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BACKGROUND

THE TORT REFORM BLUNDER: What Voters Know and Florida Learned

New bipartisan polling from Data for Progress and the Insurance Fairness Project asked voters nationwide, “Who’s to blame for rising home insurance costs?” Only three percent blamed so-called “frivolous lawsuits,” a smaller share than the six percent who answered “Don’t know.” (Their top answers were, not surprisingly, “inflation” and “insurance companies raising rates to increase profits.”)¹ In addition,

In a split-sample test, voters strongly support individuals having a right to direct action against insurance companies that “deny, delay, or underpay home insurance claims payments” (84% support, N=739) or that “cancel coverage or raise the price without warning policyholders of the potential that they might do that” (82%, N=705). Across both halves of the split, strong bipartisan majorities support the right to direct action.²

Voters often see more clearly than the officials they elect.

In 2023, Florida lawmakers tried to solve the state’s longstanding homeowners’ insurance crisis at the expense of struggling policyholders. Rather than pursue meaningful oversight and reform of the insurance industry, they blamed lawsuits and enacted a series of ill-advised limits on policyholders’ legal rights, known as “tort reform.”³ These laws make it harder for people to sue insurers that wrongfully deny, delay or underpay valid claims. Lawmakers promised the limits would improve the insurance market for policyholders. It was a goal they were never going to achieve.⁴

Indeed, new reporting confirms that Floridians gave up important legal rights for nothing. This same reporting also reveals that Florida’s industry-captured politicians and regulators are so invested in the myth that tort limits “work” that they have tried to suppress evidence the insurance industry lied to the public about its finances. It took persistent investigative journalism to bring the truth to light.

SOUTH FLORIDA SUN SENTINEL AND ORLANDO SENTINEL SERIES

An ongoing joint investigation by the *South Florida Sun Sentinel* and the *Orlando Sentinel*, titled “Uncovered,” examines in part what led to enactment of 2023 “tort reforms” and the effects of these laws.⁵ Their investigation began in late 2025 “as state leaders proclaimed their property insurance remedies were taking hold – and, for the most part, those leaders have blocked additional efforts at reform.”

Among other work, the two publications partnered with the University of North Florida to survey more than 1,500 Florida property insurance policyholders. The results showed Floridians facing “surging premiums, a staggering rate of being dropped by their insurers, and deep dissatisfaction with the coverage they’re getting.”⁶

As the news organizations put it, “The survey, and follow-up interviews with respondents, reveal a wide gulf between the experiences of beleaguered policyholders and the promises of Gov. Ron DeSantis, Republican legislators and insurance industry leaders.”

NO IMPROVEMENTS FOR POLICYHOLDERS

- “Overall, 55% see no signs the insurance market is improving, and 26% contend it is getting worse” and “despite property insurance reforms engineered by state Republicans, even GOP voters overwhelmingly say the market has not improved or is getting worse.”
- “Nearly three out of four respondents said their insurance premiums have increased *in the past year*, with 19% saying they have increased by 50% or more” and “more than one-third [were] citing hikes of 25% or more even as state officials claim premiums overall have begun to drop.”
- “Among homeowners who pursued at least one claim, 53% said their premiums increased by half or more over the past five years.”
- A constant worry of being dropped results in “a lot less stability for homeowners,” as a “majority of survey respondents – 54% – reported changing their insurers at least once over the past five years” and “nearly half of them had no choice: They were dropped.”
- “Most homeowners – Democrats and Republicans alike – say the state’s vaunted 2022-23 property insurance overhaul has primarily benefited the insurance industry, not the consumers who were promised relief.”
- These findings are consistent with other data reported by *Bloomberg* or analyzed by Weiss Ratings, an independent U.S. financial rating agency, including:
 - Home insurance premiums rose 18% in 2025, with further increases expected in 2026, keeping Florida’s premiums the highest in the country.

- Weiss Ratings and other critics say that several of the new insurers in Florida’s market lack the capital to withstand a major disaster. According to the *Palm Beach Post*, seven of the state’s insurers failed regulatory stress tests in 2024, twice as many as in 2023. State officials have declined to name them.

