

Bill No. SB 1754

Barcode 094910

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Posey) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (n) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

(n) Free insurance prohibited.--

1. Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.

2. For the purposes of this paragraph, "free" insurance is:

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1 a. Insurance for which no identifiable and additional  
2 charge is made to the purchaser of such real property,  
3 personal property, or services.

4 b. Insurance for which an identifiable or additional  
5 charge is made in an amount less than the cost of such  
6 insurance as to the seller or other person, other than the  
7 insurer, providing the same.

8 3. Subparagraphs 1. and 2. do not apply to:

9 a. Insurance of, loss of, or damage to the real or  
10 personal property involved in any such sale or services, under  
11 a policy covering the interests therein of the seller or  
12 vendor.

13 b. Blanket disability insurance as defined in s.  
14 627.659.

15 c. Credit life insurance or credit disability  
16 insurance.

17 d. Any individual, isolated, nonrecurring unadvertised  
18 transaction not in the regular course of business.

19 e. Title insurance.

20 f. Any purchase agreement involving the purchase of a  
21 cemetery lot or lots in which, under stated conditions, any  
22 balance due is forgiven upon the death of the purchaser.

23 g. Life insurance, trip cancellation insurance, or  
24 lost baggage insurance offered by a travel agency as part of a  
25 travel package offered by and booked through the agency.

26 h. Insurance covering communications equipment if the  
27 person paying for the insurance:

28 (I) Has an ongoing contractual interest or other  
29 economic interest in the communications equipment;

30 (II) Requires the communications equipment to deliver  
31 its services; and

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1           (III) Discloses the cost of the insurance at the time  
2 the communications equipment is sold.

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4 For purposes of this sub-subparagraph, the term  
5 "communications equipment" means handsets, pagers, or personal  
6 digital assistants used to originate or receive communications  
7 signals or service.

8           4. Using the word "free" or words which imply the  
9 provision of insurance without a cost to describe life or  
10 disability insurance, in connection with the advertising or  
11 offering for sale of any kind of goods, merchandise, or  
12 services.

13           Section 2. This act shall take effect upon becoming a  
14 law.

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

18 And the title is amended as follows:

19           Delete everything before the enacting clause

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21 and insert:

22                           A bill to be entitled  
23           An act relating to prohibited free insurance  
24           practices; amending s. 626.9541, F.S.;  
25           providing an additional exclusion from a  
26           prohibition against free insurance for certain  
27           communications equipment; providing a  
28           definition; providing an effective date.

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