| **Statute/Rule/ Bulletin** | TOPIC | Comments | Yes | N/A | **Form #** | **Page #** |
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| 627.411(1)(g) | AIDS/HIV | May not be singled out as an exclusion |  |  |  |  |
| 626.752(1)(b) & (3)(b),(c),(d) | Applications | If applicable, must follow exchange of business requirements |  |  |  |  |
| 627.4085(1) | Must disclose the name and license number of agent |  |  |  |  |
| 627.4085(1) | Must prominently display the name of the insuring entity on the first page |  |  |  |  |
| 627.409  69O-167.005 | Statements made by insureds in applications are representations, not warranties. Warranties by insured are not allowed |  |  |  |  |
| 627.410(1) | Must be filed if it is to be made part of the policy/contract of insurance |  |  |  |  |
| 626.9741(3)  69O-125.004(3)(c) | If insurer utilizes credit reporting and is using the application to provide notice, then it shall provide a space for the initials of the person completing the application |  |  |  |  |
| 817.234(1)(b) | All application forms must contain the fraud statement |  |  |  |  |
| 626.752 |  | Brokering Agents Requirements- exchange of business |  |  |  |  |
| 627.421 |  | Affirmative election by policyholder of electronic delivery of policy documents |  |  |  |  |
| *United Insurance Co. v. Office of Insurance Regulation,* 985 So.2d 665 (1st DCA 2008)*;*  624.155 | Arbitration | This dispute resolution process cannot be mandatory in insurance contracts |  |  |  |  |
| 627.420 | Binders | Coverage identification number required |  |  |  |  |
| 627.4205 |  | 5 days’ notice required for cancellation |  |  |  |  |
| 324.0221(1)(a) | Cancellation Notices | Cancellations should be reported to the Department of Highway Safety within 10 days |  |  |  |  |
| 324.0221(1)(b) & (3) | Shall inform insured of notice to the Department of Highway Safety; must also inform insured that failure to maintain PIP and Property Damage liability can result in loss of driving privileges and amounts of reinstatement fees (second part not required for Motorcycles) |  |  |  |  |
| 626.9741(3) | Notification to insured if adverse decision was based on credit |  |  |  |  |
| 627.728(3)(a) | Advance written notice of at least 10 days for nonpayment |  |  |  |  |
| 627.728(3) | Advance written notice of at least 45 days for reasons other than nonpayment |  |  |  |  |
| 627.728(3) | Must include reason(s) for cancellation |  |  |  |  |
| 627.728(6) | Florida Automobile JUA Notification required (except in cases of cancellation for nonpayment) |  |  |  |  |
| 627.728(7) | Right to appeal cancellation except for nonpayment. Must be prominently displayed. |  |  |  |  |
| 627.7283(1) & (2)  69O-167.001 | Return of premium within 30 days after cancellation if insured cancels and within 15 days if insurer cancels |  |  |  |  |
| 627.728(12) | Cancellation Notice to Lienholder | Required to be sent in 10 business days or less after termination |  |  |  |  |
| 627.7283(4) | Cancellation Provisions | Short rate is 90% of pro rata if insured cancels; insurer must refund 100% in case of insurer cancellation and servicemembers in certain cases |  |  |  |  |
| 627.7295(4) | Carrier cannot cancel during first sixty[[1]](#footnote-1) (60) days for nonpayment unless there is a dishonored check or other payment method not honored |  |  |  |  |
| 626.9541(1)(g)4.a. |  | No cancellation based on lawful use, possession, or ownership of a firearm or ammunition by the insured or a household member of the insured |  |  |  |  |
| 627.7295(3) | An insured may not cancel in the first two months except for specific reasons |  |  |  |  |
| 627.728 | Company can cancel for any reason other than nonpayment within the first 60 days |  |  |  |  |
| 627.728(2) | Limited reasons for cancellation after the policy is in effect for 60 days |  |  |  |  |
| 627.728(1)(c) | Cancellation, void policy | Curing opportunity for dishonored checks representing initial premium payment within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by registered or certified mail |  |  |  |  |
| 627.4265 | Claims | Required to be paid within 20 days |  |  |  |  |
| 626.9743(9) | Company’s option to defer payment of sales tax |  |  |  |  |
