

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative Passidomo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (10) is added to section 624.155,
Florida Statutes, to read:

624.155 Civil remedy.—

(10) (a) As a condition precedent to a statutory or common-
law action for bad-faith failure to settle a liability insurance
claim, the insured, the claimant or anyone acting on behalf of
the claimant must provide the insurer written notice of loss.

(b) If the insurer timely provides the claimant the
disclosure statement described in s. 627.4137 and within 45 days
after receipt of the notice of loss offers to pay the claimant
the lesser of the amount the claimant is willing to accept or
the limits of liability coverage applicable to the claimant's
insurance claim in exchange for a full release of the insured
from any liability arising from the incident and the notice of

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21 insurance claim, then the insurer does not violate the duty to
22 attempt in good faith to settle the claim, and is not liable for
23 bad-faith failure to settle under this section or under the
24 common law.

25 (c) The failure of an insurer to satisfy the conditions of
26 this subsection is not admissible to establish bad-faith failure
27 to settle, nor does it not raise a presumption of bad-faith
28 failure to settle.

29 (d) In any action for bad-faith failure to settle under
30 this section or under the common law, the finder of fact shall
31 consider whether the insured or claimant reasonably cooperated
32 to provide information relevant to the investigation of the
33 claim by the insurer.

34 Section 2. This act shall take effect July 1, 2013.

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38 **T I T L E A M E N D M E N T**

39 Remove everything before the enacting clause and insert:
40 An act relating to civil remedies against insurers; amending s.
41 624.155, F.S.; requiring that before bringing a statutory or
42 common-law bad faith action against an insurer, the party
43 bringing the action must first provide a notice to the insurer;
44 providing that an insurer is not acting in bad faith if the
45 insurer tenders either the lesser of the amount claimed or the
46 policy limits within a set period of time; providing that the
47 failure of an insurer to tender payment within the notice period
48 is not itself bad faith; providing that in any bad faith action

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49 | the court must consider whether the insured or claimant
50 | reasonably cooperated with the insurer; providing an effective
51 | date.