



750030

LEGISLATIVE ACTION

Senate	.	House
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Floor: 3/F/RM	.	
04/30/2010 10:27 AM	.	
	.	

Senator Justice moved the following:

1 **Senate Amendment to House Amendment (203343) (with title**
2 **amendment)**

3
4 Delete lines 4 - 5
5 and insert:

6
7 Between lines 1023 and 1024
8 insert:

9 Section 14. Paragraph (i) of subsection (1) of section
10 626.9541, Florida Statutes, is amended to read:

11 626.9541 Unfair methods of competition and unfair or
12 deceptive acts or practices defined.—

13 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE



750030

14 ACTS.—The following are defined as unfair methods of competition
15 and unfair or deceptive acts or practices:

16 (i) *Unfair claim settlement practices.*—

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

22 2. A material misrepresentation made to an insured or any
23 other person having an interest in the proceeds payable under
24 such contract or policy, for the purpose and with the intent of
25 effecting settlement of such claims, loss, or damage under such
26 contract or policy on less favorable terms than those provided
27 in, and contemplated by, such contract or policy; or

28 3. Committing or performing with such frequency as to
29 indicate a general business practice any of the following:

30 a. Failing to adopt and implement standards for the proper
31 investigation and adjustment of claims;

32 b. Misrepresenting pertinent facts or insurance policy
33 provisions relating to coverages at issue;

34 c. Failing to acknowledge and act promptly upon
35 communications with respect to claims;

36 d. Denying claims without conducting reasonable
37 investigations based upon available information;

38 e. Failing to affirm or deny full or partial coverage of
39 claims, and, as to partial coverage, the dollar amount or extent
40 of coverage, or failing to provide a written statement that the
41 claim is being investigated, upon the written request of the
42 insured within 30 days after proof-of-loss statements have been



750030

43 completed;

44 f. Failing to promptly provide a reasonable explanation in
45 writing to the insured of the basis in the insurance policy, in
46 relation to the facts or applicable law, for denial of a claim
47 or for the offer of a compromise settlement;

48 g. Failing to promptly notify the insured of any additional
49 information necessary for the processing of a claim; or

50 h. Failing to clearly explain the nature of the requested
51 information and the reasons why such information is necessary.

52 4. Failing to pay undisputed amounts of partial or full
53 benefits owed under first-party property insurance policies
54 within 90 days after an insurer receives notice of a residential
55 property insurance claim, determines the amounts of partial or
56 full benefits, and agrees to coverage, unless payment of the
57 undisputed benefits is prevented by an act of God, prevented by
58 the impossibility of performance, or due to actions by the
59 insured or claimant that constitute fraud, lack of cooperation,
60 or intentional misrepresentation regarding the claim for which
61 benefits are owed.

62

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

64 And the title is amended as follows:

65 Delete line 86

66 and insert:

67 claim"; providing applicability; amending s. 626.9541,
68 F.S.; providing that it is an unfair claim settlement
69 practice for an insurer to adopt and implement
70 standards for the proper adjustment of claims with
71 such frequency as to indicate a general business



750030

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practice; amending s. 626.9744,