



548022

LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Brandes) recommended the following:

1 **Senate Substitute for Amendment (738068) (with title**
2 **amendment)**

3
4 Delete lines 30 - 38
5 and insert:

6 Section 2. Subsection (3) of section 624.155, Florida
7 Statutes, is amended to read:

8 624.155 Civil remedy.—

9 (3) (a) As a condition precedent to bringing an action under
10 this section, the department and the authorized insurer must



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11 have been given 60 days' written notice of the violation. ~~If the~~
12 ~~department returns a notice for lack of specificity, the 60-day~~
13 ~~time period shall not begin until a proper notice is filed.~~

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

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

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

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

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

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

31 ~~(c) Within 20 days of receipt of the notice, the department~~
32 ~~may return any notice that does not provide the specific~~
33 ~~information required by this section, and the department shall~~
34 ~~indicate the specific deficiencies contained in the notice. A~~
35 ~~determination by the department to return a notice for lack of~~
36 ~~specificity shall be exempt from the requirements of chapter~~
37 ~~120.~~

38 (c) ~~(d)~~ No action shall lie if, within 60 days after filing
39 notice, the damages are paid or the circumstances giving rise to



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40 the violation are corrected.

41 (d)~~(e)~~ The authorized insurer that is the recipient of a
42 notice filed pursuant to this section shall report to the
43 department on the disposition of the alleged violation.

44 (e)~~(f)~~ The applicable statute of limitations for an action
45 under this section shall be tolled for a period of 65 days by
46 the mailing of the notice required by this subsection or the
47 mailing of a subsequent notice required by this subsection.

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

51

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

53 And the title is amended as follows:

54 Delete lines 3 - 5

55 and insert:

56 amending s. 624.155, F.S.; deleting a provision that
57 tolls, under certain circumstances, a period before a
58 civil action against an insurer may be brought;
59 deleting a provision authorizing the Department of
60 Financial Services to return a civil remedy notice for
61 lack of specificity; prohibiting the filing of the
62 notice within a certain timeframe under certain
63 circumstances; amending s. 626.9541, F.S.;