INSURERS BURIED PROFIT DATA, REGULATORS HELPED

Building on 2025 reporting by the *Miami Herald* and the *Tampa Bay Times*,⁸ the *South Florida Sun Sentinel* and *Orlando Sentinel* found that:⁹

- As the “tort reform” legislation was being debated in the Florida legislature, “dozens of Florida property insurers earned profits they didn’t publicly disclose.”
- Specifically, “state regulators sat on a secret report” by a consultant to the state Office of Insurance Regulation showing that “many insurers were bleeding cash on paper while shifting millions to sibling companies whose profits remained secret.” “Consumer advocates and industry watchdogs...have accused Gov. Ron DeSantis’ administration of deliberately burying” this report.¹⁰
- The report found that “Florida insurers were paying substantial fees to affiliated companies that often made more money than the insurer itself,” specifically (and excluding several outliers) “insurers claimed \$432 million in losses from 2017 to 2019, while paying fees to their affiliates that generated \$1.3 billion in net income.”
- The *Sun Sentinel* and *Sentinel* “counted at least 17 companies in the analysis, individually or as part of an insurance group, which publicly reported operating losses while also paying their affiliated companies more than they claimed to have lost.”
- Insurers called that information a “trade secret,” a common excuse used to block “access to information about how their firms set premiums, handle claims, and shift profits out of the reach of regulators.”¹¹
- “The state successfully kept these explosive, company-by-company details hidden from the public — until the Orlando Sentinel and South Florida Sun Sentinel obtained the unredacted data this summer.”
- Even today, the data remains something “relatively few people have ever seen.” The Florida Senate has gone so far as to threaten the news publications with “civil or criminal legal implications” if they refuse to immediately “shred” it.

IMPORTANT FLORIDA REPORTING CONTINUES

According to the *Sun Sentinel* and *Sentinel*, upcoming stories will include:¹²

- “How insurers have quietly cut back what your policy covers, leaving homeowners paying more for significantly less protection.”
- “How a wave of new ‘customer-owned’ Florida insurance companies — making up more than half of recent entries to the market — funnel hefty management fees and high interest payments to private investors while shifting risks to their policyholders.”
- “How premiums have increased faster than inflation since the reforms, even as actual payouts to policyholders lagged behind those rising costs.”
- “How Floridians who seek compensation for damages from their insurers are seeing their claims rejected more often, in the wake of the sharp new limits on their ability to sue.”

NOTES

¹ Data for Progress and Insurance Fairness Project, “As Home Insurance Costs Climb, Voters Want Corporations to Share the Burden,” October 8, 2026, <https://www.dataforprogress.org/blog/2026/10/8/as-home-insurance-costs-climb-voters-want-corporations-to-share-the-burden>

² Ibid.

³ Florida’s 2023 tort reform law, HB 837, made it harder for policyholders to take insurers to court. Among other things, it changed the law that had required insurers to pay a policyholder’s legal costs after losing a dispute. This blocks many homeowners from challenging underpaid or denied claims because they can no longer afford an attorney. The law also cuts the deadline to file a negligence lawsuit from four years to two, bars plaintiffs found more than 50% at fault from recovering any damages and restricts bad-faith lawsuits, shielding insurers that delay or mishandle claims.

⁴ See Center for Justice & Democracy, “Limiting Lawsuits Will Not Lower Insurance Premiums (2024 Update),” <https://centerjd.org/content/limiting-lawsuits-will-not-lower-insurance-premiums-2024-update>

⁵ “About our investigation, ‘Uncovered,’” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 25, 2026, <https://www.sun-sentinel.com/2026/09/25/about-the-project> (“Reporters spent nearly a year combing through thousands of pages of financial filings, state records, lawsuits, property insurance policies and public opinion data to test claims of state leaders against the financial realities of the insurance market and the everyday experiences of Florida homeowners.”)

