

HB 1197

2015

1 A bill to be entitled

2 An act relating to civil remedies against insurers;
3 amending s. 624.155, F.S.; requiring insureds,
4 claimants, or persons acting on their behalf to
5 provide an insurer with written notice of loss as a
6 condition precedent to a statutory or common-law
7 action for third-party bad-faith failure to settle an
8 insurance claim; providing that an insurer is not
9 liable for a claim of bad-faith failure to settle a
10 claim if certain conditions are met; providing an
11 effective date.

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

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15 Section 1. Paragraph (a) of subsection (3) of section
16 624.155, Florida Statutes, is amended, and subsection (10) is
17 added to that section, to read:

18 624.155 Civil remedy.—

19 (3) (a) Except as provided in subsection (10), as a
20 condition precedent to bringing an action under this section,
21 the department and the authorized insurer must have been given
22 60 days' written notice of the violation. If the department
23 returns a notice for lack of specificity, the 60-day time period
24 shall not begin until a proper notice is filed.

25 (10) As a condition precedent to a statutory or common-law
26 action for third-party bad-faith failure to settle a liability

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27 insurance claim, the insured, claimant, or anyone on behalf of
28 the insured or the claimant must provide the insurer with
29 written notice of loss. If the insurer complies with a request
30 for a disclosure statement described in s. 627.4137 and, within
31 45 days after receipt of the written notice of loss, offers to
32 pay the claimant the lesser of the amount that the claimant is
33 willing to accept or the limits of liability coverage applicable
34 to the claimant's insurance claim in exchange for a full release
35 of the insured from any liability arising from the incident and
36 the notice of insurance claim, then the insurer is not in
37 violation of the duty to attempt in good faith to settle the
38 claim and is not liable for bad-faith failure to settle under
39 this section or the common law.

40 Section 2. This act shall take effect July 1, 2015.