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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/19/2013	.	
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Appropriations Subcommittee on General Government (Hays)
recommended the following:

Senate Amendment (with title amendment)

Between lines 341 and 342
insert:

Section 5. Subsection (11) of section 626.854, Florida
Statutes, is amended to read:

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

(11) (a) If a public adjuster enters into a contract with an
insured or claimant to reopen a claim or file a supplemental



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13 claim that seeks additional payments for a claim that has been
14 previously paid in part or in full or settled by the insurer,
15 the public adjuster may not charge, agree to, or accept any
16 compensation, payment, commission, fee, or other thing of value
17 from any source based on a previous settlement or previous claim
18 payments by the insurer for the same cause of loss. The charge,
19 compensation, payment, commission, fee, or other thing of value
20 must be based only on the claim payments or settlement obtained
21 through the work of the public adjuster after entering into the
22 contract with the insured or claimant. Compensation for the
23 reopened or supplemental claim may not exceed 20 percent of the
24 reopened or supplemental claim payment. The contracts described
25 in this paragraph are not subject to the limitations in
26 paragraph (b).

27 (b) A public adjuster may not charge, agree to, or accept
28 any compensation, payment, commission, fee, or other thing of
29 value from any source in excess of:

30 1. Ten percent of the amount of insurance claim payments
31 made by the insurer for claims based on events that are the
32 subject of a declaration of a state of emergency by the
33 Governor. ~~This provision applies to claims made during the year~~
34 ~~after the declaration of emergency. After that year, the~~
35 ~~limitations in subparagraph 2. apply.~~

36 2. Fifteen ~~Twenty~~ percent of the amount of insurance claim
37 payments made by the insurer for claims that are not based on
38 events that are the subject of a declaration of a state of
39 emergency by the Governor.

40 (c) Any maneuver, shift, or device through which the limits
41 on compensation set forth in this subsection are exceeded is a



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42 violation of this chapter punishable as provided under s.
43 626.8698.

44
45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47 Delete line 23

48 and insert:

49 certain circumstances; amending s. 626.854, F.S.;

50 revising the amount of compensation that may be paid

51 to a public adjuster under specified circumstances;

52 providing sanctions for a violation of these limits;

53 amending s. 627.062, F.S.;