

1 A bill to be entitled
 2 An act relating to insurance claims by third parties;
 3 amending s. 627.422, F.S.; providing for the
 4 assignment of post-loss benefits; amending s. 627.428,
 5 F.S.; prohibiting the award of attorney fees in
 6 certain suits brought by a third party to an insurance
 7 contract; providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 627.422, Florida Statutes, is amended
 12 to read:

13 627.422 Assignment of policies.—An insurance ~~A policy, or~~
 14 post-loss benefits provided by an insurance policy, may be
 15 assignable, or not assignable, as provided by the terms of the
 16 insurance policy ~~its terms~~. Subject to its terms relating to
 17 assignability, any life or health insurance policy under the
 18 terms of which the beneficiary may be changed upon the sole
 19 request of the policyowner may be assigned either by pledge or
 20 transfer of title, by an assignment executed by the policyowner
 21 alone and delivered to the insurer, whether or not the pledgee
 22 or assignee is the insurer. Any such assignment shall entitle
 23 the insurer to deal with the assignee as the owner or pledgee of
 24 the policy in accordance with the terms of the assignment, until
 25 the insurer has received at its home office written notice of
 26 termination of the assignment or pledge or written notice by or

CODING: Words **stricken** are deletions; words **underlined** are additions.

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27 | on behalf of some other person claiming some interest in the
28 | policy in conflict with the assignment.

29 | Section 2. Subsection (2) of section 627.428, Florida
30 | Statutes, is amended, and subsection (4) is added to that
31 | section, to read:

32 | 627.428 Attorney fees ~~Attorney's fee.~~-

33 | (2) As to suits based on claims arising under life
34 | insurance policies or annuity contracts, ~~no~~ such attorney fees
35 | are not attorney's fee shall be allowed if such suit was
36 | commenced before the ~~prior to~~ expiration of 60 days after proof
37 | of the claim was duly filed with the insurer.

38 | (4) As to suits based on claims brought by a third party
39 | to an insurance contract, such attorney fees are not allowed if
40 | such suit was commenced by or on behalf of the third party or if
41 | proceeds of a court award would be directed to the third party.

42 | Section 3. This act shall take effect July 1, 2015.