

FSLSO DILIGENT EFFORT/DISCLOSURE MATRIX

The FSLSO Diligent Effort/Disclosure Matrix was developed by the Florida Surplus Lines Service Office for the purpose of providing guidance on the diligent effort or disclosure requirement for each line of coverage, for both residential and nonresidential placements. Surplus lines agents should use the matrix as a reference tool for assistance with the diligent effort and disclosure laws pertaining to Florida surplus lines placements. The information provided should not be interpreted or used as a legal opinion, nor does it supersede directives provided by state or other governing authorities. The Florida Surplus Lines Service Office does not provide legal or tax advice. Whenever agents, brokers, companies, or policyholders have specific questions pertaining to business practices, tax implications or statutory interpretation, we urge the respective parties to seek the counsel of a competent attorney or tax consultant licensed in the appropriate jurisdiction and area of expertise.



Commercial Property

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Commercial Property	Residential	DE
Commercial Property	Nonresidential	Disclosure
Builders Risk	Residential	DE
Builders Risk	Nonresidential	Disclosure
Business Income	Residential	DE
Business Income	Nonresidential	Disclosure
Apartments	Residential	DE
Boiler and Machinery		Disclosure
Commercial Package	Residential	DE
Commercial Package	Nonresidential	Disclosure
Condominium Package	Residential	DE
Condominium Package	Nonresidential	Disclosure
Crop Hail		DE
Difference in Conditions		DE
Earthquake	Residential	DE
Earthquake	Nonresidential	Disclosure
Glass - Commercial		DE
Mortgage Impairment		DE
Windstorm and/or Hail - Commercial	Residential	DE
Windstorm and/or Hail - Commercial	Nonresidential	Disclosure
Mold Coverage - Commercial	Residential	DE
Mold Coverage - Commercial	Nonresidential	Disclosure
Sinkhole Coverage - Commercial	Residential	DE
Sinkhole Coverage - Commercial	Nonresidential	Disclosure
Collateral Protection (Force Placed Coverage)		DE

Homeowners and other Residential Property

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Homeowners HO-1	Residential	DE
Homeowners HO-2	Residential	DE
Homeowners HO-3	Residential	DE
Homeowners HO-4 - Tenant	Residential	DE
Homeowners HO-5	Residential	DE
Homeowners HO-6 - Condo Unit Owners	Residential	DE
Homeowners HO-8	Residential	DE

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Homeowners and other Residential Property con't.

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Dwelling Property	Residential	DE
Farmowners Multi-Peril	Residential	DE
Mobile Homeowners	Residential	DE
Windstorm	Residential	DE
Mold Coverage	Residential	DE
Sinkhole Coverage	Residential	DE

Inland Marine

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Inland Marine - Commercial		DE
Inland Marine - Personal		DE
Motor Truck Cargo		Exempt
Jewelers Block		DE
Furriers Block		DE
Contractors Equipment		DE
Electronic Data Processing		DE

Liability

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Commercial General Liability		Disclosure
Commercial Umbrella Liability		Disclosure
Directors & Officers Liability - Profit		Disclosure
Directors & Officers Liability - Non-Profit		Disclosure
Educator Legal Liability		Disclosure
Employment Practices Liability		Disclosure
Excess Commercial General Liability		Disclosure
Excess Personal Liability		DE
Liquor Liability		Disclosure
Owners & Contractors Protective Liability		Disclosure
Personal Umbrella		DE
Personal Liability		DE
Pollution & Environment Liability		Disclosure
Product & Completed Operations Liability		Disclosure
Public Officials Liability		Disclosure
Police Professional Liability		Disclosure

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Liability con't.

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Media Liability		Disclosure
Railroad Protective Liability		Disclosure
Asbestos Removal & Abatement		DE
Guard Service Liability		DE
Special Events Liability		DE
Miscellaneous Liability		DE
Cyber Liability		Disclosure

Crime

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Bankers Blanket Bond		Disclosure
Blanket Crime Policy		Disclosure
Employee Dishonesty		Disclosure
Identity Theft		Disclosure
Deposit Forgery		Disclosure
Miscellaneous Crime		Disclosure

Miscellaneous

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Accident & Health		DE
Credit Insurance		DE
Animal Mortality		DE
Mortgage Guaranty		DE
Worker's Compensation - Excess Only		DE
Product Recall		DE
Kidnap/Ransom		DE
Surety		Disclosure
Weather Insurance		DE
Prize Indemnification		DE
Travel Accident		DE
Terrorism	Residential	DE
Terrorism	Nonresidential	Disclosure
Fidelity		Disclosure

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Flood

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Flood - Commercial	Residential	DE
Flood - Commercial	Nonresidential	Disclosure
Excess Flood - Commercial		Disclosure
Flood - Personal*	Residential	NFIP Disclosure
Excess Flood - Personal*	Residential	N/A

*Refer to our [Flood Matrix](#) for further detail.

