

1 A bill to be entitled

2 An act relating to discriminatory insurance practices;  
 3 amending s. 626.9541, F.S.; providing that unfair  
 4 discrimination on the basis of firearm or ammunition  
 5 ownership in the provision of personal lines property  
 6 or personal lines automobile insurance is a  
 7 discriminatory insurance practice; clarifying that  
 8 insurers are not prevented from charging supplemental  
 9 premiums or sharing information between an insurer and  
 10 its agent if a separate rider has been requested;  
 11 providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15 Section 1. Paragraph (g) of subsection (1) of section  
 16 626.9541, Florida Statutes, is amended to read:

17 626.9541 Unfair methods of competition and unfair or  
 18 deceptive acts or practices defined.—

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

22 (g) Unfair discrimination.—

23 1. Knowingly making or permitting ~~any~~ unfair  
 24 discrimination between individuals of the same actuarially  
 25 supportable class and equal expectation of life, in the rates  
 26 charged for a ~~any~~ life insurance or annuity contract, in the

27 dividends or other benefits payable thereon, or in any other  
28 term or condition ~~of the terms and conditions~~ of such contract.

29 2. Knowingly making or permitting ~~any~~ unfair  
30 discrimination between individuals of the same actuarially  
31 supportable class, as determined at the ~~original~~ time of initial  
32 issuance of the coverage, and essentially the same hazard, in  
33 the amount of premium, policy fees, or rates charged for a ~~any~~  
34 policy or contract of accident, disability, or health insurance,  
35 in the benefits payable thereunder, in ~~any of~~ the terms or  
36 conditions of such contract, or in any other manner ~~whatever~~.

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

53 For purposes of this section, the term "abuse" means the  
 54 occurrence of one or more of the following acts:  
 55 a. Attempting or committing assault, battery, sexual  
 56 assault, or sexual battery;  
 57 b. Placing another in fear of imminent serious bodily  
 58 injury by physical menace;  
 59 c. False imprisonment;  
 60 d. Physically or sexually abusing a minor child; or  
 61 e. An act of domestic violence as defined in s. 741.28.

62  
 63 This subparagraph does not prohibit a property and casualty  
 64 insurer or an automobile insurer from excluding coverage for  
 65 intentional acts by the insured if such exclusion is ~~does~~ not  
 66 ~~constitute~~ an act of unfair discrimination as defined in this  
 67 paragraph.

68 4. For a personal lines property or personal lines  
 69 automobile insurer to:

70 a. Refuse to issue, reissue, or renew a policy; cancel or  
 71 otherwise terminate a policy; or charge an unfairly  
 72 discriminatory rate in this state based on the lawful use,  
 73 possession, or ownership of a firearm or ammunition by the  
 74 insurance applicant, insured, or a household member of the  
 75 applicant or insured. This sub-subparagraph does not prevent an  
 76 insurer from charging a supplemental premium that is not  
 77 unfairly discriminatory for a separate rider voluntarily  
 78 requested by the insurance applicant to insure a firearm or a

79 firearm collection whose value exceeds the standard policy  
80 coverage.

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

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