

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.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
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 insured or
37 prospective insured 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.

65
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.