

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

3
4 **Amendment (with title amendment)**

5 Between lines 28 and 29, insert:

6
7 Section 1. Section 624.1055, Florida Statutes, is created
8 to read:

9 624.1055 Right of contribution among insurers for defense
10 costs.—A liability insurer who owes a duty to defend an insured
11 and who defends the insured against a claim, suit, or other
12 action has a right of contribution for defense costs against any
13 other liability insurer who owes a duty to defend the insured
14 against the same claim, suit, or other action, provided that
15 contribution may not be sought from any insurer for defense
16 costs that are incurred prior to the insurer's receipt of notice

Amendment No. 3

17 | of the claim, suit, or other action.

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

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

28 | (3) CONSTRUCTION.—

29 | (a) This section is not intended to alter any terms of a
30 | liability insurance policy or to create any additional duty on
31 | the part of an insurer to an insured.

32 | (b) An insured may not rely on this section as grounds for
33 | a complaint against an insurer.

34 | (4) APPLICABILITY.—This section applies to liability
35 | insurance policies issued for delivery in this state, or
36 | liability insurance policies under which an insurer has a duty
37 | to defend an insured against claims asserted or suits or actions
38 | filed in this state. Such liability insurance policies include
39 | surplus lines insurance policies authorized under ss. 626.913-
40 | 626.937, the Surplus Lines Law.

41 | (5) Notwithstanding subsection 4, this section does not

Amendment No. 3

42 apply to motor vehicle liability insurance or medical
43 professional liability insurance.

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

47
48 -----

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

50 Remove line 2 and insert:

51 An act relating to insurance; creating s. 624.1055, F.S.;

52 providing right of contribution of certain liability insurers

53 against other liability insurers for defense costs; providing

54 for apportionment of costs; providing for enforcement of right

55 of contribution; providing construction; amending s. 624.155,