

1986

Session Law 86-262

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <u>86-262</u>	Sec. #	LOF cite
Prime Bill # <u>HR. 333</u>	Comp./Sim. Bills <u>50</u>	
JLMC Hist. Cites	Senate	Comms. of Ref.
	House	

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	HE	1986	Bill file	19/1562	
S				18/1578	

continued on reverse

Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

86-262/sec. 2
(RE: FS 624.155)

HB 333

only adds reference
to 627.7282 in 624.155(a)

HHCI 5/7/86 (19/1562)

H FIR AMDS 5/14 (HJ 385)
S " " 5/29 (SJ 508)

CS/SB 688

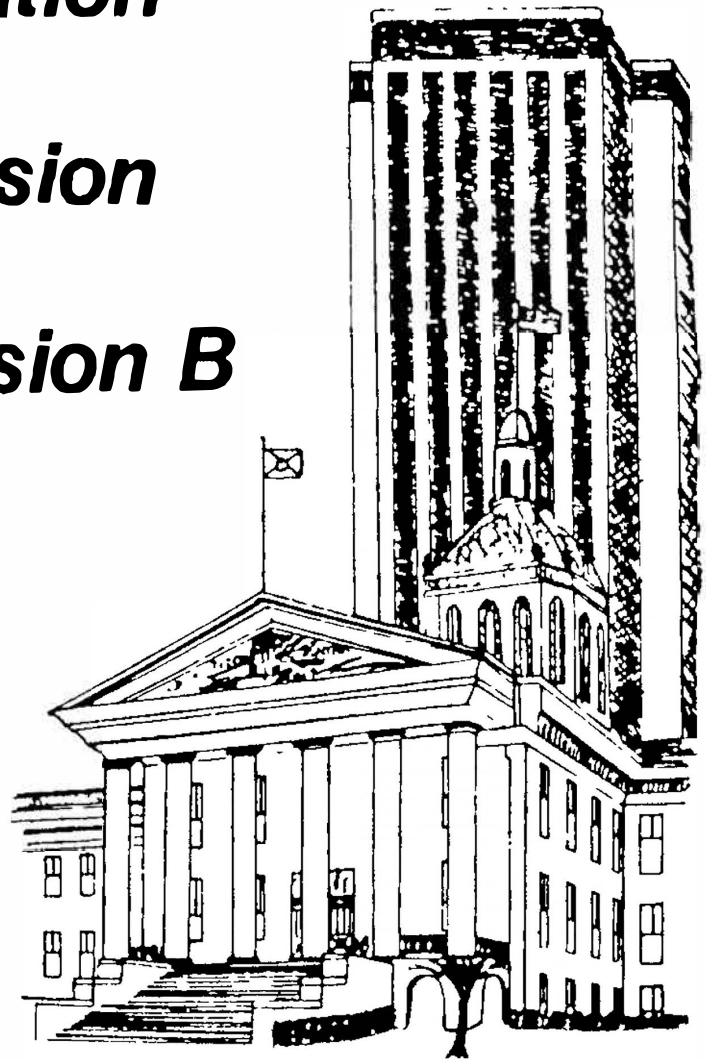
SCMR 5/8/86 CS (18/1578)

FLORIDA LEGISLATURE

History of Legislation

1986 Regular Session

1986 Special Session B



prepared by:

Joint Legislative Management Committee

Legislative Information Division

Capitol Building, Room 826 – 488-4371

HISTORY OF SENATE BILLS

S 681 (CONTINUED)

- 04/22/86 SENATE Comm Report Favorable by Transportation -SJ 141
 01/23/86 SENATE Now in Economic, Community and Consumer Affairs -SJ 141
 05/06/86 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 05/15/86 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/19/86, 1 00 pm, Room- H
 05/19/86 SENATE Comm Report Favorable by Economic, Community and Consumer Affairs, placed on Calendar -SJ 324
 05/28/86 SENATE Placed on Special Order Calendar -SJ 400, Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 1022 (Ch 86-114) -SJ 421

S 682 GENERAL BILL by McPherson and others (Identical H 765)

- Public Library Financial Assistance, creates "Public Library Financial Assistance Act of 1986", imposes tax on sale or transfer of printed materials & spoken book audiotapes, provides powers of Revenue Dept re administration, collection, enforcement, & audits, provides penalties & interest & provides for application of certain enforcement & penalty provisions, etc. Creates 257 50 - 57 Appropriation \$6,623,934. Effective Date 07/01/86, or upon becoming law, whichever occurs first
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Governmental Operations, Economic, Community and Consumer Affairs, Finance, Taxation and Claims, Appropriations -SJ 92
 04/29/86 SENATE Extension of time granted Committee Governmental Operations
 05/14/86 SENATE Extension of time granted Committee Governmental Operations
 05/27/86 SENATE Extension of time granted Committee Governmental Operations
 06/07/86 SENATE Died in Committee on Governmental Operations

S 683 GENERAL BILL by Peterson (Compare CS/ENG/S 226)

