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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on General Government Appropriations (Dean)
recommended the following:

Senate Amendment (with title amendment)

Between lines 1553 and 1554

insert:

Section 10. Section 627.711, Florida Statutes, is amended
to read:

627.711 Notice of premium discounts for hurricane loss
mitigation; uniform mitigation verification inspection form.—

(1) Using a form prescribed by the Office of Insurance
Regulation, the insurer shall clearly notify the applicant or
policyholder of any personal lines residential property
insurance policy, at the time of the issuance of the policy and



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13 at each renewal, of the availability and the range of each
14 premium discount, credit, other rate differential, or reduction
15 in deductibles, and combinations of discounts, credits, rate
16 differentials, or reductions in deductibles, for properties on
17 which fixtures or construction techniques demonstrated to reduce
18 the amount of loss in a windstorm can be or have been installed
19 or implemented. The prescribed form shall describe generally
20 what actions the policyholders may be able to take to reduce
21 their windstorm premium. The prescribed form and a list of such
22 ranges approved by the office for each insurer licensed in the
23 state and providing such discounts, credits, other rate
24 differentials, or reductions in deductibles for properties
25 described in this subsection shall be available for electronic
26 viewing and download from the Department of Financial Services'
27 or the Office of Insurance Regulation's Internet website. The
28 Financial Services Commission may adopt rules to implement this
29 subsection.

30 (2) ~~By July 1, 2007,~~ The Financial Services Commission
31 shall develop by rule a uniform mitigation verification
32 inspection form that shall be used by all insurers when
33 submitted by policyholders for the purpose of factoring
34 discounts for wind insurance. In developing the form, the
35 commission shall seek input from insurance, construction, and
36 building code representatives. Further, the commission shall
37 provide guidance as to the length of time the inspection results
38 are valid. An insurer shall accept as valid a uniform mitigation
39 verification form ~~certified by the Department of Financial~~
40 ~~Services or signed by:~~

41 ~~(a) A hurricane mitigation inspector certified by the My~~



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42 ~~Safe Florida Home program;~~

43 (b)~~(e)~~ A general, building, or residential contractor
44 licensed under s. 489.111;

45 (c)~~(d)~~ A professional engineer licensed under s. 471.015
46 who has passed the appropriate equivalency test of the building
47 code training program as required by s. 553.841; or

48 (d)~~(e)~~ A professional architect licensed under s. 481.213.~~+~~
49 ~~or~~

50 ~~(f) Any other individual or entity recognized by the~~
51 ~~insurer as possessing the necessary qualifications to properly~~
52 ~~complete a uniform mitigation verification form.~~

53
54 An insurer may, but is not required to, accept a form from any
55 other person possessing qualifications and experience acceptable
56 to the insurer.

57 (3) A person who is authorized to sign a mitigation
58 verification form must inspect the structures referenced by the
59 form personally, not through employees or other persons, and
60 must certify or attest to personal inspection of the structures
61 referenced by the form.

62 (4) An individual or entity that signs a uniform mitigation
63 form may not commit misconduct in performing hurricane
64 mitigation inspections or in completing a uniform mitigation
65 form which causes financial harm to an insured or the insurer or
66 jeopardizes an insured's health and safety. Misconduct occurs
67 when an authorized mitigation inspector signs a uniform
68 mitigation verification form that:

69 (a) Falsely indicates that he or she personally inspected
70 the structures referenced by the form;



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71 (b) Falsely indicates the existence of a feature that
72 entitles an insured to a mitigation discount that the inspector
73 knows does not exist or did not personally inspect;

74 (c) Contains erroneous information due to the gross
75 negligence of the inspector; or

76 (d) Contains demonstrably false information regarding the
77 existence of mitigation features that could give an insured a
78 false evaluation of the ability of the structure to withstand
79 major damage from a hurricane endangering the safety of the
80 insured's life and property.

81 (5) The licensing board of an authorized mitigation
82 inspector that violates subsection (4) may commence disciplinary
83 proceedings and impose administrative fines and other sanctions
84 authorized under the inspector's licensing act.

85 (6) An insurer, person, or other entity that obtains
86 evidence of fraud or evidence that an inspector has made false
87 statements in the completion of a mitigation inspection form
88 shall file a report with the Division of Insurance Fraud, along
89 with all of the evidence in its possession which supports the
90 allegation of fraud or falsity. An insurer, person, or other
91 entity making the report is immune from liability, pursuant to
92 s. 626.989(4), for any statements made in the report, during the
93 investigation, or in connection with the report. The Division of
94 Insurance Fraud shall issue an investigative report if it finds
95 that probable cause exists to believe that the inspector made
96 intentionally false or fraudulent statements in the inspection
97 form. Upon conclusion of the investigation and a finding of
98 probable cause that a violation has occurred, the Division of
99 Insurance Fraud shall send a copy of the investigative report to



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100 the office and a copy to the agency responsible for the
101 professional licensure of the inspector, whether or not a
102 prosecutor takes action based upon the report.

103 (7)(3) An individual or entity who knowingly provides or
104 utters a false or fraudulent mitigation verification form with
105 the intent to obtain or receive a discount on an insurance
106 premium to which the individual or entity is not entitled
107 commits a misdemeanor of the first degree, punishable as
108 provided in s. 775.082 or s. 775.083.

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Between lines 115 and 116

113 insert:

114 amending s. 627.711, F.S.; eliminating the requirement
115 that a uniform mitigation verification form be
116 certified by the Department of Financial Services;
117 eliminating provisions authorizing hurricane
118 mitigation inspectors certified by the My Safe Florida
119 Home Program to sign a valid uniform mitigation
120 verification form; requiring a person to personally
121 perform an inspection in order to sign a mitigation
122 verification form; authorizing an insurer to accept a
123 form from a person possessing qualifications and
124 experience acceptable to the insurer; requiring a
125 person to personally perform an inspection in order to
126 sign a mitigation verification form; defining the term
127 "misconduct" for purposes of performing an inspection
128 and completing the mitigation verification form;



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129 providing for sanctions to be imposed against a person
130 who commits misconduct in performing inspections or
131 completing the mitigation verification form; requiring
132 that evidence of fraud in the completion of the
133 mitigation verification form be reported to the
134 Division of Insurance Fraud; requiring the division,
135 if it finds that probable cause of misconduct exists,
136 to send a copy of its report to the agency responsible
137 for the licensure of the inspector who signed the
138 report; providing that insurers need not accept a
139 mitigation verification form that is signed by a
140 person against whom probable cause of misconduct was
141 found;