| 627.745  69O-176.022 | Claims- Mediation | Either party may demand mediation in claims for bodily injury under $10,000 or property damage in any amount; policy shall specify in detail the terms and conditions for mediation of a first-party claim |  |  |  |  |
| 627.413 | Contents of Policy | Every policy shall specify: parties to the contract, subject of insurance, insured risks, effective date and time, the premium, conditions and form numbers of all endorsements attached to the policy |  |  |  |  |
| 624.425 | Declarations | Policy must be signed by Florida licensed agent |  |  |  |  |
| 627.413 | Declarations Page | Every policy shall specify: parties to the contract, subject of insurance, effective date and time, the premium, conditions and form numbers of all endorsements attached to the policy. |  |  |  |  |
| 627.7288 | Deductibles | No deductible for windshield under comprehensive coverage |  |  |  |  |
| 627.421 | Delivery of policy | Policy must be mailed, delivered, or electronically transmitted no later than 60 days after effectuation of coverage |  |  |  |  |
| 626.9743 (3) & (4) | Designated Repair Shops & Replacement Parts | Requirements to go to a specific repair facility;  May not require replacement parts that are not at least of equivalent kind/quality |  |  |  |  |
| 627.736, 627.727, 627.7275, 324.022 & 324.151 | Driver Exclusion | May not exclude PIP, UM if purchased, or PD liability (for any financial responsibility required amount, including the 627.7275 requirement); bodily injury should not be excluded if policy certified as proof of financial responsibility |  |  |  |  |
| 627.7295(5) | Fees- Automobile | $10 per policy in certain situations; fee is not part of the premium |  |  |  |  |
| 324.151(1)(c) | Financial Responsibility Required Language | Policies shall contain an agreement that insurance is provided in accordance with the coverage defined in Chapter 324 as respects bodily injury and death or property damage or both and is subject to all provisions of this chapter |  |  |  |  |
| Policies shall contain a provision that the satisfaction by an insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage |  |  |  |  |
| Policies shall also contain a provision that bankruptcy or insolvency of the insured or of the insured’s estate shall not relieve the insurance carrier of any of its obligations under said policy |  |  |  |  |
| 627.4145 | Flesch Readability | Every policy shall be readable as required |  |  |  |  |
| 627.413(4) | Form Identification | Each form requires unique identifiers |  |  |  |  |
| 627.413(4) | Any form change requires identifier change |  |  |  |  |
| 627.411(1)(d) | Legibility Required | Must not be printed or reproduced in a manner that makes material provisions illegible |  |  |  |  |
| 320.02(5)(a) | I.D. Cards | Not required to be filed with OIR; Subject to requirements of Florida Department of Highway Safety and Motor Vehicles |  |  |  |  |
| 627.4145(1)(f) | Index | For readability the policy shall contain an index (or table of contents) of the principal sections of the policy |  |  |  |  |
| 324.021(7) & 324.021(1) | Motorcycles  (automobile policy requirements apply unless there is a conflict with any statute referenced here) | Proof of financial responsibility liability requirements DO apply after accident |  |  |  |  |
| 627.4133(1) | Nonrenewal 45 days’ advance notice |  |  |  |  |
| 627.4133(1) | Renewal premium 45 days advance notice |  |  |  |  |
| 627.727 & 320.01(1)(a) | UM should be offered |  |  |  |  |
| 627.7281 | 10 days’ advance notice cancellation for non-pay; 45 days for all other reasons |  |  |  |  |
| 627.7275(1) | $10,000 PD liability requirements of 627.7275 DO NOT apply since no PIP provided on policy |  |  |  |  |
| 627.733 & 627.732(3) | No PIP on policy |  |  |  |  |
| 627.7275(2)(a) | Non-cancellable Policies | Subject to the insurers’ usual underwriting restrictions, coverage must be made available for applicants seeking to reinstate their driving privileges due to certain motor vehicle violations |  |  |  |  |
| 627.7275(2)(b) | The policy may not be canceled by the insured for any reason, and it may not be canceled by an insurer after the earlier of 60 days, or once it has completed underwriting the policy |  |  |  |  |