- Vocational Educ /Student Assessment, requires Education Board to identify vocational education as an area for which assessment procedures to measure student performance are to be developed. Amends 232 2454 Effective Date Upon becoming law
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Education -SJ 93
 04/21/86 SENATE Extension of time granted Committee Education
 05/05/86 SENATE Extension of time granted Committee Education
 05/19/86 SENATE Extension of time granted Committee Education
 05/26/86 SENATE Extension of time granted Committee Education
 06/07/86 SENATE Died in Committee on Education

S 684 GENERAL BILL by Malchon

- Lottery Tickets/Grocery Stores, prohibits any person who sells food for consumption off premises from selling lottery tickets or similar devices, provides exceptions, provides penalties. Effective Date 10/01/86
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Commerce, Judiciary-Criminal -SJ 93
 04/29/86 SENATE Extension of time granted Committee Commerce
 05/13/86 SENATE Extension of time granted Committee Commerce
 06/07/86 SENATE Died in Committee on Commerce

S 685 GENERAL BILL/CS by Health and Rehabilitative Services; Malchon (Similar CS/ENG/H 805)

- Drugs & Devices/False Advertising, prohibits certain false or misleading advertisement, or manufacture, repackaging, sale, or distribution of any falsely advertised or labeled drug, device, or cosmetic, prohibits advertisement that drug or device has any effect on certain conditions, disorders, diseases, or processes, increases fine for violation of Fla Drug & Cosmetic Act, provides for review & repeal etc. Creates 499 0052, 0053, amends 499 066 Effective Date 10/01/86
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Health and Rehabilitative Services, Appropriations -SJ 93
 04/29/86 SENATE On Committee agenda—Health and Rehabilitative Services, 04/21/86, 2 00 pm, Room-A
 04/21/86 SENATE Comm Report CS by Health and Rehabilitative Services -SJ 141
 04/23/86 SENATE CS read first time -SJ 155, Now in Appropriations -SJ 141
 05/06/86 SENATE Extension of time granted Committee Appropriations
 05/20/86 SENATE Withdrawn from Appropriations -SJ 341, Placed on Calendar
 06/04/86 SENATE Placed on Special Order Calendar -SJ 619, CS passed as amended, YEAS 24 NAYS 0 -SJ 628
 06/04/86 HOUSE In Messages
 06/05/86 HOUSE Received, referred to Health & Rehabilitative Services, Appropriations -HJ 935
 06/07/86 HOUSE Died in Committee on Health & Rehabilitative Services, Iden /Sim /Compare bill passed, refer to CS/HB 805 (Ch 86-271)

S 686 GENERAL BILL by Malchon (Similar H 1369, S 993)

- Patient's Bill of Rights, provides rights of patients to individual dignity, receipt of information, access to health care, notice of experimental research, & notice of terms of Patient's Bill of Rights, provides grievance procedure, provides that violation of rights is grounds for disciplinary action against doctors, osteopaths, & health care facilities, etc. Amends 458 331, 459 015, 395 005, 0115 Effective Date 10/01/86
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Health and Rehabilitative Services, Commerce, Appropriations -SJ 93
 04/25/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 05/09/86 SENATE On Committee agenda -Health and Rehabilitative Services, 05/12/86, 2 00 pm, Room-A -Temporarily postponed
 05/12/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 05/22/86 SENATE On Committee agenda -Health and Rehabilitative Services, 05/26/86, 2 00 pm, Room A -Temporarily postponed
 05/27/86 SENATE Extension of time granted Committee Health and Rehabilitative Services
 06/07/86 SENATE Died in Committee on Health and Rehabilitative Services

S 687 GENERAL BILL by Plummer (Identical H 988)

- Coupon Bight Aquatic Preserve, provides policy statement, definition, report on recommended legislative & administrative action, & program of research & public awareness, provides responsibility of Coupon Bight Aquatic Preserve Protection Association & for use of certain moneys thereby. Effective Date Upon becoming law
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Natural Resources and Conservation, Appropriations -SJ 93
 04/29/86 SENATE Extension of time granted Committee Natural Resources and Conservation
 05/14/86 SENATE Extension of time granted Committee Natural Resources and Conservation
 06/07/86 SENATE Died in Committee on Natural Resources and Conservation

S 688 GENERAL BILL/CS by Commerce; Plummer (Identical ENG/H 333)

- Motor Vehicle Insurance/Premiums, provides for return of premium when motor vehicle insurance is canceled by insured, provides interest penalties, authorizes civil remedies, provides a cross-reference. Creates 627 7282, amends 624 155 Effective Date 10/01/86
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Commerce -SJ 93
 04/29/86 SENATE Extension of time granted Committee Commerce
 05/06/86 SENATE On Committee agenda—Commerce, 05/08/86, 2 00 pm, Room-A
 05/08/86 SENATE Comm Report CS by Commerce, placed on Calendar -SJ 243
 05/13/86 SENATE CS read first time -SJ 247
 05/29/86 SENATE Placed on Special Order Calendar -SJ 470, Iden /Sim House Bill substituted, Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 333 (Ch 86-262) -SJ 508

S 689 GENERAL BILL/ENG by Plummer (Compare CS/H 138, CS/H 555, CS/CS/H 824, H 840, H 991, CS/S 328, CS/ENG/S 415, CS/CS/ENG/S 465, CS/S 676, S 1158)

