

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rader offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 51 and 52, insert:

5 Section 2. Subsection (11) of section 626.854, Florida
6 Statutes, is amended to read:

7 626.854 "Public adjuster" defined; prohibitions.—The
8 Legislature finds that it is necessary for the protection of the
9 public to regulate public insurance adjusters and to prevent the
10 unauthorized practice of law.

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

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15 the public adjuster may not charge, agree to, or accept from any
16 source compensation, payment, commission, fee, or any other
17 thing of value 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 any other thing of
20 value must be based only on the claim payments or settlement
21 obtained through the work of the public adjuster after entering
22 into the contract with the insured or claimant. Compensation for
23 the reopened or supplemental claim may not exceed 10 ~~20~~ percent
24 of the reopened or supplemental claim payment. ~~In no event shall~~
25 ~~the contracts described in this paragraph exceed the limitations~~
26 ~~in paragraph (b).~~

27 (b) A public adjuster may not charge, agree to, or accept
28 from any source compensation, payment, commission, fee, or any
29 other thing of value in excess of 10+

30 ~~1. ten percent of the amount of insurance claim payments~~
31 ~~made by an 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. 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

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41 limits on compensation set forth in this subsection are exceeded
42 is a violation of this chapter punishable as provided under s.
43 626.8698.

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T I T L E A M E N D M E N T

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Remove line 5 and insert:

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applicability; amending s. 626.854, F.S.; revising

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provisions relating to public adjuster compensation;

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amending s. 627.351, F.S.; requiring

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