

FILED

NOV 10 2022

INSURANCE REGULATION
Docketed by: AB



OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

Hurricane Nicole and
Hurricane Ian
Amending Emergency Order 300997-22-EO

CASE NO.: 302804-22-EO

EMERGENCY ORDER

TO: All Insurers, HMOS, Premium Finance Companies, Surplus Lines and other entities regulated by the Office of Insurance Regulation

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a result of the state of emergencies created by Hurricane Nicole and Hurricane Ian, and being fully informed in the premises,

NOW THEREFORE, the Commissioner hereby FINDS as follows:

1. The Office of Insurance Regulation (the "Office") has the duty, pursuant to Section 624.307, Florida Statutes, to enforce the provisions of the Florida Insurance Code (Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, henceforth, the "Code"). The Office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions of the Code, specifically Sections 624.307(2), Florida Statutes and as further authorized by Sections 252.46 and 252.63, Florida Statutes.

2. On November 7, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-253, which immediately declared a state of emergency in the following counties: Brevard, Broward, Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Flagler, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami-Dade, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, and Volusia due to the forecast models and track for then Subtropical Storm Nicole, which was forecast to impact Florida's East Coast and could affect portions of the previously impacted area still recovering from Hurricane Ian. Executive Order Number 22-253 is attached as Exhibit 1.

3. On November 9, 2022, Florida Governor Ron DeSantis issued an Amendment of Executive Order Number 22-253, Executive Order Number 22-255, which immediately declared a state of emergency in the following additional counties: Alachua, Bradford, Dixie, Gilchrist, Hernando, Jefferson, Levy, Marion, Pinellas, Taylor, and Wakulla due to the forecast models and track for Tropical Storm Nicole, which is forecast to be a hurricane upon landfall along Florida's East Coast and to affect much of Florida's peninsula including portions of the Florida Big Bend. Executive Order Number 22-255 is attached as Exhibit 2.

4. On November 10, 2022, Florida Governor Ron DeSantis issued an Amendment of Executive Order Number 22-253, Executive Order Number 22-256, which immediately declared a state of emergency for the entire state of Florida due to the forecast models and track for Hurricane Nicole, which made landfall as a Category 1 Hurricane near Vero Beach, Florida and is expected to affect much of Florida's peninsula including portions of the Florida Big Bend. Executive Order Number 22-256 is attached as Exhibit 3.

5. Section 252.63(1), Florida Statutes, provides that “When the Governor declares a state of emergency pursuant to s. 252.36, Florida Statutes, the commissioner may issue one or more general orders applicable to all insurance companies, entities, and persons, as defined in s. 624.04, that are subject to the Florida Insurance Code and that serve any portion of the area of the state under the state of emergency.

6. On September 28, 2022, the Commissioner issued Emergency Order 300997-22-EO in response to the state of emergency created by Hurricane Ian. Emergency Order 300997-22-EO is attached as Exhibit 3.

7. Section (J) of Emergency Order 300997-22-EO provides that the Commissioner may amend the scope of the Emergency Order if necessary.

WHEREFORE, the Commissioner of the Office of Insurance Regulation finds that as a result of the direct effects of Hurricane Nicole and Hurricane Ian, the issuance of an Emergency Order pursuant to Sections 252.63, 624.307, 627.4133(2), Executive Order Number 22-253 Section 4, Executive Order Number 22-255, Executive Order Number 22-256, Executive Order Number 22-218 Section 4 and Executive Order Number 22-219 is required in order to protect the public health, safety and welfare of Florida policyholders.

Accordingly, IT IS HEREBY ORDERED:

(A) Section (B) of Emergency Order 300997-22-EO is amended to read as follows:

In addition to the provisions of paragraph (A) of this Emergency Order, pursuant to Section 627.4133(2)(d)1., Florida Statutes, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering property damaged as a result of

Hurricane Ian or Hurricane Nicole located in any Florida county, for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d)2., Florida Statutes.

Pursuant to Executive Order Number 22-253 Section 4, Executive Order Number 22-255, Executive Order Number 22-256, Executive Order Number 22-218 Section 4 and Executive Order Number 22-219, Section 626.913(4), Florida Statutes is suspended as it applies to Section 627.4133(2)(d), Florida Statutes, thereby specifically applying the provisions of Section 627.4133(2)(d), Florida Statutes, to surplus lines insurers.

(B) Except as amended herein, Emergency Order 300997-22-EO is ratified and reaffirmed. All other terms and conditions of Emergency Order 300997-22-EO remain unchanged and continue in full force and effect.

