

Bill No. CS for SB 1866

Barcode 200784

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

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Senator Atwater moved the following amendment:

Senate Amendment (with directory amendment)

On page 59, between lines 22 and 23,

insert:

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

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

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

~~c.3.~~ The corporation with respect to issuance or

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1 payment of debt; ~~or~~

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

5 e. The corporation in any pending or future action for
6 breach of contract or for benefits under a policy issued by
7 the corporation; in any such action, the corporation shall be
8 liable to the policyholders and beneficiaries for attorney's
9 fees under s. 627.428.

10 2. The corporation shall manage its claim employees,
11 independent adjusters, and others who handle claims to ensure
12 they carry out the corporation's duty to its policyholders to
13 handle claims carefully, timely, diligently, and in good
14 faith, balanced against the corporation's duty to the state to
15 manage its assets responsibly to minimize its assessment
16 potential.

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19 ===== DIRECTORY CLAUSE AMENDMENT =====

20 And the directory clause is amended as follows:

21 On page 22, line 28, delete that line

22
23 and insert:

24 Section 1. (n), (r), and (v) of subsection (6) of
25 section 627.351, Florida

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