

Amendment No. 8

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WITHDRAWN	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>	

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

**Amendment**

Remove lines 101-144 and insert:

6 (3) (a) As a condition precedent to bringing an action  
 7 under this section, the department and the authorized insurer  
 8 must have been given 60 days' written notice of the violation.  
 9 Notice to the authorized insurer must be provided by the  
 10 department to the e-mail address designated by the insurer under  
 11 s. 624.422.

12 (b) The notice shall be on a form provided by the  
 13 department and shall state with specificity the following  
 14 information, and such other information as the department may  
 15 require:

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16 1. The statutory provision, including the specific  
17 language of the statute, which the authorized insurer allegedly  
18 violated.

19 2. The facts and circumstances giving rise to the  
20 violation.

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

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

28 5. A statement that the notice is given in order to  
29 perfect the right to pursue the civil remedy authorized by this  
30 section.

31 (c) No action shall lie if, within 60 days after the  
32 insurer receives notice from the department in accordance with  
33 this subsection, the damages are paid or the circumstances  
34 giving rise to the violation are corrected.

35 (d) The authorized insurer that is the recipient of a  
36 notice filed pursuant to this section shall report to the  
37 department on the disposition of the alleged violation.

38 (e) The applicable statute of limitations for an action  
39 under this section shall be tolled for a period of:

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40           1. Sixty days after the insurer receives from the  
41 department the notice required by this subsection.

42           2. Sixty days after the date appraisal is invoked pursuant  
43 to paragraph (f).

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

47           (4) No action for bad faith involving a failure to settle  
48 a liability insurance claim, including any such action brought  
49 under the common law, shall lie if the insurer tenders the  
50 lesser of the policy limits or the amount demanded by the  
51 claimant either:

52           (a) Before a complaint asserting such claim, accompanied  
53 by sufficient evidence to support the amount of the claim, is  
54 filed, or

55           (b) Within 90 days of service of such complaint upon the  
56 insurer.

57           (5) In any bad faith action, whether such action is