



487740

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/12/2019	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 627.7152, Florida Statutes, is created  
to read:

627.7152 Assignment of residential homeowner's property  
insurance post-loss benefits.-

(1) Under an agreement to assign post-loss benefits, an  
assignee is bound by all post-loss obligations specified in the



487740

11 residential homeowner's property insurance policy.  
12 Notwithstanding any policy provision or law to the contrary,  
13 however, the obligation to submit to an examination under oath  
14 shall be limited to one examination under oath by the insurer or  
15 the insurer's representative relating to an assignment agreement  
16 and services provided by the assignee. The examination under  
17 oath:

18 (a) Is limited to the person designated by the assignee as  
19 the person with the most knowledge of the assignment agreement  
20 and services provided pursuant to the assignment;

21 (b) Must occur in the county where the property for which  
22 the loss was assigned and the work performed or in the county  
23 where the assignee has offices or agents or in the county where  
24 the person designated by the assignee as the person with the  
25 most knowledge resides; and

26 (c) Must not last more than 3 hours.

27 (2) (a) If an assignee commences an action in any court of  
28 this state based upon or including the same claim against the  
29 same adverse party that the assignee has previously voluntarily  
30 dismissed in a court of this state, the court may as it deems  
31 proper, order the assignee to pay the costs of the adverse party  
32 of the claim previously voluntarily dismissed. Upon the issuance  
33 of such order, the court shall stay the proceedings in the  
34 subsequent action until the assignee has complied with the  
35 order.

36 (b) Upon a finding by the court that an assignee has not  
37 complied with its post-loss obligations under the residential  
38 homeowner's insurance policy pursuant to this section, the court  
39 may not award attorney fees to the assignee under s. 627.428



487740

40 directly related to the assignee's noncompliance with post-loss  
41 obligations.

42  
43 Notwithstanding the execution of an assignment, a homeowner  
44 remains bound by any duty under the policy to take reasonable  
45 steps to prevent further damage to the property.

46 Section 2. This act shall apply to assignment agreements  
47 executed on or after July 1, 2019.

48 Section 3. This act shall take effect July 1, 2019.

49  
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete everything before the enacting clause  
53 and insert:

54 A bill to be entitled  
55 An act relating to assignment of residential  
56 homeowner's property insurance post-loss benefits;  
57 creating s. 627.7152, F.S.; providing that an assignee  
58 is bound by all post-loss obligations specified in a  
59 residential homeowner's insurance policy; providing  
60 that the obligation of the assignee to submit to an  
61 examination under oath is limited to one examination  
62 of a person designated by the assignee; providing  
63 criteria for the assignee to designate the person who  
64 will be examined under oath; providing requirements as  
65 to the location and length of time of the examination  
66 under oath; providing that if an assignee brings an  
67 action based upon or including the same claim as a  
68 previous action the assignee voluntarily dismissed,



487740

69 the court may order an assignee to pay the costs of  
70 the adverse party and shall stay the action until the  
71 assignee has complied with the order; providing that  
72 the court may not award the assignee an attorney fee  
73 under s. 627.428, F.S., directly related to the  
74 assignee's noncompliance with post loss obligations;  
75 specifying that notwithstanding any assignment the  
76 homeowner remains bound by any duty under the policy  
77 to prevent further damage to the property; providing  
78 applicability; providing an effective date.