

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment to Amendment (901364) (with title amendment)**

4 Between lines 17 and 18 of the amendment, insert:

5 Section 54. Paragraph (g) of subsection (1) of section  
6 626.9541, Florida Statutes, is amended to read:

7 626.9541 Unfair methods of competition and unfair or  
8 deceptive acts or practices defined.—

9 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
10 ACTS.—The following are defined as unfair methods of competition  
11 and unfair or deceptive acts or practices:

12 (g) Unfair discrimination.—

13 1. Knowingly making or permitting any unfair discrimination  
14 between individuals of the same actuarially supportable class  
15 and equal expectation of life, in the rates charged for any life  
16 insurance or annuity contract, in the dividends or other

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17 benefits payable thereon, or in any other of the terms and  
18 conditions of such contract.

19 2. Knowingly making or permitting any unfair discrimination  
20 between individuals of the same actuarially supportable class,  
21 as determined at the original time of issuance of the coverage,  
22 and essentially the same hazard, in the amount of premium,  
23 policy fees, or rates charged for any policy or contract of  
24 accident, disability, or health insurance, in the benefits  
25 payable thereunder, in any of the terms or conditions of such  
26 contract, or in any other manner whatever.

27 3. For a health insurer, life insurer, disability insurer,  
28 property and casualty insurer, automobile insurer, or managed  
29 care provider to underwrite a policy, or refuse to issue,  
30 reissue, or renew a policy, refuse to pay a claim, cancel or  
31 otherwise terminate a policy, or increase rates based upon the  
32 fact that an insured or applicant who is also the proposed  
33 insured has made a claim or sought or should have sought medical  
34 or psychological treatment in the past for abuse, protection  
35 from abuse, or shelter from abuse, or that a claim was caused in  
36 the past by, or might occur as a result of, any future assault,  
37 battery, or sexual assault by a family or household member upon  
38 another family or household member as defined in s. 741.28. A  
39 health insurer, life insurer, disability insurer, or managed  
40 care provider may refuse to underwrite, issue, or renew a policy  
41 based on the applicant's medical condition, but shall not  
42 consider whether such condition was caused by an act of abuse.  
43 For purposes of this section, the term "abuse" means the  
44 occurrence of one or more of the following acts:

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- 45 a. Attempting or committing assault, battery, sexual
- 46 assault, or sexual battery;
- 47 b. Placing another in fear of imminent serious bodily
- 48 injury by physical menace;
- 49 c. False imprisonment;
- 50 d. Physically or sexually abusing a minor child; or
- 51 e. An act of domestic violence as defined in s. 741.28.

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 53 This subparagraph does not prohibit a property and casualty  
 54 insurer or an automobile insurer from excluding coverage for  
 55 intentional acts by the insured if such exclusion does not  
 56 constitute an act of unfair discrimination as defined in this  
 57 paragraph.

58 4. For a personal lines property or personal lines  
 59 automobile insurer to underwrite a policy; refuse to issue,  
 60 reissue, or renew a policy; cancel or otherwise terminate a  
 61 policy; or charge a discriminatory rate in this state based on  
 62 an insured's or applicant's or such person's household member's  
 63 lawful use, possession, or ownership of a firearm.

64 5. For a personal lines property or personal lines  
 65 automobile insurer to disclose an insured's or applicant's or  
 66 such person's household member's ownership or possession of  
 67 firearms to a third party or affiliated entity to the insurer  
 68 unless the insurer discloses to the insured or applicant the  
 69 specific need to disclose the information and the insured or  
 70 applicant expressly consents to the disclosure.

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**T I T L E   A M E N D M E N T**

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Between lines 26 and 27 of the amendment, insert:  
amending s. 626.9541, F.S.; specifying additional  
unfair methods of competition and unfair or deceptive  
acts by an insurer;