

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Hinson offered the following:

**Amendment (with title amendment)**

Between lines 1531 and 1532, 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;

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

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

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

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

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

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

25 a. Heating, ventilation, and air conditioning.

26 b. Electrical wiring and panels.

27 c. Plumbing connections and fixtures.

28 d. Roof.

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

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

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

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

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

47           627.7142 Homeowner Claims Bill of Rights.—An insurer  
48 issuing a personal lines residential property insurance policy  
49 in this state must provide a Homeowner Claims Bill of Rights to  
50 a policyholder within 14 days after receiving an initial  
51 communication with respect to a claim. The purpose of the bill  
52 of rights is to summarize, in simple, nontechnical terms,  
53 existing Florida law regarding the rights of a personal lines  
54 residential property insurance policyholder who files a claim of  
55 loss. The Homeowner Claims Bill of Rights is specific to the  
56 claims process and does not represent all of a policyholder's  
57 rights under Florida law regarding the insurance policy. The  
58 Homeowner Claims Bill of Rights does not create a civil cause of  
59 action by any individual policyholder or class of policyholders  
60 against an insurer or insurers. The failure of an insurer to  
61 properly deliver the Homeowner Claims Bill of Rights is subject  
62 to administrative enforcement by the office but is not  
63 admissible as evidence in a civil action against an insurer. The

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

71 HOMEOWNER CLAIMS

72 BILL OF RIGHTS

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

82 YOU HAVE THE RIGHT TO:

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

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

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

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

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

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

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

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

120 YOU ARE ADVISED TO:

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

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

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

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

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

148 Remove lines 2-164 and insert:  
149 An act relating to insurance; creating s. 215.5551,  
150 F.S.; creating the Reinsurance to Assist Policyholders  
151 program to be administered by the State Board of  
152 Administration; defining terms; requiring certain  
153 property insurers to obtain coverage under the  
154 program; requiring the board to provide reimbursement  
155 to property insurers under the program; requiring the  
156 board and property insurers to enter into contracts to  
157 provide certain insurance reimbursement; providing  
158 requirements for the contracts; providing  
159 construction; providing calculations for specified  
160 amounts of losses to determine reimbursement under the  
161 program; authorizing the board to inspect, examine,  
162

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163 and verify insurer records; providing insurer  
164 eligibility qualifications for the program; providing  
165 for disqualification; requiring certain insurers to  
166 notify the board under a specified circumstance;  
167 providing for deferral of coverage under the program;  
168 prohibiting premiums from being charged for  
169 participation in the program; providing that the  
170 program does not affect the claims-paying capacity of  
171 the Florida Hurricane Catastrophe Fund; requiring the  
172 program to pay reimbursements directly to the  
173 applicable state guaranty fund in the event of  
174 insolvency; specifying requirements for the Florida  
175 Hurricane Catastrophe Fund if an insurer or the  
176 Citizens Property Insurance Corporation accept  
177 assignments of unsound insurers; providing that  
178 certain violations are violations of the insurance  
179 code; authorizing the board to enforce certain  
180 requirements; authorizing the board to adopt  
181 nonemergency rules and emergency rules; providing  
182 legislative findings; specifying conditions and  
183 limitations for any emergency rules adopted; providing  
184 legislative intent; requiring the board to submit a  
185 written notice within a certain timeframe to the  
186 Executive Office of the Governor relating to the  
187 program funds, under certain circumstances; providing

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188 a requirement for the notice and subsequent requests;  
189 requiring the Executive Office of the Governor to  
190 instruct the Chief Financial Officer to draw a warrant  
191 for a transfer to the board for the program under  
192 certain circumstances and to provide notification to  
193 specified persons within a certain timeframe;  
194 prohibiting cumulative transfers from exceeding a  
195 specified amount; providing reporting requirements;  
196 providing for expiration and transfer of unencumbered  
197 funds; requiring certain property insurers to reduce  
198 rates to reflect certain cost savings through rate  
199 filings by a specified date; prohibiting such insurers  
200 from making other rate changes; requiring the Office  
201 of Insurance Regulation to expedite the review of  
202 certain filings; amending s. 215.5586, F.S.; revising  
203 homeowner eligibility criteria for mitigation grants;  
204 specifying matching requirements for grants; revising  
205 reporting requirements; providing an appropriation;  
206 requiring the Department of Financial Services to  
207 submit budget amendments; specifying requirements for  
208 budget amendments; providing for reversion and  
209 appropriation of any unexpended balance; authorizing  
210 the Department of Financial Services to adopt  
211 emergency rules; providing legislative findings;  
212 providing that such rules remain in effect until