- Motor Vehicle Insurance, clarifies applicability of provisions authorizing certain motor vehicle lessees to accept or reject uninsured motor vehicle coverage, changes restrictions upon increases in premiums for, or refusal to review, motor vehicle liability insurance solely because of certain noncriminal traffic infractions. Amends 627 727, 626 9541 Effective Date 10/01/86
 04/02/86 SENATE Prefiled
 04/15/86 SENATE Introduced, referred to Commerce -SJ 93
 04/29/86 SENATE Extension of time granted Committee Commerce
 05/06/86 SENATE On Committee agenda—Commerce, 05/08/86, 2 00 pm, Room-A
 05/08/86 SENATE Comm Report Favorable by Commerce, placed on Calendar -SJ 242
 05/22/86 SENATE Placed on Special Order Calendar -SJ 375
 05/30/86 SENATE Placed on Special Order Calendar -SJ 512
 06/02/86 SENATE Placed on Special Order Calendar -SJ 534
 06/03/86 SENATE Placed on Special Order Calendar -SJ 00560 -SJ 564, Passed as amended, YEAS 37 NAYS 0 -SJ 577
 06/03/86 HOUSE In Messages
 06/05/86 HOUSE Received, placed on Calendar -HJ 934
 06/07/86 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to CS/SB 415 (Ch 86-182) & CS/CS/SB 465 (Ch 86-160)

S 690 GENERAL BILL by Margolis (Compare H 863)

- Nursing Homes/Registered Nurse, requires specified nursing homes to have at least one registered nurse on duty at all times. Amends 400 142 Effective Date Upon becoming law

HISTORY OF HOUSE BILLS

H 330 (CONTINUED)

- 04/17/86 HOUSE On Committee agenda—Transportation, 04/21/86, 1 15 pm, 214C—For subreferral
- 04/21/86 HOUSE Subreferred to Subcommittee on Transportation Safety and Motor Vehicles
- 06/07/86 HOUSE Died in Committee on Transportation

H 331 GENERAL BILL by Kimmel and others

- DUI/Blood Alcohol Content Lowered, changes certain blood alcohol content requirements for purposes of provisions re driving while under influence of alcoholic beverages Amends 316.193, 1934 Effective Date: 10/01/86
- 01/28/86 HOUSE Prefiled
- 02/04/86 HOUSE Referred to Criminal Justice, Appropriations
- 04/08/86 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 41
- 04/17/86 HOUSE On Committee agenda—Criminal Justice, 04/21/86, 1 15 pm, 314 HOB—Workshop
- 06/07/86 HOUSE Died in Committee on Criminal Justice

H 332 GENERAL BILL/CS by Health & Rehabilitative Services, Cases Foods/Sulfiting Agents Prohibited, prohibits certain possession of sulfiting agents by public food service establishments. Adds new s to Ch 381. Effective Date 10/01/86

- 01/28/86 HOUSE Prefiled
- 02/04/86 HOUSE Referred to Health & Rehabilitative Services
- 03/21/86 HOUSE Subreferred to Subcommittee on Health and Economic Services
- 04/08/86 HOUSE Introduced, referred to Health & Rehabilitative Services -HJ 41, Subreferred to Subcommittee on Health and Economic Services, On subcommittee agenda—Health & Rehabilitative Services, 04/09/86, 3:30 pm, 24 HOB
- 04/09/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, as a Committee Substitute
- 04/14/86 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/16/86, 8 00 am, 317C
- 04/16/86 HOUSE Preliminary Committee Action by Health & Rehabilitative Services Favorable, as a Committee Substitute, to Calendar
- 04/22/86 HOUSE Comm Report CS by Health & Rehabilitative Services, placed on Calendar -HJ 190
- 05/01/86 HOUSE Placed on Special Order Calendar, CS read first and second times -HJ 233
- 05/05/86 HOUSE Read third time, CS passed, YEAS 115 NAYS 0 -HJ 261
- 05/06/86 SENATE In Message
- 05/13/86 SENATE Received, referred to Health and Rehabilitative Services, Commerce -SJ 255
- 05/22/86 SENATE On Committee agenda—Health and Rehabilitative Services, 05/26/86, 2 00 pm, Room-A
- 05/26/86 SENATE Comm Report, Favorable by Health and Rehabilitative Services -SJ 400
- 05/27/86 SENATE Now in Commerce -SJ 400
- 06/07/86 SENATE Died in Committee on Commerce

H 333 GENERAL BILL/ENG by Morse (Identical CS/S 688)

