Committee/Subcommittee hearing bill: Commerce Committee
Representative Santiago offered the following:

**Amendment (with title amendment)**

Between lines 28 and 29, insert:

Section 1. Section 624.1055, Florida Statutes, is created to read:

624.1055 Right of contribution among insurers for defense costs.—A liability insurer who owes a duty to defend an insured and who defends the insured against a claim, suit, or other action has a right of contribution for defense costs against any other liability insurer who owes a duty to defend the insured against the same claim, suit, or other action, provided that contribution may not be sought from any insurer for defense costs that are incurred prior to the insurer’s receipt of notice.
of the claim, suit, or other action.

(1) APPORTIONMENT OF COSTS.—The court shall allocate defense costs among insurers who owe a duty to defend the insured against the same claim, suit or other action, in accordance with the terms of the insurance policies. The court may use such equitable factors as the court determines are appropriate in making such allocation.

(2) ENFORCEMENT OF RIGHT OF CONTRIBUTION.—A liability insurer who is entitled to contribution from another insurer under this section may file an action for contribution in a court of competent jurisdiction.

(3) CONSTRUCTION.—
   (a) This section is not intended to alter any terms of a liability insurance policy or to create any additional duty on the part of an insurer to an insured.
   (b) An insured may not rely on this section as grounds for a complaint against an insurer.

(4) APPLICABILITY.—This section applies to liability insurance policies issued for delivery in this state, or liability insurance policies under which an insurer has a duty to defend an insured against claims asserted or suits or actions filed in this state. Such liability insurance policies include surplus lines insurance policies authorized under ss. 626.913-626.937, the Surplus Lines Law.

(5) Notwithstanding subsection 4, this section does not
apply to motor vehicle liability insurance or medical professional liability insurance.

Section 2. Section 624.1055, Florida Statutes, as created by this act, applies to any claim, suit or other action initiated on or after January 1, 2020.

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

Remove line 2 and insert:

An act relating to insurance; creating s. 624.1055, F.S.; providing right of contribution of certain liability insurers against other liability insurers for defense costs; providing for apportionment of costs; providing for enforcement of right of contribution; providing construction; amending s. 624.155,