

GRAY ROBINSON

Special Session Report

The newly sworn-in Florida Legislature convened in Special Session on December 12, focusing on property insurance, property taxes, and expressway toll booth relief. The brief session adjourned on Wednesday, December 14, after the House passed all three bills that the Florida Senate passed on the previous day. Later that week, Governor DeSantis held press conferences to sign the Legislature's work products into law. The bills and their legislative paths are detailed below.

SB 0002A: PROPERTY INSURANCE

SUMMARY

SB 2A, Property Insurance, became effective upon the Governor's signature last week. The 105-page legislation has 26 sections. The main provisions impacting Florida's property insurance market are as follows:

- Creates the Florida Optional Reinsurance Assistance Program (FORA), which the State Board of Administration will administer. Moreover, it authorizes eligible insurers to purchase reinsurance coverage under FORA.
- Eliminates one-way attorney fees for property insurance claims.
- Provides that property insurers may be subject to an additional market conduct examination by the Office of Insurance Regulation after a hurricane under certain circumstances.
- Specifies conditions that must be met for a property insurance policy to require mandatory binding arbitration.
- Prohibits policyholders from assigning post-loss insurance benefits under residential or commercial property insurance policies issued on or after a specified date. This practice is commonly referred to as the "assignment of benefits."

PROCEEDINGS AND TIMELINE

Senator Boyd (R) filed SB 2A, Property Insurance, on Friday, December 9. It was referred to two committees: Banking and Insurance and the newly formed Fiscal Policy. On Monday, December 12, SB 2A was passed favorably out of the Banking and Insurance Committee with 9 Yeas and 3 Nays, and later that same day passed the Fiscal Policy Committee with a vote of 15 Yeas and 5 Nays. It was subsequently placed on the Special Order Calendar for consideration by the full Senate. On Tuesday, December 13, SB 2A passed the Senate with a vote of 27 Yeas and 13 Nays as presented and with no accepted amendments. On Wednesday, December 14, SB 2A was considered by the House, where it passed by a vote of 84 Yeas and 33 Nays, again with no amendments. SB 2A was then signed by officers and presented to the Governor. The Governor approved it on December 16.

SB 0004A: DISASTER RELIEF

SUMMARY

SB 4A, Disaster Relief, became effective upon the Governor's signature. With more work surely to come during the 2023 Legislative Session in response to this year's hurricanes, this special session bill provided the following immediate relief and assistance:

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- \$350 million to support the entire portion of local government match for FEMA Public Assistance.
- \$150 million to the Florida Department of Environmental Protection (DEP) to support local beach renourishment projects and a new Hurricane Restoration Reimbursement Grant Program to assist homeowners with coastal hardening and fortification.
- Authorizes DEP to waive or reduce match requirements for certain local governments.
- \$100 million to DEP to repair and reconstruct community stormwater and wastewater infrastructure damaged by Hurricanes Ian or Nicole.
- \$150 million to continue efforts to support homeowners and renters impacted by the storms through the Hurricane Housing Program and Rental Recovery Loan Program.

PROCEEDINGS AND TIMELINE

SB 4A, Disaster Relief, was filed on Friday, December 9, by Senator Travis Hutson (R, Palm Coast) and was referred to two committees: Community Affairs and Fiscal Policy. On Monday, December 12, SB 4A passed unanimously out of the Community Affairs committee. Later that same day, the bill was heard and passed unanimously by the Fiscal Policy Committee. On Tuesday, December 13, Amendment (541526) was adopted, and SB 4A was passed unanimously by the full Senate and was then referred to the House Calendar and placed on Special Order. On Wednesday, December 14, SB 4A passed the House with 116 Yeas and 0 Nays. It was then signed by Officers and presented to the Governor. On Friday, December 16, the Governor approved SB 4A.

SB 0006A: TOLL RELIEF

SUMMARY

SB 6A, Toll Relief, will require the Florida Turnpike Enterprise to establish a toll relief program beginning on January 1, 2023. Under the Toll Relief Program, drivers who use toll transponders, such as SunPass or other Florida-based transponders, and have 35 or more qualifying toll transactions per month will receive a 50 percent credit to their account. This program is expected to benefit approximately 1.2 million drivers and will save the average qualifying commuter nearly \$400 in the 2023 calendar year.

PROCEEDINGS AND TIMELINE

SB 6A, Toll Relief, was filed on Friday, December 9, by Senator Nick DiCeglie (R, St. Petersburg) and was referred to only one committee: Fiscal Policy. On Monday, December 12, SB 6A was unanimously passed by the committee and then passed by the full Senate the following day again with a unanimous vote. It was then referred to the House Calendar and placed on Special Order. On Wednesday, December 14, SB 6A was passed unanimously by the Florida House without amendment. It was then signed by Officers and presented to the Governor. On Thursday, December 15, SB 6A was approved by the Governor.