- Motor Vehicle Insurance/Premiums, provides for return of premium when motor vehicle insurance is canceled by insured, provides interest penalties, authorizes civil remedies, provides a cross-reference. Creates 627 7282, amends 624 155 Effective Date 10/01/86
- 01/28/86 HOUSE Prefiled
- 02/04/86 HOUSE Referred to Health Care & Insurance, Appropriations
- 02/12/86 HOUSE Subreferred to Subcommittee on Medical Malpractice
- 04/08/86 HOUSE Introduced, referred to Health Care & Insurance, Appropriations -HJ 41, Subreferred to Subcommittee on Medical Malpractice
- 04/14/86 HOUSE On subcommittee agenda—Health Care & Insurance, 04/16/86, 8 00 am, 16 HOB
- 04/16/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
- 05/05/86 HOUSE On Committee agenda—Health Care & Insurance, 05/07/86, 1 15 pm, Morris Hall -OR- 05/09/86, 8 00 am & 1 15 pm, Morris Hall
- 05/07/86 HOUSE Preliminary Committee Action by Health Care & Insurance Favorable
- 05/08/86 HOUSE Comm Report Favorable by Health Care & Insurance -HJ 301, Now in Appropriations
- 05/12/86 HOUSE Withdrawn from Appropriations -HJ 350, Placed on Calendar
- 05/13/86 HOUSE Placed on Special Order Calendar
- 05/14/86 HOUSE Read second time, Amendments adopted -HJ 385
- 05/19/86 HOUSE Read third time, Passed as amended, YEAS 114 NAYS 0 -HJ 424
- 05/20/86 SENATE In Messages
- 05/29/86 SENATE Received -SJ 500, Substituted for CS/SB 688, Passed as amended, YEAS 38 NAYS 0 -SJ 508, Immediately certified -SJ 508
- 05/30/86 HOUSE In Messages

H 333 (CONTINUED)

- 06/03/86 HOUSE Concurred, Passed as further amended, YEAS 111 NAYS 0 -HJ 717
- 06/03/86 Ordered engrossed, then enrolled
- 06/27/86 Signed by Officers and presented to Governor
- 07/09/86 Approved by Governor, Chapter No 86-262

H 334 GENERAL BILL/CS by Regulatory Reform, Tobiasson (Similar S 257, CS/S 519, Compare H 752)

- Alarm System Contractors, defines terms "alarm system" & "alarm system contractor", increases membership of Electrical Contractors' Licensing Bd., provides for examination for certification as contractor, provides for licensure, prohibits person from engaging in business as contractor unless he is certified, provides for jurisdiction of State Fire Marshal, etc Amends Ch 489, creates 633 70- 72 Effective Date 10/01/86
- 01/28/86 HOUSE Prefiled
- 02/04/86 HOUSE Referred to Regulatory Reform, Appropriations
- 02/06/86 HOUSE Subreferred to Subcommittee on Business Regulation
- 04/07/86 HOUSE Withdrawn from Subcommittee on Business Regulation, Subreferred to Subcommittee on Human Resources
- 04/08/86 HOUSE Introduced, referred to Regulatory Reform, Appropriations -HJ 41, Subreferred to Subcommittee on Human Resources, On subcommittee agenda—Regulatory Reform, 04/08/86, 8 00 am, 24 HOB
- 04/09/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 2 amendments, On Committee agenda, pending subcommittee action—Regulatory Reform, 04/10/86, 10 00 am, Morris Hall—Temporarily passed
- 04/11/86 HOUSE On Committee agenda—Regulatory Reform, 04/16/86, 3 30 pm, Morris Hall—Temporarily passed
- 04/28/86 HOUSE On Committee agenda—Regulatory Reform, 04/30/86, 3 30 pm, Morris Hall
- 04/30/86 HOUSE Preliminary Committee Action by Regulatory Reform Favorable, as a Committee Substitute
- 05/06/86 HOUSE Comm Report CS by Regulatory Reform -HJ 272, Now in Appropriations
- 05/30/86 HOUSE On Committee agenda—Appropriations, 06/02/86, 8 00 am, Morris Hall—For subreferral, Subreferred to Subcommittee on General Government
- 06/07/86 HOUSE Died in Committee on Appropriations

H 335 GENERAL BILL by Nergard and others (Similar ENG/S 401) Campaign Financing/Surplus Funds, revises requirements re disposition of surplus funds by candidates Amends 106 141 Effective Date 01/01/87

- 01/28/86 HOUSE Prefiled
- 02/04/86 HOUSE Referred to Ethics & Elections, Appropriations
- 04/08/86 HOUSE Introduced, referred to Ethics & Elections, Appropriations -HJ 41
- 04/11/86 HOUSE Subreferred to Subcommittee on Elections
- 04/14/86 HOUSE On subcommittee agenda—Ethics & Elections, 04/16/86, 1-15 pm, 212 HOB
- 04/25/86 HOUSE On Committee agenda—Ethics & Elections, 04/29/86, 3 30 pm, 212 HOB
- 04/29/86 HOUSE Preliminary Committee Action by Ethics & Elections Favorable
- 05/01/86 HOUSE Comm Report, Favorable by Ethics & Elections -HJ 235, Now in Appropriations
- 05/08/86 HOUSE Withdrawn from Appropriations -HJ 299, Placed on Calendar
- 06/05/86 HOUSE Placed on Special Order Calendar
- 06/07/86 HOUSE Died on Calendar

H 336 GENERAL BILL by Hanson and others (Identical S 770)

