



802406

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2010	.	
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The Committee on Banking and Insurance (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 218 and 219  
insert:

Section 3. Section 627.0613, Florida Statutes, is amended  
to read:

627.0613 Consumer advocate.—The Chief Financial Officer  
must appoint a consumer advocate who must represent the general  
public of the state before the department and the office. The  
consumer advocate must report directly to the Chief Financial  
Officer, but is not otherwise under the authority of the  
department or of any employee of the department. The consumer



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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:

16 (1) Recommend to the department or office, by petition, the  
17 commencement of any proceeding or action; appear in any  
18 proceeding or action before the department or office; or appear  
19 in any proceeding before the Division of Administrative Hearings  
20 relating to subject matter under the jurisdiction of the  
21 department or office.

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

24 (3) Examine rate and form filings submitted to the office,  
25 hire consultants as necessary to aid in the review process, and  
26 recommend to the department or office any position deemed by the  
27 consumer advocate to be in the public interest.

28 (4) By June 1, 2012, and each June 1 thereafter, prepare an  
29 annual report card for each authorized personal residential  
30 property insurer, on a form and using a letter-grade scale  
31 developed by the commission by rule, which objectively grades  
32 each insurer based on the following factors:

33 (a) The number and nature of valid consumer complaints, as  
34 a market share ratio, received by the department against the  
35 insurer.

36 (b) The disposition of all valid consumer complaints  
37 received by the department.

38 (c) The average length of time for payment of claims by the  
39 insurer.

40 (d) Any other measurable and objective factors the  
41 commission identifies as capable of assisting policyholders in



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42 making informed choices about homeowner's insurance.

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44 For purposes of this subsection, the term "valid consumer  
45 complaint" a means written communication from a consumer that  
46 expresses dissatisfaction with a specific personal residential  
47 property insurer and whose conduct described in the  
48 communication is found to constitute a violation of the  
49 insurance laws of this state by the Division of Consumer  
50 Services of the Department of Financial Services.

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

54

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

56 And the title is amended as follows:

57 Delete line 11

58 and insert:

59 amending s. 627.0613, F.S.; requiring the office of  
60 the consumer advocate to objectively grade insurers  
61 annually based on the number of valid consumer  
62 complaints and other measurable and objective factors;  
63 defining the term "valid consumer complaint"; amending  
64 s. 627.062, F.S.; requiring that the office