

By the Council for Competitive Commerce and Committee on Insurance and Representatives Harrell, Gannon, Argenziano, Green, Clarke, Bowen, Murman, Berfield, Detert, Lynn, Waters, Dockery, Benson and Kilmer

1 A bill to be entitled
2 An act relating to unfair discrimination in the
3 business of insurance; amending s. 626.9541,
4 F.S.; providing for application to certain
5 additional types of insurers; providing
6 construction; providing an effective date.

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

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

12 626.9541 Unfair methods of competition and unfair or
13 deceptive acts or practices defined.--

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

17 (g) Unfair discrimination.--

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

24 2. Knowingly making or permitting any unfair
25 discrimination between individuals of the same actuarially
26 supportable class and essentially the same hazard, in the
27 amount of premium, policy fees, or rates charged for any
28 policy or contract of accident, disability, or health
29 insurance, in the benefits payable thereunder, in any of the
30 terms or conditions of such contract, or in any other manner
31 whatever.

1 3. For a health insurer, life insurer, disability
2 insurer, property and casualty insurer, automobile insurer, or
3 managed care provider to underwrite a policy, or refuse to
4 issue, reissue, or renew a policy, refuse to pay a claim,
5 cancel or otherwise terminate a policy, or increase rates
6 based ~~solely~~ upon the fact that an insured or applicant who is
7 also the proposed insured has made a claim or sought or should
8 have sought medical or psychological treatment in the past for
9 abuse, protection from abuse, or shelter from abuse, or that a
10 claim was caused in the past by, or might occur as a result
11 of, any future assault, battery, or sexual assault by a family
12 or household member upon another family or household member as
13 defined in s. 741.28(2). A health ~~an~~ insurer, life insurer,
14 disability insurer, or managed care provider may refuse to
15 underwrite, issue, or renew a policy based on the applicant's
16 medical condition, but shall not consider whether such
17 condition was caused by an act of abuse. For purposes of this
18 section, the term "abuse" means the occurrence of one or more
19 of the following acts:

- 20 a. Attempting or committing assault, battery, sexual
21 assault, or sexual battery;
- 22 b. Placing another in fear of imminent serious bodily
23 injury by physical menace;
- 24 c. False imprisonment;
- 25 d. Physically or sexually abusing a minor child; or
- 26 e. An act of domestic violence as defined in s.
27 741.28.

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29 This subparagraph does not prohibit a property and casualty
30 insurer or an automobile insurer from excluding coverage for
31 intentional acts by the insured if such exclusion does not

1 constitute an act of unfair discrimination as defined in this
2 paragraph.
3 Section 2. This act shall take effect July 1, 2001.
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