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LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 39 - 48

and insert:

Section 3. Paragraph (m) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition



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11 and unfair or deceptive acts or practices:

12 (m) Permissible advertising and promotional gifts, and
13 charitable contributions, and loss mitigation services or loss
14 control items permitted.-

15 1. The provisions of paragraph (f), paragraph (g), or
16 paragraph (h) do not prohibit a licensed insurer or its agent
17 from:

18 a. Giving to insureds, prospective insureds, or others any
19 article of merchandise, goods, wares, store gift cards, gift
20 certificates, event tickets, anti-fraud ~~or loss mitigation~~
21 services, or other items having a total value of \$100 or less
22 per insured or prospective insured in any calendar year.

23 b. Making charitable contributions, as defined in s. 170(c)
24 of the Internal Revenue Code, on behalf of insureds or
25 prospective insureds, of up to \$100 per insured or prospective
26 insured in any calendar year.

27 c. Giving to insureds, for free or at a discounted price,
28 loss mitigation services or loss control items of value that
29 relate to the risks covered under the policy.

30 2. The provisions of paragraph (f), paragraph (g), or
31 paragraph (h) do not prohibit a title insurance agent or title
32 insurance agency, as those terms are defined in s. 626.841, or a
33 title insurer, as defined in s. 627.7711, from giving to
34 insureds, prospective insureds, or others, for the purpose of
35 advertising, any article of merchandise having a value of not
36 more than \$25. A person or entity governed by this subparagraph
37 is not subject to subparagraph 1.

38
39 ===== T I T L E A M E N D M E N T =====



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40 And the title is amended as follows:

41 Delete lines 6 - 11

42 and insert:

43 providing that insurers and agents may give insureds
44 certain free or discounted loss mitigation services or
45 loss control items; deleting a limitation on loss
46 mitigation services given to insureds; amending s.
47 627.0655,