

By the Committee on Banking and Insurance; and Senator Mayfield

597-02381-18

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1 A bill to be entitled
2 An act relating to permissible insurance acts;
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; providing that title insurance agents, title
10 insurance agencies, or title insurers may give
11 insureds, prospective insureds, or others advertising
12 gifts up to a specified value; providing
13 applicability; authorizing licensed insurers and their
14 agents to offer complimentary, or discounted rates on,
15 certain funeral-related services in conjunction with
16 the sale of a group life or health insurance policy;
17 specifying a requirement for, and a limitation on, the
18 providers of such services; providing construction;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Paragraphs (m) and (t) of subsection (1) of
24 section 626.9541, Florida Statutes, are amended to read:

25 626.9541 Unfair methods of competition and unfair or
26 deceptive acts or practices defined.—

27 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
28 ACTS.—The following are defined as unfair methods of competition
29 and unfair or deceptive acts or practices:

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30 (m) Advertising and promotional gifts and charitable
31 contributions permitted.—

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

35 a. Giving to insureds, prospective insureds, or and others,
36 for the purpose of advertising, any article of merchandise,
37 goods, wares, store gift cards, gift certificates, event
38 tickets, anti-fraud or loss mitigation services, or other items
39 having a total value of \$100 or less per insured or prospective
40 insured within 1 calendar year; or having a value of not more
41 than \$25.

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

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

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

56 1. A No life insurer may not shall permit any funeral
57 director or direct disposer to act as its representative,
58 adjuster, claim agent, special claim agent, or agent for such

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59 insurer in soliciting, negotiating, or effecting contracts of
60 life insurance on any plan or of any nature issued by such
61 insurer or in collecting premiums for holders of any such
62 contracts except as prescribed in s. 626.785(3).

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

64 a. Affix, or permit to be affixed, advertising matter of
65 any kind or character of any licensed funeral director or direct
66 disposer to such policies of insurance.

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

69 c. Attempt in any manner or form to influence policyholders
70 of the insurer to employ the services of any particular licensed
71 funeral director or direct disposer.

72 3. ~~No~~ Such an insurer may not ~~shall~~ maintain, or permit its
73 agent to maintain, an office or place of business in the office,
74 establishment, or place of business of any funeral director or
75 direct disposer in this state.

76 4. A licensed insurer or its agent may offer, in
77 conjunction with the sale of a group life or health insurance
78 policy, complimentary grief counseling or funeral planning
79 services, or discounted rates on funeral services offered by a
80 third party provider. Funeral planning services or funeral
81 services must be rendered by persons licensed under chapter 497
82 or licensed under the applicable laws in another jurisdiction in
83 which the funeral provider is located. The contact to such
84 funeral providers must be initiated by the beneficiaries or
85 family members of the group policy insured and not by the
86 funeral provider. All such offerings under this paragraph are
87 not an advertisement, designation, direction, rebate, or

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88 inducement as described in this section.

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