



448464

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) of section 626.8651, Florida
Statutes, is amended to read:

626.8651 Public adjuster apprentice license;
qualifications.—

(11) A public adjuster apprentice has the same authority as
the licensed public adjuster or public adjusting firm that
employs the apprentice except that an apprentice may not execute



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12 contracts for the services of a public adjuster or public
13 adjusting firm and is limited in his or her ability to ~~may not~~
14 ~~solicit contracts for the services except under the direct~~
15 ~~supervision and guidance~~ of the supervisory public adjuster. A
16 public adjuster apprentice may solicit contracts for the
17 supervisory public adjuster only under the general supervision
18 of the supervisory public adjuster, provided, however, that the
19 public adjuster apprentice may only solicit contracts if the
20 public adjuster apprentice has appeared at a residence without a
21 prior appointment if the apprentice is under the direct
22 supervision of the supervisory public adjuster. A public
23 adjuster apprentice may not solicit contracts for natural
24 disaster claims within 30 days after the declaration of the
25 natural disaster except under the direct supervision of a
26 supervisory public adjuster. An individual may not be, act as,
27 or hold himself or herself out to be a public adjuster
28 apprentice unless the individual is licensed and holds a current
29 appointment by a licensed public all-lines adjuster or a public
30 adjusting firm that employs a licensed all-lines public
31 adjuster.

32 Section 2. Section 627.422, Florida Statutes, is amended to
33 read:

34 627.422 Assignment of policies; limitations on post-loss
35 assignments of policy benefits.-

36 (1) A policy may be assignable, or not assignable, as
37 provided by its terms. Subject to its terms relating to
38 assignability, any life or health insurance policy under the
39 terms of which the beneficiary may be changed upon the sole
40 request of the policyowner may be assigned either by pledge or



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41 transfer of title, by an assignment executed by the policyowner
42 alone and delivered to the insurer, regardless of whether or not
43 the pledgee or assignee is the insurer. Any such assignment
44 entitles shall entitle the insurer to deal with the assignee as
45 the owner or pledgee of the policy in accordance with the terms
46 of the assignment, until the insurer has received at its home
47 office written notice of termination of the assignment or pledge
48 or written notice by or on behalf of some other person claiming
49 some interest in the policy in conflict with the assignment.

50 (2) A personal lines residential property insurance policy
51 and a commercial lines residential property insurance policy may
52 not prohibit the post-loss assignment of benefits. However, an
53 agreement assigning post-loss benefits under such insurance
54 policies must:

55 (a) Require the assignee to notify the insurer within 7
56 days after the date of the assignment, provided, however, that
57 if the contact information for the insurer is unavailable for
58 the first 7 days, the assignee shall contact the company as soon
59 as practicable. A facsimile number and an e-mail address
60 dedicated solely to the use of receiving notices of assignments
61 must be posted on the carrier's website and be operational 24
62 hours a day, 7 days a week. A facsimile confirmation held by an
63 assignee is prima facie evidence that the notice was properly
64 given. Insurers must also accept this notice by regular mail.

65 (b) Limit the assignment to the contracted work to be
66 performed. Such assignment is restricted to claims for damage to
67 the dwelling and other structures and items covered under the
68 policy.

69 (c) Specify the estimated scope and price of the work in



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70 writing before it is performed, provided, however, that revised
71 estimates subject to the assignment may be provided where the
72 need for additional or supplemental repairs is determined
73 subsequent to the original estimate.

74 (d) Prohibit the assignee from charging the policyowner for
75 any portion of the repair or replacement beyond the applicable
76 deductible contained in the insurance policy, provided, however,
77 that a policyowner may contract for upgrades or additional work
78 not covered under the policy at the policyowner's expense.

79 (e) Prohibit a person performing any portion of the repair
80 or replacement on behalf of the assignee from charging the
81 policyowner, provided, however, that the policyowner may
82 contract for upgrades or additional work not covered under the
83 policy at the policyowner's expense.

84 (f) Prohibit the assignee from retaining insurance proceeds
85 for payment of work performed or to be performed by vendors
86 other than the assignee, provided, however, that this paragraph
87 does not apply to a general contractor who retains
88 subcontractors to perform work covered under the policy.

89 (g) Require the assignee to guarantee that the work
90 performed for the loss event conforms to the most recent,
91 accepted industry standards, including, but not limited to,
92 applicable local building codes.

93 (3) An assignment that fails to substantially comply with
94 this section may be rescinded by the policyowner in writing with
95 notice of rescission provided to both the contractor and the
96 insurer.

97 Section 3. This act shall take effect July 1, 2015.
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99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:

101 Delete everything before the enacting clause

102 and insert:

103 A bill to be entitled

104 An act relating to insurance claims; amending s.
105 626.8651, F.S.; revising the authority of public
106 adjuster apprentices; amending s. 627.422, F.S.;
107 providing that personal and commercial lines
108 residential property insurance policies may not
109 prohibit the post-loss assignment of benefits;
110 providing procedures, requirements, and limitations
111 for an agreement assigning the post-loss benefits
112 under such insurance policies; providing for
113 rescission of an assignment by a policyowner under
114 certain circumstances; providing an effective date.