



592904

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/06/2017	.	
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The Committee on Banking and Insurance (Passidomo) recommended the following:

Senate Amendment

Delete lines 302 - 362
and insert:

(4) The receiver may petition the receivership court to set a date certain before which all contingent or unliquidated claims are final. In addition to the notice requirements in this section, the receiver shall give notice of filing the petition to all claimants with claims that remain contingent or unliquidated under this section.



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11 (5) Notwithstanding any other provision of this chapter,
12 the receiver may petition the receivership court to set a date
13 certain after which no further claims may be filed.

14 Section 10. Subsections (5) and (6) are added to section
15 631.192, Florida Statutes, to read:

16 631.192 Allowance of certain claims.—

17 (5) A claim under a policy of insurance may not be allowed
18 for an amount in excess of the applicable policy limits.

19 (6) A claim may not be allowed for postjudgment interest
20 accrued after the date of liquidation.

21 Section 11. Paragraphs (a), (b), (f), and (j) of subsection
22 (1) of section 631.271, Florida Statutes, are amended to read:

23 631.271 Priority of claims.—

24 (1) The priority of distribution of claims from the
25 insurer's estate shall be in accordance with the order in which
26 each class of claims is set forth in this subsection. Every
27 claim in each class shall be paid in full or adequate funds
28 shall be retained for such payment before the members of the
29 next class may receive any payment. No subclasses may be
30 established within any class. The order of distribution of
31 claims shall be:

32 (a) *Class 1.*—

33 1. All of the receiver's costs and expenses of
34 administration.

35 2. All of the expenses of a guaranty association or foreign
36 guaranty association in handling claims.

37 3. All of the deputy supervisor's costs and expenses of
38 administration incurred as a result of administrative
39 supervision under part VI of chapter 624.



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40 (b) *Class 2.*—All claims under policies for losses incurred,
41 including third-party claims, all claims against the insurer for
42 liability for bodily injury or for injury to or destruction of
43 tangible property which claims are not under policies, ~~and~~ all
44 claims of a guaranty association or foreign guaranty
45 association, all claims related to a patient's healthcare
46 coverage by physicians, hospitals, and other providers of a
47 health insurer or health maintenance organization. All claims
48 under life insurance and annuity policies, whether for death
49 proceeds, annuity proceeds, or investment values, shall be
50 treated as loss claims. That portion of any loss,
51 indemnification for which is provided by other benefits or
52 advantages recovered by the claimant, may not be included in
53 this class, other than benefits or advantages recovered or
54 recoverable in discharge of familial obligations of support or
55 by way of succession at death or as proceeds of life insurance,
56 or as gratuities. No payment by an employer to her or his
57 employee may be treated as a gratuity.

58 (f) *Class 6.*—Claims of general and other unsecured
59 creditors, including claims against the insurer for punitive
60 damages, bad faith, or wrongful settlement practices.

61 (j) *Class 10.*—Interest on allowed claims of Classes 1
62 through 9. The rate of interest payable on an allowed claim must
63 accrue from the date of liquidation until such time as the
64 receivership court approves the distribution. The interest rate
65 must be calculated in accordance