A bill to be entitled
An act relating to insurance; providing a short title;
amending s. 624.155, F.S.; revising circumstances
under which a person may not bring a civil action
against an insurer; amending s. 626.9541, F.S.;
providing that provisions relating to unfair methods
of competition and unfair or deceptive insurance acts
or practices do not prohibit insurers or agents from
offering or giving to insureds certain free or
discounted services or offerings relating to loss
control or loss mitigation; amending s. 627.0655,
F.S.; revising circumstances under which insurers or
certain authorized persons may provide certain premium
discounts to insureds; amending s. 627.4555, F.S.;
requiring life insurers that are required to provide a
specified notice to policyowners of an impending lapse
in coverage to also notify the policyowner’s agent of
record within a certain timeframe; providing that the
agent is not responsible for any lapse in coverage;
exempting the insurer from the requirement under
certain circumstances; amending s. 627.7015, F.S.;
adding circumstances under which certain property
insurers may provide required notice to policyholders
of their right to participate in a certain mediation
program; providing an effective date.

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

Section 1. This act may be cited as “Omnibus Prime.”
Section 2. Paragraph (d) of subsection (3) of section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.—

(3)

(d) An action may not be brought if, within 60 days after filing the notice, the damages are paid; the appraisal is in process and a payment, if required, is timely made; or the circumstances giving rise to the violation are corrected.

Section 3. Subsection (5) is added to section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(5) LOSS CONTROL OR LOSS MITIGATION SERVICES OR OFFERINGS; CONSTRUCTION.—This section does not prohibit an insurer or agent from offering or giving to an insured, for free or at a discounted price, services or other offerings relating to loss control or loss mitigation with respect to the risks covered under the policy.

Section 4. Section 627.0655, Florida Statutes, is amended to read:

627.0655 Policyholder loss or expense-related premium discounts.—An insurer or person authorized to engage in the business of insurance in this state may include, in the premium charged an insured for any policy, contract, or certificate of insurance, a discount based on the fact that another policy, contract, or certificate of any type has been purchased by the insured from:

(1) The same insurer or insurer group, or another insurer
under a joint marketing agreement;

  (2) The Citizens Property Insurance Corporation created
under s. 627.351(6) if the same insurance agent is servicing both policies;

  (3) An insurer that has removed the policy from the
Citizens Property Insurance Corporation or issued a policy
pursuant to the clearinghouse program under s. 627.3518, if the
same insurance agent is servicing both policies.

Section 5. Section 627.4555, Florida Statutes, is amended
to read:

  627.4555 Secondary notice.—

  (1) Except as provided in this section, a contract for life insurance issued or issued for delivery in this state on or
after October 1, 1997, covering a natural person 64 years of age
or older, which has been in force for at least 1 year, may not
be lapsed for nonpayment of premium unless, after expiration of
the grace period, and at least 21 days before the effective date
of any such lapse, the insurer has mailed a notification of the
impending lapse in coverage to the policyowner and to a
specified secondary addressee if such addressee has been
designated in writing by name and address by the policyowner. An
insurer issuing a life insurance contract on or after October 1, 1997, shall notify the applicant of the right to designate a
secondary addressee at the time of application for the policy,
on a form provided by the insurer, and at any time the policy is
in force, by submitting a written notice to the insurer
containing the name and address of the secondary addressee. For
purposes of any life insurance policy that provides a grace
period of more than 51 days for nonpayment of premiums, the
notice of impending lapse in coverage required by this section must be mailed to the policyowner and the secondary addressee at least 21 days before the expiration of the grace period provided in the policy. This section does not apply to any life insurance contract under which premiums are payable monthly or more frequently and are regularly collected by a licensed agent or are paid by credit card or any preauthorized check processing or automatic debit service of a financial institution.

(2) If the policyowner has a life agent of record or any agent of record, the insurer must also notify the agent of the impending lapse in coverage or mail or send electronically a copy of the notification of the impending lapse in coverage under subsection (1) to the agent at least 21 days before the effective date of such lapse. Receipt of such notice does not make the agent responsible for any lapse in coverage. An insurer is not required to notify the agent under this subsection if any of the following applies:

(a) The insurer maintains an online system that allows an agent to independently determine if a policy has lapsed.

(b) The insurer has no record of the current agent of record.

(c) The agent is employed by the insurer or an affiliate of the insurer.

Section 6. Subsection (2) of section 627.7015, Florida Statutes, is amended to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(2) Either at the time a first-party claim within the scope of this section is filed by the policyholder or at the time
coverage is applied and payment is determined, the insurer shall notify the policyholder of its right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation.

Section 7. This act shall take effect July 1, 2019.