

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Brown offered the following:

Amendment to Amendment (90397) (with directory and title amendments)

Between line(s) 116 and 117, insert:

(15) In all matters relating to professional liability insurance coverage for medical negligence, and in determining whether the insurer acted fairly and honestly towards its insured with due regard for her or his interest during the presuit process or after a complaint has been filed, the following factors shall be considered:

(a) The insurer's willingness to negotiate with the claimant;

(b) The insurer's consideration of the advice of its defense counsel;

(c) The insurer's proper investigation of the claim;

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27 (d) Whether the insurer informed the insured of the offer
28 to settle within the limits of coverage, the right to retain
29 personal counsel, and the risk of litigation;

30 (e) Whether the insured denied liability or requested that
31 the case be defended;

32 (f) Whether the claimant imposed any condition, other than
33 the tender of the policy limits, on the settlement of the claim;
34 and

35 (g) Whether the insurer tenders its policy limits at least
36 60 days prior to trial in the underlying case giving rise to a
37 bad faith claim.

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39 ===== D I R E C T O R Y A M E N D M E N T =====

40 Remove line 17, and insert:
41 amended, and subsections (13), (14), and (15) are added to said

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

44 Remove line(s) 174, and insert: investigation; providing
45 factors to be considered with respect to certain claims of bad
46 faith against an insurer; creating s. 766.1065, F.S.; requiring

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