(C) This Emergency Order is effective immediately and shall expire upon the expiration of Emergency Order 300997-22-EO

(D) The Commissioner of the Office of Insurance Regulation may, by written Order, amend the scope of this order, based upon a determination that it is necessary.

(E) The provisions of this Emergency Order shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

DONE and ORDERED this 10th day of November, 2022.



David Altmaier

David Altmaier, Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order Number 22-253, November 7, 2022
2. Executive Order Number 22-255, November 9, 2022
3. Executive Order Number 22-256, November 10, 2022
4. Emergency Order 300997-22-EO, September 28, 2022

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, *Florida Statutes*, and Rule 9.110, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-4206, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

COPIES FURNISHED:

ALL INSURANCE COMPANIES AND OTHER REGULATED ENTITIES

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-253 (Emergency Management –Subtropical Storm Nicole)

WHEREAS, as of 4:00 AM EST on November 7, 2022, Subtropical Storm Nicole was located 555 miles East of Nassau, Bahamas with maximum sustained winds of 45 miles per hour; and

WHEREAS, the National Hurricane Center predicts Subtropical Storm Nicole will impact Florida's East Coast and could affect portions of the previously impacted area still recovering from Hurricane Ian; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, beach erosion, and the potential for isolated tornadic activity for Florida's Peninsula; and

WHEREAS, the threat posed by Subtropical Storm Nicole requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Brevard, Broward, Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Flagler, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River,

Lake, Lee, Manatee, Martin, Miami-Dade, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, and Volusia Counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(6)-(12), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers. The requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some state, regional, and local agencies and other governmental bodies in responding to this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the

Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

B. Each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

C. In accordance with section 252.38(3), Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Following local procurement and contracting policies;
- 3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);
- 4) Incurring obligations;

- 5) Employment of permanent and temporary workers;
- 6) Utilization of volunteer workers;
- 7) Rental of equipment;
- 8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- 9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

- 1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

- 2) Manage the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

- 3) Suspend enforcement of the registration requirements pursuant to section 316.545(4), Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and

5) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer.

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours-of-service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor

carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state or local agency but who do not reside in an area or county covered by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered

under this Executive Order may prescribe and dispense a supply of a medicinal drug lasting up to 72 hours.

H. All state agencies responsible for the use of state buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each state agency to report the closure of any state building or facility to the WebEOC system utilized by the Division of Emergency Management. Under the authority contained in section 252.36, Florida Statutes, I direct each county to report the closure of any building or facility operated or maintained by the county or any political subdivision on a daily basis to the WebEOC system. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and
- 2) Provide that list daily to the State Coordinating Officer.

I. All state agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such applications are deemed to be approved unless disapproved in writing by specified deadlines. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures

up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All state agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(a)-(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This waiver of section 215.422(3)(a)-(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its

district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and
- B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

In accordance with section 252.37(2)(a), Florida Statutes, state agencies responding to this emergency must first spend funds specifically appropriated for disaster relief or response. If no specifically appropriated funds exist, or if funds specifically appropriated are exhausted, state agencies are authorized to spend funds from the Emergency Preparedness and Response Fund through the procedures outlined in Memorandum No. 22-046, Emergency Preparedness and Response.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five days of issuance.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the

condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(6)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and

D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Executive Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this Executive Order. The authority of the Florida Housing Finance Corporation to distribute funds in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and shall expire sixty (60) days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 7th day of November 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2022 NOV -7 AM 11:09
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 22-255

(Amending Executive Order 22-253, Emergency Management – Tropical Storm Nicole)

WHEREAS, on November 7, 2022, I issued Executive Order 22-253 and declared a state of emergency exists for thirty-four counties in Florida’s Peninsula due to then-Subtropical Storm Nicole; and

WHEREAS, as of 10:00 AM EST on November 9, 2022, Nicole had strengthened into a tropical storm and was approximately 210 miles east of West Palm Beach, Florida, moving west with maximum sustained winds of 70 mph; and

WHEREAS, Tropical Storm Nicole is forecast to be a hurricane before making landfall along Florida’s East Coast tonight; and

WHEREAS, there is an increasing wind and flood threat to coastal and inland counties in Florida; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for much of Florida’s Peninsula and portions of the Florida Big Bend; and

WHEREAS, the threat posed by Tropical Storm Nicole requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

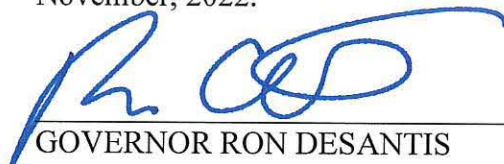
Section 1. Section 1 of Executive Order 22-253 is amended to include the following counties in the state of emergency: Alachua, Bradford, Dixie, Gilchrist, Hernando, Jefferson, Levy, Marion, Pinellas, Taylor, and Wakulla.

