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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (592904) (with title**
2 **amendment)**

3
4 Delete lines 302 - 362
5 and insert:

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



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11 unliquidated under this section.

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

15 Section 10. Subsection (5) is added to section 631.192,
16 Florida Statutes, to read:

17 631.192 Allowance of certain claims.—

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

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

22 631.271 Priority of claims.—

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

31 (a) *Class 1.*—

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

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

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

39 (b) *Class 2.*—All claims under policies for losses incurred,



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

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

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete line 56

66 and insert:

67 F.S.; prohibiting claims for postjudgment interest
68 accrued after the date of liquidation; amending s.