



131262

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Between lines 3104 and 3105
insert:

5. The proposed neutral evaluator has, for the preceding 5 years, directly or indirectly, performed 80 percent or more of his or her sinkhole loss investigatory work exclusively on behalf of policyholders or exclusively on behalf of insurers. Work performed as a neutral evaluator may not be considered in calculating the percentage of work performed.



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13 Delete lines 3218 - 3224

14 and insert:

15 (b) If the insurer invokes neutral evaluation before
16 litigation begins, the actions of the insurer are not a
17 confession of judgment or admission of liability if the insurer
18 acknowledges coverage in writing and tenders all undisputed
19 policy proceeds due within 30 days after the date neutral
20 evaluation is completed. The insurer is not liable for
21 attorney's fees under s. 627.428 or other provisions of the
22 insurance code unless the policyholder obtains a judgment that
23 is more favorable than the recommendation of the neutral
24 evaluator.

25 (16) If the insurer and the policyholder agree to comply
26 with the neutral