Section 2. Except as amended herein, Executive Order 22-253 is ratified and reaffirmed.

Section 3. This Order is effective immediately.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of November, 2022.


GOVERNOR RON DESANTIS

ATTEST:


SECRETARY OF STATE

2022 NOV -9 AM 10:49
OFFICE OF THE SECRETARY OF STATE
TALLAHASSEE, FL

FILED

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 22-256
(Amending Executive Order 22-253, Emergency Management – Hurricane Nicole)

WHEREAS, on November 7, 2022, I issued Executive Order 22-253 and declared a state of emergency exists for thirty-four counties in Florida’s Peninsula due to then-Subtropical Storm Nicole; and

WHEREAS, on November 9, 2022, I issued Executive Order 22-255, amending Executive Order 22-253 by adding coastal and inland counties in Central and North Florida to the state of emergency; and

WHEREAS, as of 6:00 PM on November 9, 2022, Nicole had strengthened into a hurricane with maximum sustained winds of 75 mph as it passed over Grand Bahama Island and approached Florida’s East Coast; and

WHEREAS, in the early morning hours of November 10, 2022, Hurricane Nicole made landfall as a Category 1 Hurricane near Vero Beach, Florida, with sustained winds of approximately 75 mph and is expected to move northwest across Florida’s Peninsula and exit partially into the Gulf of Mexico before making a second landfall in the Florida Big Bend on Thursday night; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for much of Florida’s Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida; and

WHEREAS, the threat posed by Hurricane Nicole requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 22-253 is amended to include the entire State of Florida.

Section 2. Except as amended herein, Executive Order 22-253 is ratified and reaffirmed.

Section 3. This Order is effective immediately.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 10th day of November, 2022.


GOVERNOR RON DESANTIS

ATTEST:


SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FL
2022 NOV 10 AM 10:43
FILED

FILED

SEP 28 2022

INSURANCE REGULATION
Docketed by: AB



OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

Hurricane Ian
Suspension of Certain Rules and Statutes
Based on State of Emergency – Natural Disaster;

Extension of Grace Periods; Limitations on
Cancellations and Nonrenewals; Deemers
and limitations on “use and file” filings and
Miscellaneous Provisions;

CASE NO.: 300997-22-EO

EMERGENCY ORDER

TO: All Insurers, HMOS, Premium Finance Companies, Surplus Lines and other entities regulated by the Office of Insurance Regulation

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a result of the state of emergency created by Hurricane Ian, and being fully informed in the premises,

NOW THEREFORE, the Commissioner hereby FINDS as follows:

JURISDICTION AND FINDINGS OF FACT

1. The Office of Insurance Regulation (the “Office”) has the duty, pursuant to Section 624.307, Florida Statutes, to enforce the provisions of the Florida Insurance Code (Chapters 624-632, 634,635, 636, 641, 642, 648, and 651, henceforth, the “Code”). The Office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions

of the Code, specifically Sections 624.307(2), Florida Statutes and as further authorized by Sections 252.46 and 252.63, Florida Statutes.

2. On September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, which immediately declared a state of emergency in the following counties: Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie due to the forecast models and track for Tropical Depression Nine, which was forecast to become a hurricane. Executive Order Number 22-218 is attached as Exhibit 1.

3. On September 24, 2022, Florida Governor Ron DeSantis issued an Amendment of Executive Order Number 22-218, Executive Order Number 22-219, which immediately declared a state of emergency for the entire state of Florida due to the forecast models and track for Tropical Storm Ian, which was forecast to become a hurricane, possibly a major hurricane. Executive Order Number 22-219 is attached as Exhibit 2.

4. Section 252.63(1), Florida Statutes, provides that “When the Governor declares a state of emergency pursuant to s. 252.36, Florida Statutes, the commissioner may issue one or more general orders applicable to all insurance companies, entities, and persons, as defined in s. 624.04, that are subject to the Florida Insurance Code and that serve any portion of the area of the state under the state of emergency.”

