

Amendment No. 3

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WITHDRAWN	_____	(Y/N)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: Civil Justice Subcommittee
 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 insured, claimant, or anyone on behalf of the insured
 12 or the claimant must provide the insurer written notice of loss.
 13 If, prior to receipt of such written notice, the insurer
 14 receives a communication from the insured, the claimant, or
 15 anyone acting on behalf of the insured or the claimant which is
 16 not in writing, the insurer shall within 72 hours after such
 17 communication send a request for information to the person who
 18 initiated the communication requesting that the insured, the
 19 claimant, or someone acting on behalf of the insured or the

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20 claimant provide a written notice provided for in this
21 paragraph.

22 (b) If the insurer timely provides the claimant the
23 disclosure statement described in s. 627.4137 and within 45 days
24 after receipt of the written notice of loss offers to pay the
25 claimant the lesser of the amount the claimant is willing to
26 accept or the limits of liability coverage applicable to the
27 claimant's insurance claim in exchange for a full release of the
28 insured from any liability arising from the incident and the
29 notice of insurance claim, then the insurer does not violate the
30 duty to attempt in good faith to settle the claim, and is not
31 liable for bad-faith failure to settle under this section or
32 under the common law.

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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 an insured or claimant to provide the
41 insurer a written notice of loss as a condition precedent to a
42 statutory or common law action for bad faith; providing that an
43 insurer is not liable for a claim of bad faith if certain
44 conditions are met; providing an effective date.