- Water Control Dist./Tax Date Revised, revises date for certification of levy of annual installment tax or maintenance tax to property appraiser Amends 298 365, 64 Effective Date 10/01/86
- 01/30/86 HOUSE Prefiled
- 02/12/86 HOUSE Referred to Natural Resources, Finance & Taxation, Appropriations
- 02/18/86 HOUSE Subreferred to Subcommittee on Water and Living Resources, Withdrawn from Natural Resources, Now in Finance & Taxation
- 04/08/86 HOUSE Introduced, referred to Finance & Taxation, Appropriations -HJ 42
- 04/11/86 HOUSE On subcommittee agenda—Finance & Taxation, 04/15/86, 3 30 pm, Morris Hall
- 04/15/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, On Committee agenda, pending subcommittee action—Finance & Taxation, 04/16/86, 1 15 pm, Morris Hall
- 04/16/86 HOUSE Preliminary Committee Action by Finance & Taxation Favorable
- 04/17/86 HOUSE Comm Report Favorable by Finance & Taxation -HJ 158, Now in Appropriations
- 04/28/86 HOUSE Withdrawn from Appropriations -HJ 195, Placed on Calendar

86-262

**GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
NINTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968**

**During the Regular Session
April 8, 1986 through June 7, 1986
and the Special Session
June 19, 1986**



Volume I, Part Two

Published by Authority of Law

Under Direction of the

**JOINT LEGISLATIVE MANAGEMENT
COMMITTEE**

TALLAHASSEE

1986

pursuant to s. 112.061, Florida Statutes, while performing their duties under the provisions of this section.

(7) Members of the commission shall serve until the adjournment of the regular session of the Legislature in 1987, at which time the commission is abolished.

(8) The commission shall report its progress, findings, and recommendations to the State Board of Education and the Legislature by March 16, 1987.

(9) The commission shall be financed from funds appropriated by the Legislature for the Department of Education's 1986-1987 budget.

Section 1. This act shall take effect upon becoming a law.

Approved by the Governor July 9, 1986.

Filed in Office Secretary of State July 9, 1986.

CHAPTER 86-262

House Bill No. 333

An act relating to motor vehicle insurance; creating s. 627.7282, F.S.; providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies; amending s. 624.155, F.S., providing a cross-reference; providing an effective date.

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

Section 1. Section 627.7282, Florida Statutes, is created to read:

627.7282 Cancellation by insured; return of premium.--If the insured cancels a policy of motor vehicle insurance, the insurer shall return the unearned portion of any premium paid within 30 days of receipt of notice of cancellation. If the unearned premium is not returned within such period, the insurer shall pay 8 percent interest on the amount due and, if such return is not made within 45 days of such notice, the insured may bring an action against the insurer pursuant to s. 624.155.

Section 2. Subsection (1) of section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.--

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

1. Section 626.9541(1)(1), (o), or (x);
2. Section 626.9551;

3. Section 626.9705;
4. Section 626.9706; or
5. Section 626.9707; or
6. Section 627.7282; or

(b) By the commission of any of the following acts by the insurer:

1. Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his interests;

2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or

3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

Section 3. This act shall take effect October 1, 1986.

Approved by the Governor July 9, 1986.

Filed in Office Secretary of State July 9, 1986.

CHAPTER 86-263

Committee Substitute for House Bill No. 347

An act relating to limited partnerships; replacing the existing laws relating to the formation, organization, and internal affairs of, and the transaction of business in this state by, domestic and foreign limited partnerships and to the liability of general and limited partners with the Uniform Limited Partnership Act (1986); providing for annual reports by limited partnerships; providing for revocation of authority to transact business for failure to file annual reports, pay fees when due, or file amendments when required; prescribing fees of the Department of State; providing for disposition of moneys collected; providing for applicability of the Uniform Partnership Act under certain circumstances; transferring and amending s. 620.081, F.S.; providing for conveyances to and by limited partnerships; deleting a provision that is no longer needed; repealing ss. 620.01-620.08, 620.09-

By Representative Morse

A bill to be entitled

An act relating to motor vehicle insurance; creating s. 627.7282, F S , providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies; providing an effective date.

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

Section 1. Section 627.7282, Florida Statutes, is created to read

627.7282 Cancellation by insured return of premium.--
If the insured cancels a policy of motor vehicle insurance,
the insurer shall return the unearned portion of any premium
paid within 30 days of receipt of notice of cancellation, if
the unearned premium is not returned within such period, the
insurer shall pay 8 percent interest on the amount due and, if
such return is not made within 45 days of such notice, the
insured may bring an action against the insurer pursuant to s
624.155

Section 2. This act shall take effect October 1, 1986.

HOUSE SUMMARY

Requires a motor vehicle insurer to return unearned premiums to the insured within 30 days of receipt of cancellation from the insured. Provides penalties and civil remedies for certain failures to comply.

This publication was produced at an average cost of 1.5 cents per page in compliance with the Rules and for Members of the Legislature and the public.

STORAGE NAME: HB 333/sa

Date: April 8, 1986

Revised: _____

Final: July 14, 1986

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH CARE AND INSURANCE
STAFF ANALYSIS

BILL #: HB 333

RELATING TO: Motor Vehicle Insurance Cancellations and Returned
Premiums

SPONSOR(S): _____

EFFECTIVE DATE: October 1, 1986

COMPANION BILL(S): _____

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2) _____

I. SUMMARY:

In the event that an insured cancels his motor vehicle insurance policy, this bill requires the insurer to return the unearned portion of any premium paid within 30 days of the receipt of the cancellation notice.

If the unearned premium is not returned to the insured within this time period, the bill additionally requires the insurer to pay eight-percent interest on the amount due. If the return is not made within 45 days of the cancellation notice, the insured may bring an action against the insurer pursuant to the civil remedy statute, s. 624.155.

