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OIR Workshop on Property Supplemental Report Rule 69O-137.009 (9-3-25)

The Florida Office of Insurance Regulation (OIR) held a rulemaking workshop today (September 3, 2025) to solicit questions, comments, and suggestions in its update of Rule 69O-137.009, governing filing procedures for the Commercial and Personal Residential Property Supplemental Report.

The current version of the updated [Rule](#):

- Renames the report to “Market Intelligence Report”
- Revises Form [OIR-D0-1185](#)
 - Eliminates the requirement of a separate monthly report by zip code
 - Adds five new data fields related to litigation data which match the fields required in NAIC Market Conduct Annual Statement reports
 - Deletes the “Data” and “V Data” tabs as unneeded

OIR staff participating in today’s 22-minute workshop were Ryan Orbe, Chief Legal Counsel, Kama Monroe, Assistant General Counsel, Richie Frederick, Director of Property & Casualty Review, and Nicole Crockett, Market Research Director.

Here are the issues discussed today, with notable comments, questions, and suggestions.

Lack of Cooperation in Seeking Plaintiff Attorney Fees

Recent property insurance market reforms passed by the Florida Legislature, specifically SB 76 under the [2021 Insurance Consumer Protections](#) reform, require insurance companies annually report to OIR all claim litigation costs, including plaintiff attorney fees, expenses, and contingency fee multipliers. It’s incorporated under [Section 624.424\(11\), F.S.](#). This is designed to add more transparency to the true distribution of claims dollars (damages vs. attorney fees).

OIR reminded carriers of this responsibility in an early August 2025 [Informational Memorandum](#). In it, OIR wrote “To the extent that third-parties object to providing such information to insurers attempting to settle claims, such objections do not eliminate insurers’ reporting requirements. Insurers are encouraged to examine all legal options to ensure compliance with the reporting requirements, up to and including changes to policy forms.”

George Feijoo, representing the Florida Insurance Council (FIC), said “our members in our industry would love to report that if we have that information, but the statute is not giving carriers the ability to compel this information from the claimants or their attorney, and they have not been offering it up willingly in general.” As a result, he said, most carriers don’t have the ability to report plaintiff attorney fees and expenses. He noted that ironically, when the previous one-way attorney fee statute was in effect, carriers would have to make one payment for the claim and another payment for plaintiff attorney fees – and therefore knew exactly how much litigation was adding to the cost of the claim.

Feijoo referenced one carrier that instituted a standard process where three rounds of notices for request for fees are sent for each litigated claim. “There’s only been one reported return of that information to that particular carrier in the years since we’ve had this (process),” he said.

Feijoo said FIC “fully supports” OIR seeking statutory authority from the legislature for carriers to compel this information. “And for reference to that end, we actually have in Workers’ Compensation, Statute 440.345 which says that all fees paid to attorneys shall be reported to the Office of the Judges of Compensation Claims,” he said.

Feijoo Q: “Would it be acceptable to report ‘unknown,’ when we’ve exhausted all our other options to generate this information?”

Crockett A: “I think first of all, your commentary is really helpful for us. Regarding your question...we understand that there's been some struggle obtaining that information. So we'll talk through that, and we'll add clarity to that when we make that final determination.”

Travis Miller, Shareholder of the Radey Law Firm, added “There is a concerted effort on the part of the industry. It's just really hard to obtain data that isn't being made available.”

Lisa Miller, former Florida Deputy Insurance Commissioner and CEO of Lisa Miller & Associates Q: “Has there been any thought about the Commissioner sitting down with the head of the Florida Bar and saying ‘hey, you know, this isn't us against them. We've got to work together to give the legislature what they want,’ and seeing if the Bar, or even the Supreme Court, the Chief Justice, who of course, oversees all of the legal community, would bring them to the table and get them to cooperate with the data that you're seeking?”

Monroe A: I have not personally spoken to the commissioner about this idea, but we’ll go ahead and take it as a note.

