

Bill No. CS for SB 1866

Barcode 175314

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

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4	05/02/2007 12:54 PM	.	
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11 Senator Baker moved the following amendment:

12  
13 **Senate Amendment (with title amendment)**

14 On page 80, after line 31,

15  
16 insert:

17 Section 22. Subsections (1) and (4) of section  
18 627.7015, Florida Statutes, are amended, and subsections (10)  
19 and (11) are added to that section, to read:

20 627.7015 Alternative procedure for resolution of  
21 disputed property insurance claims.--

22 (1) PURPOSE AND SCOPE.--This section sets forth a  
23 nonadversarial alternative dispute resolution procedure for a  
24 mediated claim resolution conference prompted by the need for  
25 effective, fair, and timely handling of property and marine  
26 insurance claims. There is a particular need for an informal,  
27 nonthreatening forum for helping parties who elect this  
28 procedure to resolve their claims disputes because most  
29 homeowner's, marine insurance, and commercial residential  
30 insurance policies obligate insureds to participate in a  
31 potentially expensive and time-consuming adversarial appraisal

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1 process prior to litigation. The procedure set forth in this  
 2 section is designed to bring the parties together for a  
 3 mediated claims settlement conference without any of the  
 4 trappings or drawbacks of an adversarial process. Before  
 5 resorting to these procedures, insureds and insurers are  
 6 encouraged to resolve claims as quickly and fairly as  
 7 possible. This section is available with respect to claims  
 8 under personal lines and commercial residential and marine  
 9 policies for all claimants and insurers prior to commencing  
 10 the appraisal process, or commencing litigation. If requested  
 11 by the insured, participation by legal counsel shall be  
 12 permitted. Mediation under this section is also available to  
 13 litigants referred to the department by a county court or  
 14 circuit court. This section does not apply to commercial  
 15 coverages, to private passenger motor vehicle insurance  
 16 coverages, or to disputes relating to liability coverages in  
 17 policies of property insurance.

18 (4) The department shall adopt by rule a property and  
 19 marine insurance mediation program to be administered by the  
 20 department or its designee. The department may also adopt  
 21 special rules which are applicable in cases of an emergency  
 22 within the state. The rules shall be modeled after practices  
 23 and procedures set forth in mediation rules of procedure  
 24 adopted by the Supreme Court. The rules shall provide for:

25 (a) Reasonable requirement for processing and  
 26 scheduling of requests for mediation.

27 (b) Qualifications of mediators as provided in s.  
 28 627.745 and in the Florida Rules of Certified and Court  
 29 Appointed Mediators, and for such other individuals as are  
 30 qualified by education, training, or experience as the  
 31 department determines to be appropriate, except that in the

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1 case of marine insurance policies, mediators shall be civil  
2 circuit mediators who:-

3 1. Are certified by the Florida Bar in admiralty and  
4 maritime law; or

5 2.a. Are experienced admiralty practitioners who are  
6 qualified by education, training, or experience, as the  
7 department determines is appropriate; and

8 b. Have undergone training provided by the department  
9 or its designee in the mediation of disputes involving marine  
10 insurance law.

11 (c) Provisions governing who may attend mediation  
12 conferences.

13 (d) Selection of mediators.

14 (e) Criteria for the conduct of mediation conferences.

15 (f) Right to legal counsel.

16 (10) As used in this section, the term "marine  
17 insurance" means both "marine insurance" and "wet marine and  
18 transportation insurance" as those terms are defined in s.  
19 624.607.

20 (11) The provisions of this section apply to marine  
21 insurance notwithstanding s. 627.021.

22  
23 (Redesignate subsequent sections.)

24  
25

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

27 And the title is amended as follows:

28 On page 5, line 1, after the semicolon,  
29  
30 insert:

31 amending s. 627.7015, F.S.; providing a

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1 nonadversarial alternative dispute-resolution  
2 procedure for handling marine insurance claims;  
3 requiring the Department of Financial Services  
4 to adopt by rule a marine insurance mediation  
5 program to be administered by the department or  
6 its designee; requiring that mediators in the  
7 case of marine insurance policies be certified  
8 by The Florida Bar in admiralty and maritime  
9 law or have certain other experience and  
10 training in that area; defining the term  
11 "marine insurance" for purposes of the  
12 alternative procedures for dispute resolution;

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