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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
12/12/2022	.	
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The Committee on Fiscal Policy (Berman) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2748 - 2863

and insert:

627.7142 Homeowner Claims Bill of Rights; Reduction of Policyholder Rights Due to 2022 Changes in Florida Law.—

(1) An insurer issuing a personal lines residential



9 property insurance policy in this state must provide a Homeowner  
10 Claims Bill of Rights to a policyholder within 14 days after  
11 receiving an initial communication with respect to a claim. The  
12 purpose of the bill of rights is to summarize, in simple,  
13 nontechnical terms, existing Florida law regarding the rights of  
14 a personal lines residential property insurance policyholder who  
15 files a claim of loss. The Homeowner Claims Bill of Rights is  
16 specific to the claims process and does not represent all of a  
17 policyholder's rights under Florida law regarding the insurance  
18 policy. The Homeowner Claims Bill of Rights does not create a  
19 civil cause of action by any individual policyholder or class of  
20 policyholders against an insurer or insurers. The failure of an  
21 insurer to properly deliver the Homeowner Claims Bill of Rights  
22 is subject to administrative enforcement by the office but is  
23 not admissible as evidence in a civil action against an insurer.  
24 The Homeowner Claims Bill of Rights does not enlarge, modify, or  
25 contravene statutory requirements, including, but not limited  
26 to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074,  
27 and does not prohibit an insurer from exercising its right to  
28 repair damaged property in compliance with the terms of an  
29 applicable policy or ss. 627.7011(6)(e) and 627.702(7). The  
30 Homeowner Claims Bill of Rights must state:

31  
32 HOMEOWNER CLAIMS

33 BILL OF RIGHTS

34 This Bill of Rights is specific to the claims process  
35 and does not represent all of your rights under  
36 Florida law regarding your policy. There are also  
37 exceptions to the stated timelines when conditions are



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38 beyond your insurance company's control. This document  
39 does not create a civil cause of action by an  
40 individual policyholder, or a class of policyholders,  
41 against an insurer or insurers and does not prohibit  
42 an insurer from exercising its right to repair damaged  
43 property in compliance with the terms of an applicable  
44 policy.

45

46 YOU HAVE THE RIGHT TO:

47 1. Receive from your insurance company an  
48 acknowledgment of your reported claim within 7 ~~14~~ days  
49 after the time you communicated the claim.

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

57 3. Receive from your insurance company a copy of  
58 any detailed estimate of the amount of the loss within  
59 7 days after the estimate is generated by the  
60 insurance company's adjuster.

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

66 ~~5.4.~~ Receive payment of interest, as provided in



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67 s. 627.70131, Florida Statutes, from your insurance  
68 company, which begins accruing from the date your  
69 claim is filed if your insurance company does not pay  
70 full settlement of your initial, reopened, or  
71 supplemental claim or the undisputed portion of your  
72 claim or does not deny your claim within 60 ~~90~~ days  
73 after your claim is filed. The interest, if  
74 applicable, must be paid when your claim or the  
75 undisputed portion of your claim is paid.

76 ~~6.5.~~ Free mediation of your disputed claim by the  
77 Florida Department of Financial Services, Division of  
78 Consumer Services, under most circumstances and  
79 subject to certain restrictions.

80 ~~7.6.~~ Neutral evaluation of your disputed claim,  
81 if your claim is for damage caused by a sinkhole and  
82 is covered by your policy.

83 ~~8.7.~~ Contact the Florida Department of Financial  
84 Services, Division of Consumer Services' toll-free  
85 helpline for assistance with any insurance claim or  
86 questions pertaining to the handling of your claim.  
87 You can reach the Helpline by phone at ...(toll-free  
88 phone number)..., or you can seek assistance online at  
89 the Florida Department of Financial Services, Division  
90 of Consumer Services' website at ...(website  
91 address)....

92  
93 YOU ARE ADVISED TO:

94 1. File all claims directly with your insurance  
95 company.



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96           2. Contact your insurance company before entering  
97 into any contract for repairs to confirm any managed  
98 repair policy provisions or optional preferred  
99 vendors.

