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Florida issues order for Hurricane Idalia Directs requirements to surplus lines market

The Florida Office of Insurance Regulation (OIR) issued an [Emergency Order](#) (EO) on September 1 in response to Hurricane Idalia. The EO is directed to the entire market, including the surplus lines segment.

As expected, the order implements emergency provisions that prohibit any insurer under the Florida Insurance Code, including surplus lines coverage eligible under Chapter 626, from cancelling or non-renewing any property and casualty insurance contracts between September 1 and October 31, 2023. All notices of cancellation issued or mailed within ten days preceding September 1 are to be withdrawn and reissued to insureds on or after October 31. The order invokes the provisions of [Rule 690-142.015\(2\)](#), which are specifically applicable to the surplus lines market.

In addition, the EO invokes the provisions of Section [627.4133\(2\)\(e\)1](#). This section prohibits insurers from canceling or non-renewing policies on property damaged as a result of Hurricane Idalia for a period of 90 days after a dwelling has been repaired. The order further specifies that the provisions of Section [627.4133\(2\)\(e\)](#) are applicable to surplus lines insurers, notwithstanding the statute's specific language limiting the applicability to "authorized" insurers. To achieve application to surplus lines, the order cites emergency powers giving the OIR the authority to suspend provisions of certain statutes in times of emergency. In this case, the order specifically suspends the provisions of Section [626.913\(4\)](#) which states: "Except as may be specifically stated to apply to surplus lines insurers, the provisions of chapter 627 do not apply to surplus lines insurance authorized under ss. [626.913-626.937](#), the Surplus Lines Law."

The order's applicability to surplus lines comes in spite of statutory clarification that was achieved in 2023 [SB 7052](#), specifying that the enabling statute applies to "authorized" insurers only. We expressed our concerns with the application to the surplus lines market to the OIR and are continuing to work with OIR and policymakers on post-disaster solutions that aren't harmful to the Florida insurance market. WSIA will continue to seek post-emergency solutions that protect insureds without diminishing insurance capacity in Florida.

The OIR also provided [notice](#) to insurers to file a 2023 Catastrophe Reporting Form (CRF) through the Insurance Regulation Filing System. The OIR included all eligible surplus lines insurers on the list of required filers. The data call requires reporting daily by 12 p.m. ET from Friday, September 1 to Wednesday, September 6.



Washington issues moratorium on cancellation and nonrenewal

The Washington Insurance Commissioner issued [Emergency Order No. 23-01](#) on August 24 ordering all insurers and surplus lines brokers to provide grace periods of no less than 45 days (between August 19, 2023, and October 17, 2023) for nonpayment of premium or other charges and fees including late fees and reinstatement fees. The order also provides for a moratorium on cancellation and nonrenewal during the same period. The order is limited to areas affected by the Gray Fire and Oregon Road fire, including zip codes 99004, 99022, 99009, and 99003.



Hawaii issues data call in response to wildfires and wind damage

The Hawaii Insurance Commissioner issued [Memorandum 2023-4E](#) requesting that all property and casualty insurers and surplus lines carriers respond to a data call as a result of the wind and wildfire damage that occurred on August 8, 2023.

The memo states that insurers shall report semi-monthly, with the first report due September 15 and containing cumulative claims data as of August 31, 2023. Subsequent reports should be filed by the last day and the 15th of each month.

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WSIA News - Published by
Wholesale & Specialty Insurance Association
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