



252692

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2014	.	
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	.	

The Committee on Criminal Justice (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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8 626.9541 Unfair methods of competition and unfair or
9 deceptive acts or practices defined.—

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

13 (g) *Unfair discrimination.*—

14 1. Knowingly making or permitting ~~any~~ unfair discrimination
15 between individuals of the same actuarially supportable class
16 and equal expectation of life, in the rates charged for a ~~any~~
17 life insurance or annuity contract, in the dividends or other
18 benefits payable thereon, or in any other term or condition ~~of~~
19 ~~the terms and conditions~~ of such contract.

20 2. Knowingly making or permitting ~~any~~ unfair discrimination
21 between individuals of the same actuarially supportable class,
22 as determined at the ~~original~~ time of initial issuance of the
23 coverage, and essentially the same hazard, in the amount of
24 premium, policy fees, or rates charged for a ~~any~~ policy or
25 contract of accident, disability, or health insurance, in the
26 benefits payable thereunder, in ~~any~~ ~~of~~ the terms or conditions
27 of such contract, or in any other manner ~~whatever~~.

28 3. For a health insurer, life insurer, disability insurer,
29 property and casualty insurer, automobile insurer, or managed
30 care provider to underwrite a policy, or refuse to issue,
31 reissue, or renew a policy, refuse to pay a claim, cancel or
32 otherwise terminate a policy, or increase rates based upon the
33 fact that an insured or applicant who is also the proposed
34 insured has made a claim or sought or should have sought medical
35 or psychological treatment in the past for abuse, protection
36 from abuse, or shelter from abuse, or that a claim was caused in



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37 the past by, or might occur as a result of, any future assault,
38 battery, or sexual assault by a family or household member upon
39 another family or household member as defined in s. 741.28. A
40 health insurer, life insurer, disability insurer, or managed
41 care provider may refuse to underwrite, issue, or renew a policy
42 based on the applicant's medical condition, but may ~~shall~~ not
43 consider whether such condition was caused by an act of abuse.
44 For purposes of this section, the term "abuse" means the
45 occurrence of one or more of the following acts:

- 46 a. Attempting or committing assault, battery, sexual
47 assault, or sexual battery;
- 48 b. Placing another in fear of imminent serious bodily
49 injury by physical menace;
- 50 c. False imprisonment;
- 51 d. Physically or sexually abusing a minor child; or
- 52 e. An act of domestic violence as defined in s. 741.28.

53
54 This subparagraph does not prohibit a property and casualty
55 insurer or an automobile insurer from excluding coverage for
56 intentional acts by the insured if such exclusion is ~~does~~ not
57 ~~constitute~~ an act of unfair discrimination as defined in this
58 paragraph.

59 4. For a personal lines property or personal lines
60 automobile insurer to:

- 61 a. Refuse to issue, reissue, or renew a policy; cancel or
62 otherwise terminate a policy; or charge an unfairly
63 discriminatory rate in this state based on the lawful use,
64 possession, or ownership of a firearm by the insurance
65 applicant, insured, or a household member of the applicant or



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66 insured. This sub-subparagraph does not prevent an insurer from
67 charging a supplemental premium that is not unfairly
68 discriminatory for a separate rider voluntarily requested by the
69 insurance applicant to insure a firearm or a firearm collection
70 whose value exceeds the standard policy coverage.

71 b. Disclose the lawful ownership or possession of firearms
72 of an insurance applicant, insured, or household member of the
73 applicant or insured to a third party or an affiliated entity of
74 the insurer unless the insurer discloses to the applicant or
75 insured the specific need to disclose the information and the
76 applicant or insured expressly consents to the disclosure, or
77 the disclosure is necessary to quote or bind coverage, continue
78 coverage, or adjust a claim. For purposes of underwriting and
79 issuing insurance coverage, this sub-subparagraph does not
80 prevent the sharing of information between an insurance company
81 and its licensed insurance agent if a separate rider has been
82 voluntarily requested by the policyholder or prospective
83 policyholder to insure a firearm or a firearm collection whose
84 value exceeds the standard policy coverage.

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

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

88 And the title is amended as follows:

89 Delete everything before the enacting clause
90 and insert:

91 A bill to be entitled
92 An act relating to discriminatory insurance practices;
93 amending s. 626.9541, F.S.; providing that unfair
94 discrimination on the basis of gun ownership in the



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95 provision of personal lines property or personal lines
96 automobile insurance is a discriminatory insurance
97 practice; clarifying that insurers are not prevented
98 from charging supplemental premiums or sharing
99 information between an insurer and its agent if a
100 separate rider has been requested; providing an
101 effective date.