A. Present Situation

The current Florida Statutes do not require property and casualty insurers, including motor vehicle insurers, to return the unearned portion of a premium within any specific time period in the event of cancellation of a policy. However, a rule adopted by the Department of Insurance (28.03, Fla. Admin. Code) requires that upon cancellation of a fire and casualty policy (i.e., a property and casualty policy) by the company or the insured, the return of gross unearned premium is to be mailed within fifteen (15) working days after the effective date of cancellation. The date of return made by the company or agent is determined by the postmark.

The Department's Division of Consumer Services reports that Florida's largest volume auto insurance companies and the Florida Joint Underwriting Association typically return the unearned portion of premiums within 30-45 days. An existing rule (4-4.17, Fla. Admin. Code) provides that in the case of cancellation of

the policy, the insurance company or agent shall have unmistakable evidence in its file that the insured has received the return premium due him.

B. Effect of Proposed Changes

This bill creates section 627.7282 to provide a required time frame by which the unearned portion of premiums are to be paid by motor vehicle insurers in the event of cancellation by the insured. The proposed section would mandate that the insurer return the unearned portion of any premium paid within 30 days of receipt of notice of cancellation. It should be noted that the bill refers only to cancellation by the insured and does not refer to cancellation by the insurer.

Additionally, the bill imposes an interest penalty in the event that the premium is not returned within the thirty days; the insurer would be required to pay eight percent interest on the amount due. Finally, the bill provides that the insured may bring a civil remedy action pursuant to s. 624.155 against the insurer in the event that the unearned premium paid is not returned within 45 days of the notice of cancellation.

II. ECONOMIC IMPACT:

A. Private Sector

Florida's largest volume insurance companies are currently returning the unearned portion of premiums within the proposed time frame of 30 days according to the Florida Association of Insurance Agents. There would, therefore, be no additional expenditures to these insurers. An eight percent penalty in today's market seems to be a reasonable rate.

The insured public would benefit by the refunds due to them with the assurance of receiving this amount in a timely fashion. An additional economic benefit for the insured would be eight percent interest on the amount due in the event the return is late.

B. Government:

None.

III. STATE COMPREHENSIVE PLAN IMPACT:

None.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

Page 3.
Bill # HB 333
Date: April 8, 1986

VI. PREPARED BY: Sandra Rodts *SR*

VII. STAFF DIRECTOR: Brian Deffenbaugh *BD*

STORAGE NAME: HB 333 / -

Date: April 8, 1986

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH CARE AND INSURANCE
STAFF ANALYSIS

19 1562

BILL #: HB 333

RELATING TO: Motor Vehicle Insurance Cancellations and Returned Premiums

SPONSOR(S): _____

EFFECTIVE DATE: October 1, 1986

COMPANION BILL(S): _____

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) _____

I. SUMMARY:

In the event that an insured cancels his motor vehicle insurance policy, this bill requires the insurer to return the unearned portion of any premium paid within 30 days of the receipt of the cancellation notice.

If the unearned premium is not returned to the insured within this time period, the bill additionally requires the insurer to pay eight-percent interest on the amount due. If the return is not made within 45 days of the cancellation notice, the insured may bring an action against the insurer pursuant to the civil remedy statute, s. 624.155.

A. Present Situation

The current Florida Statutes do not require property and casualty insurers, including motor vehicle insurers, to return the unearned portion of a premium within any specific time period in the event of cancellation of a policy. However, a rule adopted by the Department of Insurance (28.03, Fla. Admin. Code) requires that upon cancellation of a fire and casualty policy (i.e., a property and casualty policy) by the company or the insured, the return of gross unearned premium is to be mailed within fifteen (15) working days after the effective date of cancellation. The date of return made by the company or agent is determined by the postmark.

The Department's Division of Consumer Services reports that Florida's largest volume auto insurance companies and the Florida Joint Underwriting Association typically return the unearned portion of premiums within 30-45 days. An existing rule (4-4.17, Fla. Admin. Code) provides that in the case of cancellation of

the policy, the insurance company or agent shall have unmistakable evidence in its file that the insured has received the return premium due him.

B. Effect of Proposed Changes

This bill creates section 627.7282 to provide a required time frame by which the unearned portion of premiums are to be paid by motor vehicle insurers in the event of cancellation by the insured. The proposed section would mandate that the insurer return the unearned portion of any premium paid within 30 days of receipt of notice of cancellation. It should be noted that the bill refers only to cancellation by the insured and does not refer to cancellation by the insurer.

Additionally, the bill imposes an interest penalty in the event that the premium is not returned within the thirty days; the insurer would be required to pay eight percent interest on the amount due. Finally, the bill provides that the insured may bring a civil remedy action pursuant to s. 624.155 against the insurer in the event that the unearned premium paid is not returned within 45 days of the notice of cancellation.

II. ECONOMIC IMPACT:

A. Private Sector

Florida's largest volume insurance companies are currently returning the unearned portion of premiums within the proposed time frame of 30 days according to the Florida Association of Insurance Agents. There would, therefore, be no additional expenditures to these insurers. An eight percent penalty in today's market seems to be a reasonable rate.

