

1 A bill to be entitled
 2 An act relating to homeowners' insurance policies;
 3 amending s. 627.7011, F.S.; providing definitions;
 4 providing a requirement for property insurers before
 5 the insurers may require certain property replacements
 6 as a condition of issuance or renewal of homeowners'
 7 insurance policies; prohibiting property insurers from
 8 refusing to issue or renew policies unless specified
 9 conditions are met; providing applicability; amending
 10 s. 627.7142, F.S.; conforming a cross-reference;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (5) of section 627.7011, Florida
 16 Statutes, is renumbered as subsection (6), and a new subsection
 17 (5) is added to that section to read:

18 627.7011 Homeowners' policies; offer of replacement cost
 19 coverage and law and ordinance coverage.—

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

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

23 a. A home inspector licensed under s. 468.8314;

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

25 c. A general, building, or residential contractor licensed

26 under s. 489.111;
 27 d. A professional engineer licensed under s. 471.015;
 28 e. A professional architect licensed under s. 481.213; or
 29 f. Any other individual or entity recognized by the
 30 insurer as possessing the necessary qualifications to properly
 31 complete a four-point inspection.

32 2. "Four-point inspection" means an inspection of the
 33 current condition of the four following main areas of a
 34 dwelling:

- 35 a. Heating, ventilation, and air conditioning.
- 36 b. Electrical wiring and panels.
- 37 c. Plumbing connections and fixtures.
- 38 d. Roof.

39 (b) Before requiring, as a condition of issuance or
 40 renewal of a homeowner's insurance policy, replacement of any
 41 part of a dwelling, including, but not limited to, replacement
 42 of the roof, a window, plumbing, or a hot water heater, the
 43 insurer must allow the homeowner to have a biannual four-point
 44 inspection of the dwelling performed by an authorized inspector
 45 at the homeowner's expense.

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

49 (d) The insurer may not refuse to issue or renew a
 50 homeowner's insurance policy for a dwelling with a roof older

51 than 15 years unless the dwelling fails to pass a general
52 inspection performed by an authorized inspector.

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

55 Section 2. Section 627.7142, Florida Statutes, is amended
56 to read:

57 627.7142 Homeowner Claims Bill of Rights.—An insurer
58 issuing a personal lines residential property insurance policy
59 in this state must provide a Homeowner Claims Bill of Rights to
60 a policyholder within 14 days after receiving an initial
61 communication with respect to a claim. The purpose of the bill
62 of rights is to summarize, in simple, nontechnical terms,
63 existing Florida law regarding the rights of a personal lines
64 residential property insurance policyholder who files a claim of
65 loss. The Homeowner Claims Bill of Rights is specific to the
66 claims process and does not represent all of a policyholder's
67 rights under Florida law regarding the insurance policy. The
68 Homeowner Claims Bill of Rights does not create a civil cause of
69 action by any individual policyholder or class of policyholders
70 against an insurer or insurers. The failure of an insurer to
71 properly deliver the Homeowner Claims Bill of Rights is subject
72 to administrative enforcement by the office but is not
73 admissible as evidence in a civil action against an insurer. The
74 Homeowner Claims Bill of Rights does not enlarge, modify, or
75 contravene statutory requirements, including, but not limited

76 to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074,
 77 and does not prohibit an insurer from exercising its right to
 78 repair damaged property in compliance with the terms of an
 79 applicable policy or ss. 627.7011(6)(e) ~~ss. 627.7011(5)(e)~~ and
 80 627.702(7). The Homeowner Claims Bill of Rights must state:

81 HOMEOWNER CLAIMS

82 BILL OF RIGHTS

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

92 YOU HAVE THE RIGHT TO:

- 93 1. Receive from your insurance company an acknowledgment
 94 of your reported claim within 14 days after the time you
 95 communicated the claim.
- 96 2. Upon written request, receive from your insurance
 97 company within 30 days after you have submitted a complete
 98 proof-of-loss statement to your insurance company,
 99 confirmation that your claim is covered in full, partially
 100 covered, or denied, or receive a written statement that

101 your claim is being investigated.

102 3. Within 90 days, subject to any dual interest noted in

103 the policy, receive full settlement payment for your claim

104 or payment of the undisputed portion of your claim, or your

105 insurance company's denial of your claim.

106 4. Receive payment of interest, as provided in s.

107 627.70131, Florida Statutes, from your insurance company,

108 which begins accruing from the date your claim is filed if

109 your insurance company does not pay full settlement of your

110 initial, reopened, or supplemental claim or the undisputed

111 portion of your claim or does not deny your claim within 90

112 days after your claim is filed. The interest, if

113 applicable, must be paid when your claim or the undisputed

114 portion of your claim is paid.

115 5. Free mediation of your disputed claim by the Florida

116 Department of Financial Services, Division of Consumer

117 Services, under most circumstances and subject to certain

118 restrictions.

119 6. Neutral evaluation of your disputed claim, if your

120 claim is for damage caused by a sinkhole and is covered by

121 your policy.

122 7. Contact the Florida Department of Financial Services,

123 Division of Consumer Services' toll-free helpline for

124 assistance with any insurance claim or questions pertaining

125 to the handling of your claim. You can reach the Helpline

126 by phone at ...(toll-free phone number)..., or you can seek
 127 assistance online at the Florida Department of Financial
 128 Services, Division of Consumer Services' website at
 129 ...(website address)....

130 YOU ARE ADVISED TO:

- 131 1. File all claims directly with your insurance company.
- 132 2. Contact your insurance company before entering into any
 133 contract for repairs to confirm any managed repair policy
 134 provisions or optional preferred vendors.
- 135 3. Make and document emergency repairs that are necessary
 136 to prevent further damage. Keep the damaged property, if
 137 feasible, keep all receipts, and take photographs or video
 138 of damage before and after any repairs to provide to your
 139 insurer.
- 140 4. Carefully read any contract that requires you to pay
 141 out-of-pocket expenses or a fee that is based on a
 142 percentage of the insurance proceeds that you will receive
 143 for repairing or replacing your property.
- 144 5. Confirm that the contractor you choose is licensed to
 145 do business in Florida. You can verify a contractor's
 146 license and check to see if there are any complaints
 147 against him or her by calling the Florida Department of
 148 Business and Professional Regulation. You should also ask
 149 the contractor for references from previous work.
- 150 6. Require all contractors to provide proof of insurance

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151 before beginning repairs.

152 7. Take precautions if the damage requires you to leave
153 your home, including securing your property and turning off
154 your gas, water, and electricity, and contacting your
155 insurance company and provide a phone number where you can
156 be reached.

157 Section 3. This act shall take effect July 1, 2022.