

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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

**Amendment (with title amendment)**

5 Remove lines 24-64 and insert:

6 Section 1. Subsection (3) of section 624.155, Florida  
 7 Statutes, is amended to read:

8 624.155 Civil remedy.—

9 (3) (a) As a condition precedent to bringing an action  
 10 under this section, the department and the authorized insurer  
 11 must have been given 60 days' written notice of the violation.  
 12 ~~If the department returns a notice for lack of specificity, the~~  
 13 ~~60-day time period shall not begin until a proper notice is~~  
 14 ~~filed.~~

15 (b) The notice shall be on a form provided by the  
 16 department and shall state with specificity the following

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17 information, and such other information as the department may  
18 require:

19 1. The statutory provision, including the specific  
20 language of the statute, which the authorized insurer allegedly  
21 violated.

22 2. The facts and circumstances giving rise to the  
23 violation.

24 3. The name of any individual involved in the violation.

25 4. Reference to specific policy language that is relevant  
26 to the violation, if any. If the person bringing the civil  
27 action is a third party claimant, she or he shall not be  
28 required to reference the specific policy language if the  
29 authorized insurer has not provided a copy of the policy to the  
30 third party claimant pursuant to written request.

31 5. A statement that the notice is given in order to  
32 perfect the right to pursue the civil remedy authorized by this  
33 section.

34 ~~(c) Within 20 days of receipt of the notice, the~~  
35 ~~department may return any notice that does not provide the~~  
36 ~~specific information required by this section, and the~~  
37 ~~department shall indicate the specific deficiencies contained in~~  
38 ~~the notice. A determination by the department to return a notice~~  
39 ~~for lack of specificity shall be exempt from the requirements of~~  
40 ~~chapter 120.~~

41 (c)~~(d)~~ No action shall lie if, within 60 days after filing

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42 notice, the damages are paid or the circumstances giving rise to  
43 the violation are corrected.

44 (d)~~(e)~~ The authorized insurer that is the recipient of a  
45 notice filed pursuant to this section shall report to the  
46 department on the disposition of the alleged violation.

47 (e)~~(f)~~ The applicable statute of limitations for an action  
48 under this section shall be tolled for a period of 65 days by  
49 the mailing of the notice required by this subsection or the  
50 mailing of a subsequent notice required by this subsection.

51 (f) A notice required under this subsection may not be  
52 filed within 60 days after appraisal is invoked by any party in  
53 a residential property insurance claim.

54 -----  
55  
56 **T I T L E A M E N D M E N T**

57 Remove lines 3-4 and insert:

58 F.S.; deleting a provision that tolls, under certain  
59 circumstances, a period before a civil action against an insurer  
60 may be brought; deleting a provision authorizing the Department  
61 of Financial Services to return a civil remedy notice for lack  
62 of specificity; prohibiting the filing of the notice within a  
63 certain timeframe under certain circumstances; amending s.