Bill No. <u>CS for SB 2364</u>

Amendment No. ___   Barcode 064998

CHAMBER ACTION

<u>Senate</u>	<u>House</u>
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11 Senator Atwater moved the following amendment:
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13   **Senate Amendment (with title amendment)**
14   On page 5, line 6,
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16 insert:
17   Section 1. Subsection (1) of section 627.4035, Florida
18 Statutes, is amended to read:
19   627.4035 Cash payment of premiums; claims.--
20   (1) The premiums for insurance contracts issued in
21 this state or covering risk located in this state shall be
22 paid in cash consisting of coins, currency, checks, or money
23 orders <u>or by using a debit card, credit card, automatic</u>
24 <u>electronic funds transfer, or payroll deduction plan.</u>
25   Section 2. Subsection (9) is added to section
26 627.7015, Florida Statutes, to read:
27   627.7015 Alternative procedure for resolution of
28 disputed property insurance claims.--
29   <u>(9) For purposes of this section, the term "claim"</u>
30 <u>refers to any dispute between an insurer and an insured</u>
31 <u>relating to a material issue of fact other than a dispute:</u>

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1   (a) With respect to which the insurer has a reasonable

2 basis to suspect fraud;

3   (b) Where, based on agreed-upon facts as to the cause

4 of loss, there is no coverage under the policy;

5   (c) With respect to which the insurer has a reasonable

6 basis to believe that the claimant has intentionally made a

7 material misrepresentation of fact which is relevant to the

8 claim, and the entire request for payment of a loss has been

9 denied on the basis of the material misrepresentation; or

10   (d) With respect to which the amount in controversy is

11 less than $500, unless the parties agree to mediate a dispute

12 involving a lesser amount.

13   Section 3. Subsection (1) of section 627.901, Florida

14 Statutes, is amended to read:

15   627.901 Premium financing by an insurance agent or

16 agency.--

17   (1) A general lines agent may make reasonable service

18 charges for financing insurance premiums on policies issued or

19 business produced by such an agent or agency, s. 626.9541

20 notwithstanding. The service charge shall not exceed$3~~$1~~

21 per installment~~, or a $6 total service charge per year, for~~

22 ~~any premium balance of $120 or less. For any premium balance~~

23 ~~greater than $120 but not more than $220, the service charge~~

24 ~~shall not exceed $9 per year~~. The maximum service charge ~~for~~

25 ~~any premium balance greater than $220~~ shall not exceed $36~~$12~~

26 per year. In lieu of such service charges, an insurance agent

27 or agency, at the sole discretion of such agent or agency, may

28 charge a rate of interest not to exceed 18 percent simple

29 interest per year on:

30   (a) The unpaid balance; or

31   (b) The average unpaid balance as billed over the term

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 1 | of the policy and subject to endorsement changes. The interest

 2 | authorized by this paragraph may be billed in equal

 3 | installments.

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 5 | (Redesignate subsequent sections.)

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 8 | =============== T I T L E   A M E N D M E N T ===============

 9 | And the title is amended as follows:

10 | On page 1, line 2, delete that line

11 |

12 | and insert:

13 | An act relating to insurance; amending s.

14 | 627.4035, F.S.; providing for the payment of

15 | insurance premiums by a debit or credit card,

16 | automatic electronic funds transfer, or payroll

17 | deduction plan; amending s. 627.7015, F.S.;

18 | defining "claim" for purposes of alternative

19 | procedures for resolution of disputed property

20 | insurance claims; amending s. 627.901, F.S.;

21 | revising the limits on premium financing

22 | service charges; amending

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