

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Negron offered the following:

Amendment (with title amendment)

Between lines 27 and 28, insert:

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

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

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

(g) *Unfair discrimination*.--

1. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the

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28 dividends or other benefits payable thereon, or in any other of
29 the terms and conditions of such contract.

30 2. Knowingly making or permitting any unfair
31 discrimination between individuals of the same actuarially
32 supportable class, as determined at the original time of
33 issuance of the coverage, and essentially the same hazard, in
34 the amount of premium, policy fees, or rates charged for any
35 policy or contract of accident, disability, or health insurance,
36 in the benefits payable thereunder, in any of the terms or
37 conditions of such contract, or in any other manner whatever.
38 Unfair discrimination includes predatory pricing structures
39 which result or are reasonably expected to result in rate
40 escalations resulting in a death spiral, which is a rate
41 escalation caused by segmenting healthy and unhealthy lives
42 resulting in an ultimate pool of primarily less healthy
43 insureds. The Financial Services Commission may, by rule, define
44 other unfairly discriminatory or predatory health insurance
45 rating practices.

46 3. For a health insurer, life insurer, disability insurer,
47 property and casualty insurer, automobile insurer, or managed
48 care provider to underwrite a policy, or refuse to issue,
49 reissue, or renew a policy, refuse to pay a claim, cancel or
50 otherwise terminate a policy, or increase rates based upon the
51 fact that an insured or applicant who is also the proposed
52 insured has made a claim or sought or should have sought medical
53 or psychological treatment in the past for abuse, protection
54 from abuse, or shelter from abuse, or that a claim was caused in
55 the past by, or might occur as a result of, any future assault,
56 battery, or sexual assault by a family or household member upon

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57 another family or household member as defined in s. 741.28. A
 58 health insurer, life insurer, disability insurer, or managed
 59 care provider may refuse to underwrite, issue, or renew a policy
 60 based on the applicant's medical condition, but shall not
 61 consider whether such condition was caused by an act of abuse.
 62 For purposes of this section, the term "abuse" means the
 63 occurrence of one or more of the following acts:

- 64 a. Attempting or committing assault, battery, sexual
 65 assault, or sexual battery;
- 66 b. Placing another in fear of imminent serious bodily
 67 injury by physical menace;
- 68 c. False imprisonment;
- 69 d. Physically or sexually abusing a minor child; or
- 70 e. An act of domestic violence as defined in s. 741.28.

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 72 This subparagraph does not prohibit a property and casualty
 73 insurer or an automobile insurer from excluding coverage for
 74 intentional acts by the insured if such exclusion does not
 75 constitute an act of unfair discrimination as defined in this
 76 paragraph.

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

79 Remove line(s) 11, and insert:
 80 An act relating to health insurance; amending s. 626.9541, F.S.;
 81 revising a definition of unfair discrimination; authorizing the
 82 Financial Services Commission to define certain health insurance
 83 rating practices as unfairly discriminatory or predatory, by
 84 rule; amending s. 627.410,