

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

.
.
.

Representative Simmons offered the following:

Amendment (with title amendment)

Between lines 182 and 183, insert:

Section 2. Paragraphs (a) and (d) of subsection (2) of section 624.155, Florida Statutes, are amended to read:

624.155 Civil remedy.--

(2)(a) As a condition precedent to bringing an action under this section, and an action founded upon common law bad faith failure to settle a claim, the department and the insurer must have been given 90 ~~60~~ days' written notice of the violation. If the department returns a notice for lack of specificity, the 60-day time period shall not begin until a proper notice is filed. In an action for medical negligence under chapter 766, the 90 day time period shall not begin until 90 days after service of the complaint or demand for arbitration upon the defendant.

Amendment No. (for drafter's use only)

28 (d) No action shall lie if, within 90 ~~60~~ days after filing
 29 notice, the damages are paid, the policy limits of the insurer
 30 are tendered and its insured is fully released from all
 31 liability relating to the underlying claim, or the circumstances
 32 giving rise to the violation are otherwise corrected.

33
 34
 35 ===== T I T L E A M E N D M E N T =====

36 Remove line(s) 2-3, and insert: An act relating to medical
 37 incidents and insurance reform; providing legislative findings,
 38 amending s. 624.155, F.S.; extending the time period for
 39 providing notice to the insurer and the Department of Insurance
 40 when bringing a civil action against an insurer; providing a
 41 different time period for actions alleging medical negligence;
 42 providing that a civil action may not be brought against the
 43 insurer if it tenders the policy limits within 90 days of the
 44 notice; creating s. 395.1012, F.S.;