



Emergency Order - Hurricane Ian Frequently Asked Questions

On September 28, 2022, the Florida Office of Insurance Regulation (OIR) issued an [Emergency Order](#) in response to Hurricane Ian. OIR is providing the following frequently asked questions to assist insurers in applying the provisions outlined in the Emergency Order. OIR does not render interpretations of statutes, except in rules for interpretations of general applicability or in declaratory statements for interpretation of a more limited applicability, assuming the requirements for such a statement are met. Please refer to section 120.54, Florida Statutes (F.S.), for the applicable statute on rules. Further, declaratory statements are covered by section 120.565, F.S., and Chapter 28-105, Florida Administrative Code.

Frequently Asked Questions

Q: Whom does the Emergency Order apply to?

A: The Emergency Order applies to all insurers licensed to do business in Florida. To further clarify, this order applies to property and casualty insurers including workers' compensation, life insurers, health insurers, health maintenance organizations, and surplus lines insurers (exception for surplus lines insurers is the provisions regarding rate filings as those rates are not subject to OIR approval).

Q: Can an insurer cancel or nonrenew, or even send notice of a cancellation or nonrenewal, between the timeframe provision in the Emergency Order?

A: From September 28 – November 28, 2022, no insurer or other regulated entity may cancel, nonrenew, or issue a notice of cancellation or nonrenewal of a policy or contract except at the written request of the policyholder.

Further, any and all cancellations that have been issued within 10 days preceding September 28, 2022, must be withdrawn and reissued on or after November 28, 2022.

Q: What if a policyholder already received a cancellation notice and the cancellation date falls between the timeframe in the Emergency Order?

A: For policies that would have been canceled during this period, the insurer must extend the coverage through November 28, 2022, or any later date identified by the insurer. Insurers should provide some type of communication to policyholders confirming the extended coverage.

Q: If coverage must be extended through November 28, 2022, how does this affect a policyholder's premium?

A: The premium for the extended term will be pro-rated for that specific term.

Q: How does the Emergency Order affect new policies written?

A: It does not apply to new policies issued on or after September 28, 2022.

Q: When can an insurer cancel or nonrenew a property and casualty insurance policy?

A: An insurer may not cancel or nonrenew a personal or commercial residential property insurance policy covering property damaged as a result of Hurricane Ian in any Florida county for a period of 90 days after the dwelling has been repaired with the exceptions provided in section 627.4133(2)(d)2., F.S.

For a policy with no Hurricane Ian damage, an insurer can cancel or non-renewal a policy on or after November 28, 2022, with appropriate statutory notice.

Q: If an insurer cannot issue a non-renewal notice until at least November 28, 2022, can the time period for the nonrenewal notice issued on or after November 28, 2022, be less than the statutorily required 120 days to match the policy's anniversary?

A: No. The nonrenewal notice issued on or after November 28, 2022, must follow the 120-day statutory provision.

Q: How does the Emergency Order affect an insurer's rate filing, previously filed or to be filed, whether filed as "Use and File" or "File and Use?"

A: For the period of September 28 – November 28, 2022, "Use and File" filings which effectuate rate changes are suspended. A "Use and File" rate filing which is a rule filing only and does not contain a change in rates may be submitted. A "Use and File" rate filing which contains only rate decreases and no increase for any policyholder may also be submitted.

"File and Use" filings are still permitted. Pending rate filings previously submitted under the "Use and File" provision with an effective date between September 28 – November 28, 2022, are now considered to be "File and Use" filings. Such filings are not required to be withdrawn and resubmitted, but the time to review such filings by OIR is tolled. This applies to all lines of insurance subject to the "File and Use" and "Use and File" provisions under sections 627.0651 and 627.062, F.S.

Q: How are deemer dates affected by the Emergency Order?

A: Deemer dates for all form and rate filings, regardless of being filed as "Use and File" or "File and Use," are tolled until November 28, 2022. This is applicable to any line of business.

Q: How are other filings affected by the Emergency Order, specifically, informational filings, certification filings, consent to rate, and new program filings?

A: Informational filings for either form or rate filings are not subject to the provisions in the Emergency Order.

Rate certifications should be filed in accordance with statutory provisions.

The Emergency Order does not affect an insurer's ability to utilize Consent to Rate.

Filings that introduce new programs in Florida can still be filed as new programs do not have a rate impact.

Q: How does the Emergency Order affect policy renewals when increased coverage limits are requested by insured, due to updated appraisals or determined by the terms of an insurance contract that will cause an increase in an insured's rates?

A: The Emergency Order does not preclude necessary coverage increases based on requests from the insured, updated appraisals required by law, inflation guard endorsements, or other policy provisions applied upon renewal which may affect rates since such changes are not the result of a rate increase.