

Bill No. CS for SB 1486

Barcode 633828

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following **amendment to House**
amendment (865571):

Senate Amendment (with title amendment)

Between lines 1983 and 1984

insert:

Section 28. Paragraph (i) 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:

(i) Unfair claim settlement practices.--

1. Attempting to settle claims on the basis of an
application, when serving as a binder or intended to become a
part of the policy, or any other material document which was
altered without notice to, or knowledge or consent of, the
insured;

2. A material misrepresentation made to an insured or

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1 any other person having an interest in the proceeds payable
 2 under such contract or policy, for the purpose and with the
 3 intent of effecting settlement of such claims, loss, or damage
 4 under such contract or policy on less favorable terms than
 5 those provided in, and contemplated by, such contract or
 6 policy; or

7 3. Committing or performing with such frequency as to
 8 indicate a general business practice any of the following:

9 a. Failing to adopt and implement standards for the
 10 proper investigation of claims;

11 b. Misrepresenting pertinent facts or insurance policy
 12 provisions relating to coverages at issue;

13 c. Failing to acknowledge and act promptly upon
 14 communications with respect to claims;

15 d. Denying claims without conducting reasonable
 16 investigations based upon available information;

17 e. Failing to affirm or deny full or partial coverage
 18 of claims, and, as to partial coverage, the dollar amount or
 19 extent of coverage, or failing to provide a written statement
 20 that the claim is being investigated, upon the written request
 21 of the insured within 30 days after proof-of-loss statements
 22 have been completed;

23 f. Failing to promptly provide a reasonable
 24 explanation in writing to the insured of the basis in the
 25 insurance policy, in relation to the facts or applicable law,
 26 for denial of a claim or for the offer of a compromise
 27 settlement;

28 g. Failing to promptly notify the insured of any
 29 additional information necessary for the processing of a
 30 claim; ~~or~~

31 h. Failing to clearly explain the nature of the

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1 requested information and the reasons why such information is
2 necessary; ~~or~~

3 i. Failing to fairly and honestly participate in the
4 alternative procedures for resolution of disputed insurance
5 claims.

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7 (Redesignate subsequent sections.)

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

11 And the title is amended as follows:

12 On line 2185, following the semicolon,

13

14 insert:

15 amending s. 626.9541, F.S.; providing that it
16 is an unfair method of competition and an
17 unfair or deceptive act or practice to fail to
18 fairly and honestly participate in alternative
19 procedures for resolving disputed insurance
20 claims;

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