

1 department. The consumer advocate has such powers as are
2 necessary to carry out the duties of the office of consumer
3 advocate, including, but not limited to, the powers to:

4 (1) Recommend to the department or office, by
5 petition, the commencement of any proceeding or action; appear
6 in any proceeding or action before the department or office
7 and in appellate actions regarding those proceedings; and
8 intervene as a party; or appear in any proceeding before the
9 Division of Administrative Hearings or arbitration panel
10 specified in s. 627.062(6) relating to subject matter under
11 the jurisdiction of the department or office.

12 (2) Have access to and use of all files, records, and
13 data of the department or office, including any public model
14 for hurricane loss projections developed pursuant to s.
15 627.06281.

16 (3) Examine rate and form filings submitted to the
17 office, hire consultants as necessary to aid in the review
18 process, and recommend to the department or office any
19 position deemed by the consumer advocate to be in the public
20 interest. In approving a rate or form filing, the office shall
21 specifically address each recommendation submitted by the
22 consumer advocate.

23 (4) Prepare an annual report card for each authorized
24 property insurer, on a form and using a letter-grade scale
25 developed by the commission by rule, which grades each insurer
26 based on the following factors:

27 (a) The number and nature of consumer complaints
28 received by the department against the insurer.

29 (b) The disposition of all complaints received by the
30 department.

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1 (c) The average length of time for payment of claims
2 by the insurer.

3 (d) Any other factors the commission identifies as
4 assisting policyholders in making informed choices about
5 homeowner's insurance.

6 (5) Prepare an annual budget for presentation to the
7 Legislature by the department, which budget must be adequate
8 to carry out the duties of the office of consumer advocate.

9 (6) Conduct investigations of insurance schemes,
10 patterns or practices relating to unfair trade practices,
11 unfair claims-handling practices, deceptive or misleading
12 sales practices, or coercion or intimidation of insurance
13 consumers. In carrying out investigations, the consumer
14 advocate shall have the powers set forth in s. 624.321. If the
15 consumer advocate believes further regulatory action should be
16 taken, he or she shall refer the investigation to the office
17 or department. If the office or department determines that no
18 regulatory action is warranted, the office or department shall
19 inform the consumer advocate, in writing, of the basis for its
20 decision. An insurer that fails to comply with a subpoena is
21 subject to disciplinary action under s. 624.418(2) in the same
22 manner as if it had violated an order of the office or
23 department or failed to submit its books and records for
24 examination.

25 (7) Seek review, pursuant to chapter 120, of any
26 proposed agency action and any determination, finding, or
27 order of the office, department, or commission in any
28 proceeding in which the consumer advocate has participated as
29 a party.

30 (8) Research and analyze insurance issues from the
31 perspective of consumers and prepare and disseminate such

1 information as the consumer advocate considers appropriate to
2 inform or assist consumers, the department, the office, and
3 the commission.

4 Section 2. This act shall take effect upon becoming a
5 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1884

4 Expands the powers of the consumer advocate for insurance by
5 providing authority to:

- 6 1. Appear in appellate actions resulting out of proceedings
7 or actions before the Department of Financial Services or
8 the Office of Insurance Regulation.
- 9 2. Intervene as a party in proceedings before the Division
10 of Administrative Hearings or an arbitration panel
11 pursuant to s. 627.062(6), F.S.
- 12 3. Have access and use of any public model for hurricane
13 loss projections developed pursuant to s. 627.06281, F.S.
- 14 4. Conduct investigations of insurance practices relating to
15 unfair trade practices, unfair claims-handling practices,
16 deceptive or misleading sales practices, or coercion or
17 intimidation of insurance consumers. The consumer
18 advocate may use the powers set forth in s. 624.321,
19 F.S., including the power to subpoena witnesses and
20 evidence. Failure to comply with a subpoena subjects an
21 insurer to possible suspension or revocation of the
22 insurer's certificate of authority.
- 23 5. Refer investigations to the Office of Insurance
24 Regulation or Department of Financial Services when the
25 consumer advocate believes further regulatory action
26 should be taken. If the office or department determines
27 that no regulatory action is warranted, the consumer
28 advocate must be informed in writing of the basis for
29 that determination.
- 30 6. Seek review pursuant to chapter 120, F.S., of any
31 proposed agency action, determination, finding or order
of the Office of Insurance Regulation, the Department of
Financial Services, or the Financial Services Commission
in any proceeding in which the consumer advocate has
participated as a party.
7. Research and analyze insurance issues from the
perspective of consumers and prepare and disseminate such
information as the consumer advocate considers
appropriate to inform or assist consumers, the Department
of Financial Services, the Office of Insurance
Regulation, and the Financial Services Commission.