The insured public would benefit by the refunds due to them with the assurance of receiving this amount in a timely fashion. An additional economic benefit for the insured would be eight percent interest on the amount due in the event the return is late.

B. Government:

None.

III. STATE COMPREHENSIVE PLAN IMPACT:

None.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

Page 3

Bill # HB 333

Date: July 14, 1986

VI. PREPARED BY: Sandra Rodts *SR*

VII. STAFF DIRECTOR: Brian Deffenbaugh *BD*

SR/vrj

Journal
of the
S E N A T E
State of Florida

EIGHTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 8 THROUGH JUNE 7, 1986



Neal	Scott	Thurman
Peterson	Stuart	Vogt
Plummer	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Girardeau

CS for SB 481 was laid on the table.

On motions by Senator Plummer—

HB 333—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S., prohibiting insurers from withdrawing payment of a treating physician under certain circumstances, creating s. 627.7282, F.S., providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies, providing an effective date.

—a companion measure, was substituted for CS for SB 688 and by two-thirds vote read the second time by title.

Senator Plummer moved the following amendments which were adopted.

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert.

Section 1. Section 627 7282, Florida Statutes, is created to read:

627 7282 Cancellation by insured; return of premium —If the insured cancels a policy of motor vehicle insurance, the insurer shall return the unearned portion of any premium paid within 30 days of receipt of notice of cancellation. If the unearned premium is not returned within such period, the insurer shall pay 8 percent interest on the amount due and, if such return is not made within 45 days of such notice, the insured may bring an action against the insurer pursuant to s. 624.155.

Section 2 Subsection (1) of section 624.155, Florida Statutes, is amended to read:

624 155 Civil remedy —

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

- 1 Section 626.9541(1)(i), (o), or (x);
- 2 Section 626.9551,
- 3 Section 626.9705;
- 4 Section 626 9706; or
- 5 Section 626.9707, or
- 6 Section 627 7282, or

(b) By the commission of any of the following acts by the insurer:

1 Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his interests;

2 Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or

3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice

Section 3. This act shall take effect October 1, 1986.

Amendment 2—In title, on page 1, strike all of lines 1-10 and insert: A bill to be entitled An act relating to motor vehicle insurance, creating

s. 627 7282, F.S., providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies, amending s. 624.155, F.S.; providing a cross-reference, providing an effective date

On motion by Senator Plummer, by two-thirds vote HB 333 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Stuart
Childers, D	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hair	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jennings	Myers	

Nays—None

CS for SB 688 was laid on the table.

On motion by Senator Plummer, the rules were waived and HB 333 was ordered immediately certified to the House.

CS for SB 495—A bill to be entitled An act relating to sale, by counties, of real property; amending s. 125.35, F.S., revising the standards and procedure by which a board of county commissioners may effect the private sale of certain real property; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 495 to conform the bill to CS for HB 776.

Pending further consideration of CS for SB 495 as amended, on motion by Senator Malchon, by two-thirds vote CS for HB 776 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Malchon—

CS for HB 776—A bill to be entitled An act relating to sale, by counties, of real property; amending s. 125.35, F.S.; revising the standards and procedure by which a board of county commissioners may effect the private sale of certain real property; providing an effective date.

—a companion measure, was substituted for CS for SB 495 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 776 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	

Nays—None

Vote after roll call

Yea—Jenne

CS for SB 495 was laid on the table

On motions by Senator Fox—

HB 607—A bill to be entitled An act relating to child custody proceedings; amending s. 61 20, F.S., providing that the required written report of the Department of Health and Rehabilitative Services or court staff shall be a nonpublic record subject to inspection only upon order of court, directing the department to submit a bill for its services; providing that the bill may be taxed as costs, directing the department to develop a fee schedule pursuant to chapter 120; providing an effective date

APR 2 1986

19-1170-86

See FB 111

1 A bill to be entitled
2 An act relating to motor vehicle insurance;
3 creating s. 627.7282, F.S.; providing for
4 return of premium when motor vehicle insurance
5 is canceled by the insured; providing interest
6 penalties; authorizing civil remedies;
7 providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Section 627.7282, Florida Statutes, is
12 created to read:

13 627.7282 Cancellation by insured; return of premium.--
14 If the insured cancels a policy of motor vehicle insurance,
15 the insurer shall return the unearned portion of any premium
16 paid within 30 days of receipt of notice of cancellation. If
17 the unearned premium is not returned within such period, the
18 insurer shall pay 8 percent interest on the amount due and, if
19 such return is not made within 45 days of such notice, the
20 insured may bring an action against the insurer pursuant to s.
21 624.155.

22 Section 2. This act shall take effect October 1, 1986.
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HOUSE SUMMARY

Requires a motor vehicle insurer to return unearned premiums to the insured within 30 days of receipt of cancellation from the insured. Provides penalties and civil remedies for certain failures to comply.

