

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Gaetz offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (g) of subsection (1) of section
 8 626.9541, Florida Statutes, is amended to read:

9 626.9541 Unfair methods of competition and unfair or
 10 deceptive acts or practices defined.—

11 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 12 ACTS.—The following are defined as unfair methods of competition
 13 and unfair or deceptive acts or practices:

14 (g) *Unfair discrimination.*—

15 1. Knowingly making or permitting ~~any~~ unfair
 16 discrimination between individuals of the same actuarially
 17 supportable class and equal expectation of life, in the rates

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18 charged for a ~~any~~ life insurance or annuity contract, in the
19 dividends or other benefits payable thereon, or in any other
20 term or condition ~~of the terms and conditions~~ of such contract.

21 2. Knowingly making or permitting ~~any~~ unfair
22 discrimination between individuals of the same actuarially
23 supportable class, as determined at the ~~original~~ time of initial
24 issuance of the coverage, and essentially the same hazard, in
25 the amount of premium, policy fees, or rates charged for a ~~any~~
26 policy or contract of accident, disability, or health insurance,
27 in the benefits payable thereunder, in ~~any of~~ the terms or
28 conditions of such contract, or in any other manner ~~whatever~~.

29 3. For a health insurer, life insurer, disability insurer,
30 property and casualty insurer, automobile insurer, or managed
31 care provider to underwrite a policy, or refuse to issue,
32 reissue, or renew a policy, refuse to pay a claim, cancel or
33 otherwise terminate a policy, or increase rates based upon the
34 fact that an insured or applicant who is also the proposed
35 insured has made a claim or sought or should have sought medical
36 or psychological treatment in the past for abuse, protection
37 from abuse, or shelter from abuse, or that a claim was caused in
38 the past by, or might occur as a result of, any future assault,
39 battery, or sexual assault by a family or household member upon
40 another family or household member as defined in s. 741.28. A
41 health insurer, life insurer, disability insurer, or managed
42 care provider may refuse to underwrite, issue, or renew a policy
43 based on the applicant's medical condition, but may ~~shall~~ not

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44 consider whether such condition was caused by an act of abuse.
45 For purposes of this section, the term "abuse" means the
46 occurrence of one or more of the following acts:

- 47 a. Attempting or committing assault, battery, sexual
48 assault, or sexual battery;
- 49 b. Placing another in fear of imminent serious bodily
50 injury by physical menace;
- 51 c. False imprisonment;
- 52 d. Physically or sexually abusing a minor child; or
- 53 e. An act of domestic violence as defined in s. 741.28.

54
55 This subparagraph does not prohibit a property and casualty
56 insurer or an automobile insurer from excluding coverage for
57 intentional acts by the insured if such exclusion is ~~does~~ not
58 ~~constitute~~ an act of unfair discrimination as defined in this
59 paragraph.

60 4. For a personal lines property or personal lines
61 automobile insurer to:

- 62 a. Refuse to issue, reissue, or renew a policy; cancel or
63 otherwise terminate a policy; or charge an unfairly
64 discriminatory rate in this state based on the lawful use,
65 possession, or ownership of a firearm by the insurance
66 applicant, insured, or a household member of the applicant or
67 insured. This sub-subparagraph does not prevent an insurer from
68 charging a supplemental premium that is not unfairly
69 discriminatory for a separate rider voluntarily requested by the

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70 insurance applicant to insure a firearm or a firearm collection
71 whose value exceeds the standard policy coverage.

72 b. Disclose the lawful ownership or possession of firearms
73 of an insurance applicant, insured, or household member of the
74 applicant or insured to a third party or an affiliated entity of
75 the insurer unless the insurer discloses to the applicant or
76 insured the specific need to disclose the information and the
77 applicant or insured expressly consents to the disclosure, or
78 the disclosure is necessary to quote or bind coverage, continue
79 coverage, or adjust a claim. For purposes of underwriting and
80 issuing insurance coverage, this sub-subparagraph does not
81 prevent the sharing of information between an insurance company
82 and its licensed insurance agent if a separate rider has been
83 voluntarily requested by the policyholder or prospective
84 policyholder to insure a firearm or a firearm collection whose
85 value exceeds the standard policy coverage.

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

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

91 Remove everything before the enacting clause and insert:

92 A bill to be entitled

93 An act relating to discriminatory insurance practices; amending
94 s. 626.9541, F.S.; providing that unfair discrimination on the
95 basis of gun ownership in the provision of personal lines

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96 | property or personal lines automobile insurance is a
97 | discriminatory insurance practice; clarifying that insurers are
98 | not prevented from charging supplemental premiums or sharing
99 | information between an insurer and its agent if a separate rider
100 | has been requested; providing an effective date.