

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment to Amendment (800292) (with title amendment)**

4 Between lines 172 and 173 of the amendment, insert:

5 Section 28. Paragraph (g) of subsection (1) of section
6 626.9541, Florida Statutes, is amended to read:

7 626.9541 Unfair methods of competition and unfair or
8 deceptive acts or practices defined.—

9 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
10 ACTS.—The following are defined as unfair methods of competition
11 and unfair or deceptive acts or practices:

12 (g) Unfair discrimination.—

13 1. Knowingly making or permitting any unfair discrimination
14 between individuals of the same actuarially supportable class
15 and equal expectation of life, in the rates charged for any life
16 insurance or annuity contract, in the dividends or other

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17 benefits payable thereon, or in any other of the terms and
18 conditions of such contract.

19 2. Knowingly making or permitting any unfair discrimination
20 between individuals of the same actuarially supportable class,
21 as determined at the original time of issuance of the coverage,
22 and essentially the same hazard, in the amount of premium,
23 policy fees, or rates charged for any policy or contract of
24 accident, disability, or health insurance, in the benefits
25 payable thereunder, in any of the terms or conditions of such
26 contract, or in any other manner whatever.

27 3. For a health insurer, life insurer, disability insurer,
28 property and casualty insurer, automobile insurer, or managed
29 care provider to underwrite a policy, or refuse to issue,
30 reissue, or renew a policy, refuse to pay a claim, cancel or
31 otherwise terminate a policy, or increase rates based upon the
32 fact that an insured or applicant who is also the proposed
33 insured has made a claim or sought or should have sought medical
34 or psychological treatment in the past for abuse, protection
35 from abuse, or shelter from abuse, or that a claim was caused in
36 the past by, or might occur as a result of, any future assault,
37 battery, or sexual assault by a family or household member upon
38 another family or household member as defined in s. 741.28. A
39 health insurer, life insurer, disability insurer, or managed
40 care provider may refuse to underwrite, issue, or renew a policy
41 based on the applicant's medical condition, but shall not
42 consider whether such condition was caused by an act of abuse.
43 For purposes of this section, the term "abuse" means the
44 occurrence of one or more of the following acts:

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- 45 a. Attempting or committing assault, battery, sexual
- 46 assault, or sexual battery;
- 47 b. Placing another in fear of imminent serious bodily
- 48 injury by physical menace;
- 49 c. False imprisonment;
- 50 d. Physically or sexually abusing a minor child; or
- 51 e. An act of domestic violence as defined in s. 741.28.

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 53 This subparagraph does not prohibit a property and casualty
 54 insurer or an automobile insurer from excluding coverage for
 55 intentional acts by the insured if such exclusion does not
 56 constitute an act of unfair discrimination as defined in this
 57 paragraph.

58 4. For a personal lines property or personal lines
 59 automobile insurer to refuse to underwrite a policy; refuse to
 60 issue, reissue, or renew a policy; cancel or otherwise terminate
 61 a policy; or charge a discriminatory rate in this state based on
 62 an insured's or applicant's or such person's household member's
 63 lawful use, possession, or ownership of a firearm.

64 5. For a personal lines property or personal lines
 65 automobile insurer to disclose an insured's or applicant's or
 66 such person's household member's ownership or possession of
 67 firearms to a third party or affiliated entity to the insurer
 68 unless the insurer discloses to the insured or applicant the
 69 specific need to disclose the information and the insured or
 70 applicant expressly consents to the disclosure.

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T I T L E A M E N D M E N T

Between lines 188 and 189 of the amendment, insert:
s. 626.9541, F.S.; specifying additional unfair
methods of competition and unfair or deceptive acts by
an insurer; amending