

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Aubuchon offered the following:

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

4 Remove lines 2589-2664 and insert:

5 ~~Services~~ or signed by the following authorized mitigation
6 inspectors:

7 1.(a) A home inspector licensed under s. 468.8314 who has
8 completed at least 3 hours of hurricane mitigation training
9 which includes hurricane mitigation techniques and compliance
10 with the uniform mitigation verification form and completion of
11 a proficiency exam. Thereafter, home inspectors licensed under
12 s. 468.8314, must complete at least 2 hours of continuing
13 education, as part of the existing licensure renewal
14 requirements each year, related to mitigation inspection and the
15 uniform mitigation form ~~hurricane mitigation inspector certified~~
16 ~~by the My Safe Florida Home program;~~

831389

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Amendment No.

17 ~~2.(b)~~ A building code inspector certified under s.
18 468.607;

19 ~~3.(e)~~ A general, building, or residential contractor
20 licensed under s. 489.111;

21 ~~4.(d)~~ A professional engineer licensed under s. 471.015
22 who has passed the appropriate equivalency test of the building
23 code training program as required by s. 553.841;

24 ~~5.(e)~~ A professional architect licensed under s. 481.213;
25 or

26 ~~6.(f)~~ Any other individual or entity recognized by the
27 insurer as possessing the necessary qualifications to properly
28 complete a uniform mitigation verification form.

29 (b) An insurer may, but is not required to, accept a form
30 from any other person possessing qualifications and experience
31 acceptable to the insurer.

32 (3) A person who is authorized to sign a mitigation
33 verification form must inspect the structures referenced by the
34 form personally, not through employees or other persons, and
35 must certify or attest to personal inspection of the structures
36 referenced by the form. However, licensees under s. 489.111, may
37 authorize a direct employee, who is not an independent
38 contractor, and who possesses the requisite skill, knowledge and
39 experience to conduct a mitigation verification inspection.

40 Insurers shall have the right to request and obtain information
41 from the authorized mitigation inspector under s. 489.111,
42 regarding any authorized employee's qualifications prior to
43 accepting a mitigation verification form performed by an
44 employee that is not licensed under s. 489.111.

831389

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Amendment No.

45 (4) An authorized mitigation inspector that signs a
46 uniform mitigation form, and a direct employee authorized to
47 conduct mitigation verification inspections under paragraph (3),
48 may not commit misconduct in performing hurricane mitigation
49 inspections or in completing a uniform mitigation form that
50 causes financial harm to a customer or their insurer; or that
51 jeopardizes a customer's health and safety. Misconduct occurs
52 when an authorized mitigation inspector signs a uniform
53 mitigation verification form that:

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

56 (b) Falsely indicates the existence of a feature which
57 entitles an insured to a mitigation discount which the inspector
58 knows does not exist or did not personally inspect;

59 (c) Contains erroneous information due to the gross
60 negligence of the inspector; or

61 (d) Contains a pattern of demonstrably false information
62 regarding the existence of mitigation features that could give
63 an insured a false evaluation of the ability of the structure to
64 withstand major damage from a hurricane endangering the safety
65 of the insured's life and property.

66 (5) The licensing board of an authorized mitigation
67 inspector that violates subsection (4) may commence disciplinary
68 proceedings and impose administrative fines and other sanctions
69 authorized under the authorized mitigation inspector's licensing
70 act. Authorized mitigation inspectors licensed under s. 489.111,
71 shall be directly liable for the acts of employees that violate

831389

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Amendment No.

72 subsection (4) as if the authorized mitigation inspector
73 personally performed the inspection.

74 (6) An insurer, person, or other entity that obtains
75 evidence of fraud or evidence that an authorized mitigation
76 inspector or an employee authorized to conduct mitigation
77 verification inspections under paragraph (3), has made false
78 statements in the completion of a mitigation inspection form
79 shall file a report with the Division of Insurance Fraud, along
80 with all of the evidence in its possession that supports the
81 allegation of fraud or falsity. An insurer, person, or other
82 entity making the report shall be immune from liability in
83 accordance with s. 626.989(4), for any statements made in the
84 report, during the investigation, or in connection with the
85 report. The Division of Insurance Fraud shall issue an
86 investigative report if it finds that probable cause exists to
87 believe that the authorized mitigation inspector, or an employee
88 authorized to conduct mitigation verification inspections under
89 paragraph (3), made intentionally false or fraudulent statements
90 in the inspection form. Upon conclusion of the investigation and
91 a finding of probable cause that a violation has occurred, the
92 Division of Insurance Fraud shall send a copy of the
93 investigative report to the office and a copy to the agency
94 responsible for the professional licensure of the authorized
95 mitigation inspector, whether or not a prosecutor takes action
96 based upon the report.

97 (7) At its expense, the insurer may require that any
98 uniform mitigation verification form provided by an authorized
99 mitigation inspector or inspection company be independently

831389

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Amendment No.

100 verified by an inspector, inspection company or an independent
101 third-party quality assurance provider which does possess a
102 quality assurance program prior to accepting the uniform
103 mitigation verification form as valid.

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107 **T I T L E A M E N D M E N T**

108 Remove lines 138-152 and insert:

109 verification form; authorizing insurers to accept mitigation
110 verification forms from certain other persons; providing
111 requirements for persons authorized to sign mitigation forms;
112 prohibiting misconduct in performing hurricane mitigation
113 inspection or completing uniform mitigation forms causing
114 certain harm; specifying what constitutes misconduct;
115 authorizing certain licensing boards to commence disciplinary
116 proceedings and impose administrative fines and sanctions;
117 providing for liability of mitigation inspectors; requiring
118 certain entities to file reports of evidence of fraud; providing
119 for immunity from liability for reporting fraud; providing for
120 investigative reports from the Division of Insurance Fraud;
121 authorizing insurers to require independent verification of
122 uniform mitigation verification forms; providing penalties;
123 repealing s.