

By Senator Atwater

25-1652-04

1 A bill to be entitled
 2 An act relating to insurance field
 3 representatives; amending s. 626.854, F.S.;
 4 prohibiting public adjusters from representing
 5 claimants in certain matters; requiring public
 6 adjusters to disclose certain contracts with
 7 claimants or potential conflicts of interest;
 8 prohibiting public adjusters from preventing
 9 access to certain persons or property or from
 10 refusing to speak with insurers; requiring
 11 certain disclosures; providing an effective
 12 date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (3) of section 626.854, Florida
 17 Statutes, is amended to read:

18 626.854 "Public adjuster" defined; prohibitions.--The
 19 Legislature finds that it is necessary for the protection of
 20 the public to regulate public insurance adjusters and to
 21 prevent the unauthorized practice of law.

22 (3)(a) A public adjuster may not give legal advice or;
 23 ~~A public adjuster may not~~ act on behalf of or aid any person
 24 in negotiating or settling a claim relating to bodily injury,
 25 death, ~~or noneconomic damages,~~ extra-contractual damages,
 26 unfair claim settlement practices, damages arising out of
 27 tort, statutory interest, or costs or attorney's fees.

28 (b) A public adjuster must provide a copy of any
 29 original, revised, or supplemental contract with an insured or
 30 claimant to the insurer or its claims representatives
 31 immediately upon providing notice of representation to the

1 insurer and throughout the claims process. All contracts must
2 be on a form approved by the Department of Financial Services.

3 (c) A public adjuster must disclose to the client and
4 the insurer any direct or indirect financial interest,
5 compensation, referral fee, or other financial benefit that
6 the public adjuster may receive from any person performing
7 services in connection with the adjustment of a claim or the
8 repair or replacement of insured property.

9 (d) A public adjuster may not restrict or prevent
10 access to an insured, a claimant, or the insured property that
11 is the subject of a claim by the insurer, an adjuster, an
12 attorney, or any person acting on behalf of the insurer in
13 connection with the claim. A public adjuster may not refuse to
14 speak directly with the insurer or any person acting on behalf
15 of the insurer concerning the claim, and must provide a
16 recorded statement and examination under oath at the request
17 of the insurer or its representatives.

18 Section 2. This act shall take effect July 1, 2004.

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21 SENATE SUMMARY

22 Revises provisions relating to insurance public
23 adjusters. Prohibits public adjusters from representing
24 claimants in certain matters. Requires certain
25 disclosures. Prohibits public adjusters from preventing
26 access to specified persons or property. (See bill for
27 details.)
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