

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gregory offered the following:

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3 **Amendment to Amendment (263047) (with title amendment)**

4 Remove lines 31-48 of the amendment and insert:

5 claim.-

6 (1) In an action brought for declaratory relief in state
7 or federal court to determine insurance coverage after the
8 insurer has made a total coverage denial of a claim:

9 (a) Either party is entitled to the summary procedure
10 provided in s. 51.011, and the court shall advance the cause on
11 the calendar.

12 (b) The court shall award reasonable attorney fees to the
13 named insured, omnibus insured, or named beneficiary under a

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14 policy issued by the insurer upon rendition of a declaratory
15 judgment in favor of the named insured, omnibus insured, or
16 named beneficiary. This right may not be transferred to,
17 assigned to, or acquired in any other manner by anyone other
18 than a named or omnibus insured or a named beneficiary. A
19 defense offered by an insurer pursuant to a reservation of
20 rights does not constitute a coverage denial of a claim. Such
21 fees are limited to those incurred in the action brought under
22 this chapter for declaratory relief to determine coverage of
23 insurance issued under the Florida Insurance Code.

24 (2) This section does not apply to any action arising
25 under a residential or commercial property insurance policy.

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

29 Remove line 923 of the amendment and insert:
30 specified persons; providing applicability; amending s. 95.11,
31 F.S.; reducing the

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