



487740

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2019	.	
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	.	

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



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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



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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,



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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.