

By Senator Thrasher

6-01031-14

20141494__

1 A bill to be entitled
2 An act relating to civil remedies against insurers;
3 amending s. 624.155, F.S.; requiring insureds and
4 claimants, or persons acting on their behalf, to
5 provide an insurer with written notice of loss as a
6 condition precedent to bringing a statutory or common-
7 law action for a third-party bad faith action for
8 failure to settle an insurance claim; providing that
9 an insurer is not liable for such claim if certain
10 conditions are met; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (a) of subsection (3) of section
15 624.155, Florida Statutes, is amended, and subsection (10) is
16 added to that section, to read:

17 624.155 Civil remedy.—

18 (3) (a) Except as provided in subsection (10), as a
19 condition precedent to bringing an action under this section,
20 the department and the authorized insurer must have been given
21 60 days' written notice of the violation. If the department
22 returns a notice for lack of specificity, the 60-day time period
23 does ~~shall~~ not begin until a proper notice is filed.

24 (10) As a condition precedent to a third-party statutory or
25 common-law bad faith action for failure to settle a liability
26 insurance claim, the insured, the claimant, or anyone on behalf
27 of the insured or the claimant must have provided the insurer
28 with a written notice of loss. If the insurer complies with a
29 request for a disclosure statement as described in s. 627.4137

6-01031-14

20141494__

30 and, within 45 days after receipt of the written notice of loss,
31 offers to pay the claimant the lesser of the amount that the
32 claimant is willing to accept or the limits of liability
33 coverage applicable to the claimant's insurance claim in
34 exchange for a full release of the insured from any liability
35 arising from the incident reported in the written notice loss,
36 the insurer does not violate the duty to attempt in good faith
37 to settle the claim and is not liable for bad faith failure to
38 settle under this section or the common law.

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