



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2011	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 2978 - 3011
and insert:

(2)~~(a)~~ An ~~Any~~ insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), including the legal description of the real property and the name of the property owner, the neutral evaluator's report, if any, which indicates that sinkhole activity caused the damage claimed, a copy of the certification indicating that stabilization has been completed, if applicable, and the amount of the payment, with the county



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13 clerk of court, who shall record the report and certification.
14 The insurer shall bear the cost of filing and recording one or
15 more reports and certifications ~~the report and certification.~~
16 There shall be no cause of action or liability against an
17 insurer for compliance with this section.

18 (a) The recording of the report and certification does not:

19 1. Constitute a lien, encumbrance, or restriction on the
20 title to the real property or constitute a defect in the title
21 to the real property;

22 2. Create any cause of action or liability against any
23 grantor of the real property for breach of any warranty of good
24 title or warranty against encumbrances; or

25 3. Create any cause of action or liability against any
26 title insurer that insures the title to the real property.

27 (b) As a precondition to accepting payment for a sinkhole
28 loss, the policyholder must file a copy of any sinkhole report
29 regarding the insured property which was prepared on behalf or
30 at the request of the policyholder. The policyholder shall bear
31 the cost of filing and recording the sinkhole report. The
32 recording of the report does not:

33 1. Constitute a lien, encumbrance, or restriction on the
34 title to the real property or constitute a defect in the title
35 to the real property;

36 2. Create any cause of action or liability against any
37 grantor of the real property for breach of any warranty of good
38 title or warranty against encumbrances; or

39 3. Create any cause of action or liability against a title
40 insurer that insures the title to the real property.

41 (c) ~~(b)~~ The seller of real property upon which a sinkhole



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42 claim has been made by the seller and paid by the insurer must
43 ~~shall~~ disclose to the buyer of such property, before the
44 closing, that a claim has been paid and whether or not the full
45 amount of the proceeds were used to repair the sinkhole damage.
46

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

48 And the title is amended as follows:

49 Delete lines 178 - 182

50 and insert:

51 burden of proof; revising the reports that an insurer
52 must file with the clerk of the court; requiring the
53 policyholder to file certain reports as a precondition
54 to accepting payment; amending s. 627.7074, F.S.;