



142260

LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (r) is added to subsection (1) of  
section 489.129, Florida Statutes, to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against  
any certificateholder or registrant: place on probation or  
reprimand the licensee, revoke, suspend, or deny the issuance or  
renewal of the certificate or registration, require financial



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12 restitution to a consumer for financial harm directly related to  
13 a violation of a provision of this part, impose an  
14 administrative fine not to exceed \$10,000 per violation, require  
15 continuing education, or assess costs associated with  
16 investigation and prosecution, if the contractor, financially  
17 responsible officer, or business organization for which the  
18 contractor is a primary qualifying agent, a financially  
19 responsible officer, or a secondary qualifying agent responsible  
20 under s. 489.1195 is found guilty of any of the following acts:

21 (r) Directly or indirectly receiving or accepting any  
22 compensation, inducement, or reward from a person for the  
23 referral of any business by the contractor.

24  
25 For the purposes of this subsection, construction is considered  
26 to be commenced when the contract is executed and the contractor  
27 has accepted funds from the customer or lender. A contractor  
28 does not commit a violation of this subsection when the  
29 contractor relies on a building code interpretation rendered by  
30 a building official or person authorized by s. 553.80 to enforce  
31 the building code, absent a finding of fraud or deceit in the  
32 practice of contracting, or gross negligence, repeated  
33 negligence, or negligence resulting in a significant danger to  
34 life or property on the part of the building official, in a  
35 proceeding under chapter 120.

36 Section 2. Section 627.422, Florida Statutes, is amended to  
37 read:

38 627.422 Assignment of policies; restrictions on post-loss  
39 assignments of policy benefits.-

40 (1) A policy may be assignable, or not assignable, as



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41 provided by the policy ~~its~~ terms. Subject to its terms relating  
42 to assignability, any life or health insurance policy under the  
43 terms of which the beneficiary may be changed upon the sole  
44 request of the policyowner may be assigned either by pledge or  
45 transfer of title, by an assignment executed by the policyowner  
46 alone and delivered to the insurer, regardless of whether ~~or not~~  
47 the pledgee or assignee is the insurer. Any such assignment  
48 entitles ~~shall entitle~~ the insurer to deal with the assignee as  
49 the owner or pledgee of the policy in accordance with the terms  
50 of the assignment, until the insurer has received at its home  
51 office written notice of termination of the assignment or pledge  
52 or written notice by or on behalf of some other person claiming  
53 some interest in the policy in conflict with the assignment.

54 (2) If a policyowner of a property insurance policy acts  
55 under urgent or emergency circumstances to protect his or her  
56 property and enters into an agreement with another person to  
57 provide services or materials to protect such property, the  
58 provider of such services or materials may only receive at that  
59 time, and for a period of 10 days after the conclusion of the  
60 urgent or emergency circumstances, an assignment of the right to  
61 receive an amount of benefits under the policy which is actually  
62 necessary to alleviate the urgent or emergency circumstances and  
63 to prevent additional damage from occurring to property covered  
64 by the policy. A post-loss assignment of rights, benefits,  
65 causes of action, or other contractual rights in violation of  
66 this subsection is void.

67 Section 3. This act shall take effect July 1, 2015.

68  
69 ===== T I T L E A M E N D M E N T =====



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70 And the title is amended as follows:

71 Delete everything before the enacting clause  
72 and insert:

73 A bill to be entitled

74 An act relating to insurance claims; amending s.  
75 489.129, F.S.; providing that the Construction  
76 Industry Licensing Board may take specified  
77 disciplinary action against contractors that receive  
78 or accept any compensation, inducement, or reward for  
79 the referral of business; amending s. 627.422, F.S.;  
80 specifying restrictions for an assignment of benefits  
81 by a policyowner of a property insurance policy under  
82 certain urgent or emergency circumstances; providing  
83 that a post-loss assignment in violation of the act is  
84 void; providing an effective date.