

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Koster offered the following:

2
3 **Amendment to Amendment (916441) (with title amendment)**

4 Between lines 12 and 13 of the amendment, insert:

5 Section 16. Subsections (2) through (9) of section
6 627.419, Florida Statutes, are renumbered as subsections (3)
7 through (10), respectively, and a new subsection (2) is added to
8 that section to read:

9 627.419 Construction of policies.-

10 (2)(a) Notwithstanding any policy provisions to the
11 contrary, upon the rendition of a judgment or decree against an
12 insurer and in favor of any named or omnibus insured or the
13 named beneficiary under or arising out of a policy or contract

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14 executed by the insurer, the trial court or, in the event of an
15 appeal in which the insured or beneficiary prevails, the
16 appellate court shall adjudge or decree against the insurer and
17 in favor of the insured or beneficiary a reasonable sum as fees
18 or compensation for the insured's or beneficiary's attorney
19 prosecuting or defending the suit.

20 (b) Notwithstanding any policy provisions to the contrary,
21 upon the rendition of a judgment or decree against any named or
22 omnibus insured or the named beneficiary under or arising out of
23 a policy or contract executed by the insurer, the trial court
24 or, in the event of an appeal in which the insurer prevails, the
25 appellate court shall adjudge or decree against the insured or
26 beneficiary and in favor of the insurer reasonable attorney fees
27 incurred for the insurer's attorney prosecuting or defending the
28 suit.

29 Section 17. Subsection (5) of section 627.401, Florida
30 Statutes, is amended to read:

31 627.401 Scope of this part.—No provision of this part of
32 this chapter applies to:

33 (5) Credit life or credit disability insurance, except ss.
34 627.419(6) ~~ss. 627.419(5)~~ and 627.428.

35 Section 18. Paragraph (b) of subsection (1) of section
36 627.6471, Florida Statutes, is amended to read:

37 627.6471 Contracts for reduced rates of payment;
38 limitations; coinsurance and deductibles.—

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39 (1) As used in this section:
 40 (b) "Preferred provider" means any licensed health care
 41 provider with which the insurer has directly or indirectly
 42 contracted for an alternative or a reduced rate of payment,
 43 which shall include any health care provider listed in s.
 44 627.419(4) and (5) ~~s. 627.419(3) and (4)~~ and shall provide
 45 reasonable access to such health care providers.

46 Section 19. Paragraph (c) of subsection (1) of section
 47 627.6472, Florida Statutes, is amended to read:

48 627.6472 Exclusive provider organizations.—

49 (1) As used in this section, the term:

50 (c) "Exclusive provider" means a provider of health care,
 51 or a group of providers of health care, that has entered into a
 52 written agreement with the insurer to provide benefits under a
 53 health insurance policy issued under this section, which
 54 agreement shall include any health care provider listed in s.
 55 627.419(4) and (5) ~~s. 627.419(3) and (4)~~ and shall provide
 56 reasonable access to such health care providers.

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

59 Remove line 745 of the amendment and insert:
 60 department to adopt certain forms by rule; amending s.
 61 627.419, F.S.; providing for the award of attorney fees,
 62 notwithstanding policy provisions, in certain actions;
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64 | amending ss. 627.401, 627.6471, and 627.6472, F.S.;

65 | revising cross-references; amending s.

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