

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative(s) Seiler offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Between lines 728 and 729, insert:

5 (r)1. There shall be no liability on the part of, and no
6 cause of action of any nature shall arise against, any
7 assessable insurer or its agents or employees, the corporation
8 or its agents or employees, members of the board of governors or
9 their respective designees at a board meeting, corporation
10 committee members, or the office or its representatives, for any
11 action taken by them in the performance of their duties or
12 responsibilities under this subsection. Such immunity does not
13 apply to:

14 a.1 Any of the foregoing persons or entities for any
15 willful tort;

683305

5/3/2007 2:41:04 PM

Amendment No.

16 ~~b.2.~~ The corporation or its producing agents for breach of
17 any contract or agreement pertaining to insurance coverage;

18 ~~c.3.~~ The corporation with respect to issuance or payment
19 of debt; ~~or~~

20 ~~d.4.~~ Any assessable insurer with respect to any action to
21 enforce an assessable insurer's obligations to the corporation
22 under this subsection; ~~or~~

23 e. The corporation in any pending or future action for
24 breach of contract or for benefits under a policy issued by the
25 corporation; in any such action, the corporation shall be liable
26 to the policyholders and beneficiaries for attorney's fees under
27 s. 627.428.

28 2. The corporation shall manage its claim employees,
29 independent adjusters, and others who handle claims to ensure
30 they carry out the corporation's duty to its policyholders to
31 handle claims carefully, timely, diligently, and in good faith,
32 balanced against the corporation's duty to the state to manage
33 its assets responsibly to minimize its assessment potential.

34

35 ===== D I R E C T O R Y A M E N D M E N T =====

36 Remove line 62 and insert:

37 Section 2. Paragraphs (a), (c), (m), and (r) of subsection
38 (6)

39

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

41 Remove line(s) 22 and insert:

42 filings by the corporation; providing for liability by the
43 corporation for certain attorney fees in certain actions;
683305

5/3/2007 2:41:04 PM

HOUSE AMENDMENT

Bill No. CS/CS/HB 1267

Amendment No.

44 requiring the corporation to manage certain personnel for
45 certain purposes; prohibiting issuance of new

683305

5/3/2007 2:41:04 PM