

Bill No. CS for CS for SB 1488, 1st Eng.

Barcode 561706

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Campbell moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 66, between lines 9 and 10,

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16 insert:

17 Section 27. Paragraph (i) of subsection (1) of section
18 626.9541, Florida Statutes, is amended to read:

19 626.9541 Unfair methods of competition and unfair or
20 deceptive acts or practices defined.--

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

24 (i) Unfair claim settlement practices.--

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

30 2. A material misrepresentation made to an insured or
31 any other person having an interest in the proceeds payable

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1 under such contract or policy, for the purpose and with the
 2 intent of effecting settlement of such claims, loss, or damage
 3 under such contract or policy on less favorable terms than
 4 those provided in, and contemplated by, such contract or
 5 policy; or

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

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

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

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

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

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

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

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

30 h. Failing to clearly explain the nature of the
 31 requested information and the reasons why such information is

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1 necessary; or-

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

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6 (Redesignate subsequent sections.)

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8

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

10 And the title is amended as follows:

11 On page 7, line 23, following the second semicolon,

12

13 insert:

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

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