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213 replaced by rules adopted using nonemergency  
214 rulemaking procedures; providing for expiration;  
215 amending s. 489.147, F.S.; revising the definition of  
216 the term "prohibited advertisement"; creating s.  
217 624.1551, F.S.; requiring claimants to establish that  
218 property insurers have breached the insurance contract  
219 to prevail in certain claims for damages; amending s.  
220 624.307, F.S.; requiring the office to publish certain  
221 information on its website; amending s. 624.313, F.S.;  
222 revising the information the office must include in a  
223 certain annual report; amending s. 624.315, F.S.;  
224 revising the information the office must include in  
225 certain reports; amending s. 624.424, F.S.; requiring  
226 the Office of Insurance Regulation to aggregate on a  
227 statewide basis and make publicly available certain  
228 data submitted by insurers and insurer groups;  
229 specifying requirements for publishing such data;  
230 providing that such information is not a trade secret  
231 and is not subject to a certain public records  
232 exemption; amending s. 626.9373, F.S.; revising  
233 conditions for the award of reasonable attorney fees  
234 to apply to all suits brought under residential or  
235 commercial property insurance policies, rather than  
236 those not brought by assignees; limiting the transfer,  
237 assignment, or acquisition of rights to attorney fees

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238 | in certain property insurance suits; amending s.  
239 | 627.428, F.S.; revising conditions for the award of  
240 | reasonable attorney fees to apply to all suits brought  
241 | under residential or commercial property insurance  
242 | policies, rather than those not brought by assignees;  
243 | limiting the transfer, assignment, or acquisition of  
244 | rights to attorney fees in certain property insurance  
245 | suits; amending s. 627.701, F.S.; revising a  
246 | prohibition against the issuance of insurance policies  
247 | containing certain deductible provisions; revising the  
248 | conditions a personal lines residential property  
249 | insurance policy covering certain risks must meet  
250 | under certain circumstances; requiring personal lines  
251 | residential property insurance policies containing  
252 | separate roof deductibles to include specified  
253 | information; authorizing property insurers to include  
254 | separate roof deductibles if certain requirements are  
255 | met; providing requirements for policyholders in  
256 | rejecting such deductibles under certain  
257 | circumstances; requiring the office to expedite the  
258 | review of filing of certain forms; authorizing the  
259 | commission to adopt certain model forms or guidelines;  
260 | requiring the office to review certain filings within  
261 | a specified timeframe; providing that roof deductible  
262 | portions of the filing are not subject to a specified

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263 extension for review; amending s. 627.7011, F.S.;

264 authorizing property insurers to limit certain roof

265 claim payments under certain circumstances; defining

266 the term "authorized inspector"; prohibiting insurers

267 from refusing to issue or renew homeowners' policies

268 insuring certain structures; requiring insurers to

269 allow homeowners to have roof inspections performed

270 before requiring roof replacement; specifying the

271 manner of calculating the age of certain roofs;

272 providing applicability; amending s. 627.70131, F.S.;

273 requiring insurers to conduct physical inspections for

274 certain claims within a specified timeframe; requiring

275 property insurers to notify and provide certain

276 detailed estimates to policyholders; providing

277 construction; requiring property insurers to provide

278 reasonable explanations related to claims under

279 certain circumstances; amending s. 627.70152, F.S.;

280 making a technical change; authorizing property

281 insurers to be awarded attorney fees in certain suit

282 dismissals; providing that a strong presumption is

283 created that a lodestar fee is sufficient and

284 reasonable; providing that such presumption may be

285 rebutted only under certain circumstances; amending s.

286 627.7142, F.S.; conforming a cross-reference; amending

287 s. 627.7152, F.S.; revising the definition of the term

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288 "assignment agreement"; deleting the definitions of  
289 the terms "disputed amount" and "judgment obtained";  
290 revising a requirement for assignment agreements;  
291 revising the requirement for assignees to indemnify  
292 and hold harmless assignors; specifying a timeframe  
293 during which and the addresses to which a notice of  
294 intent must be served; deleting certain limitations on  
295 the recovery and award of attorney fees in suits  
296 related to assignment agreements; creating s.  
297 627.7154, F.S.; creating a property insurer stability  
298 unit within the office for a specified purpose;  
299 specifying the duties of the unit; requiring the unit  
300 to provide a specified report biannually; specifying  
301 requirements for such report; specifying events that  
302 trigger referrals to the unit; requiring the unit's  
303 supervisors to review such referrals for a certain  
304 determination; requiring unit expenses be paid from a  
305 specified fund; requiring costs of examinations to be  
306 paid by examined persons in a specified circumstance;  
307 amending s. 631.031, F.S.; requiring certain  
308 notifications by the office to the department of  
309 grounds for delinquency proceedings to include an  
310 affidavit; specifying contents of such affidavit;  
311 amending s. 631.398, F.S.; specifying duties of the  
312 department for insurer insolvency proceedings;

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313 | amending s. 627.7011, F.S.; providing definitions;  
314 | providing a requirement for property insurers before  
315 | the insurers may require certain property replacements  
316 | as a condition of issuance or renewal of homeowners'  
317 | insurance policies; prohibiting property insurers from  
318 | refusing to issue or renew policies unless specified  
319 | conditions are met; providing applicability; amending  
320 | s. 627.7142, F.S.; conforming a cross-reference;

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