

By the Committee on Criminal Justice; and Senators Lee and Latvala

591-01606-14

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1 A bill to be entitled
2 An act relating to discriminatory insurance practices;
3 amending s. 626.9541, F.S.; providing that unfair
4 discrimination on the basis of gun ownership in the
5 provision of personal lines property or personal lines
6 automobile insurance is a discriminatory insurance
7 practice; clarifying that insurers are not prevented
8 from charging supplemental premiums or sharing
9 information between an insurer and its agent if a
10 separate rider has been requested; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (g) of subsection (1) of section
16 626.9541, Florida Statutes, is amended to read:

17 626.9541 Unfair methods of competition and unfair or
18 deceptive acts or practices defined.—

19 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
20 ACTS.—The following are defined as unfair methods of competition
21 and unfair or deceptive acts or practices:

22 (g) *Unfair discrimination*.—

23 1. Knowingly making or permitting ~~any~~ unfair discrimination
24 between individuals of the same actuarially supportable class
25 and equal expectation of life, in the rates charged for a ~~any~~
26 life insurance or annuity contract, in the dividends or other
27 benefits payable thereon, or in any other term or condition ~~of~~
28 ~~the terms and conditions~~ of such contract.

29 2. Knowingly making or permitting ~~any~~ unfair discrimination

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30 between individuals of the same actuarially supportable class,
31 as determined at the ~~original~~ time of initial issuance of the
32 coverage, and essentially the same hazard, in the amount of
33 premium, policy fees, or rates charged for a ~~any~~ policy or
34 contract of accident, disability, or health insurance, in the
35 benefits payable thereunder, in ~~any of~~ the terms or conditions
36 of such contract, or in any other manner ~~whatever~~.

37 3. For a health insurer, life insurer, disability insurer,
38 property and casualty insurer, automobile insurer, or managed
39 care provider to underwrite a policy, or refuse to issue,
40 reissue, or renew a policy, refuse to pay a claim, cancel or
41 otherwise terminate a policy, or increase rates based upon the
42 fact that an insured or applicant who is also the proposed
43 insured has made a claim or sought or should have sought medical
44 or psychological treatment in the past for abuse, protection
45 from abuse, or shelter from abuse, or that a claim was caused in
46 the past by, or might occur as a result of, any future assault,
47 battery, or sexual assault by a family or household member upon
48 another family or household member as defined in s. 741.28. A
49 health insurer, life insurer, disability insurer, or managed
50 care provider may refuse to underwrite, issue, or renew a policy
51 based on the applicant's medical condition, but may ~~shall~~ not
52 consider whether such condition was caused by an act of abuse.
53 For purposes of this section, the term "abuse" means the
54 occurrence of one or more of the following acts:

55 a. Attempting or committing assault, battery, sexual
56 assault, or sexual battery;

57 b. Placing another in fear of imminent serious bodily
58 injury by physical menace;

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- 59 c. False imprisonment;
60 d. Physically or sexually abusing a minor child; or
61 e. An act of domestic violence as defined in s. 741.28.
62

63 This subparagraph does not prohibit a property and casualty
64 insurer or an automobile insurer from excluding coverage for
65 intentional acts by the insured if such exclusion is ~~does~~ not
66 constitute an act of unfair discrimination as defined in this
67 paragraph.

68 4. For a personal lines property or personal lines
69 automobile insurer to:

70 a. Refuse to issue, reissue, or renew a policy; cancel or
71 otherwise terminate a policy; or charge an unfairly
72 discriminatory rate in this state based on the lawful use,
73 possession, or ownership of a firearm by the insurance
74 applicant, insured, or a household member of the applicant or
75 insured. This sub-subparagraph does not prevent an insurer from
76 charging a supplemental premium that is not unfairly
77 discriminatory for a separate rider voluntarily requested by the
78 insurance applicant to insure a firearm or a firearm collection
79 whose value exceeds the standard policy coverage.

80 b. Disclose the lawful ownership or possession of firearms
81 of an insurance applicant, insured, or household member of the
82 applicant or insured to a third party or an affiliated entity of
83 the insurer unless the insurer discloses to the applicant or
84 insured the specific need to disclose the information and the
85 applicant or insured expressly consents to the disclosure, or
86 the disclosure is necessary to quote or bind coverage, continue
87 coverage, or adjust a claim. For purposes of underwriting and

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88 issuing insurance coverage, this sub-subparagraph does not
89 prevent the sharing of information between an insurance company
90 and its licensed insurance agent if a separate rider has been
91 voluntarily requested by the policyholder or prospective
92 policyholder to insure a firearm or a firearm collection whose
93 value exceeds the standard policy coverage.

94 Section 2. This act shall take effect July 1, 2014.