⁶ Ron Hurtibise, David Fleshler and Skyler Swisher, “State leaders say they fixed Florida’s insurance crisis. A new survey shows homeowners don’t buy it,” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 25, 2026 <https://www.sun-sentinel.com/2026/09/25/florida-property-insurance-survey> (The news organizations commissioned the first statewide public opinion poll specifically focused on property insurance. The University of North Florida’s Public Opinion Research Lab surveyed 1,511 homeowners across the state between July 16 and 31, 2026.)

⁷ Mark Gongloff, “Florida Chooses Insurers and Their Profits Over Homeowners,” *Bloomberg*, August 5, 2026, <https://www.bloomberg.com/opinion/articles/2026-08-05/tort-reform-florida-texas-prove-it-s-no-home-insurance-fix>

⁸ Lawrence Mower, “Florida insurance companies steered money to investors while claiming losses, study says,” *Tampa Bay Times*, February 22, 2025, <https://www.tampabay.com/news/florida-politics/2025/02/22/florida-insurance-profits-desantis-regulation-investors-crisis>

⁹ See Skyler Swisher, Ron Hurtibise and David Fleshler, “News organizations publish Florida’s secret examination of insurer profits,” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 26, 2026, <https://www.orlandosentinel.com/2026/09/25/news-organizations-publish-floridas-secret-examination-of-insurer-profits>; Skyler Swisher, Ron Hurtibise and David Fleshler, “How Florida fights to hide insurers’ finances,” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 19, 2026, <https://www.orlandosentinel.com/2026/09/19/how-florida-fights-to-hide-insurers-finances>; Ron Hurtibise, “How Florida property insurers keep secrets from policyholders — with the state’s help,” *South Florida Sun Sentinel* and *Orlando Sentinel*, February 26, 2026,

<https://www.sun-sentinel.com/2026/02/26/how-florida-property-insurers-keep-secrets-from-policy-holders-with-the-states-help>

¹⁰ “[A] consultant concluded that 20 property insurers were paying their affiliated companies fees that it deemed exceeded Florida’s legal standard of ‘fair and reasonable.’ The list included leading insurers like Clearwater-based Heritage Property & Casualty Insurance Co. and Fort Lauderdale-based Universal Property & Casualty Insurance Co., the report shows. ...[T]hree insurers...collapsed entirely – Gulfstream Property and Casualty Insurance Co., Avatar Property & Casualty Insurance Co., and FedNat Insurance Co. All three failed the test devised by Connecticut-based Risk & Regulatory Consulting, LLC, a firm that had long worked closely with the Florida Office of Insurance Regulation.” Skyler Swisher, Ron Hurtibise and David Fleshler, “How Florida fights to hide insurers’ finances,” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 19, 2026,

<https://www.orlandosentinel.com/2026/09/19/how-florida-fights-to-hide-insurers-finances>

¹¹ Hiding behind a “trade secret” excuse to keep information from the public is extremely common. As the *South Florida Sun Sentinel* reports, “Across the United States, lawmakers have long agreed to keep wide swaths of information about insurers’ everyday operations from public scrutiny. Rules developed in conjunction with the National Association of Insurance Commissioners allow insurers to hide identities and addresses of their policyholders, as well as details of claims they file and how those claims are resolved.... The rules get even tougher once a policyholder files a lawsuit, or an insurer reasonably believes a lawsuit could be filed. At that point, claim files are considered protected ‘work products.’” Ron Hurtibise, “How Florida property insurers keep secrets from policyholders — with the state’s help,” *South Florida Sun Sentinel*, February 26, 2026, <https://www.sun-sentinel.com/2026/02/26/how-florida-property-insurers-keep-secrets-from-policy-holders-with-the-states-help>

¹² Ron Hurtibise, David Fleshler and Skyler Swisher, “State leaders say they fixed Florida’s insurance crisis. A new survey shows homeowners don’t buy it,” *South Florida Sun Sentinel* and *Orlando Sentinel*, September 25, 2026 <https://www.sun-sentinel.com/2026/09/25/florida-property-insurance-survey>