



102810

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/05/2011	.	
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The Committee on Rules (Richter) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 2192 and 2193

insert:

(s)1. There is ~~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.

a. As part of the immunity, the corporation, as a



102810

14 governmental entity serving a public purpose, is not liable for
15 any claim for bad faith whether or not brought pursuant to s.
16 624.155, and this subsection or any other provision of law does
17 not create liability or a cause of action for bad faith or a
18 claim for extracontractual damages.

19 b. Such immunity does not apply to:

20 (I)~~a.~~ Any of the foregoing persons or entities for any
21 willful tort;

22 (II)~~b.~~ The corporation or its producing agents for breach
23 of any contract or agreement pertaining to insurance coverage;

24 (III)~~c.~~ The corporation with respect to issuance or payment
25 of debt;

26 (IV)~~d.~~ An ~~Any~~ assessable insurer with respect to any action
27 to enforce an assessable insurer's obligations to the
28 corporation under this subsection; or

29 (V)~~e.~~ The corporation in any pending or future action for
30 breach of contract or for benefits under a policy issued by the
31 corporation.‡ In any such action, the corporation is not ~~shall~~
32 ~~be~~ liable to the policyholders and beneficiaries for attorney's
33 fees under s. 627.428.

34 2. The corporation shall manage its claim employees,
35 independent adjusters, and others who handle claims to ensure
36 they carry out the corporation's duty to its policyholders to
37 handle claims carefully, timely, diligently, and in good faith,
38 balanced against the corporation's duty to the state to manage
39 its assets responsibly in order to minimize its assessment
40 potential.

41
42 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====



102810

43 And the directory clause is amended as follows:

44 Delete line 1362

45 and insert:

46 Section 15. Paragraphs (b), (c), (d), (s), (v), and (y) of

47

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

49 And the title is amended as follows:

50 Delete line 120

51 and insert:

52 certain measures; clarifying that the corporation is

53 immune from certain liabilities; deleting a

54 requirement that the