

Bill No. CS for SB 1488

Barcode 151052

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Lawson) recommended the following amendment:

Senate Amendment (with title amendment)

On page 58, lines 17 through 23, delete those lines

and insert:

(b) The legislative intent of this subsection is to require payment of policy benefits otherwise due in the event of a total loss only when the covered peril is a substantial contributing factor to the total loss. In furtherance of this intent, when a loss is caused in part by a covered peril and in part by a noncovered peril, the insurer is liable under this section only if the covered peril directly and in a natural and continuous sequence produced or contributed substantially to producing a total loss.

(c) The legislative intent of this subsection is to ensure payment of policy benefits due in the event of a total loss without allowing an insured to receive any payments exceeding those necessary to repair, rebuild, or replace the insured structure following the total loss. In furtherance of

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1 this intent, when a covered peril is a substantial
2 contributing factor to a total loss and that total loss is
3 caused in part by a noncovered peril, the insurer's liability
4 under this section shall be for the amount of money for which
5 the property was insured. However, if payment of this amount
6 exceeds the amount necessary to repair, rebuild, or replace
7 the structure following the total loss, the insurer's
8 liability shall be in such lesser amount as would, when added
9 together with all other benefits actually paid for the subject
10 loss, satisfy the total cost to repair, rebuild, or replace
11 the structure.

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

15 And the title is amended as follows:

16 On page 4, lines 8 through 11, delete those lines

17
18 and insert:

19 insurance claim; amending s. 627.702, F.S.;

20 providing that an insurer is liable for a total

21 loss caused in part by a covered peril and in

22 part by a noncovered peril only if the covered

23 peril directly and in a natural and continuous

24 sequence produced or contributed substantially

25 to producing the total loss; providing

26 legislative intent relating to the payment of

27 policy benefits following a total loss without

28 the insured's receiving payments exceeding

29 those necessary to repair, rebuild, or replace

30 the insured structure; providing that if a

31 covered peril is a substantial contributing

Bill No. CS for SB 1488

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1 factor to the total loss, the insurer is liable
2 for the limits for which the structure was
3 insured; providing an exception if the payment
4 amount exceeds the amount necessary to repair,
5 rebuild, or replace the structure;

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