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LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/12/2019	.	
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The Committee on Banking and Insurance (Lee) recommended the following:

1       **Senate Substitute for Amendment (923034) (with title**  
2 **amendment)**

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4       Delete everything after the enacting clause  
5 and insert:

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

8       627.7152 Assignment of residential homeowner's property  
9 insurance post-loss benefits.-

10       (1) Under an agreement to assign post-loss benefits, an



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11 assignee is bound by all post-loss obligations specified in the  
12 residential homeowner's property insurance policy.

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

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

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

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

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

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



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40 may not award attorney fees to the assignee under s. 627.428  
41 directly related to the assignee's noncompliance with post-loss  
42 obligations.

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

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

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

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

52 And the title is amended as follows:

53 Delete everything before the enacting clause  
54 and insert:

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



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