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14 the amount of loss in a windstorm can be or have been installed
15 or implemented. The prescribed form shall describe generally
16 what actions the policyholders may be able to take to reduce
17 their windstorm premium. The prescribed form and a list of such
18 ranges approved by the office for each insurer licensed in the
19 state and providing such discounts, credits, other rate
20 differentials, or reductions in deductibles for properties
21 described in this subsection shall be available for electronic
22 viewing and download from the Department of Financial Services'
23 or the Office of Insurance Regulation's Internet website. The
24 Financial Services Commission may adopt rules to implement this
25 subsection.

26 (2) (a) ~~By July 1, 2007,~~ The Financial Services Commission
27 shall develop by rule a uniform mitigation verification
28 inspection form that shall be used by all insurers when
29 submitted by policyholders for the purpose of factoring
30 discounts for wind insurance. In developing the form, the
31 commission shall seek input from insurance, construction, and
32 building code representatives. Further, the commission shall
33 provide guidance as to the length of time the inspection results
34 are valid. An insurer shall accept as valid a uniform mitigation
35 verification form ~~certified by the Department of Financial~~
36 ~~Services~~ or signed by the following authorized mitigation
37 inspectors:

38 1. (a) A home inspector licensed under s. 468.8314 who has
39 completed at least 3 hours of hurricane mitigation training that
40 includes hurricane mitigation techniques and compliance with the
41 uniform mitigation verification form and completion of a
42 proficiency exam. Thereafter, home inspectors licensed under s.



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43 468.8314 must complete at least 2 hours of continuing education
44 as part of the existing licensure renewal requirements each year
45 related to mitigation inspection and the uniform mitigation form
46 ~~hurricane mitigation inspector certified by the My Safe Florida~~
47 ~~Home program;~~

48 2.(b) A building code inspector certified under s. 468.607;

49 3.(e) A general, building, or residential contractor
50 licensed under s. 489.111;

51 4.(d) A professional engineer licensed under s. 471.015 who
52 has passed the appropriate equivalency test of the building code
53 training program as required by s. 553.841;

54 5.(e) A professional architect licensed under s. 481.213;
55 or

56 6.(f) Any other individual or entity recognized by the
57 insurer as possessing the necessary qualifications to properly
58 complete a uniform mitigation verification form.

59 (b) An insurer may, but is not required to, accept a form
60 from any other person possessing qualifications and experience
61 acceptable to the insurer.

62 (3) A person who is authorized to sign a mitigation
63 verification form must inspect the structures referenced by the
64 form personally, not through employees or other persons, and
65 must certify or attest to personal inspection of the structures
66 referenced by the form. However, licensees under s. 489.111 or
67 s. 471.051 may authorize a direct employee who is not an
68 independent contractor and who possesses the requisite skill,
69 knowledge, and experience to conduct a mitigation verification
70 inspection. Insurers shall have the right to request and obtain
71 information from the authorized mitigation inspector under s.



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72 489.111 or s. 471.051 regarding any authorized employee's
73 qualifications prior to accepting a mitigation verification form
74 performed by an employee who is not licensed under s. 489.111 or
75 s. 471.051.

76 (4) An authorized mitigation inspector who signs a uniform
77 mitigation form and a direct employee authorized to conduct
78 mitigation verification inspections under subsection (3) may not
79 commit misconduct in performing hurricane mitigation inspections
80 or in completing a uniform mitigation form which causes
81 financial harm to a customer or the customer's insurer or
82 jeopardizes a customer's health and safety. Misconduct occurs
83 when an authorized mitigation inspector signs a uniform
84 mitigation verification form that:

85 (a) Falsely indicates that he or she personally inspected
86 the structures referenced by the form;

87 (b) Falsely indicates the existence of a feature entitling
88 an insured to a mitigation discount that the inspector knows
89 does not exist or that the inspector did not personally inspect;

90 (c) Contains erroneous information due to the gross
91 negligence of the inspector; or

92 (d) Contains a pattern of demonstrably false information
93 regarding the existence of mitigation features which could give
94 an insured a false evaluation of the ability of the structure to
95 withstand major damage from a hurricane and endangering the
96 safety of the insured's life and property.

97 (5) The licensing board of an authorized mitigation
98 inspector who violates subsection (4) may commence disciplinary
99 proceedings and impose administrative fines and other sanctions
100 authorized under the authorized mitigation inspector's licensing



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101 act. Authorized mitigation inspectors licensed under s. 489.111
102 or s. 471.051 shall be directly liable for the acts of employees
103 who violate subsection (4) as if the authorized mitigation
104 inspector personally performed the inspection.

105 (6) An insurer, person, or other entity obtaining evidence
106 of fraud or evidence that an authorized mitigation inspector or
107 an employee authorized to conduct mitigation verification
108 inspections under subsection (3) has made false statements in
109 the completion of a mitigation inspection form shall file a
110 report with the Division of Insurance Fraud within the
111 Department of Financial Services, along with all of the evidence
112 in its possession which supports the allegation of fraud or
113 falsity. An insurer, person, or other entity making the report
114 is immune from liability in accordance with s. 626.989(4) for
115 any statements made in the report, during the investigation, or
116 in connection with the report. The Division of Insurance Fraud
117 shall issue an investigative report if it finds that probable
118 cause exists to believe that the authorized mitigation
119 inspector, or an employee authorized to conduct mitigation
120 verification inspections under subsection (3), made
121 intentionally false or fraudulent statements in the inspection
122 form. Upon conclusion of the investigation and a finding of
123 probable cause that a violation has occurred, the Division of
124 Insurance Fraud shall send a copy of the investigative report to
125 the office and a copy to the agency responsible for the
126 professional licensure of the authorized mitigation inspector,
127 whether or not a prosecutor takes action based upon the report.

128 (7)~~(3)~~ An individual or entity who knowingly provides or
129 utters a false or fraudulent mitigation verification form with



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130 the intent to obtain or receive a discount on an insurance
131 premium to which the individual or entity is not entitled
132 commits a misdemeanor of the first degree, punishable as
133 provided in s. 775.082 or s. 775.083.

134 (8) At its expense, the insurer may require that any
135 uniform mitigation verification form provided by an authorized
136 mitigation inspector or inspection company be independently
137 verified by an inspector, inspection company, or an independent
138 third-party quality assurance provider that possesses a quality
139 assurance program prior to accepting the uniform mitigation
140 verification form as valid.

141
142 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

143 And the directory clause is amended as follows:

144 Delete lines 1952 - 1953

145 and insert:

146 Section 45. Section 627.711, Florida Statutes, is amended
147 to read:

148
149 ===== T I T L E A M E N D M E N T =====

150 And the title is amended as follows:

151 Delete line 217

152 and insert:

153 specified number of hours of mitigation training,
154 completion of a proficiency exam, and continuing
155 education; authorizing an insurer to accept a
156 mitigation verification form from any other person
157 possessing qualifications and experience that are
158 acceptable to the insurer; requiring that a person



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159 authorized to sign such form personally inspect the
160 structures referenced in the form; providing that
161 certain licensees may authorize a direct employee to
162 conduct an inspection; prohibiting misconduct in
163 performing hurricane mitigation inspections or in
164 completing a uniform mitigation form; authorizing
165 licensing boards to discipline mitigation inspectors
166 and impose fines and other sanctions if there is
167 misconduct; requiring that the Division of Insurance
168 Fraud within the Department of Financial Services
169 issue an investigative report if probable cause exists
170 that false or fraudulent statements have been made in
171 the inspection form; providing that the insurer may
172 require that a uniform mitigation verification form be
173 independently verified at its own expense;