

By Senator Atwater

25-1346-03

See HB 513

1 A bill to be entitled
2 An act relating to insurance claims and premium
3 payments; amending s. 627.4035, F.S.; providing
4 for the payment of insurance premiums by a
5 debit or credit card, automatic electronic
6 funds transfer, or payroll deduction plan;
7 amending s. 627.7015, F.S.; defining "claim"
8 for purposes of alternative procedures for
9 resolution of disputed property insurance
10 claims; amending s. 627.901, F.S.; authorizing
11 certain agents and insurers to provide periodic
12 payment plans, including stated administrative
13 charges under certain circumstances; providing
14 an effective date.

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

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18 Section 1. Subsection (1) of section 627.4035, Florida
19 Statutes, is amended to read:

20 627.4035 Cash payment of premiums; claims.--

21 (1) The premiums for insurance contracts issued in
22 this state or covering risk located in this state shall be
23 paid in cash consisting of coins, currency, checks, or money
24 orders or by using a debit card, credit card, automatic
25 electronic funds transfer, or payroll deduction plan.

26 Section 2. Subsection (9) is added to section
27 627.7015, Florida Statutes, to read:

28 627.7015 Alternative procedure for resolution of
29 disputed property insurance claims.--

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1 (9) For purposes of this section, the term "claim"
2 refers to any dispute between an insurer and an insured
3 relating to a material issue of fact other than a dispute:

4 (a) With respect to which the insurer has a reasonable
5 basis to suspect fraud;

6 (b) Where, based on agreed-upon facts as to the cause
7 of loss, there is no coverage under the policy;

8 (c) With respect to which the insurer has a reasonable
9 basis to believe that the claimant has intentionally made a
10 material misrepresentation of fact which is relevant to the
11 claim, and the entire request for payment of a loss has been
12 denied on the basis of the material misrepresentation; or

13 (d) With respect to which the amount in controversy is
14 less than \$500, unless the parties agree to mediate a dispute
15 involving a lesser amount.

16 Section 3. Subsection (3) is added to section 627.901,
17 Florida Statutes, to read:

18 627.901 Premium financing by an insurance agent or
19 agency.--

20 (3) Notwithstanding any other provision of law, a
21 general lines agent or insurer may make available to
22 policyholders a periodic payment plan that includes stated
23 administrative charges if:

24 (a) The charges for such plan are clearly disclosed to
25 the policyholder.

26 (b) There is no debtor-creditor relationship between
27 the insurer or the agent and the policyholder.

28 (c) There is no coercion by the agent or insurer to
29 use the periodic payment plan as a method of payment of
30 premiums.

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1 (d) Participation in the periodic payment plan is
2 optional and is not a precondition to the insurer's acceptance
3 for the risk.
4 Section 4. This act shall take effect upon becoming a
5 law.
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