

By Senator Lee

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1 A bill to be entitled
2 An act relating to discriminatory insurance practices;
3 amending s. 626.9541, F.S.; providing that unfair
4 discrimination on the basis of gun ownership in the
5 provision of personal lines property or personal lines
6 automobile insurance is a discriminatory insurance
7 practice; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (g) of subsection (1) of section
12 626.9541, Florida Statutes, is amended to read:

13 626.9541 Unfair methods of competition and unfair or
14 deceptive acts or practices defined.—

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

18 (g) *Unfair discrimination.*—

19 1. Knowingly making or permitting ~~any~~ unfair discrimination
20 between individuals of the same actuarially supportable class
21 and equal expectation of life, in the rates charged for a ~~any~~
22 life insurance or annuity contract, in the dividends or other
23 benefits payable thereon, or in any other term or condition ~~of~~
24 ~~the terms and conditions~~ of such contract.

25 2. Knowingly making or permitting ~~any~~ unfair discrimination
26 between individuals of the same actuarially supportable class,
27 as determined at the ~~original~~ time of initial issuance of the
28 coverage, and essentially the same hazard, in the amount of
29 premium, policy fees, or rates charged for a ~~any~~ policy or

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30 contract of accident, disability, or health insurance, in the
31 benefits payable thereunder, in ~~any~~ of the terms or conditions
32 of such contract, or in any other manner whatever.

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

- 51 a. Attempting or committing assault, battery, sexual
52 assault, or sexual battery;
- 53 b. Placing another in fear of imminent serious bodily
54 injury by physical menace;
- 55 c. False imprisonment;
- 56 d. Physically or sexually abusing a minor child; or
- 57 e. An act of domestic violence as defined in s. 741.28.
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59 This subparagraph does not prohibit a property and casualty
60 insurer or an automobile insurer from excluding coverage for
61 intentional acts by the insured if such exclusion is ~~does~~ not
62 ~~constitute~~ an act of unfair discrimination as defined in this
63 paragraph.

64 4. For a personal lines property or personal lines
65 automobile insurer to:

66 a. Refuse to issue, reissue, or renew a policy; cancel or
67 otherwise terminate a policy; or charge an unfairly
68 discriminatory rate in this state based on the lawful use,
69 possession, or ownership of a firearm by the insurance
70 applicant, insured, or a household member of the applicant or
71 insured.

72 b. Disclose the lawful ownership or possession of firearms
73 of an insurance applicant, insured, or household member of the
74 applicant or insured to a third party or an affiliated entity of
75 the insurer unless the insurer discloses to the applicant or
76 insured the specific need to disclose the information and the
77 applicant or insured expressly consents to the disclosure.

78 Section 2. This act shall take effect July 1, 2014.