

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Johnson offered the following:

2  
3 **Amendment to Amendment (074037) (with title amendment)**

4 Between lines 3862-3863, insert:

5 Section 20. Subsection (1) of section 627.702, Florida  
6 Statutes, is amended to read:

7 627.702 Valued policy law.--

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

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18 specified in the policy and for which a premium has been charged  
19 and paid.

20 ~~(b) The intent of this subsection is not to deprive an~~  
21 ~~insurer of any proper defense under the policy, to create new or~~  
22 ~~additional coverage under the policy, or to require an insurer~~  
23 ~~to pay for a loss caused by a peril other than the covered~~  
24 ~~peril. In furtherance of such legislative intent, when a loss~~  
25 ~~was caused in part by a covered peril and in part by a~~  
26 ~~noncovered peril, paragraph (a) does not apply. In such~~  
27 ~~circumstances, the insurer's liability under this section shall~~  
28 ~~be limited to the amount of the loss caused by the covered~~  
29 ~~peril. However, if the covered perils alone would have caused~~  
30 ~~the total loss, paragraph (a) shall apply. The insurer is never~~  
31 ~~liable for more than the amount necessary to repair, rebuild, or~~  
32 ~~replace the structure following the total loss, after~~  
33 ~~considering all other benefits actually paid for the total loss.~~

34 ~~(c) It is the intent of the Legislature that the amendment~~  
35 ~~to this section shall not be applied retroactively and shall~~  
36 ~~apply only to claims filed after the effective date of such~~  
37 ~~amendment.~~

38

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

40 Remove line 4740 and insert:  
41 emergency rules; amending s. 627.702, F.S.; revising a  
42 provision relating to insurer's liability; revising  
43 legislative intent; amending s. 627.706, F.S.; providing a

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