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LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
03/04/2019	.	
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The Committee on Banking and Insurance (Lee) recommended the following:

1 **Senate Substitute for Amendment (923034) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 627.7152, Florida Statutes, is created
7 to read:

8 627.7152 Assignment of residential homeowner's property
9 insurance post-loss benefits.-

10 (1) Under an agreement to assign post-loss benefits, an



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11 assignee is bound by all post-loss obligations specified in the
12 residential homeowner's property insurance policy.

13 Notwithstanding any policy provision or law to the contrary,
14 however, the obligation to submit to an examination under oath
15 shall be limited to one examination under oath by the insurer or
16 the insurer's representative relating to an assignment agreement
17 and services provided by the assignee. The examination under
18 oath:

19 (a) Is limited to the person designated by the assignee as
20 the person with the most knowledge of the assignment agreement
21 and services provided pursuant to the assignment;

22 (b) Must occur in the county where the property for which
23 the loss was assigned and the work performed or in the county
24 where the assignee has offices or agents or in the county where
25 the person designated by the assignee as the person with the
26 most knowledge resides; and

27 (c) Must not last more than 3 hours.

28 (2) (a) If an assignee commences an action in any court of
29 this state based upon or including the same claim against the
30 same adverse party that the assignee has previously voluntarily
31 dismissed in a court of this state, the court may as it deems
32 proper, order the assignee to pay the costs of the adverse party
33 of the claim previously voluntarily dismissed. Upon the issuance
34 of such order, the court shall stay the proceedings in the
35 subsequent action until the assignee has complied with the
36 order.

37 (b) Upon a finding by the court that an assignee has not
38 complied with its post-loss obligations under the residential
39 homeowner's insurance policy pursuant to this section, the court



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40 may not award attorney fees to the assignee under s. 627.428
41 directly related to the assignee's noncompliance with post-loss
42 obligations.

43
44 Notwithstanding the execution of an assignment, a homeowner
45 remains bound by any duty under the policy to take reasonable
46 steps to prevent further damage to the property.

47 Section 2. This act shall apply to assignment agreements
48 executed on or after July 1, 2019.

49 Section 3. This act shall take effect July 1, 2019.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to assignment of residential
57 homeowner's property insurance post-loss benefits;
58 creating s. 627.7152, F.S.; providing that an assignee
59 is bound by all post-loss obligations specified in a
60 residential homeowner's insurance policy; providing
61 that the obligation of the assignee to submit to an
62 examination under oath is limited to one examination
63 of a person designated by the assignee; providing
64 criteria for the assignee to designate the person who
65 will be examined under oath; providing requirements as
66 to the location and length of time of the examination
67 under oath; providing that if an assignee brings an
68 action based upon or including the same claim as a



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69 previous action the assignee voluntarily dismissed,
70 the court may order an assignee to pay the costs of
71 the adverse party and shall stay the action until the
72 assignee has complied with the order; providing that
73 the court may not award the assignee an attorney fee
74 under s. 627.428, F.S., directly related to the
75 assignee's noncompliance with post loss obligations;
76 specifying that notwithstanding any assignment the
77 homeowner remains bound by any duty under the policy
78 to prevent further damage to the property; providing
79 applicability; providing an effective date.