

Bill No. CS for SB 2498

Barcode 691698

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Floor: 15/AD/2R
05/01/2007 03:04 PM

.
. .
. .
. .
. .

Senator Atwater moved the following **substitute for amendment**
(594090):

Senate Amendment (with directory amendment)

On page 22, between lines 18 and 19,

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;

Bill No. CS for SB 2498

Barcode 691698

1 ~~c.3.~~ The corporation with respect to issuance or
2 payment of debt; ~~or~~

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

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

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

18
19

20 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

21 And the directory clause is amended as follows:

22 On page 1, line 18, delete that line

23

24 and insert:

25 Section 1. Paragraphs (a), (c), and (r) of subsection
26 (6) of

27
28
29
30
31