



## FSLSO DILIGENT EFFORT/ DISCLOSURE MATRIX

### FLORIDA SURPLUS LINES SERVICE OFFICE

The Florida Surplus Lines Service Office developed the FSLSO Diligent Effort/Disclosure Matrix as a guide to the diligent effort or disclosure requirement for each line of coverage for both residential and nonresidential placements.

Use the matrix as a reference tool for assistance with the diligent effort and disclosure laws governing Florida surplus lines placements. This information 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 offer legal or tax advice.

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#### Commercial Property

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

#### Homeowners and other Residential Property

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Homeowners HO-1	Residential	DE & Disclosure
Homeowners HO-2	Residential	DE & Disclosure
Homeowners HO-3	Residential	DE & Disclosure
Homeowners HO-4 - Tenant	Residential	DE & Disclosure

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1441 MACLAY COMMERCE DRIVE, SUITE 200  
TALLAHASSEE, FL 32312

800.562.4496

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### Homeowners and other Residential Property con't.

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Homeowners HO-5	Residential	DE & Disclosure
Homeowners HO-6 - Condo Unit Owners	Residential	DE & Disclosure
Homeowners HO-8	Residential	DE & Disclosure
Dwelling Property	Residential	DE & Disclosure
Farmowners Multi-Peril	Residential	DE & Disclosure
Mobile Homeowners	Residential	DE & Disclosure
Windstorm	Residential	DE & Disclosure
Mold Coverage	Residential	DE & Disclosure
Sinkhole Coverage	Residential	DE & Disclosure

### Inland Marine

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

### 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 & Disclosure
Liquor Liability		Disclosure
Owners & Contractors Protective Liability		Disclosure

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#### Liability con't.

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Personal Umbrella		DE & Disclosure
Personal Liability		DE & Disclosure
Pollution & Environment Liability		Disclosure
Product & Completed Operations Liability		Disclosure
Public Officials Liability		Disclosure
Police Professional Liability		Disclosure
Media Liability		Disclosure
Railroad Protective Liability		Disclosure
Asbestos Removal & Abatement		DE & Disclosure
Guard Service Liability		DE & Disclosure
Special Events Liability		DE & Disclosure
Miscellaneous Liability		DE & Disclosure
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 & Disclosure
Credit Insurance		DE & Disclosure
Animal Mortality		DE & Disclosure
Mortgage Guaranty		DE & Disclosure
Worker's Compensation - Excess Only		DE & Disclosure
Product Recall		DE & Disclosure
Kidnap/Ransom		DE & Disclosure
Surety		Disclosure

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#### Miscellaneous con't.

Coverage Type	Description	Diligent Effort (DE) or Disclosure
Weather Insurance		DE & Disclosure
Prize Indemnification		DE & Disclosure
Travel Accident		DE & Disclosure
Terrorism	Residential	DE & Disclosure
Terrorism	Nonresidential	Disclosure
Fidelity		Disclosure
Deductible Buyback - Property		Disclosure
Parametric or Index - Based	Commercial	DE & Disclosure
Parametric or Index - Based	Personal	DE & Disclosure

#### Flood

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

\*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 & Disclosure
Ocean Marine Builders Risk		Exempt
Longshoremen & Harbor Workers Compensation Act		Exempt

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#### Medical Malpractice

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

#### 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 & Disclosure
Commercial Auto Excess Liability		DE & Disclosure
Commercial Auto Physical Damage		DE & Disclosure
Dealers Open Lot		DE & Disclosure
Garage Liability		DE & Disclosure
Garage Keepers Legal		DE & Disclosure
Private Passenger Auto - Physical Damage Only		DE & Disclosure
Personal Excess Auto Liability		DE & Disclosure

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#### 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 & Disclosure

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## Surplus Lines Disclosure Form Instructions

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

"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 unlicensed insurer."

The statute does not require the retail/producing agent to sign the form. However, the retail/producing agent should keep the original signed form in the insured's file in the event of a future E&O claim. The statute clearly states that if the form is signed by the insured that the insured is presumed to have been informed and to know that other coverage may be available and that the retail/producing agent has no liability for placing the policy in the surplus lines market.

Some surplus lines brokers may ask for copies of these forms, but they are not required by statute to obtain or maintain these forms. Retail/producing agents may choose to comply with their requests for copies of the forms, but agents and brokers should note that the Florida Surplus Lines Service Office will not be looking for copies of these forms during compliance reviews of the files of surplus lines brokers. Only when a surplus lines broker acts in both a retail/producing agent capacity and a surplus lines broker capacity on a given risk/policy should the broker maintain a copy of this form.

## Surplus Lines Disclosure and Acknowledgement

At my direction, \_\_\_\_\_ has placed my coverage in the surplus lines market.

name of insurance agency

As required by Florida Statute 626.916, I have agreed to this placement. I understand that coverage may be available in the admitted market and that persons insured by surplus lines carriers are not protected by the Florida Insurance Guaranty Act 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



# 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.*