

By Senator Thompson

12-01306-14

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1 A bill to be entitled
2 An act relating to Citizens Property Insurance
3 Corporation; amending s. 627.351, F.S.; providing
4 exceptions from limitations on the liability of
5 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, an ~~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 an
21 ~~any~~ action taken by them in the performance of their duties or
22 responsibilities under this subsection.

23 1. Such immunity does not apply to:

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

26 b. The corporation or its producing agents for breach of a
27 ~~any~~ contract or agreement pertaining to insurance coverage;

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

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

33 e. The corporation in a ~~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 is ~~shall be~~
36 liable to the policyholders and beneficiaries for attorney
37 ~~attorney's~~ fees under s. 627.428.

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

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

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