

Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Nixon offered the following:

**Amendment (with title amendment)**

Between lines 616 and 617, insert:

6 Section 8. Section 627.0613, Florida Statutes, is amended  
7 to read:

8 627.0613 Consumer advocate.—The Department of Agriculture  
 9 and Consumer Services ~~Chief Financial Officer~~ must appoint a  
 10 consumer advocate who must represent the general public of the  
 11 state before the Florida Department of Financial Services  
 12 ~~department~~ and the Office of Insurance Regulation ~~office~~. The  
 13 consumer advocate must report directly to the Department of  
 14 Agriculture and Consumer Services ~~Chief Financial Officer~~, but  
 15 is not otherwise under the authority of the Department of  
 16 Agriculture and Consumer Services ~~department~~ or of any employee

## Amendment No.5

17 of the department. The consumer advocate has such powers as are  
18 necessary to carry out the duties of the office of consumer  
19 advocate, including, but not limited to, the powers to:

20 (1) Recommend to the Department of Financial Services  
21 ~~department~~ or Office of Insurance Regulation office, by  
22 petition, the commencement of any proceeding or action; appear  
23 in any proceeding or action before the Department of Financial  
24 Services department or Office of Insurance Regulation office; or  
25 appear in any proceeding before the Division of Administrative  
26 Hearings relating to subject matter under the jurisdiction of  
27 the Department of Financial Services department or Office of  
28 Insurance Regulation office.

29 (2) Shall have access to and use of all files, records,  
30 and data of the Department of Financial Services department or  
31 Office of Insurance Regulation office.

32 (3) Examine rate and form filings submitted to the Office  
33 of Insurance Regulation office, prepare consumer cost impact  
34 statements, hire consultants as necessary to aid in the review  
35 process, and recommend to the Department of Financial Services  
36 ~~department~~ or Office of Insurance Regulation office any position  
37 deemed by the consumer advocate to be in the public interest.

38 (4) Prepare an annual budget for presentation to the  
39 Legislature by the Department of Agriculture and Consumer  
40 Services department, which budget must be adequate to carry out  
41 the duties of the office of consumer advocate.

Amendment No.5

42       (5) Within the limitations provided by law, the consumer  
43 advocate shall have the power to issue subpoenas for, administer  
44 oaths or affirmations to and compel the attendance and testimony  
45 of, witnesses and to issue subpoenas for and compel the  
46 production of books, papers, records, documents, and other  
47 evidence pertaining to any investigation or hearing convened  
48 pursuant to the powers of the consumer advocate. In conducting  
49 an investigation, the consumer advocate and his or her  
50 investigators shall have access at all reasonable times to  
51 premises, records, documents, and other evidence or possible  
52 sources of evidence and may examine, record, and copy such  
53 materials and take and record the testimony or statements of  
54 such persons as reasonably necessary for the furtherance of the  
55 investigation. In the case of a refusal to obey a subpoena  
56 issued to any person, the consumer advocate may make application  
57 to any circuit court of this state, which shall have  
58 jurisdiction to order the witness to appear before the consumer  
59 advocate to give testimony and to produce evidence concerning  
60 the matter in question. Failure to obey the court's order may be  
61 punished by the court as contempt. If the court enters an order  
62 holding a person in contempt or compelling the person to comply  
63 with the commission's order or subpoena, the court shall order  
64 the person to pay the consumer advocate reasonable expenses,  
65 including reasonable attorney fees, accrued by the consumer  
66 advocate in obtaining the order from the court.

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Amendment No.5

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**T I T L E   A M E N D M E N T**

Remove line 47 and insert:  
settlement practice by a property insurer; amending s.  
627.0613, F.S.; revising and providing provisions  
related to the consumer advocate, including  
appointment, responsibilities, and powers; amending s.