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LEGISLATIVE ACTION

Senate

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House

Floor: 5/AD/2R

04/23/2014 10:22 AM

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Senator Bean moved the following:

**Senate Amendment (with title amendment)**

Delete lines 356 - 549

and insert:

Section 9. Effective October 1, 2014, section 627.7142, Florida Statutes, is created to read:

627.7142 Homeowner Claims Bill of Rights.-An insurer issuing a personal lines residential property insurance policy in this state must provide a Homeowner Claims Bill of Rights to a policyholder within 14 days after receiving an initial communication with respect to a claim, unless the claim follows



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12 an event that is the subject of a declaration of a state of  
13 emergency by the Governor. The purpose of the bill of rights is  
14 to summarize, in simple, nontechnical terms, existing Florida  
15 law regarding the rights of a personal lines residential  
16 property insurance policyholder who files a claim of loss. The  
17 Homeowner Claims Bill of Rights is specific to the claims  
18 process and does not represent all of a policyholder's rights  
19 under Florida law regarding the insurance policy. The Homeowner  
20 Claims Bill of Rights does not create a civil cause of action by  
21 any individual policyholder or class of policyholders against an  
22 insurer or insurers. The failure of an insurer to properly  
23 deliver the Homeowner Claims Bill of Rights is subject to  
24 administrative enforcement by the office, but is not admissible  
25 as evidence in a civil action against an insurer. The Homeowner  
26 Claims Bill of Rights does not enlarge, modify, or contravene  
27 statutory requirements, including, but not limited to, ss.  
28 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does  
29 not prohibit an insurer from exercising its right to repair  
30 damaged property in compliance with the terms of an applicable  
31 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner  
32 Claims Bill of Rights must state:

33  
34 HOMEOWNER CLAIMS

35 BILL OF RIGHTS

36 This Bill of Rights is specific to the claims process  
37 and does not represent all of your rights under  
38 Florida law regarding your policy. There are also  
39 exceptions to the stated timelines when conditions are  
40 beyond your insurance company's control. This document



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41 does not create a civil cause of action by an  
42 individual policyholder, or a class of policyholders,  
43 against an insurer or insurers and does not prohibit  
44 an insurer from exercising its right to repair damaged  
45 property in compliance with the terms of an applicable  
46 policy.

47  
48 YOU HAVE THE RIGHT TO:

49 1. Receive from your insurance company an  
50 acknowledgment of your reported claim within 14 days  
51 after the time you communicated the claim.

52 2. Upon written request, receive from your  
53 insurance company within 30 days after you have  
54 submitted a complete proof-of-loss statement to your  
55 insurance company, confirmation that your claim is  
56 covered in full, partially covered, or denied, or  
57 receive a written statement that your claim is being  
58 investigated.

59 3. Within 90 days, subject to any dual interest  
60 noted in the policy, receive full settlement payment  
61 for your claim or payment of the undisputed portion of  
62 your claim, or your insurance company's denial of your  
63 claim.

64 4. Free mediation of your disputed claim by the  
65 Florida Department of Financial Services Division of  
66 Consumer Services, under most circumstances and  
67 subject to certain restrictions.

68 5. Neutral evaluation of your disputed claim, if  
69 your claim is for damage caused by a sinkhole and is



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70 covered by your policy.

71 6. Contact the Florida Department of Financial  
72 Services Division of Consumer Services' toll-free  
73 helpline for assistance with any insurance claim or  
74 questions pertaining to the handling of your claim.  
75 You can reach the Helpline by phone at...toll free  
76 phone number..., or you can seek assistance online at  
77 the Florida Department of Financial Services Division  
78 of Consumer Services' website at...website address....

79  
80 YOU ARE ADVISED TO:

81 1. Contact your insurance company before entering  
82 into any contract for repairs to confirm any managed  
83 repair policy provisions or optional preferred  
84 vendors.

85 2. Make and document emergency repairs that are  
86 necessary to prevent further damage. Keep the damaged  
87 property, if feasible, keep all receipts, and take  
88 photographs of damage before and after any repairs.

89 3. Carefully read any contract that requires you  
90 to pay out-of-pocket expenses or a fee that is based  
91 on a percentage of the insurance proceeds that you  
92 will receive for repairing or replacing your property.

93 4. Confirm that the contractor you choose is  
94 licensed to do business in Florida. You can verify a  
95 contractor's license and check to see if there are any  
96 complaints against him or her by calling the Florida  
97 Department of Business and Professional Regulation.  
98 You should also ask the contractor for references from



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99           previous work.

100           5. Require all contractors to provide proof of  
101           insurance before beginning repairs.

102           6. Take precautions if the damage requires you to  
103           leave your home, including securing your property and  
104           turning off your gas, water, and electricity, and  
105           contacting your insurance company and provide a phone  
106           number where you can be reached.

107  
108           Section 10. Except as otherwise expressly provided in this  
109           act, this act shall take effect July 1, 2014.

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

112           And the title is amended as follows:

113           Delete lines 23 - 34

114           and insert:

115           establishing a Homeowner Claims Bill of Rights for  
116           residential property insurance policyholders;  
117           providing that such bill of rights does not provide a  
118           cause of action; providing effective dates.