100           3. Make and document emergency repairs that are  
101 necessary to prevent further damage. Keep the damaged  
102 property, if feasible, keep all receipts, and take  
103 photographs or video of damage before and after any  
104 repairs to provide to your insurer.

105           4. Carefully read any contract that requires you  
106 to pay out-of-pocket expenses or a fee that is based  
107 on a percentage of the insurance proceeds that you  
108 will receive for repairing or replacing your property.

109           5. Confirm that the contractor you choose is  
110 licensed to do business in Florida. You can verify a  
111 contractor's license and check to see if there are any  
112 complaints against him or her by calling the Florida  
113 Department of Business and Professional Regulation.  
114 You should also ask the contractor for references from  
115 previous work.

116           6. Require all contractors to provide proof of  
117 insurance before beginning repairs.

118           7. Take precautions if the damage requires you to  
119 leave your home, including securing your property and  
120 turning off your gas, water, and electricity, and  
121 contacting your insurance company and provide a phone  
122 number where you can be reached.

123  
124           (2) For personal lines residential property insurance



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125 policies entered into or renewed beginning March 1, 2023, and  
126 through March 1, 2024, the policyholder must be notified of the  
127 Reduction of Policyholder Rights Due to 2022 Changes in Florida  
128 Law provisions and must provide written acknowledgement of such  
129 notification:

130  
131 REDUCTION OF POLICYHOLDER RIGHTS  
132 DUE TO 2022 CHANGES IN FLORIDA LAW  
133

134 1. As a policyholder, you no longer have the  
135 right to assign your claim to a third party, which  
136 includes, but is not limited to, a contractor, a water  
137 mitigation company, a roofing company, or an emergency  
138 services company.

139 2. As a policyholder, you cannot seek or obtain  
140 damages for bad faith or extracontractual damages  
141 until and unless you prevail in a summary judgment  
142 action or obtain a jury verdict followed by obtaining  
143 a final judgment.

144 3. As a policyholder, you are not entitled to  
145 recover attorney fees even if the insurance company  
146 wrongfully denies, delays, or underpays the claim.

147 4. As a policyholder, you may not be able to  
148 access the courts for resolution of your dispute,  
149 depending upon the language in your insurance policy.  
150 Changes in Florida law allow your insurance company to  
151 write mandatory arbitration provisions into the  
152 insurance policy.

153 5. If you are insured by Citizens Property



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154 Insurance Corporation, as a policyholder, you will now  
155 have the burden to prove that water damage from a  
156 windstorm event is wind damage, rather than the burden  
157 resting with your insurance company to prove that  
158 flooding caused the damage.

159 6. If you are insured by Citizens Property  
160 Insurance Corporation, as a policyholder, you will be  
161 required to pay for flood insurance as a condition of  
162 having windstorm coverage.

163 7. Recent changes in Florida law allow your  
164 insurance company to complete the ENTIRE investigation  
165 and payment or denial of a claim without ever visiting  
166 the property to inspect the damage in person. This may  
167 be performed remotely by using photos and other  
168 digital means to estimate the value of the claim.

169 8. As a policyholder, you have 18 months to  
170 complete repairs and/or complete necessary  
171 replacement(s) to the home, building, structure, and  
172 contents and provide changes and/or supplements to the  
173 claim, regardless of how your insurance company has  
174 acted in response to the claim and regardless of how  
175 long it takes the insurance company to investigate,  
176 adjust, and make a claims determination on the initial  
177 claim.

178 9. Before filing a lawsuit against an insurer,  
179 you must file a notice of intent to litigate, which  
180 must include extensive documentation supporting  
181 coverage and the amount claimed. You are prohibited  
182 from using any of the supporting documents as evidence



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183           in any proceeding.

184

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

186 And the title is amended as follows:

187           Between lines 132 and 133

188 insert:

189           requiring that policyholders of personal lines  
190           residential property insurance policies entered into  
191           or renewed during a specified period receive and  
192           provide written acknowledgment of a specified  
193           Reduction of Policyholder Rights Due to 2022 Changes  
194           in Florida Law notification;