

By the Committees on Commerce and Tourism; and Banking and Insurance; and Senator Mayfield

577-02891-18

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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; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (m) of subsection (1) of section
18 626.9541, Florida Statutes, is amended to read:

19 626.9541 Unfair methods of competition and unfair or
20 deceptive acts or practices defined.—

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

24 (m) Advertising and promotional gifts and charitable
25 contributions permitted.—

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

29 a. Giving to insureds, prospective insureds, or ~~and~~ others,

577-02891-18

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30 ~~for the purpose of advertising, any article of merchandise,~~
31 goods, wares, store gift cards, gift certificates, event
32 tickets, anti-fraud or loss mitigation services, or other items
33 having a total value of \$100 or less per insured or prospective
34 insured within 1 calendar year; or ~~having a value of not more~~
35 than \$25.

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

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

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