5. Pursuant to Section 627.7019, Florida Statutes, the Financial Services Commission adopted by Rule 69O-142.015, Florida Administrative Code (“F.A.C.”), “standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster.” Rule 69O-142.015, F.A.C is attached as Exhibit 3. The rule addresses, among other

things, claims reporting requirements; grace periods for payment of premiums and performance of other duties by insureds; and temporary postponement of cancellations and nonrenewals.

6. Section 627.4133(2)(d)1., Florida Statutes, provides that

With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner, mobile homeowner, farmowner, condominium association, condominium unit owner, apartment building, or other policy covering a residential structure or its contents ... Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.

WHEREFORE, the Commissioner of the Office of Insurance Regulation finds that as a result of the direct effects of Hurricane Ian, the issuance of an Emergency Order pursuant to Sections 252.63, 624.307, 627.4133(2), 627.7019, Florida Statutes, and Rule 690-142.015, F.A.C., is required in order to protect the public health, safety and welfare of all Florida policyholders.

Accordingly, IT IS HEREBY ORDERED:

EXTENSION OF GRACE PERIODS AND TEMPORARY POSTPONEMENT
OF CANCELLATIONS OR NON-RENEWALS
FOR PROPERTY AND CASUALTY CONTRACTS

(A) The provisions of Rule 69O-142.015(2), F.A.C. are hereby activated and apply to all property and casualty contracts of insurance subject to regulation under the Code. Specific dates called for in the rule are as follows:

Rule 69O-142.015(2)(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act, including transmitting information or funds with respect to a contract of insurance, which act was to have been performed on or after September 28, 2022, the time limit shall be extended to November 28, 2022.

1. This extension of time shall not relieve a policyholder who has a claim resulting from Hurricane Ian from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their property damage claim.

2. This extension of time shall also not apply to new policies effective on or after September 28, 2022.

No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

Rule 69O-142.015(2)(d) Between September 28, 2022 and November 28, 2022, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew, or issue a notice of cancellation or nonrenewal of a policy or contract of insurance covering a property or risk in Florida, except at the written request or written concurrence of the policyholder.

Rule 69O-142.015(2)(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding September 28, 2022, affecting a Floridian, shall be withdrawn and reissued to insureds on or after November 28, 2022.

Rule 69O-142.015(2)(f) A cancellation or nonrenewal may occur prior to November 28, 2022, at the written request or written concurrence of the policyholder.

Rule 69O-142.015(2)(g) Except as provided in paragraphs (2)(d) and (e) with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect between September 28, 2022 and November 28, 2022, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including November 28, 2022, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

Rule 69O-142.015(2)(m) This rule shall not apply to new policies effective on or after September 28, 2022.

Rule 69O-142.015(2)(n) If the contract of insurance was financed by a premium finance company for risks located in Florida, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

“If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Ian, please contact this office at once.

Victims of Hurricane Ian will receive an automatic extension of time to and including November 28, 2022, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts between September 28, 2022 and November 28, 2022.

Therefore, if you are a victim of Hurricane Ian, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations, and

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after November 28, 2022, the insurer will process the cancellation in accordance with paragraph (2)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

APPLICATION OF SECTION 627.4133(2)(d), FLORIDA STATUTES

(B) In addition to the provisions of paragraph (A) of this Emergency Order, pursuant to Section 627.4133(2)(d)1., Florida Statutes, an insurer may not cancel or nonrenew a personal

residential or commercial residential property insurance policy covering property damaged as a result of Hurricane Ian located in any Florida county, for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d)2., Florida Statutes.

EXTENSION OF GRACE PERIODS AND TEMPORARY POSTPONEMENT

OF CANCELLATIONS OR NON-RENEWALS

FOR LIFE AND HEALTH CONTRACTS

(C) The provisions of Rule 69O-142.015(3), F.A.C. are hereby activated and apply to all life and health contracts of insurance subject to regulation under the Code except for major medical health insurance policies subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and regulations adopted pursuant to those acts, to the extent this requirement would result in a violation of federal law. Specific dates called for in the rule are as follows:

Rule 69O-142.015(3)(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after September 28, 2022, the time limit shall be extended to November 28, 2022.

1. This extension of time shall not relieve a policyholder who has a claim resulting from Hurricane Ian from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their claim.

2. This extension of time shall also not apply to new policies effective on or after September 28, 2022.

No interest, penalties, or other charges shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

Rule 69O-142.015(3)(d) Between September 28, 2022 and November 28, 2022, no insurer or other entity regulated under the Code shall cancel or non-renew a policy or contract of insurance or issue a notice of cancellation or nonrenewal on a contract of insurance covering a person in Florida, except at the written request or written concurrence of the policyholder.

