

Bill No. CS for SB 1866

Barcode 364376

CHAMBER ACTION

Senate

House

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Senators Atwater and Deutch moved the following amendment:

Senate Amendment (with title amendment)

On page 20, between lines 2 and 3,

insert:

Section 5. Paragraph (i) 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:

(i) Unfair claim settlement practices.--

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. A material misrepresentation made to an insured or any other person having an interest in the proceeds payable

Bill No. CS for SB 1866

Barcode 364376

1 under such contract or policy, for the purpose and with the
 2 intent of effecting settlement of such claims, loss, or damage
 3 under such contract or policy on less favorable terms than
 4 those provided in, and contemplated by, such contract or
 5 policy; ~~or~~

6 3. A violation of s. 627.70131(5), if the insurer's
 7 handling of the claim is found to be dishonest or in reckless
 8 disregard for the rights of any insured;

9 4. Failing to pay undisputed amounts of partial or
 10 full benefits under first-party property insurance policies
 11 within 30 days after determining the amounts of partial or
 12 full benefits and agreeing to coverage; or

13 ~~5.3.~~ Committing or performing with such frequency as
 14 to indicate a general business practice any of the following:

- 15 a. Failing to adopt and implement standards for the
 16 proper investigation of claims;
- 17 b. Misrepresenting pertinent facts or insurance policy
 18 provisions relating to coverages at issue;
- 19 c. Failing to acknowledge and act promptly upon
 20 communications with respect to claims;
- 21 d. Denying claims without conducting reasonable
 22 investigations based upon available information;
- 23 e. Failing to affirm or deny full or partial coverage
 24 of claims, and, as to partial coverage, the dollar amount or
 25 extent of coverage, or failing to provide a written statement
 26 that the claim is being investigated, upon the written request
 27 of the insured within 30 days after proof-of-loss statements
 28 have been completed;
- 29 f. Failing to promptly provide a reasonable
 30 explanation in writing to the insured of the basis in the
 31 insurance policy, in relation to the facts or applicable law,

Bill No. CS for SB 1866

Barcode 364376

1 for denial of a claim or for the offer of a compromise
2 settlement;

3 g. Failing to promptly notify the insured of any
4 additional information necessary for the processing of a
5 claim; or

6 h. Failing to clearly explain the nature of the
7 requested information and the reasons why such information is
8 necessary.

9
10 (Redesignate subsequent sections.)

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12

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

14 And the title is amended as follows:

15 On page 1, line 22, after the semicolon,

16

17 insert:

18 amending s. 626.9541, F.S.; providing that
19 certain violations of state law and the failure
20 to pay undisputed amounts of partial or full
21 benefits under first-party property insurance
22 policies within a specified period constitute
23 unfair claim settlement practices;

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