

Bill No. CS for CS for SB 1488

Barcode 393700

CHAMBER ACTION

Senate

House

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Senator Garcia moved the following **substitute for amendment**
(561202):

Senate Amendment (with title amendment)

On page 57, lines 12-29, delete those lines

and insert:

(1)(a) In the event of the total loss of any building,
structure, mobile home as defined in s. 320.01(2), or
manufactured building as defined in s. 553.36(12), located in
this state and insured by any insurer as to a covered peril,
in the absence of any change increasing the risk without the
insurer's consent and in the absence of fraudulent or criminal
fault on the part of the insured or one acting in her or his
behalf, the insurer's liability, ~~if any,~~ under the policy for
such total loss, if caused by a covered peril, shall be in the
amount of money for which such property was so insured as
specified in the policy and for which a premium has been
charged and paid.

(b) The intent of this subsection is not to deprive an
insurer of any proper defense under the policy, to create new

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1 or additional coverage under the policy, or to require an
 2 insurer to pay for a loss caused by a peril other than the
 3 covered peril. In furtherance of such legislative intent, when
 4 a loss was caused in part by a covered peril and in part by a
 5 noncovered peril, paragraph (a) does not apply. In such
 6 circumstances, the insurer's liability under this section
 7 shall be limited to the amount of the loss caused by the
 8 covered peril. However, if the covered perils alone would have
 9 caused the total loss, paragraph (a) shall apply. The insurer
 10 is never liable for more than the amount necessary to repair,
 11 rebuild, or replace the structure following the total loss,
 12 after considering all other benefits actually paid for the
 13 total loss.

14 (c) It is the intent of the Legislature that the
 15 amendment to this section shall not be applied retroactively
 16 and shall apply only to claims filed after effective date of
 17 such amendment.

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

21 And the title is amended as follows:

22 On page 4, line 9, after the semicolon,

23

24 insert:

25 providing nonapplication of certain insurer
 26 liability requirements under certain
 27 circumstances; limiting an insurer's liability
 28 to certain loss covered by a covered peril;

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