

HB 1233

2014

1 A bill to be entitled

2 An act relating to the Citizens Property Insurance
3 Corporation; amending s. 627.351, F.S.; providing
4 exceptions from provisions limiting the liability of
5 the Citizens Property Insurance Corporation and its
6 officers, employees, and agents; providing an
7 effective date.

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

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11 Section 1. Paragraph (s) of subsection (6) of section
12 627.351, Florida Statutes, is amended to read:

13 627.351 Insurance risk apportionment plans.—

14 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

15 (s)1. There shall be no liability on the part of, and no
16 cause of action of any nature shall arise against, any
17 assessable insurer or its agents or employees, the corporation
18 or its agents or employees, members of the board of governors or
19 their respective designees at a board meeting, corporation
20 committee members, or the office or its representatives, for any
21 action taken by them in the performance of their duties or
22 responsibilities under this subsection. Such immunity does not
23 apply to:

24 a. Any of the foregoing persons or entities for any
25 willful tort;

26 b. The corporation or its producing agents for breach of

HB 1233

2014

27 any contract or agreement pertaining to insurance coverage;

28 c. The corporation with respect to issuance or payment of
29 debt;

30 d. Any assessable insurer with respect to any action to
31 enforce an assessable insurer's obligations to the corporation
32 under this subsection; or

33 e. The corporation in any pending or future action for
34 breach of contract or for benefits under a policy issued by the
35 corporation; in any such action, the corporation shall be liable
36 to the policyholders and beneficiaries for attorney's fees under
37 s. 627.428.

38 2. The corporation shall manage its claim employees,
39 independent adjusters, and others who handle claims to ensure
40 they carry out the corporation's duty to its policyholders to
41 handle claims carefully, timely, diligently, and in good faith,
42 balanced against the corporation's duty to the state to manage
43 its assets responsibly to minimize its assessment potential.

44 3. The corporation and an officer, employee, or agent of
45 the corporation may be named as a party defendant in an action
46 for an injury or damage suffered as a result of an act, event,
47 or omission of action in the scope of her or his employment or
48 function, if the corporation or its officer, employee, or agent
49 acted in bad faith or with malicious purpose or in a manner
50 exhibiting wanton and willful disregard of human rights, safety,
51 or property.

52 Section 2. This act shall take effect July 1, 2014.