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LEGISLATIVE ACTION

Senate

House

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Floor: 10/F/2R

03/06/2012 06:23 PM

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Senator Siplin moved the following:

**Senate Amendment (with title amendment)**

Between lines 506 and 507

insert:

Section 7. Subsection (12) of section 627.0651, Florida Statutes, is amended to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(12) (a) Any portion of a judgment entered as a result of a statutory or common-law bad faith action and any portion of a judgment entered which awards punitive damages against an insurer may ~~shall~~ not be included in the insurer's rate base, and ~~shall not be~~ used to justify a rate or rate change. Any



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14 portion of a settlement entered as a result of a statutory or  
15 common-law bad faith action identified as such and any portion  
16 of a settlement wherein an insurer agrees to pay specific  
17 punitive damages may ~~shall~~ not be used to justify a rate or rate  
18 change. The portion of the taxable costs and attorney ~~attorney's~~  
19 fees which is identified as being related to the bad faith and  
20 punitive damages in these judgments and settlements may ~~shall~~  
21 not be included in the insurer's rate base and used ~~shall not be~~  
22 ~~utilized~~ to justify a rate or rate change.

23 (b) Any portion of a judgment or settlement for taxable  
24 costs and attorney fees in favor of a prevailing plaintiff  
25 against an insurer in a claim for benefits under ss. 627.730-  
26 627.7405, the Florida Motor Vehicle No-Fault Law, may not be  
27 included in the insurer's rate base and used to justify a rate  
28 or rate change.

29  
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Between lines 44 and 45

33 insert:

34 627.0651, F.S.; prohibiting attorney fees awarded to  
35 plaintiffs in claims for benefits under the Florida  
36 Motor Vehicle No-Fault Law from being included in  
37 insurance rates; amending s.