ORIGINAL SENATE BILL No. 688

39-110-16

relating to
statement of subject)

motor vehicle insurance,

Author *James H. ...* of the ... District
Committee on ...
Chairman's signature

SENATE ACTION

Read 1st Time **APR 15 1986**
Referred to Committees on

COMMERCE
Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub

Read 2nd Time
Read 3rd Time
and

Secretary of Senate

- Immediately Certified to House
- Laid on Table
- Motion to Reconsider by Senator

HOUSE ACTION

Read 1st Time
Referred to Committees on

Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub

Read 2nd Time
Read 3rd Time
and

Clerk, House of Representatives

- Immediately Certified to Senate
- Laid on Table under Rule
- Motion to Reconsider pending

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A bill to be entitled
An act relating to motor vehicle insurance;
creating s. 627.7282, F.S.; providing for
return of premium when motor vehicle insurance
is canceled by the insured; providing interest
penalties; authorizing civil remedies; amending
s. 624.155, F.S.; providing a cross-reference;
providing an effective date.

10 1578

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

Section 1. Section 627.7282, Florida Statutes, is
created to read:

627.7282 Cancellation by insured; return of premium.--
If the insured cancels a policy of motor vehicle insurance,
the insurer shall return the unearned portion of any premium
paid within 30 days of receipt of notice of cancellation. If
the unearned premium is not returned within such period, the
insurer shall pay 8 percent interest on the amount due and, if
such return is not made within 45 days of such notice, the
insured may bring an action against the insurer pursuant to s.
624.155.

Section 2. Subsection (1) of section 624.155, Florida
Statutes, is amended to read:

- 624.155 Civil remedy.--
(1) Any person may bring a civil action against an
insurer when such person is damaged:
(a) By a violation of any of the following provisions
by the insurer:
1. Section 626.9541(1)(1), (o), or (x);
2. Section 626.9551;

1 3. Section 626.9705;

2 4. Section 626.9706; or

3 5. Section 626.9707; or

4 6. Section 627.72B2; or

5 (b) By the commission of any of the following acts by
6 the insurer:

7 1. Not attempting in good faith to settle claims when,
8 under all the circumstances, it could and should have done so,
9 had it acted fairly and honestly toward its insured and with
10 due regard for his interests;

11 2. Making claims payments to insureds or beneficiaries
12 not accompanied by a statement setting forth the coverage
13 under which payments are being made; or

14 3. Except as to liability coverages, failing to
15 promptly settle claims, when the obligation to settle a claim
16 has become reasonably clear, under one portion of the
17 insurance policy coverage in order to influence settlements
18 under other portions of the insurance policy coverage.

19
20 Notwithstanding the provisions of the above to the contrary, a
21 person pursuing a remedy under this section need not prove
22 that such act was committed or performed with such frequency
23 as to indicate a general business practice.

24 Section 3. This act shall take effect October 1, 1986.
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Granger 766</u>	<u>Fort 418</u>	1. <u>COM</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Motor Vehicle Insurance

BILL NO. AND SPONSOR:

CS/SB 688 by Commerce and Senator Plummer (HB 333 substituted for CS/SB 688; Ch. 86-262)

I. SUMMARY:

A. Present Situation:

There are currently no laws or departmental rules that require an insurer to return unearned premium on a motor vehicle insurance policy to a policyholder when the policyholder cancels the insurance. There is, however, an informal policy maintained by the Department of Insurance that unearned premium on such policies be returned to the policyholder, and the department informs insurers of this policy if it receives a complaint that unearned premium has not been returned. Although it has not occurred to date, department representatives assert that if unearned premiums are not returned by the insurer after notification of the department's policy, the department will take all action necessary, administrative and judicial, to secure a return of the unearned premium.

18 1578

B. Effect of Proposed Changes:

CS/SB 688 requires insurers to return to the insured any unearned premium on a policy of motor vehicle insurance within 30 days of receipt of notice of cancellation by the insured. If the unearned premium is not returned within such 30 day period, the insurer is required to pay eight percent interest on the amount due, and if it is not paid within 45 days of the notice of cancellation the insured may bring suit under s.624.155, F.S., for return of the premium. If the insured prevails on the merits in his action under s.624.155, F.S., he is entitled to court costs and reasonable attorney's fees together with his actual damages.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that unearned premiums on motor vehicle insurance policies are not presently being returned to insureds following cancellation, consumers will realize a positive economic impact. The degree to which such premiums are not presently being returned, and hence the degree of positive economic impact on consumers, is indeterminable.

B. Government:

None.

III. COMMENTS:

REVISED: July 23, 1986

BILL NO. CS/SB 688

DATE: May 8, 1986

Page 2

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 688

CS/SB 688 contains a cross-reference in s. 624.155, F.S., to
s. 627.7882, F.S.

Committee on Commerce


Pamela Beach Int
Staff Director

(FILE TWO COPIES WITH THE SECRETARY OF THE SENATE)

SENATE COMMITTEE AMENDMENT

SB 688

No. _____
(reported favorably)

HB _____

The Committee on.....Commerce.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page 1.between.. lines.21.and.22,

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	Yes	No
_____	_____	_____	_____	_____

insert:

Section 2. Subparagraph 6. is added to paragraph (a) of subsection (1) of section 624.155, Florida Statutes, to read:

624.155 Civil remedy.--

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

6. Section 627.7282; or

(Remember subsequent sections.)

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

 * Amendment No. 1, taken up by committee: Adopted *
 * Offered by Foy Failed *

(Amendment No. _____ Adopted _____ Failed _____ Date ___/___/___)