

1                   A bill to be entitled  
 2           An act relating to personal injury claims; creating s.  
 3           626.9745, F.S.; prohibiting resolution or settlement of  
 4           certain personal injury claims for certain benefits within  
 5           a certain time after the date of an injury; providing an  
 6           exception when an insurer tenders policy limits to the  
 7           injured party; permitting insurance carriers to advance or  
 8           pay a portion of coverage under certain circumstances;  
 9           providing for a credit against final settlement or jury  
 10          verdict amounts for payments made; providing for  
 11          unenforceability of certain settlements or releases;  
 12          specifying a violation as a false and fraudulent insurance  
 13          claim to which criminal penalties apply; providing an  
 14          effective date.

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 16   Be It Enacted by the Legislature of the State of Florida:

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 18           Section 1. Section 626.9745, Florida Statutes, is created  
 19   to read:

20           626.9745 Full resolution or final settlement of personal  
 21   injury claims.--A claim for personal injuries under provisions  
 22   providing bodily injury liability coverage, uninsured motor  
 23   vehicle coverage, personal injury protection coverage, medical  
 24   payments coverage, general liability coverage, or any similar  
 25   coverage that provides benefits to compensate personal injuries  
 26   may not be fully resolved or finally settled for at least 30  
 27   days after the date the injury occurred unless the carrier  
 28   providing the insurance coverage tenders the policy limits of

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29 all available insurance to the injured party or the injured  
30 party has consulted with or retained an attorney licensed in  
31 this state who has no relationship to or involvement with the  
32 insurance carrier. Nothing in this section prevents or prohibits  
33 an insurance carrier from advancing or paying a portion of such  
34 coverage to the injured party, provided that no release is  
35 executed upon such payment. If an insurance carrier advances or  
36 pays a portion of such coverage to the injured party, the  
37 insurance carrier is entitled to receive a credit against the  
38 total amount of any settlement or jury verdict for all sums paid  
39 to the injured party. Settlements or releases entered into in  
40 violation of this section are unenforceable. Violation of this  
41 section constitutes a violation of s. 817.234(8)(c).

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