



668170

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Farmer) recommended the following:

1 **Senate Amendment to Amendment (338298) (with title**
2 **amendment)**

3
4 Delete lines 160 - 190

5 and insert:

6 (b) Notwithstanding paragraph (a), a named insured is
7 responsible for the payment of all of the following:

8 1. Any deductible amount due under the policy.

9 2. Any betterment ordered and performed that is approved by
10 the named insured.

11 3. Any contracted work performed before the assignment



12 agreement is rescinded.

13 (8) The assignee shall indemnify and hold harmless the
14 assignor from all liabilities, damages, losses, and costs,
15 including, but not limited to, attorney fees, should the policy
16 subject to the assignment agreement prohibit, in whole or in
17 part, the assignment of benefits.

18 (9) (a) An insurer shall make a determination of coverage
19 within 7 days after receipt of notice of a claim.

20 (b) An assignee must provide the named insured, insurer,
21 and the assignor, if not the named insured, with a written
22 notice of intent to initiate litigation before filing suit under
23 the policy. Such notice must be served by certified mail, return
24 receipt requested, or electronic delivery at least 10 business
25 days before filing suit, but may not be served before the
26 insurer has made a determination of coverage under s. 627.70131.
27 The notice must specify the damages in dispute, the amount
28 claimed, and a presuit settlement demand. Concurrent with the
29 notice, and as a precondition to filing suit, the assignee must
30 provide the named insured, insurer, and the assignor, if not the
31 named insured, a detailed written invoice or estimate of
32 services, including itemized information on equipment,
33 materials, and supplies; the number of labor hours; and, in the
34 case of work performed, proof that the work has been performed
35 in accordance with accepted industry standards.

36 (c) An insurer must respond in writing to the notice within
37 10 business days after receiving the notice specified in
38 paragraph (b) by making a presuit settlement offer or requiring
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40 ===== T I T L E A M E N D M E N T =====



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41 And the title is amended as follows:
42 Delete line 358
43 and insert:
44 assignment agreement; requiring insurers to make a
45 determination of coverage within a certain timeframe
46 after receiving notice of a claim; requiring notice of
47 intent to