

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

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

4 Remove lines 479-503, and insert:

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

7 627.0613 Consumer advocate.--The Chief Financial Officer  
8 must appoint a consumer advocate who must represent the general  
9 public of the state before the department and the office. The  
10 consumer advocate must report directly to the Chief Financial  
11 Officer, but is not otherwise under the authority of the  
12 department or of any employee of the department. The consumer  
13 advocate has such powers as are necessary to carry out the  
14 duties of the office of consumer advocate, including, but not  
15 limited to, the powers to:

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

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

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

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

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

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

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

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

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

49 (6) Examine or investigate any insurance pattern or  
50 practice relating to unfair trade practices, unfair claims-  
51 handling practices, deceptive or misleading sales practices, or  
52 coercion or intimidation of insurance consumers. Prior to  
53 initiating such an examination or investigation, the consumer  
54 advocate shall notify the insurer of the practice at issue and  
55 give the insurer the opportunity to describe the insurer's  
56 actual practices or otherwise resolve the consumer advocate's  
57 questions. The consumer advocate shall comply with s. 624.319  
58 when inquiring about, investigating, or examining an insurer's  
59 books, records, and customer information. Failure to provide the  
60 consumer advocate with any requested information constitutes a  
61 violation of the Florida Insurance Code. If the consumer  
62 advocate determines that regulatory action is warranted, he or  
63 she shall refer the investigation to the office or department.  
64 If the office or department determines that no regulatory action  
65 is warranted, the office or department shall inform the consumer  
66 advocate, in writing, of the basis for its determination.

67 (7) Research and analyze insurance issues and identify  
68 industry best practices from the perspective of consumers and  
69 prepare and disseminate such information as the consumer

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70 advocate considers appropriate to inform or assist consumers,  
71 the department, the office, and the commission.

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

73 Remove lines 15-17, and insert:

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