

1                                   A bill to be entitled  
 2           An act relating to unfair insurance trade practices;  
 3           amending s. 626.9541, F.S.; revising the types, value,  
 4           and frequency of advertising and promotional gifts  
 5           that licensed insurers or their agents may give to  
 6           insureds, prospective insureds, or others; authorizing  
 7           such insurers and agents to make specified charitable  
 8           contributions on behalf of insureds or prospective  
 9           insureds; prohibiting title insurance agents, title  
 10          insurance agencies, or title insurers from giving  
 11          insureds, prospective insureds, or others any article  
 12          of merchandise in excess of a specified value;  
 13          authorizing certain insurers and agents to give  
 14          insureds, prospective insureds, or others specified  
 15          complimentary services or discounted rates on  
 16          specified services; providing an effective date.

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 18   Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1. Paragraph (m) of subsection (1) of section  
 21   626.9541, Florida Statutes, is amended to read:

22           626.9541   Unfair methods of competition and unfair or  
 23   deceptive acts or practices defined.—

24           (1)   UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 25   ACTS.—The following are defined as unfair methods of competition

26 | and unfair or deceptive acts or practices:

27 |       (m) Advertising and promotional gifts and charitable  
 28 | contributions permitted.—

29 |       1. The provisions ~~No provision~~ of paragraph (f), paragraph  
 30 | (g), or paragraph (h) do not ~~shall be deemed to~~ prohibit a  
 31 | licensed insurer or its agent from:

32 |       a. Giving to insureds, prospective insureds, or and  
 33 | others, for the purpose of advertising, any article of  
 34 | merchandise, goods, wares, store gift cards, gift certificates,  
 35 | event tickets, anti-fraud or loss mitigation services, or other  
 36 | items having a total value of \$100 or less per customer or  
 37 | prospective customer in any calendar year ~~having a value of not~~  
 38 | ~~more than \$25.~~

39 |       b. Making charitable contributions, as defined in s.  
 40 | 170(c) of the Internal Revenue Code, on behalf of insureds or  
 41 | prospective insureds, of up to \$100 per insured or prospective  
 42 | insured in any calendar year.

43 |       2. The provisions of paragraph (f), paragraph (g), or  
 44 | paragraph (h) do not prohibit a title insurance agent or title  
 45 | insurance agency, as those terms are defined in s. 626.841, or a  
 46 | title insurer, as defined in s. 627.7711, from giving to  
 47 | insureds, prospective insureds, or others, for the purpose of  
 48 | advertising, any article of merchandise having a value of not  
 49 | more than \$25. A person or entity governed by this subparagraph  
 50 | is not subject to subparagraph 1.

51       3. A licensed insurer or its agent may offer to an  
52 insured, prospective insured, or others, in conjunction with the  
53 sale of a group insurance policy, complimentary grief counseling  
54 or funeral planning services, or discounted rates on funeral  
55 services offered by a third party provider. Such offering is not  
56 an advertisement, designation, direction, rebate, or inducement,  
57 as described in this section, if:

58       a. The funeral planning services or funeral services are  
59 provided by funeral providers licensed under chapter 497 or  
60 licensed by applicable laws in another jurisdiction in which the  
61 funeral provider is located; and

62       b. The contact to such funeral providers is initiated by  
63 the beneficiaries or family members of the group policy insured,  
64 and not by the funeral provider.

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66 A person or entity governed by this subparagraph is not subject  
67 to subparagraph 1.

68       Section 2. This act shall take effect July 1, 2018.