

Amendment No. 12

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Hinson offered the following:

**Amendment (with title amendment)**

Between lines 1518 and 1519, insert:

Section 22. Subsection (5) of section 627.7011, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(5)(a) As used in this subsection, the term:

1. "Authorized inspector" means an inspector who is approved by the insurer and who is:

a. A home inspector licensed under s. 468.8314;

b. A building code inspector certified under s. 468.607;

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16 c. A general, building, or residential contractor licensed  
17 under s. 489.111;

18 d. A professional engineer licensed under s. 471.015;

19 e. A professional architect licensed under s. 481.213; or

20 f. Any other individual or entity recognized by the  
21 insurer as possessing the necessary qualifications to properly  
22 complete a four-point inspection.

23 2. "Four-point inspection" means an inspection of the  
24 current condition of the four following main areas of a  
25 dwelling:

26 a. Heating, ventilation, and air conditioning.

27 b. Electrical wiring and panels.

28 c. Plumbing connections and fixtures.

29 d. Roof.

30 (b) Before requiring, as a condition of issuance or  
31 renewal of a homeowner's insurance policy, replacement of any  
32 part of a dwelling, including, but not limited to, replacement  
33 of the roof, a window, plumbing, or a hot water heater, the  
34 insurer must allow the homeowner to have a biannual four-point  
35 inspection of the dwelling performed by an authorized inspector  
36 at the homeowner's expense.

37 (c) The insurer may not refuse to issue or renew a  
38 homeowner's insurance policy unless the dwelling fails to pass a  
39 four-point inspection performed by an authorized inspector.

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40       (d) The insurer may not refuse to issue or renew a  
41 homeowner's insurance policy for a dwelling with a roof older  
42 than 15 years unless the dwelling fails to pass a general  
43 inspection performed by an authorized inspector.

44       (e) This subsection applies to homeowners' insurance  
45 policies issued or renewed on or after July 1, 2022.

46       Section 23. Section 627.7142, Florida Statutes, is amended  
47 to read:

48       627.7142 Homeowner Claims Bill of Rights.—An insurer  
49 issuing a personal lines residential property insurance policy  
50 in this state must provide a Homeowner Claims Bill of Rights to  
51 a policyholder within 14 days after receiving an initial  
52 communication with respect to a claim. The purpose of the bill  
53 of rights is to summarize, in simple, nontechnical terms,  
54 existing Florida law regarding the rights of a personal lines  
55 residential property insurance policyholder who files a claim of  
56 loss. The Homeowner Claims Bill of Rights is specific to the  
57 claims process and does not represent all of a policyholder's  
58 rights under Florida law regarding the insurance policy. The  
59 Homeowner Claims Bill of Rights does not create a civil cause of  
60 action by any individual policyholder or class of policyholders  
61 against an insurer or insurers. The failure of an insurer to  
62 properly deliver the Homeowner Claims Bill of Rights is subject  
63 to administrative enforcement by the office but is not  
64 admissible as evidence in a civil action against an insurer. The

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65 Homeowner Claims Bill of Rights does not enlarge, modify, or  
66 contravene statutory requirements, including, but not limited  
67 to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074,  
68 and does not prohibit an insurer from exercising its right to  
69 repair damaged property in compliance with the terms of an  
70 applicable policy or ss. 627.7011(6)(e) ~~ss. 627.7011(5)(e)~~ and  
71 627.702(7). The Homeowner Claims Bill of Rights must state:

## HOMEOWNER CLAIMS

## BILL OF RIGHTS

74 This Bill of Rights is specific to the claims process and does  
75 not represent all of your rights under Florida law regarding  
76 your policy. There are also exceptions to the stated timelines  
77 when conditions are beyond your insurance company's control.  
78 This document does not create a civil cause of action by an  
79 individual policyholder, or a class of policyholders, against an  
80 insurer or insurers and does not prohibit an insurer from  
81 exercising its right to repair damaged property in compliance  
82 with the terms of an applicable policy.

83 YOU HAVE THE RIGHT TO:

- 84 1. Receive from your insurance company an acknowledgment  
85 of your reported claim within 14 days after the time you  
86 communicated the claim.
- 87 2. Upon written request, receive from your insurance  
88 company within 30 days after you have submitted a complete  
89 proof-of-loss statement to your insurance company,

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90 confirmation that your claim is covered in full, partially  
91 covered, or denied, or receive a written statement that  
92 your claim is being investigated.

93 3. Within 90 days, subject to any dual interest noted in  
94 the policy, receive full settlement payment for your claim  
95 or payment of the undisputed portion of your claim, or your  
96 insurance company's denial of your claim.

97 4. Receive payment of interest, as provided in s.  
98 627.70131, Florida Statutes, from your insurance company,  
99 which begins accruing from the date your claim is filed if  
100 your insurance company does not pay full settlement of your  
101 initial, reopened, or supplemental claim or the undisputed  
102 portion of your claim or does not deny your claim within 90  
103 days after your claim is filed. The interest, if  
104 applicable, must be paid when your claim or the undisputed  
105 portion of your claim is paid.

106 5. Free mediation of your disputed claim by the Florida  
107 Department of Financial Services, Division of Consumer  
108 Services, under most circumstances and subject to certain  
109 restrictions.

110 6. Neutral evaluation of your disputed claim, if your  
111 claim is for damage caused by a sinkhole and is covered by  
112 your policy.

113 7. Contact the Florida Department of Financial Services,  
114 Division of Consumer Services' toll-free helpline for

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115 assistance with any insurance claim or questions pertaining  
116 to the handling of your claim. You can reach the Helpline  
117 by phone at ...(toll-free phone number)..., or you can seek  
118 assistance online at the Florida Department of Financial  
119 Services, Division of Consumer Services' website at  
120 ...(website address)....

121 YOU ARE ADVISED TO:

- 122 1. File all claims directly with your insurance company.
- 123 2. Contact your insurance company before entering into any  
124 contract for repairs to confirm any managed repair policy  
125 provisions or optional preferred vendors.
- 126 3. Make and document emergency repairs that are necessary  
127 to prevent further damage. Keep the damaged property, if  
128 feasible, keep all receipts, and take photographs or video  
129 of damage before and after any repairs to provide to your  
130 insurer.
- 131 4. Carefully read any contract that requires you to pay  
132 out-of-pocket expenses or a fee that is based on a  
133 percentage of the insurance proceeds that you will receive  
134 for repairing or replacing your property.
- 135 5. Confirm that the contractor you choose is licensed to  
136 do business in Florida. You can verify a contractor's  
137 license and check to see if there are any complaints  
138 against him or her by calling the Florida Department of

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139 Business and Professional Regulation. You should also ask  
140 the contractor for references from previous work.

141 6. Require all contractors to provide proof of insurance  
142 before beginning repairs.

143 7. Take precautions if the damage requires you to leave  
144 your home, including securing your property and turning off your  
145 gas, water, and electricity, and contacting your insurance  
146 company and provide a phone number where you can be reached.

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

150 Remove line 2 and insert:

151 An act relating to insurance; creating s.

152 Remove line 158 and insert:

153 insurer insolvency proceedings; amending s. 627.7011, F.S.;  
154 providing definitions; providing a requirement for property  
155 insurers before the insurers may require certain property  
156 replacements as a condition of issuance or renewal of  
157 homeowners' insurance policies; prohibiting property  
158 insurers from refusing to issue or renew policies unless  
159 specified conditions are met; providing applicability;  
160 amending s. 627.7142, F.S.; conforming a cross-reference;  
161 providing for