

By Senator Deutch

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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
4 of certain personal injury claims for certain benefits
5 within a certain time after the date of an injury;
6 providing an exception when an insurer tenders policy
7 limits to the injured party; permitting insurance
8 carriers to advance or pay a portion of coverage under
9 certain circumstances; providing for a credit against
10 final settlement or jury verdict amounts for payments
11 made; providing for unenforceability of certain
12 settlements or releases; specifying a violation as a
13 false and fraudulent insurance claim to which criminal
14 penalties apply; providing an 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
29 all available insurance to the injured party or the injured

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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.