| 627.7275(2)(b) | During the policy period, the amounts for BI, PD, and PIP may not be reduced below the minimum limits required under s. [324.021](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=627.7275&URL=0300-0399/0324/Sections/0324.021.html) or s. [324.023](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=627.7275&URL=0300-0399/0324/Sections/0324.023.html) |  |  |  |  |
| 324.0221(1)(a) | Nonrenewal Notices | Non-renewals should be reported to the Department of Highway Safety within 10 days |  |  |  |  |
| 324.0221(1)(b) & (3) | Shall inform insured of notice to the Department of Highway Safety; must also inform insured that failure to maintain PIP and Property Damage liability can result in loss of driving privileges and list amounts of reinstatement fees (second part not required for Motorcycles) |  |  |  |  |
| 627.728(4)(a) | Advance written notice of at least 45 days required |  |  |  |  |
| 627.728(6) | Florida Automobile JUA notification required |  |  |  |  |
| 626.9541(1)(o)3.b. | Notification to insured that in the event of an accident, they will not be non-renewed if any of these items can be proven. |  |  |  |  |
| 626.9741(3) |  | Notification to insured if adverse decision was based on credit |  |  |  |  |
| Nonrenewal Notices (Cont.) |
| 627.728(4)(a) | Advance written notice of at least 45 days required |  |  |  |  |
| 627.728(4)(a) |  | Must contain reason(s) for nonrenewal |  |  |  |  |
| 626.9541(1)(o)3.c. & 4. |  | Provides circumstances for nonrenewal and establishes reasons why an insurer cannot refuse to renew |  |  |  |  |
| 626.9541(1)(g)4.a. | . | No nonrenewal based on lawful use, possession, or ownership of a firearm or ammunition by the insured or a household member of the insured |  |  |  |  |
| 627.7282 & 69O-167.002 | Notice of Additional Premium | Notice of insured’s options required when additional premium has been determined |  |  |  |  |
| 627.43141 | Notice of Change in Policy Terms | Required written notice if renewal contains a change in policy terms (only template is subject to our review and approval- not fully completed form) |  |  |  |  |
| 627.43141 | Such notice shall be entitled “Notice of Change in Policy Terms” |  |  |  |  |
| 627.4143 | Outline of Coverage | Not subject to OIR review or approval |  |  |  |  |
| 627.7276 | Physical Damage Only Policy | Statement of no bodily injury and liability required |  |  |  |  |
| 627.736(8) | PIP- Attorney Fee Provision | Section 627.428 applies to PIP |  |  |  |  |
| 627.736(4) | PIP-Benefits Paid | Circumstances under which PIP benefits paid |  |  |  |  |
| 627.736 (1)(a)(b)&(c) | PIP- Benefits Required | $10,000 limit  80% Medical Expenses  60% Work Loss  100% Replacement Services  $5,000 Death Benefit (separate) |  |  |  |  |
| 627.736(1)(a)3. | Up to $10,000 for medical expenses if an authorized provider has determined the injured person had an emergency medical condition |  |  |  |  |
| 627.736(1)(a)4. | PIP- Benefits Required  (Cont.) | Up to $2,500 for medical expenses if an authorized provider determines the injured person did not have an emergency medical condition |  |  |  |  |
| 627.736(1)(a)5. | Medical benefits do not include massage and acupuncture |  |  |  |  |
| 627.736(4) | Workers compensation benefits primary |  |  |  |  |
| 627.7311 | PIP- Clarification of Application of Statutes vs. Policy Forms | Clarifies that specific provisions in 627.730-627.7405 shall control over general provisions in a policy form |  |  |  |  |
| 627.736(1)(a) | PIP Conditions | 14-day condition for initial services and care for medical benefits |  |  |  |  |
| 627.736(1)(a)1. | Initial services and care providers |  |  |  |  |
| 627.736(1)(a)2. | Follow-up services and care providers |  |  |  |  |
| 627.736(4)(b)3. | Partial payment or rejection of claim due  to error |  |  |  |  |
| 627.736(4)(i) | Notification of investigation for suspected fraud/ denial or payment of claim |  |  |  |  |
| 627.736(4)(j) | Log of PIP benefits paid |  |  |  |  |
| 627.736(6)(f) | Notification that policy limits reached |  |  |  |  |
| 627.736(4)(e) | PIP-Coverage Description | Defines who is covered under PIP |  |  |  |  |
| 69O-176.005(3) | Policy should provide coverage for an owner while out of state and occupying a motor vehicle owned by a relative if that relative is in compliance with Section 627.733 |  |  |  |  |
| 627.732 | PIP- Definitions | Definitions exclusive to PIP coverage- general policy definitions may not apply |  |  |  |  |
