

CS/HB 813

2013

1 A bill to be entitled
2 An act relating to civil remedies against insurers;
3 amending s. 624.155, F.S.; requiring insureds,
4 claimants, or persons acting on their behalf to
5 provide an insurer with written notice of loss as a
6 condition precedent to a statutory or common-law
7 action for bad-faith failure to settle an insurance
8 claim; providing that an insurer is not liable for a
9 claim of bad faith failure to settle a claim if
10 certain conditions are met; providing an effective
11 date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

17 624.155 Civil remedy.—

18 (10) (a) As a condition precedent to a statutory or common-
19 law action for bad-faith failure to settle a liability insurance
20 claim, the insured, claimant, or anyone on behalf of the insured
21 or the claimant must provide the insurer with written notice of
22 loss. If, before receipt of such written notice, the insurer
23 receives a communication from the insured, the claimant, or
24 anyone acting on behalf of the insured or the claimant that is
25 not in writing, the insurer must within 72 hours after receiving
26 such communication send a request for information to the person
27 who initiated the communication requesting that the insured, the
28 claimant, or someone acting on behalf of the insured or the

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29 claimant provide the written notice required under this
30 paragraph.

31 (b) If the insurer timely provides the claimant the
32 disclosure statement required under s. 627.4137 and within 45
33 days after receipt of the written notice of loss offers to pay
34 the claimant the lesser of either the amount that the claimant
35 is willing to accept or the limits of liability coverage
36 applicable to the claimant's insurance claim in exchange for a
37 full release of the insured from any liability arising from the
38 incident and the notice of insurance claim, then the insurer is
39 not in violation of the duty to attempt in good faith to settle
40 the claim and is not liable for bad-faith failure to settle
41 under this section or the common law.

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