Rule 69O-142.015(3)(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding September 28, 2022, affecting a Floridian, shall be withdrawn and reissued to insureds on or after November 28, 2022.

Rule 69O-142.015(3)(f) A cancellation or nonrenewal may occur prior to November 28, 2022, at the written request or written concurrence of the policyholder.

Rule 69O-142.015(3)(g) Except as provided in paragraphs (3)(d) and (e) with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect between September 28, 2022 and November 28, 2022, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including November 28, 2022, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

Rule 69O-142.015(3)(m) This rule shall not apply to new policies effective on or after September 28, 2022.

Rule 69O-142.015(3)(n) If the contract of insurance was financed by a premium finance company for persons located in Florida, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

“If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Ian, please contact this office at once.

Victims of Hurricane Ian will receive an automatic extension of time to and including November 28, 2022, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts between September 28, 2022 and November 28, 2022.

Therefore, if you are a victim of Hurricane Ian, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations, and

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after November 28, 2022, the insurer will process the cancellation in accordance with paragraph (3)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

**DEEMERS; PRIOR APPROVAL OF RATE CHANGES;
SUSPENSION OF USE AND FILE RATE FILINGS**

(D) The time period in which any application, filing, or document, required to be filed with the Office of Insurance Regulation, pursuant to the Code, which by statutes would be deemed approved if not approved or denied within a specific time period, shall be tolled for a period commencing on September 28, 2022, and ending on November 28, 2022. Further, any time period within the Code in which the Office is required to take action is also tolled for a period commencing on September 28, 2022 and ending on November 28, 2022.

(E) The Office will continue to accept “file and use filings”, but in the interest of the public welfare, “use and file filings” are suspended.

(F) Notwithstanding the “use and file” provisions contained in sections 627.0651 and 627.062, Florida Statutes, all rate changes filed with the Office having an effective date for new business or renewal business on or after September 28, 2022, shall be subject to the approval of the Office prior to implementation until November 28, 2022.

(G) Any “use and file” rate change implementing new rates without an official filing to the Office shall be withdrawn from use and the previous rate shall be reinstated immediately.

MISCELLANEOUS PROVISIONS

(H) Given the strength and size of Hurricane Ian, its expected catastrophic effect on Florida, and its potential impact on hundreds of thousands of policyholders, the Office expects all insurers and regulated entities to implement processes and procedures to facilitate the efficient payment of claims. This includes critically analyzing current procedures and streamlining claim payment processes as well as using the latest technological advances to provide prompt and efficient claims service to policyholders.

(I) Section 627.4035(3)(b), Florida Statutes, permits insurers to pay claims by debit card or any other form of electronic transfer upon written authorization of the recipient or the recipient’s representative. Due to the severe and catastrophic impacts expected from Hurricane Ian, many insureds will be unable to receive or send mail. For the duration of this State of Emergency, the requirement of written authorization is waived provided the insurer verifies the identity of the insured or the insured’s recipient and does not charge a fee for the transaction. If the funds are misdirected, the insurer remains liable for the payment of the claim.

(J) The Commissioner of the Office of Insurance Regulation may, by written Order, amend the scope of this order, based upon a determination that it is necessary.

(K) The provisions of this Emergency Order shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

DONE and **ORDERED** this 28 day of September, 2022.



David Altmaier
David Altmaier, Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order Number 22-218, September 23, 2022
2. Executive Order Number 22-219, September 24, 2022
3. Rule 690-142.015, Florida Administrative Code

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, *Florida Statutes*, and Rule 9.110, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-4206, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

COPIES FURNISHED:

ALL INSURANCE COMPANIES AND OTHER REGULATED ENTITIES

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-218 (Emergency Management – Tropical Depression Nine)

WHEREAS, as of 5:00 AM EDT on September 23, 2022, the National Hurricane Center reported that Invest 98L had strengthened into Tropical Depression Nine; and

WHEREAS, as of 11:00 AM EDT on September 23, 2022, Tropical Depression Nine was located 1,045 miles southeast of Key West, Florida; and

WHEREAS, the National Hurricane Center reported Tropical Depression Nine has maximum sustained winds of 35 miles per hour and is expected to intensify significantly over the weekend; and

WHEREAS, the National Hurricane Center predicts Tropical Depression Nine will approach Florida's Peninsula at or near major hurricane strength and could affect South Florida and portions of the Florida Keys as early as Monday; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Keys and much of Florida's Peninsula; and

WHEREAS, the threat posed by Tropical Depression Nine requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(6)-(12), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some state, regional, and local agencies and other governmental bodies in responding to this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

B. Each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or (2) ordered by the State Coordinating Officer or designee. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

C. In accordance with section 252.38(3), Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Following local procurement and contracting policies;

3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);

4) Incurring obligations;

5) Employment of permanent and temporary workers;

6) Utilization of volunteer workers;

7) Rental of equipment;

8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Manage the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties

that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to section 316.545(4), Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and

5) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer.

