

1 A bill to be entitled
 2 An act relating to insurance; amending s. 626.9541,
 3 F.S.; providing additional unfair methods of
 4 competition and unfair or deceptive acts or practices
 5 relating to the business of insurance, to which
 6 penalties apply; providing an effective date.

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

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 10 Section 1. Paragraph (g) of subsection (1) of section
 11 626.9541, Florida Statutes, is amended to read:

12 626.9541 Unfair methods of competition and unfair or
 13 deceptive acts or practices defined.—

14 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 15 ACTS.—The following are defined as unfair methods of competition
 16 and unfair or deceptive acts or practices:

17 (g) Unfair discrimination.—

18 1. Knowingly making or permitting any unfair
 19 discrimination between individuals of the same actuarially
 20 supportable class and equal expectation of life, in the rates
 21 charged for any life insurance or annuity contract, in the
 22 dividends or other benefits payable thereon, or in any other of
 23 the terms and conditions of such contract.

24 2. Knowingly making or permitting any unfair
 25 discrimination between individuals of the same actuarially
 26 supportable class, as determined at the original time of

27 issuance of the coverage, and essentially the same hazard, in
28 the amount of premium, policy fees, or rates charged for any
29 policy or contract of accident, disability, or health insurance,
30 in the benefits payable thereunder, in any of the terms or
31 conditions of such contract, or in any other manner whatever.

32 3. For a health insurer, life insurer, disability insurer,
33 property and casualty insurer, automobile insurer, or managed
34 care provider to underwrite a policy, or refuse to issue,
35 reissue, or renew a policy, refuse to pay a claim, cancel or
36 otherwise terminate a policy, or increase rates based upon the
37 fact that an insured or applicant who is also the proposed
38 insured has made a claim or sought or should have sought medical
39 or psychological treatment in the past for abuse, protection
40 from abuse, or shelter from abuse, or that a claim was caused in
41 the past by, or might occur as a result of, any future assault,
42 battery, or sexual assault by a family or household member upon
43 another family or household member as defined in s. 741.28. A
44 health insurer, life insurer, disability insurer, or managed
45 care provider may refuse to underwrite, issue, or renew a policy
46 based on the applicant's medical condition, but shall not
47 consider whether such condition was caused by an act of abuse.
48 For purposes of this section, the term "abuse" means the
49 occurrence of one or more of the following acts:

- 50 a. Attempting or committing assault, battery, sexual
51 assault, or sexual battery;
52 b. Placing another in fear of imminent serious bodily

53 injury by physical menace;
54 c. False imprisonment;
55 d. Physically or sexually abusing a minor child; or
56 e. An act of domestic violence as defined in s. 741.28.

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58 This subparagraph does not prohibit a property and casualty
59 insurer or an automobile insurer from excluding coverage for
60 intentional acts by the insured if such exclusion does not
61 constitute an act of unfair discrimination as defined in this
62 paragraph.

63 4. For a personal lines property or personal lines
64 automobile insurer to underwrite a policy, or refuse to issue,
65 reissue, or renew a policy, cancel or otherwise terminate a
66 policy, or change a discriminatory rate in this state based on
67 an insured's or applicant's or such person's household member's
68 lawful, use, possession, or ownership of a firearm.

69 5. For a personal lines property or personal lines
70 automobile insurer to disclose an insured's or applicant's or
71 such person's household member's ownership or possession of a
72 firearm to a third party or affiliated entity unless the insurer
73 discloses to the insured or applicant a specific need to
74 disclose the information and the insured or applicant expressly
75 consents to the disclosure.

76 Section 2. This act shall take effect July 1, 2014.