Methods for Improving Coastal Resilience– [SB 50](#) by Senator Ileana Garcia (R-Miami) would require the Florida Flood Hub for Applied Research and Innovation to develop guidelines and standards for “green and gray infrastructure” to improve coastal resilience to storms. It would also require the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience and require a statewide feasibility study with the Department of Financial Services Division of Insurance Agent and Agency Services on the value of applying those methods.

Florida Building Code:

(NEW) Private Provider Building Inspection Services- [HB 695](#) by Rep. Gentry (R-Panhandle) and the similar [SB 1474](#) by Senator DiCeglie (R-St. Petersburg). Revises membership of Florida Building Code Administrators & Inspectors Board & Florida Building Commission; revises provisions relating to building code inspection services provided by private provider & private provider firms, including agreement requirements, permit fees, administrative fees, responsibilities of private providers, permitting & inspection documents & reports, timeframes for issuing permits, authority of local building official, notices of incomplete forms, duly authorized representatives, authority of private providers acting as local building official, emergency inspection services, creation of certain forms, systems of registration, audits, immunity, civil causes of action, posting of permits on specified websites, & adoption of a uniformed permitting system.

(New) Panelized Construction- [HB 1511](#) by Rep. Grecko (R-Jacksonville) and similar [SB 902](#) by Sen. Martin (R-Fort Myers) Authorizes counties & municipalities to authorize & approve panelized construction on certain property; defines "panelized construction"; provides that panelized construction is considered open construction & is authorized under Florida Building Code & only subject to local permitting; provides that certain panelized construction is not considered dwelling unit for purposes of Florida Building Code; specifies manner in which panelized construction is approved; provides that panelized construction meets requirements of local product approval.