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to

provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours-of-service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state or local agency but who do not reside in an area or county covered by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered under this Executive Order may prescribe and dispense a supply of a medicinal drug lasting up to 72 hours.

H. All state agencies responsible for the use of state buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each state agency to report the closure of any state building or facility to the WebEOC system utilized by the Division of Emergency Management. Under the authority contained in section 252.36, Florida Statutes, I direct each county to report the closure of any building or facility operated or maintained by the county or any political subdivision on a daily basis to the WebEOC system. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and
- 2) Provide that list daily to the State Coordinating Officer.

I. All state agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such applications are deemed to be approved unless disapproved in writing by specified deadlines. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All state agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(a)-(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This waiver of section 215.422(3)(a)-(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and
- B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

In accordance with section 252.37(2)(a), Florida Statutes, state agencies responding to this emergency must first spend funds specifically appropriated for disaster relief or response. If no specifically appropriated funds exist, or if funds specifically appropriated are exhausted, state agencies are authorized to spend funds from the Emergency Preparedness and Response Fund through the procedures outlined in Memorandum No. 22-046, Emergency Preparedness and Response.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer

contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five days of issuance.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(6)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;

B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;

C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and

D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Executive Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this Executive Order. The authority of the Florida Housing Finance Corporation to distribute funds in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and shall expire sixty (60) days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of September 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FL
2022 SEP 23 PM 3:18

FILED

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-219

(Amending Executive Order 22-218, Emergency Management – Tropical Depression Nine)

WHEREAS, on September 23, 2022, I issued Executive Order 22-218 and declared a state of emergency exists for several counties in Florida’s Peninsula and the Florida Keys due to Tropical Depression Nine; and

WHEREAS, as of 11:00 PM EDT on September 23, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian, with maximum sustained winds of 40 miles per hour; and

WHEREAS, as of 8:00 AM EDT on September 24, 2022, Tropical Storm Ian was approximately 855 miles southwest of Key West, Florida; and

WHEREAS, Tropical Storm Ian is forecasted to become a major hurricane before making landfall along Florida’s West Coast; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida’s Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida; and

WHEREAS, the threat posed by Tropical Storm Ian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 22-218 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare a state of emergency exists in the State of Florida.

Section 2. Except as amended herein, Executive Order 22-218 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 22-218.

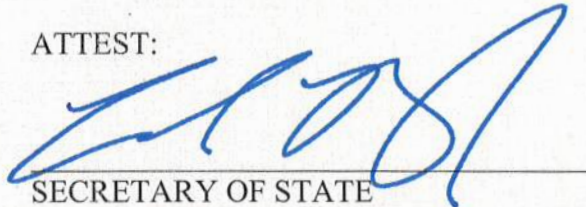


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of September, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FL

2022 SEP 24 PM 12:38

FILED

690-142.015 Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters.

This rule adopts standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The Office is authorized to issue an Order or Orders deemed necessary to protect the health, safety and welfare, activating the requirements herein, in whole or in part. An Order may be amended as deemed necessary to accommodate the particular circumstances of the specified hurricane or natural disaster. The following standardized provisions may be activated as provided herein:

(1) Claims Reporting Requirements.

(a) This subsection applies to all property and casualty contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 440, 624, 626, and 627, F.S.; and
2. Premium finance company contracts associated with property and casualty contracts.

References in this subsection herein to “policy” or “contract of insurance” includes all property and casualty contracts regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these contracts.

