

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Passidomo offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 624.155 Civil remedy.—

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

12 (b) If the insurer timely provides the claimant the
13 disclosure statement described in s. 627.4137 and within 45 days
14 after receipt of the notice of loss offers to pay the claimant
15 the lesser of the amount the claimant is willing to accept and
16 the limits of liability coverage applicable to the claimant's
17 insurance claim in exchange for a full release of the insured
18 from any liability arising from the incident and the notice of
19 insurance claim, then the insurer does not violate the duty to

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20 attempt in good faith to settle the claim, and is not liable for
21 bad-faith failure to settle under this section or under the
22 common law.

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

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

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

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

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

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