



297062

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 114 and 115

insert:

Section 5. Paragraph (a) of subsection (1) and paragraph (a) of subsection (5) of section 627.70131, Florida Statutes, are amended to read:

627.70131 Insurer's duty to acknowledge communications regarding claims; investigation.—

(1)(a) Upon an insurer's receiving a communication with respect to a claim, the insurer shall, within 7 ~~14~~ calendar



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12 days, review and acknowledge receipt of such communication
13 unless payment is made within that period of time or unless the
14 failure to acknowledge is caused by factors beyond the control
15 of the insurer which reasonably prevent such acknowledgment. If
16 the acknowledgment is not in writing, a notification indicating
17 acknowledgment shall be made in the insurer's claim file and
18 dated. A communication made to or by an agent of an insurer with
19 respect to a claim shall constitute communication to or by the
20 insurer. If a residential property insurer receives a
21 communication in writing from a third party identified in s.
22 627.422(2) with respect to the claim requesting that the insurer
23 acknowledge the existence of a policy of insurance on the
24 property, the insurer must respond to the communication within 7
25 days after the request. If the insurer's acknowledgment is not
26 in writing, a notification indicating acknowledgment must be
27 made in the insurer's claim file and dated.

28 (5) (a) Within 45 ~~90~~ days after an insurer receives notice
29 of an initial, reopened, or supplemental property insurance
30 claim from a policyholder, the insurer shall pay or deny such
31 claim or a portion of the claim unless the failure to pay is
32 caused by factors beyond the control of the insurer which
33 reasonably prevent such payment. Any payment of an initial or
34 supplemental claim or portion of such claim made 45 ~~90~~ days
35 after the insurer receives notice of the claim, or made more
36 than 15 days after there are no longer factors beyond the
37 control of the insurer which reasonably prevented such payment,
38 whichever is later, bears interest at the rate set forth in s.
39 55.03. Interest begins to accrue from the date the insurer
40 receives notice of the claim. The provisions of this subsection



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41 may not be waived, voided, or nullified by the terms of the
42 insurance policy. If there is a right to prejudgment interest,
43 the insured shall select whether to receive prejudgment interest
44 or interest under this subsection. Interest is payable when the
45 claim or portion of the claim is paid. Failure to comply with
46 this subsection constitutes a violation of this code. However,
47 failure to comply with this subsection does not form the sole
48 basis for a private cause of action.

49 Section 6. Section 627.7142, Florida Statutes, is amended
50 to read

51 627.7142 Homeowner Claims Bill of Rights.—An insurer
52 issuing a personal lines residential property insurance policy
53 in this state must provide a Homeowner Claims Bill of Rights to
54 a policyholder within 7 ~~14~~ days after receiving an initial
55 communication with respect to a claim, unless the claim follows
56 an event that is the subject of a declaration of a state of
57 emergency by the Governor. The purpose of the bill of rights is
58 to summarize, in simple, nontechnical terms, existing Florida
59 law regarding the rights of a personal lines residential
60 property insurance policyholder who files a claim of loss. The
61 Homeowner Claims Bill of Rights is specific to the claims
62 process and does not represent all of a policyholder's rights
63 under Florida law regarding the insurance policy. The Homeowner
64 Claims Bill of Rights does not create a civil cause of action by
65 any individual policyholder or class of policyholders against an
66 insurer or insurers. The failure of an insurer to properly
67 deliver the Homeowner Claims Bill of Rights is subject to
68 administrative enforcement by the office but is not admissible
69 as evidence in a civil action against an insurer. The Homeowner



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70 Claims Bill of Rights does not enlarge, modify, or contravene
71 statutory requirements, including, but not limited to, ss.
72 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does
73 not prohibit an insurer from exercising its right to repair
74 damaged property in compliance with the terms of an applicable
75 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
76 Claims Bill of Rights must state:

77

78

HOMEOWNER CLAIMS

79

BILL OF RIGHTS

80

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

91

92

YOU HAVE THE RIGHT TO:

93

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

96

2. Upon written request, receive from your
97 insurance company within 15 ~~30~~ days after you have
98 submitted a complete proof-of-loss statement to your



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99 insurance company, confirmation that your claim is
100 covered in full, partially covered, or denied, or
101 receive a written statement that your claim is being
102 investigated.

103 3. Within 45 ~~90~~ days, subject to any dual
104 interest noted in the policy, receive full settlement
105 payment for your claim or payment of the undisputed
106 portion of your claim, or your insurance company's
107 denial of your claim.

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

112 5. Neutral evaluation of your disputed claim, if
113 your claim is for damage caused by a sinkhole and is
114 covered by your policy.

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

124
125 YOU ARE ADVISED TO:

126 1. Contact your insurance company before entering
127 into any contract for repairs to confirm any managed



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128 repair policy provisions or optional preferred
129 vendors.

130 2. Make and document emergency repairs that are
131 necessary to prevent further damage. Keep the damaged
132 property, if feasible, keep all receipts, and take
133 photographs of damage before and after any repairs.

134 3. Carefully read any contract that requires you
135 to pay out-of-pocket expenses or a fee that is based
136 on a percentage of the insurance proceeds that you
137 will receive for repairing or replacing your property.

138 4. Confirm that the contractor you choose is
139 licensed to do business in Florida. You can verify a
140 contractor's license and check to see if there are any
141 complaints against him or her by calling the Florida
142 Department of Business and Professional Regulation.
143 You should also ask the contractor for references from
144 previous work.

145 5. Require all contractors to provide proof of
146 insurance before beginning repairs.

147 6. Take precautions if the damage requires you to
148 leave your home, including securing your property and
149 turning off your gas, water, and electricity, and
150 contacting your insurance company and provide a phone
151 number where you can be reached.

152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete line 15

156 and insert:



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157 assignment in violation of the act is void; amending
158 s. 627.70131, F.S.; revising timeframes and other
159 requirements for residential property insurers in
160 responding to certain communications relating to
161 claims; revising the timeframes in which residential
162 property insurers must pay or deny certain claims;
163 amending s. 627.7142, F.S.; revising the timeframe in
164 which certain information must be provided by a
165 personal lines residential property insurer in
166 response to certain communications relating to a
167 claim; revising the timeframes applicable to certain
168 rights specified in the Homeowner Claims Bill of
169 Rights; providing