(b) All insurers having direct premiums written in Florida and authorized, approved or otherwise eligible to provide the coverages indicated below in subparagraphs (1)(b)1. and 2., shall report the requested information to the Office. The reporting shall be submitted with such frequency and for such areas as set forth in the Order. The applicable coverages are:

1. Those coverages as defined in Sections 627.4025(1) and 215.555(2)(c), F.S.
2. Other property coverages where loss is not specifically excluded in the policy’s outline of coverage such as:
 - a. Private Passenger Auto Physical Damage;
 - b. Commercial Auto Physical Damage;
 - c. Commercial Property, including Fire and Allied Lines;
 - d. Commercial Multiple Peril;
 - e. Farmowners Multiple Peril;
 - f. Ocean Marine;
 - g. Inland Marine;
 - h. Aircraft; and,
 - i. Boiler and Machinery.

(c)1. Insurers shall electronically submit the data required for each reporting event. Required data may include:

- a. Policies in force;
 - b. Claims reported;
 - c. Open claims with payment;
 - d. Open claims without payment;
 - e. Claims closed with payment;
 - f. Claims closed without payment;
 - g. Number of open claims;
 - h. Percent of claims closed;
 - i. Paid loss excluding loss adjustment expense;
 - j. Paid allocated loss adjustment expense;
 - k. Case incurred loss excluding loss adjustment expense; and,
 - l. Case allocated loss adjustment expense.
2. All information shall be submitted electronically through <http://www.flor.com/iportal>.

(2) Grace Periods and Temporary Postponement of Cancellations or Non-renewals.

(a) This subsection applies to all property and casualty contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 440, 624, 626 and 627, F.S.; and
2. Premium finance company contracts.

References in this subsection herein to “policy” or “contract of insurance” includes all property and casualty contracts regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these contracts.

(b) Reinsurance contracts are not subject to this rule, however, ceding insurers shall, within ten (10) days, notify the Office, of

the cancellation or nonrenewal of any reinsurance contract reinsuring property risks located in the state. All filings shall be submitted electronically to <http://www.floir.com/iportal>.

(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act, including transmitting information or funds with respect to a contract of insurance, which act was to have been performed on or after the date specified in the Order of the Office, the time limit shall be extended to a date specified in the Order.

1. This extension of time shall not relieve a policyholder who has a claim resulting from the designated hurricane or natural disaster from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their property damage claim.

2. This extension of time shall also not apply to new policies effective on or after the date specified in the Order.

No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(d) During the dates specified in the Order, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew, or issue a notice of cancellation or nonrenewal of a policy or contract of insurance covering a property or risk in the referenced areas as specified in the Order, except at the written request or written concurrence of the policyholder.

(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding the date specified in the Order and, affecting the referenced areas, shall be withdrawn and reissued to insureds on or after the date specified in the Order.

(f) A cancellation or nonrenewal may occur prior to the expiration date specified in the Order, at the written request or written concurrence of the policyholder.

(g) Except as provided in paragraphs (2)(d) and (e), with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect during the dates specified in the Order, such notice is not made invalid by this rule; however;

1. The insurer shall extend the coverage to and including the date specified in the Order, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(h) An insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not filed a claim under the policy and not paid outstanding premium due.

(i) No policy shall be cancelled or non-renewed solely because of a claim resulting from a hurricane or natural disaster.

(j) An insurer's offer of replacement coverage, that is voluntarily accepted by an insured or applicant in an affiliated company, or made pursuant to a depopulation program, assumption or other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(k) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(l) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(m) This rule shall not apply to new policies effective on or after the initial activation date specified in the Order.

(n) If the contract of insurance was financed by a premium finance company for risks located in the referenced areas, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane [name of hurricane or natural disaster], please contact this office at once.

Victims of Hurricane [name of hurricane or natural disaster] will receive an automatic extension of time to and including [date specified in the Order], to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of the dates specified in the Order.

Therefore, if you are a victim of Hurricane [name of hurricane or natural disaster], please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations; and,

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after the grace period specified in an Emergency Order expires, the insurer will process the cancellation in accordance with paragraph (2)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

(o) Subsection (2) of this rule, shall not apply to policies for the following kinds of insurance issued by authorized insurers that cover a business that is domiciled or maintains its primary place of business outside of Florida: Surety insurance as defined in Section 624.606, F.S.; Fidelity insurance as defined in Section 624.6065, F.S.; Marine insurance, wet marine and transportation insurance and inland marine insurance as defined in Section 624.607, F.S.; Title insurance as defined in Section 624.607, F.S.; Collateral Protection insurance as defined in Section 624.6085, F.S.; Workers' Compensation insurance as defined in Section 624.605, F.S.; Casualty insurance as defined in Section 624.605, F.S., but limited to coverage of commercial risks other than residential or personal property; and property insurance as defined in Section 624.604, F.S., but limited to coverage of commercial risks other than residential or personal property. Additionally, this rule shall not apply to life insurance policies or annuity contracts that are owned by a person other than the insured or the annuitant or where the premium payer under such policy is a person other than the insured or annuitant and such owner or premium payer does not reside in the referenced areas.

