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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
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The Committee on Banking and Insurance (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (m) and (t) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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

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



11 and unfair or deceptive acts or practices:

12 (m) Advertising and promotional gifts and charitable
13 contributions permitted.—

14 1. No provision of Paragraph (f), paragraph (g), or
15 paragraph (h) does not shall be deemed to prohibit a licensed
16 insurer or its agent from:

17 a. Giving to insureds, prospective insureds, or and others,
18 for the purpose of advertising, any article of merchandise,
19 goods, wares, store gift cards, gift certificates, event
20 tickets, anti-fraud or loss mitigation services, or other items
21 having a total value of \$100 or less per insured or prospective
22 insured within 1 calendar year; or having a value of not more
23 than \$25.

24 b. Making charitable contributions, as defined in s. 170(c)
25 of the Internal Revenue Code, on behalf of insureds or
26 prospective insureds of up to \$100 per insured or prospective
27 insured within 1 calendar year.

28 2. Paragraph (f), paragraph (g), or paragraph (h) does not
29 prohibit a title insurance agent or title insurance agency, as
30 those terms are defined in s. 626.841, or a title insurer, as
31 defined in s. 627.7711, from giving to insureds, prospective
32 insureds, or others, for the purpose of advertising, any article
33 of merchandise having a value of not more than \$25. A person or
34 entity governed by this subparagraph is not subject to
35 subparagraph 1.

36 (t) Certain life insurance relations as to with funeral
37 directors, funeral services, and grief counseling prohibited.—

38 1. A No life insurer may not shall permit any funeral
39 director or direct disposer to act as its representative,



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40 adjuster, claim agent, special claim agent, or agent for such
41 insurer in soliciting, negotiating, or effecting contracts of
42 life insurance on any plan or of any nature issued by such
43 insurer or in collecting premiums for holders of any such
44 contracts except as prescribed in s. 626.785(3).

45 2. A ~~No~~ life insurer may not ~~shall~~:

46 a. Affix, or permit to be affixed, advertising matter of
47 any kind or character of any licensed funeral director or direct
48 disposer to such policies of insurance.

49 b. Circulate, or permit to be circulated, any such
50 advertising matter with such insurance policies.

51 c. Attempt in any manner or form to influence policyholders
52 of the insurer to employ the services of any particular licensed
53 funeral director or direct disposer.

54 3. ~~No~~ Such an insurer may not ~~shall~~ maintain, or permit its
55 agent to maintain, an office or place of business in the office,
56 establishment, or place of business of any funeral director or
57 direct disposer in this state.

58 4. A licensed insurer or its agent may offer, in
59 conjunction with the sale of a group life or health insurance
60 policy, complimentary grief counseling or funeral planning
61 services, or discounted rates on funeral services offered by a
62 third party provider. Funeral planning services or funeral
63 services must be rendered by persons licensed under chapter 497
64 or licensed under the applicable laws in another jurisdiction in
65 which the funeral provider is located. The contact to such
66 funeral providers must be initiated by the beneficiaries or
67 family members of the group policy insured and not by the
68 funeral provider. All such offerings under this paragraph are



69 not an advertisement, designation, direction, rebate, or
70 inducement as described in this section.

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

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73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause
76 and insert:

77 A bill to be entitled
78 An act relating to permissible insurance acts;
79 amending s. 626.9541, F.S.; revising the types, value,
80 and frequency of advertising and promotional gifts
81 that licensed insurers or their agents may give to
82 insureds, prospective insureds, or others; authorizing
83 such insurers and agents to make specified charitable
84 contributions on behalf of insureds or prospective
85 insureds; providing that title insurance agents, title
86 insurance agencies, or title insurers may give
87 insureds, prospective insureds, or others advertising
88 gifts up to a specified value; providing
89 applicability; authorizing licensed insurers and their
90 agents to offer complimentary, or discounted rates on,
91 certain funeral-related services in conjunction with
92 the sale of a group life or health insurance policy;
93 specifying a requirement for, and a limitation on, the
94 providers of such services; providing construction;
95 providing an effective date.