Miller also noted that “my clients have vociferously tried. You send notes to the opposing counsel, and they very blatantly write back and say, ‘I’m not giving you this data.’ Well, we don't have any authority, of course, to say you have to.”

Chase Mitchell, with the American Property Casualty Insurance Association, said he agreed with the previous speakers. “We want to be conduits to you all and your team to comply with the requirements under the property claims data call, and look forward to working with you to figure out the easiest and best way to do that,” he said.

Reporting on Public Adjusters

Travis Miller, Shareholder of the Radey Law Firm, commented on the fields in the form regarding public adjusters.

“I think the question about the initial demand and the payment is similar to what it was with the vendors. But with public adjusters, you have a lot more going on. You have things that influence the claim that are not necessarily driven by the public adjuster. For example, you could get an \$80,000 estimate from a PA, but later the home is declared a constructive total loss, and you end up paying 400,000 for reasons other than the public adjuster. So it starts to get really complicated there. And also, frankly, the industry doesn't pay public adjusters. They pay claims.

Other questions and suggestions

George Feijoo, representing the Florida Insurance Council (FIC), had the following questions on the Form:

- So what if there wasn't a vendor and the policyholder did their own work and we paid them? That policyholder term has been removed from the ballot response page. How should we report payments made directly to the policyholder within the Vendor section of form A2? **Crockett A:** Note taken.
- Also in form A2 on the vendor sheet there are two new validation comments that were added on the right: initial invoice demand amounts from vendor and final paid amount to vendor. Is it validating that a number is actually in those fields, or is it validating another cell in one of the other forms? **Crockett A:** A number only.
- On form A3, how should we respond when the policy holder represents themselves pro se? **Crockett A:** So noted.

There were also the following questions on the Rule:

- My understanding is that this form still does not apply to E&S carriers...that E&S carriers do not need to file this report? **Crockett A:** “At this point in time, we will not be requiring surplus lines to file, however, be expected to receive guidance on that sometime in the future. Also if there’s a certain amount of time those surplus lines carriers would need to prepare their systems, if they would need to file this data call, that would be helpful for us to know.”

- There are new fields related to lawsuits opened and closed. What would be the trigger for a claim to be considered a lawsuit: the moment we receive a Notice of Intent to Litigate or is it when Services of Process? **Crockett A:** “That's a good question. We have not officially formalized definitions for these but what we can tell you is these fields were chosen specifically to match the market conduct annual statements, so the definitions will likely apply to whatever is defined in that task.”
- There is a new field requiring number of lawsuits closed with consideration for the consumer during the reporting month. What does it mean when it says consideration...everything that's not an outright defense verdict? **Crockett A:** “There is a definition at the NAIC regarding the market annual statement, and our definition will likely comply with that definition.”

Travis Miller, Shareholder of the Radey Law Firm, cautioned about some fields that call for adding a case number. “For some groups, it's probably more challenging than it sounds. Anytime you take a claim system and a litigation system and try to marry the information together, it becomes challenging. So we might want to follow up with you and just see what the intended purpose of obtaining that information is, and if there's an easier way to get it.”

On the use of zip codes, he commented that “obviously you can see kind of information you're hoping to monitor on that. I would wonder if the right forum and the right interval for doing that is monthly by zip code as part of this report, or if there's another way to do it.”

“I would have some concerns. One, about the quality of the data. Then two, you know, when you start getting that granular on something, it kind of reminds me of the dog chasing the car. Does anybody ever ask the dog what are you going to do if you catch it? And if we start drilling down this deep on a monthly basis by zip code in this, what are we going to do with that information?” Miller noted that the OIR Market Conduct annual survey has been the starting point for that, “but I believe that's a much more limited situation.”

OIR A: So noted

Kama Monroe, OIR's Assistant General Counsel, in closing the workshop, reminded participants and the public that the comment period on the Rule and Form will remain open until 5pm on September 8, 2025. Comments can be emailed to her at Kama.Monroe@flor.com