Ocean Marine

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Marina Operators Legal Liability		Exempt
Marine Liabilities Package		Exempt
Ocean Marine Hull and/or Protection & Indemnity		Exempt
Ocean Cargo		Exempt
Ship Repairers Legal Liability		Exempt
Stevedores Legal Liability		Exempt
Personal & Pleasure Boats & Yachts		DE
Ocean Marine Builders Risk		Exempt
Longshoremen & Harbor Workers Compensation Act		Exempt

Medical Malpractice

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Hospital Professional Liability		Most med mal will require DE based upon licensing status of insured. Refer to F.S. 627.062(3)(d)1 .
Miscellaneous Medical Professional		Most med mal will require DE based upon licensing status of insured. Refer to F.S. 627.062(3)(d)1 .
Nursing Home Professional Liability		Most med mal will require DE based upon licensing status of insured. Refer to F.S. 627.062(3)(d)1 .
Physician/Surgeon		Most med mal will require DE based upon licensing status of insured. Refer to F.S. 627.062(3)(d)1 .

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Errors and Omissions

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Architects & Engineers Liability		Disclosure
Insurance Agents & Brokers E&O		Disclosure
Lawyers Professional Liability		Disclosure
Miscellaneous E&O Liability		Disclosure
Real Estate Agents E&O		Disclosure
Software Design Computer E&O		Disclosure

Automobile

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Commercial Auto Liability		DE
Commercial Auto Excess Liability		DE
Commercial Auto Physical Damage		DE
Dealers Open Lot		DE
Garage Liability		DE
Garage Keepers Legal		DE
Private Passenger Auto - Physical Damage Only		DE
Personal Excess Auto Liability		DE

Aircraft

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Commercial Aircraft Hull and/or Liability		Exempt
Airport Liability		Exempt
Aviation Cargo		Exempt
Aviation Product Liability		Exempt
Hangarkeepers Legal Liability		Exempt
Personal & Pleasure Aircraft		DE

SURPLUS LINES DISCLOSURE AND ACKNOWLEDGEMENT

At my direction, _____ has placed my coverage in the surplus lines market. As required by Florida Statute 626.916, I have agreed to this placement. I understand that superior coverage may be available in the admitted market and at a lesser cost and that persons insured by surplus lines carriers are not protected by the Florida Insurance Guaranty Association with respect to any right of recovery for the obligation of an insolvent unlicensed insurer.

I further understand the policy forms, conditions, premiums, and deductibles used by surplus lines insurers may be different from those found in policies used in the admitted market. I have been advised to carefully read the entire policy.

Named Insured

By:

Signature of Named Insured

Date

Printed Name and Title of Person Signing

Name of Excess and Surplus Lines Carrier

Type of Insurance

Effective Date of Coverage

This form is designed to provide guidance only based upon the statutory requirements for such form and has not been approved by the Florida Department of Financial Services. The form is a suggested form; however the law requires that the following language be included and signed by the insured:

“I have agreed to the placement of coverage in the surplus lines market. I understand that superior coverage may be available in the admitted market and at a lesser cost and that persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent insurer.”

STATEMENT OF DILIGENT EFFORT

I, _____ License #: _____
Name of Retail/Producing Agent

Name of Agency: _____

Have sought to obtain:

Specific Type of Coverage _____ for

Named Insured _____ from the following
authorized insurers currently writing this type of coverage:

(1) Authorized Insurer: _____

Person Contacted *(or indicate if obtained online declination)*: _____

Telephone Number/Email: _____ Date of Contact: _____

The reason(s) for declination by the insurer was (were) as follows *(Attach electronic declinations if applicable)*:

(2) Authorized Insurer: _____

Person Contacted *(or indicate if obtained online declination)*: _____

Telephone Number/Email: _____ Date of Contact: _____

The reason(s) for declination by the insurer was (were) as follows *(Attach electronic declinations if applicable)*:

(3) Authorized Insurer: _____

Person Contacted *(or indicate if obtained online declination)*: _____

Telephone Number/Email: _____ Date of Contact: _____

The reason(s) for declination by the insurer was (were) as follows *(Attach electronic declinations if applicable)*:

Signature of Retail/Producing Agent

Date

"Diligent effort" means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these rejections.

Surplus lines agents must verify that a diligent effort has been made by requiring a properly documented statement of diligent effort from the retail or producing agent. However, to be in compliance with the diligent effort requirement, the surplus lines agent's reliance must be reasonable under the particular circumstances surrounding the export of that particular risk. Reasonableness shall be assessed by taking into account factors which include, but are not limited to, a regularly conducted program of verification of the information provided by the retail or producing agent. Declinations must be documented on a risk-by-risk basis.