

By Senator Margolis

35-563A-04

See HB

1                                   A bill to be entitled  
2           An act relating to the Florida Joint  
3           Underwriting Association; amending s. 627.311,  
4           F.S.; specifying that no cause of action may  
5           arise against the association for certain  
6           actions taken in performance of certain duties  
7           or responsibilities; specifying application of  
8           such immunity to actions brought against the  
9           association alleging bad faith; providing an  
10          effective date.

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

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14           Section 1. Paragraph (k) of subsection (3) of section  
15 627.311, Florida Statutes, is amended to read:

16           627.311 Joint underwriters and joint reinsurers;  
17 public records and public meetings exemptions.--

18           (3) The office may, after consultation with insurers  
19 licensed to write automobile insurance in this state, approve  
20 a joint underwriting plan for purposes of equitable  
21 apportionment or sharing among insurers of automobile  
22 liability insurance and other motor vehicle insurance, as an  
23 alternate to the plan required in s. 627.351(1). All insurers  
24 authorized to write automobile insurance in this state shall  
25 subscribe to the plan and participate therein. The plan shall  
26 be subject to continuous review by the office which may at any  
27 time disapprove the entire plan or any part thereof if it  
28 determines that conditions have changed since prior approval  
29 and that in view of the purposes of the plan changes are  
30 warranted. Any disapproval by the office shall be subject to  
31 the provisions of chapter 120. The Florida Automobile Joint

1 Underwriting Association is created under the plan. The plan  
2 and the association:

3 (k) Shall have no liability, and no cause of action of  
4 any nature shall arise against the association, any member  
5 insurer or its agents or employees, agents or employees of the  
6 association, members of the board of governors of the  
7 association, the Chief Financial Officer, or the office or its  
8 representatives for any action taken by them in the  
9 performance of their duties or responsibilities under this  
10 subsection. Such immunity applies to any action brought  
11 against the association alleging bad faith but does not apply  
12 to any other actions for or arising out of breach of any  
13 contract or agreement pertaining to insurance, or any willful  
14 tort.

15 Section 2. This act shall take effect upon becoming a  
16 law.

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