

FILED

OCT 15 2018

OFFICE OF
INSURANCE REGULATION

Docketed by: SKB



OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

Hurricane Michael
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.: 234790-18-EO

EMERGENCY ORDER

TO: All Insurers, HMOS, Premium Finance Companies, Surplus Lines and other entities regulated by the Office of Insurance Regulation (hereinafter "Regulated Entities")

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a result of the state of emergency created by Hurricane Michael, 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 Insurance Code (Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, hereinafter "Code"). The Office

has the power 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 October 7, 2018, Florida Governor Rick Scott issued Executive Order Number 18-276, which immediately declared a state of emergency for counties in the panhandle of Florida due to the forecast models and track for Tropical Storm Michael, which was forecast to become a hurricane. Executive Order Number 18-276 is attached as Exhibit 1.

3. On October 8, 2018, Florida Governor Rick Scott issued an Amendment of Executive Order Number 18-276, Executive Order Number 18-277, which immediately extended the state of emergency to additional Florida counties due to the forecast models and track for Tropical Storm Michael, which was forecast to become a hurricane, possibly a major hurricane. Executive Order Number 18-277 is attached as Exhibit 2.

4. Section 252.63(1), Florida Statutes, provides that “[w]hen 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, “standardized requirements that may be applied to insurers as a consequence of a hurricane.” 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), Florida Statutes, provides that

With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner, mobile home owner, 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 Michael, the issuance of an Emergency Order pursuant to Sections 252.63 and 624.307, Florida Statutes, and the activation of Rule 69O-142.015, Florida Administrative Code, is required in order to protect the public health, safety and welfare of Florida's policyholders in the following counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla, and Washington (hereinafter "Included Counties").

Accordingly, IT IS HEREBY ORDERED:

EXTENSION OF GRACE PERIODS AND TEMPORARY POSTPONEMENTS
OF CANCELLATIONS OR NONRENEWALS

(1) The provisions of Rule 69O-142.015(2), Florida Administrative Code are hereby activated and declared immediately in effect for all Regulated Entities as specifically set forth below. Rule 69O-142.015, F.A.C is attached as Exhibit 3. Cancellations or nonrenewals directed or approved by the Office are exempt from this Order. Specific dates called for in the rule are as follows:

Rule 69O-142.015(2)(d) 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 covering a person, property or risk in the Included Counties, which act was to have been performed on or after October 7, 2018, the time limit shall be extended to January 7, 2019. This extension of time shall not relieve a policyholder who has a claim resulting from Hurricane Michael from compliance with their obligations to provide information and to cooperate in the claim adjustment process relative to the property damage claim. This extension of time shall also not apply to new policies issued on or after October 7, 2018. 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) (e) Between October 7, 2018 and January 7, 2019, no Regulated Entity shall cancel or nonrenew a policy or contract of insurance or issue a notice of cancellation or nonrenewal, covering a person, property or risk in the Included Counties, except at the written request or written concurrence of the policyholder.

Rule 69O-142.015(2) (f) All notices of cancellation issued or mailed ten (10) calendar days preceding October 7, 2018, affecting a policyholder in the Included Counties, shall be withdrawn and reissued to insureds on or after January 7, 2019.

Rule 69O-142.015(2) (g) A cancellation or nonrenewal may occur prior to January 7, 2019, at the written request or written concurrence of the policyholder.

Rule 69O-142.015(2) (h) Except as provided in paragraphs (e) and (f) with respect to a notice of cancellation or nonrenewal which, but for this rule, would have taken effect between October 7, 2018 and January 7, 2019, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including January 7, 2019, or a later date specified by the insurer;

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) (n) This rule shall not apply to new policies effective on or after October 7, 2018.

Rule 69O-142.015(2) (o) If the contract of insurance was financed by a premium finance company for risks located in the Included Counties, 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 Michael, please contact this office at once.

Victims of Hurricane Michael will receive an automatic extension of time to and including January 7, 2019, 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 October 7, 2018 and January 7, 2019.

Therefore, if you are a victim of Hurricane Michael, 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 January 7, 2019, the insurer will process the cancellation in accordance with paragraph Rule 69O-142.015(2)(i), F.A.C.

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 order.

(2) In addition to the provisions of paragraph (1) of this Emergency Order, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering property damaged as a result of Hurricane Michael located in the Included Counties for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d)1., Florida Statutes.

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

(3) The time period in which any application, filing, or document, required to be filed with the Office of Insurance Regulation, pursuant to the Florida Insurance 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 October 7, 2018, the date the Governor declared the State of Emergency, and ending 90 days thereafter. Further, any time period within the Florida Insurance Code in which the Office is required to take action is also tolled for a period commencing on October 7, 2018, the date the Governor declared the State of Emergency, and ending 90 days thereafter.

(4) The Office will continue to accept "file and use filings" with an effective date for new or renewal business on or after January 7, 2019, but in the interest of the public welfare, "use and file filings" are suspended until January 7, 2019. Rate changes directed or approved by order of the Office are exempt from this Order.

(5) 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 October 7, 2018, shall be filed and subject to the approval of the Office prior to implementation until January 7, 2019.

(6) 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

(7) Given the strength and size of Hurricane Michael, its expected catastrophic effect on the panhandle of Florida, and its potential impact on hundreds of thousands of policyholders, the Office expects all 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.

(8) 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 Michael, 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.

(9) 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.

(10) 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 15th day of October, 2018.




