



446392

LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/08/2012 08:45 AM

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Senator Fasano moved the following:

**Senate Amendment (with title amendment)**

Between lines 2002 and 2003

insert:

Section 17. Subsection (2) of section 627.7073, Florida Statutes, is amended to read:

627.7073 Sinkhole reports.—

(2) An insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), including the legal description of the real property and the name of the property owner, the neutral evaluator's report, if any, which indicates that sinkhole activity caused the damage claimed, a copy of the



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14 certification indicating that stabilization has been completed,  
15 if applicable, and the amount of the payment, with the county  
16 clerk of court, who shall record the report and certification.  
17 The insurer shall bear the cost of filing and recording one or  
18 more reports and certifications. If an insurer fails to file a  
19 copy of the report within 30 days after payment of a sinkhole  
20 claim, a \$25 penalty shall be assessed for each day beyond the  
21 30th day that the insurer is determined to be in noncompliance  
22 with this section until the insurer is in compliance, which  
23 shall be payable to the clerk of the court. ~~There shall be no~~  
24 ~~cause of action or liability against an insurer for compliance~~  
25 ~~with this section.~~

26 (a) The recording of the report and certification does not:

27 1. Constitute a lien, encumbrance, or restriction on the  
28 title to the real property or constitute a defect in the title  
29 to the real property;

30 2. Create any cause of action or liability against any  
31 grantor of the real property for breach of any warranty of good  
32 title or warranty against encumbrances; or

33 3. Create any cause of action or liability against any  
34 title insurer that insures the title to the real property.

35 (b) As a precondition to accepting payment for a sinkhole  
36 loss, the policyholder must file a copy of any sinkhole report  
37 regarding the insured property which was prepared on behalf or  
38 at the request of the policyholder. The policyholder shall bear  
39 the cost of filing and recording the sinkhole report. The  
40 recording of the report does not:

41 1. Constitute a lien, encumbrance, or restriction on the  
42 title to the real property or constitute a defect in the title



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43 to the real property;

44 2. Create any cause of action or liability against any  
45 grantor of the real property for breach of any warranty of good  
46 title or warranty against encumbrances; or

47 3. Create any cause of action or liability against a title  
48 insurer that insures the title to the real property.

49 (c) The seller of real property upon which a sinkhole claim  
50 has been made by the seller and paid by the insurer must  
51 disclose to the buyer of such property, before the closing, that  
52 a claim has been paid and whether or not the full amount of the  
53 proceeds was used to repair the sinkhole damage.

54  
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Between lines 72 and 73  
58 insert:

59 amending s. 627.7073, F.S.; providing a penalty for  
60 noncompliance with certain sinkhole reporting  
61 requirements; deleting a provision limiting an  
62 insurer's liability for noncompliance;