(p) Any insurer that becomes impaired or insolvent due to a hurricane or natural disaster or the operation of subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, an insurer may file a petition pursuant to Section 120.542, F.S. if compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

(q) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

(3) Grace Periods and Temporary Postponement of Cancellations or Non-renewals.

(a) This subsection applies to all life and health contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 624, 626, 627, 636, 641, and 651, F.S.;
2. Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts; and
3. Premium finance company contracts associated with life and health contracts.

References in this subsection to “policy” or “contract of insurance” includes all life or health agreements regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these agreements.

(b) Any free look period in a variable life policy or variable annuity contract is not extended by this rule.

(c) As to any policy provision, notice, correspondence, or law which imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after the date specified in the Order of the Office, the time limit shall be extended to the date specified in the Order, except that:

1. This extension of time shall not relieve an insured who has a claim during this period from compliance with any obligation to provide information and cooperate in the claim adjustment process relative to their claim.

2. This extension of time shall not apply to new policies effective on or after the date specified in the Order.

No interest, penalties, or other charges shall accrue or be assessed as the result of the extensions required herein. However, interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(d) During the dates specified in the Order, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew a policy or contract of insurance or issue a notice of cancellation or nonrenewal on a contract of insurance covering a person in the referenced areas as specified in the Order, except at the written request or written concurrence of the policyholder.

(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding the date specified in the Order, affecting a person in the specified areas, shall be withdrawn and reissued to insureds on or after the date specified in the Order.

(f) A cancellation or nonrenewal may occur prior to the expiration date specified in the Order, at the written request or written concurrence of the policyholder. The application for and issuance of a replacement major medical health insurance policy which is subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, may be regarded by the insurer as a written request for cancellation of the current major medical insurance policy by the applicant/policyholder, provided the date of cancellation is not effectuated prior to the date of the effectuation of the replacement policy's coverage.

(g) Except as provided in paragraphs (3)(e) and (f), with respect to a notice of cancellation or nonrenewal which, but for this rule, would have taken effect during the dates specified in the Order, such notice is not made invalid by this rule; however;

1. The insurer shall extend the coverage to and including the date specified in the Order, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(h) Retroactive cancellation due to non-payment of premium:

1. For health policies or contracts, an insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not paid outstanding premium due. For all other policies under this subsection, an insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not paid the outstanding premium due.

2. Insurers or Health Maintenance Organizations subject to the notice provisions of Sections 627.6645(5) and 641.3108(2), F.S., respectively, may issue notices of cancellation that comport with those sections that specify no cancellation shall take place prior to the date specified in the Order.

(i) No policy shall be cancelled or non-renewed solely because of a claim resulting from a hurricane or natural disaster.

(j) An insurer's offer of replacement coverage, which is voluntarily accepted by an insured or made pursuant to other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(k) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(l) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(m) This rule shall not apply to new policies effective on or after the initial activation date specified in the Order.

(n) If the contract of insurance was financed by a premium finance company for persons located in the specified areas, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane [name of hurricane or natural disaster], please contact this office at once.

Victims of Hurricane [name of hurricane or natural disaster] will receive an automatic extension of time to and including [date specified in the Order], to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of the dates specified in the Order.

Therefore, if you are a victim of Hurricane [name of hurricane or natural disaster], please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer."

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and

applicable regulations; and,

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after the grace period specified in an Emergency Order expires, the insurer will process the cancellation in accordance with paragraph (3)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

(o) This rule shall not apply to life insurance policies or annuity contracts that are owned by a person other than the insured or the annuitant or where the premium payer under such policy is a person other than the insured or annuitant and such owner or premium payer does not reside in the referenced areas.

(p) Any insurer that becomes impaired or insolvent due to a hurricane or natural disaster or the operation of subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, an insurer may file a petition pursuant to Section 120.542, F.S. if compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

(q) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

This subsection does not apply to major medical health insurance policies subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and regulations adopted pursuant to those acts, to the extent this requirement would result in a violation of federal law.

Rulemaking Authority 624.308, 627.7019 FS. Law Implemented 624.307(1), 624.319, 624.424, 627.7019 FS. History—New 6-12-07, Amended 7-30-17, 2-22-21.