David Altmaier, Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order Number 18-276, October 7, 2018
2. Executive Order Number 18-277, October 8, 2018
3. Rule 69O-142.015, Florida Administrative Code

NOTICE OF RIGHTS

Any party 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 REGULATED ENTITIES

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 18-276
(Emergency Management – Tropical Storm Michael)

WHEREAS, as of 1:00 p.m. on Sunday, October 7, 2018, Tropical Storm Michael has formed 90 miles south of Cozumel, Mexico, with current maximum sustained winds of 40 miles per hour and movement toward the north; and

WHEREAS, the National Hurricane Center forecasts that Tropical Storm Michael will increase in intensity and forward speed as it moves across the eastern Gulf of Mexico late Monday through Wednesday morning, and may become a hurricane by Tuesday night or Wednesday before making landfall on the Gulf Coast; and

WHEREAS, there is an increasing risk of dangerous storm surge, rainfall, strong winds, hazardous seas, and the potential for isolated tornadic activity for portions of Florida's northern Gulf Coast by mid-week; and

WHEREAS, Tropical Storm Michael poses a severe threat to the State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

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

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

NOW, THEREFORE, I, RICK SCOTT, 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, I declare that a state of emergency exists in the following counties: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, and Citrus.

Section 2. I designate the Director of the Division of Emergency Management (“Director”) 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(5)–(10), 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 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 best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the 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. Designate additional Deputy State Coordinating Officers, as necessary.

E. 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.

F. Enter orders as may be needed to implement any of the foregoing powers; however, 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; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

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 the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(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; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

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. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions of this Order.

C. In accordance with section 252.38, 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) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross 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) Reverse 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 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;
- 4) Waive the hours of service requirements for such vehicles;
- 5) 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,
- 6) 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 order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, 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 and local agency but who do not reside in an area or county covered by this Executive Order.

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 to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. 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 therein to the Secretary of the Department of Management Services. 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 application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

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 the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 7. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

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 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(5)(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 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 under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

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. This Executive Order shall expire sixty 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 October, 2018.

GOVERNOR

ATTEST:

SECRETARY OF STATE



FILED
2018 OCT -7 PM 3:05
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 18-277

(Emergency Management – Amendment of Executive Order 18-276)

WHEREAS, on Sunday, October 7, 2018, I issued Executive Order 18-276 declaring a state of emergency in 26 counties as a result of the severe threat posed by Tropical Storm Michael; and

WHEREAS, as of 5 a.m. on Monday, October 8, 2018, Tropical Storm Michael had strengthened in intensity, with maximum sustained winds of 70 mph, and is forecast to be a hurricane—and possibly a major hurricane—when it reaches the Gulf Coast by mid-week; and

WHEREAS, a Hurricane Watch is now in effect from the Alabama-Florida border to the Suwannee River and a Tropical Storm Watch is now in effect from the Suwannee River to Anna Maria Island, including Tampa Bay; and

WHEREAS, the dangers posed by tropical storm force winds and storm surge from Tropical Storm Michael now threaten additional Florida counties in the Big Bend and Tampa Bay regions; and

WHEREAS, the effects of Tropical Storm Michael pose a continuing threat to the health, safety and welfare of the State of Florida and its residents.

NOW, THEREFORE, I, RICK SCOTT, 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. The state of emergency declared in Executive Order 18-276 is amended to

include Baker, Union, Bradford, Alachua, Hernando, Pasco, Pinellas, Hillsborough, and Manatee Counties.

Section 2. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

Section 3. Except as amended herein, Executive Order 18-276 is ratified and reaffirmed.

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 8th day of October, 2018.



RICK SCOTT, GOVERNOR

ATTEST:



SECRETARY OF STATE



FILED
OCT 8 AM 10:01
TALLAHASSEE, FLORIDA

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) All entities having direct premiums written in Florida and authorized, approved or otherwise eligible to provide the coverages indicated below in subparagraphs (1)(a)1. and 2., shall report the information required by Form OIR-DO-1681, "Catastrophic Event Data Reporting and Analysis", providing loss and associated exposure data within this state. The reporting shall be submitted with such frequency and for such areas as set forth in the Order activating this subsection and may be revised to reflect the phases of reporting necessary as set forth in form OIR-DO-1681. 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.

(b) The following form is hereby adopted and incorporated by reference:

1. OIR-DO-1681 (revised 05/2007) "Catastrophic Event Data Reporting and Analysis" and is available from the Office's website: <http://www.flor.com/portal>.

2. All information shall be submitted electronically through <http://www.flor.com/portal>.

(2) Other property coverages where loss is not specifically excluded in the policy's outline of coverage such as:

(a) Subsection (2) of this rule, applies to all contracts of insurance and other contracts that are subject to regulation under the Florida Insurance Code including:

1. All policies referenced in chapters 440, 624, 626 and 627, F.S.;
2. All policies or contracts issued pursuant to chapters 636, 641 and 651, F.S.;
3. Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts; and,
4. Premium Finance Company contracts;

References herein to "policy" or "contract of insurance" includes all agreements regulated under the Insurance Code.

(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.flor.com/portal>.

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

(d) 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 a date specified in the Order. 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. 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.

(e) During the dates specified in the Order, no insurer or other entity regulated under the insurance code shall cancel or non-renew a policy or contract of insurance or issue a notice of cancellation or nonrenewal, covering a person, property or risk in the

referenced areas as specified in the Order, except at the written request or written concurrence of the policy holder.

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

(g) 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.

(h) Except as provided in paragraphs (2)(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;

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.

(i) 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.

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

(k) An insurer's offer of replacement coverage, which 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.

(l) 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.

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

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

(o) If the contract of insurance was financed by a premium finance company for risks 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 (i).

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.

(p) Subsection (2) of this rule, shall not apply to policies for the following kinds of insurance issued by authorized insurers

which cover a business that is domiciled or maintains its primary place of business outside of the State 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.

(q) 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.

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

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.