

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 479-503, and insert:

5 Section 6. Section 627.0613, Florida Statutes, as amended
6 by section 17 of chapter 2007-1, Laws of Florida, is amended to
7 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

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15 duties of the office of consumer advocate, including, but not
16 limited to, the powers to:

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 and in
20 appellate actions regarding those proceedings; and intervene as
21 a party, 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, including any public model for
27 hurricane loss projections developed pursuant to s. 627.06281.

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

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

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

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

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

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) Conduct investigations of insurance schemes, patterns
51 or practices relating to unfair trade practices, unfair claims-
52 handling practices, deceptive or misleading sales practices, or
53 coercion or intimidation of insurance consumers. In carrying out
54 investigations, the consumer advocate shall have the powers set
55 forth in s. 624.321. If the consumer advocate believes further
56 regulatory action should be taken, he or she shall refer the
57 investigation to the office or department. If the office or
58 department determines that no regulatory action is warranted,
59 the office or department shall inform the consumer advocate, in
60 writing, of the basis for its decision. An insurer that fails to
61 comply with a subpoena is subject to disciplinary action under
62 s. 624.418(2) in the same manner as if it had violated an order
63 of the office or department or failed to submit its books and
64 records for examination.

65 (7) Seek review, pursuant to chapter 120, of any proposed
66 agency action and any determination, finding, or order of the
67 office, department, or commission in any proceeding in which the
68 consumer advocate has participated as a party.

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69 (8) Research and analyze insurance issues from the
70 perspective of consumers and prepare and disseminate such
71 information as the consumer advocate considers appropriate to
72 inform or assist consumers, the department, the office, and the
73 commission.

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

77 Remove lines 14-17, and insert:
78 requirement for certain insurers; amending s. 627.0613, F.S.;
79 clarifying and revising the authority of the consumer advocate
80 within the Office of Insurance Regulation of the Department of
81 Financial Services; requiring that the consumer advocate have
82 access to certain hurricane loss projection models; requiring
83 the office to address recommendations submitted by the consumer
84 advocate with respect to rate filings; requiring the consumer
85 advocate to conduct certain investigations; authorizing the
86 consumer advocate to subpoena witnesses and records; requiring
87 the consumer advocate to seek review of certain agency action
88 under ch. 120, F.S.; requiring the consumer advocate to research
89 and analyze insurance issues and disseminate information;
90 amending s. 627.062, F.S.;