



HB 0489

2003
CS

CHAMBER ACTION

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
28

The Committee on Insurance recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to waivers of customer liability and motor vehicle insurance premium refunds; creating s. 624.105, F.S.; authorizing certain entities to charge for and include an optional waiver of liability provision in certain contracts under certain circumstances; providing limitations; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the armed services who cancels a policy under certain circumstances; providing an effective date.

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

Section 1. Section 624.105, Florida Statutes, is created to read:

624.105 Waiver of customer liability.—Any regulated company as defined in s. 350.111, any electric utility as defined in s. 366.02(2), any utility as defined in s. 367.021(12) or provided in s. 367.022(2) and (7), and any



HB 0489

2003
CS

29 provider of communications services as defined in s. 202.11(3)
30 may charge for and include an optional waiver of liability
31 provision in its customer contracts under which the entity
32 agrees to waive all or a portion of the customer's liability for
33 service from the entity for a defined period in the event of the
34 customer's call to active military service, death, disability,
35 involuntary unemployment, qualification for family leave, or
36 similar qualifying event or condition. Such provision may not be
37 effective in the customer's contract with the entity unless
38 affirmatively elected by the customer. No such provision shall
39 constitute insurance so long as the provision is a contract
40 between the entity and its customer.

41 Section 2. Subsection (4) of section 627.7283, Florida
42 Statutes, is amended to read:

43 627.7283 Cancellation; return of premium.--

44 (4) If the insured cancels, the insurer may retain up to
45 10 percent of the unearned premium and must refund at least 90
46 percent of the unearned premium. However, the insurer must
47 refund 100 percent of the unearned premium if the insured is a
48 member of any branch of the United States Armed Services,
49 whether an active or a reserve member, who cancels because he or
50 she has been called to active duty or transferred by the armed
51 services to a location where the insurance is not required. If
52 the insurer cancels, the insurer must refund 100 percent of the
53 unearned premium. Cancellation is without prejudice to any claim
54 originating prior to the effective date of the cancellation.
55 For purposes of this section, unearned premiums must be computed
56 on a pro rata basis.



HB 0489

2003
CS

57

Section 3. This act shall take effect upon becoming a law.