

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative(s) Seiler offered the following:

2
3 **Substitute Amendment for Amendment (332229) (with title**
4 **amendment)**

5 Remove lines 479-503, and insert:

6 Section 6. Section 627.0613, Florida Statutes, as amended
7 by chapter 2007-1, Laws of Florida, is amended to read:

8 627.0613 Consumer advocate.--The Chief Financial Officer
9 must appoint a consumer advocate who must represent the general
10 public of the state before the department and the office. The
11 consumer advocate must report directly to the Chief Financial
12 Officer, but is not otherwise under the authority of the
13 department or of any employee of the department. The consumer
14 advocate has such powers as are necessary to carry out the
15 duties of the office of consumer advocate, including, but not
16 limited to, the powers to:

264131

3/27/2007 3:38:26 PM

Amendment No.

17 (1) Recommend to the department or office, by petition,
18 the commencement of any proceeding or action; appear in any
19 proceeding or action before the department or office, including
20 appeals arising from such proceedings or actions; and intervene
21 ~~or appear~~ in any proceeding before the Division of
22 Administrative Hearings or arbitration panel specified in s.
23 627.062(6) relating to subject matter under the jurisdiction of
24 the department or office.

25 (2) Have access to and use of all files, records, and data
26 of the department or office.

27 (3) Examine rate and form filings submitted to the office,
28 hire consultants as necessary to aid in the review process, and
29 recommend to the department or office any position deemed by the
30 consumer advocate to be in the public interest. In approving a
31 rate form filing, the office shall accept or reject each
32 recommendation submitted by the consumer advocate.

33 (4) Prepare an annual report card for each authorized
34 personal residential property insurer, on a form and using a
35 letter-grade scale developed by the commission by rule, which
36 grades each insurer based on the following factors:

37 (a) The number, as a market share ratio, and nature of
38 consumer complaints received by the department against the
39 insurer.

40 (b) The disposition of all complaints received by the
41 department.

42 (c) The average length of time for payment of claims by
43 the insurer.

264131

3/27/2007 3:38:26 PM

Amendment No.

44 (d) Any other factors the commission identifies as
45 assisting policyholders in making informed choices about
46 homeowner's insurance.

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

50 (6) Investigate any insurance pattern or practice relating
51 to unfair trial practices, unfair claims-handling practices,
52 deceptive or misleading sales practices, or coercion or
53 intimidation of insurance consumers. In conducting an
54 investigation, the consumer advocate shall have access to
55 insurer books, records, and customer information in the same
56 manner as the office. Failure to provide the consumer advocate
57 with requested information constitutes a violation of the
58 Florida Insurance Code. If the consumer advocate determines that
59 regulatory action is warranted, he or she shall refer the
60 investigation to the office or department. If the office or
61 department determines that no regulatory action is warranted,
62 the office or department shall inform the consumer advocate, in
63 writing, of the basis for its determination.

64 (7) Research and analyze insurance issues from the
65 perspective of consumers and prepare and disseminate such
66 information as the consumer advocate considers appropriate to
67 inform or assist consumers, the department, the office, and the
68 commission.

69 ===== T I T L E A M E N D M E N T =====

70 Remove lines 15-17, and insert:

264131
3/27/2007 3:38:26 PM

HOUSE AMENDMENT

Bill No. HB 7077

Amendment No.

71 F.S.; revising powers of the consumer advocate within the Office
72 of Insurance Regulation of the Department of Financial Services;
73 providing duties of the office; limiting application of certain
74 annual report card preparation powers of the consumer advocate
75 to personal residential property insurers; requiring the office
76 to address recommendations submitted by the consumer advocate
77 with respect to rate filings; authorizing the consumer advocate
78 to conduct certain investigations; specifying certain activities
79 as violations of the Florida Insurance Code; providing
80 penalties; authorizing the consumer advocate to research and
81 analyze certain insurance issues and prepare and disseminate
82 certain information; amending s. 627.062, F.S.;

264131

3/27/2007 3:38:26 PM