

1 A bill to be entitled
 2 An act relating to duty of good faith; amending s.
 3 624.155, F.S.; removing violation of the duty of good
 4 faith from claims for civil remedies; creating s.
 5 624.156, F.S.; providing administrative remedy for
 6 violation of the duty of good faith; providing
 7 applicability; providing requirement for notice before
 8 a complaint can be filed; providing requirements for
 9 complaints; requiring the Department of Financial
 10 Services to determine the sufficiency of complaints;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (b) of subsection (1) of section
 16 624.155, Florida Statutes, is amended to read:

17 624.155 Civil remedy.—

18 (1) Any person may bring a civil action against an insurer
 19 when such person is damaged:

20 (b) By the commission of any of the following acts by the
 21 insurer:

22 ~~1. Not attempting in good faith to settle claims when,~~
 23 ~~under all the circumstances, it could and should have done so,~~
 24 ~~had it acted fairly and honestly toward its insured and with due~~
 25 ~~regard for her or his interests;~~

26 ~~1.2.~~ Making claims payments to insureds or beneficiaries
 27 not accompanied by a statement setting forth the coverage under
 28 which payments are being made; or

29 ~~2.3.~~ Except as to liability coverages, failing to promptly
 30 settle claims, when the obligation to settle a claim has become
 31 reasonably clear, under one portion of the insurance policy
 32 coverage in order to influence settlements under other portions
 33 of the insurance policy coverage.

34
 35 Notwithstanding the provisions of the above to the contrary, a
 36 person pursuing a remedy under this section need not prove that
 37 such act was committed or performed with such frequency as to
 38 indicate a general business practice.

39 Section 2. Section 624.156, Florida Statutes, is created
 40 to read:

41 624.156 Duty of good faith; action for violation of duty.-

42 (1) An insurance company must attempt in good faith to
 43 settle a claim when, under all the circumstances, it could and
 44 should have done so, had it acted fairly and honestly toward its
 45 insured and with due regard for her or his interests.

46 (2) This section applies to any allegation:

47 (a) That an insurance company has not complied with the
 48 duty of good faith.

49 (b) Recognized in general law or common law.

50 (c) Filed by an insured or a third-party beneficiary to an

51 insurance contract.

52 (3) The notice requirements of s. 624.155(3) apply to an
53 action by the insured against the insurer pursuant to this
54 section.

55 (4) Any person claiming a violation by an insurance
56 company of the duty of good faith described in this section may
57 file an administrative complaint with the department pursuant to
58 this section. The complaint must:

59 (a) If filed by the insured, show that the notice required
60 by subsection (3) has been provided and that the time for
61 resolution has expired.

62 (b) State with specificity the action or inaction by the
63 insurance company alleged to have not complied with the duty of
64 good faith.

65 (5) After receiving a complaint, the department must,
66 within 20 days, determine whether the complaint meets the
67 requirements of subsection (4). If the complaint does not meet
68 the requirements, the department must promptly dismiss it
69 without prejudice and notify the complainant.

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