| 627.739(2) | PIP-Deductibles | Subtract from all loss and expenses before applying the 80% factor |  |  |  |  |
| 627.739(1)(2) & (5) | PIP- Deductible & Work Loss Selection | $250, $500, $l,000 deductibles for named insured or named insured and dependent resident relatives; work loss option |  |  |  |  |
| 627.736(10) | PIP- Demand Letter | Company has 30 days from receipt of demand letter to pay claims |  |  |  |  |
| 627.736(6)(g) | PIP- Examination Under Oath | Insured claiming benefits must submit to an EUO if required; compliance is a condition precedent to receiving benefits  The scope of questioning during the EUO is limited to relevant information or information that could reasonably be expected to lead to relevant information |  |  |  |  |
| 627.736(4)(h) | PIP-Fraudulent Claims | Any fraud voids all PIP coverage for the insured person committing the fraud |  |  |  |  |
| *Vasquez v. Mercury Cas.* 947 So. 2d 1265 (2007) | Fraud committed by co-insured will not void the coverage of the innocent co-insured |  |  |  |  |
| 627.736(7)(b) | PIP- Independent Medical Exams | If unreasonably refused by the insured, company no longer liable for subsequent PIP benefits; two failures to appear raises rebuttable presumption that refusal/failure is unreasonable |  |  |  |  |
| 627.7405(1) | PIP- Insurer Reimbursement (Subrogation) | If insured in or struck by commercial motor vehicle, their company can be reimbursed |  |  |  |  |
| 627.7405(2) | Does not apply to owner or registrant of a taxicab |  |  |  |  |
| 627.736(5)(a)1. | PIP- Fee Schedule | Insurer may choose to limit reimbursement according to the fee schedule |  |  |  |  |
| 627.736(5)(a)2. &  OIR-12-06M  Dated 11/6/12 | Fee schedule applies annually from 3/1 through the last day of February of the following year |  |  |  |  |
| 627.736(5)(a)5. | Notice required before using the fee schedule to limit reimbursement |  |  |  |  |
| 627.7401  69O-176.013 | PIP- Notice Requirements | Notification of insured’s rights; use Form OIR-B1-1149 |  |  |  |  |
| 627.737 | PIP- Tort Exemption | Tort exemption except for in cases of significant injury |  |  |  |  |
| 324.022 | Property Damage Liability | PD liability coverage mandatory |  |  |  |  |
| 324.151(1)(a) | $500 deductible allowed but must pay claim as if no deductible |  |  |  |  |
| 627.7275(1) | Policies providing PIP cannot be delivered unless they also provide PD liability coverage |  |  |  |  |
| 627.7277(2) | Renewal Premium Notice | Advanced written notice of 30 days required |  |  |  |  |
| 627.7263 | Rental and Leasing Driver’s Insurance Primary | Lessor’s coverage is primary unless otherwise stated on rental agreement |  |  |  |  |
| 627.4132 | Stacking of Coverage | Stacking of coverage prohibited except for uninsured motorist coverage |  |  |  |  |
| 95.11(2) | Statute of Limitations | Action against insurer shall be commenced within five (5) years |  |  |  |  |
| 627.4131 | Telephone Number | Telephone number and its purpose required |  |  |  |  |
| 627.748 | Transportation Network  Companies | Property cannot be included within the definition or the exclusion.  Insureds must be covered as passengers in a non-owned vehicle being operated as a TNC vehicle. |  |  |  |  |
| 627.727 | Uninsured Motorist | Must offer all UM options at renewal (including Non-stacked if available):   1. Stacked limits equal to bodily injury liability 2. Stacked limits less than bodily injury liability 3. Non-stacked limits equal to bodily injury liability 4. Non-stacked limits less than bodily injury liability 5. Rejection of UM coverage 6. Company required to offer lower limits and rejection of UM limits 7. UM to be equal to BI unless rejected or lower limits selected (at new business or when BI limits have changed) |  |  |  |  |
| 627.727(1) |  | Bold statement required on form with exact statutory language |  |  |  |  |
| 627.727(9) |  | If company has non-stacked UM in their program, must offer this option to insured and provide a description of the provisions of non-stacked on the select/reject form. |  |  |  |  |
| UM coverage is stacked unless non-stacked is selected (at new business) |  |  |  |  |

1. Sixty (60) days was revised to thirty (30) days in CS for CS for SB 1606 during the 2020 Legislative Session. The bill has been enrolled but has not been signed by the Governor as of June 11, 2020. [↑](#footnote-ref-1)