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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 03/23/2015 | . | |
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The Committee on Banking and Insurance (Negron) recommended the following:

1 **Senate Amendment to Amendment (396478) (with title**
2 **amendment)**

3
4 Delete lines 23 - 36
5 and insert:

6 (2) A property insurance policy may prohibit the post-loss
7 assignment of benefits, rights, causes of action, or other
8 contractual rights under the policy, except that a policyholder
9 may assign the benefit of payment:

10 (a) Up to \$3,000, to a person or entity that provides



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11 services or materials to mitigate or repair damage that directly
12 arises from a covered loss. Such assignment is limited solely to
13 designating the person or entity as a copayee for the benefit of
14 payment for the reasonable value of services or materials
15 provided. The policyholder has the exclusive right to enforce
16 payment of the post-loss benefits under the policy and may not
17 assign that right to another person or entity.

18 (b) To compensate a public adjuster for services authorized
19 by s. 626.854(11). The assignment may only be for compensation
20 due to the public adjuster by the policyholder and may not
21 include any assignment of other benefits under the policy. This
22 paragraph does not change the obligations, if any, of the
23 insurer to issue to the policyholder a check for payment in the
24 name of the policyholder or mortgageholder.

25 (c) To an attorney who represents the policyholder only if
26 the assignment provides that the benefits are to be paid to the
27 attorney for disbursement of the funds by the attorney to repair
28 the property at the direction of the policyholder.

29 (3) A post-loss assignment in violation of subsection (2)
30 is void.

31 Section 2. Subsection (16) of section 626.854, Florida
32 Statutes, is amended to read:

33 626.854 "Public adjuster" defined; prohibitions.—The
34 Legislature finds that it is necessary for the protection of the
35 public to regulate public insurance adjusters and to prevent the
36 unauthorized practice of law.

37 (16) (a) A licensed contractor under part I of chapter 489,
38 or a subcontractor, may not adjust a claim on behalf of an
39 insured unless licensed and compliant as a public adjuster under



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40 this chapter. However, the contractor may discuss or explain a
41 bid for construction or repair of covered property with the
42 residential property owner who has suffered loss or damage
43 covered by a property insurance policy, or the insurer of such
44 property, if the contractor is doing so for the usual and
45 customary fees applicable to the work to be performed as stated
46 in the contract between the contractor and the insured.

47 (b) An assignment or agreement that transfers the authority
48 to adjust, negotiate, or settle any portion of a claim to such
49 contractor or subcontractor or that is otherwise in violation of
50 this section is void.

51 Section 2. Subsection (11) of section 626.8651, Florida
52 Statutes, is amended to read:

53 626.8651 Public adjuster apprentice license;
54 qualifications.—

55 (11) A public adjuster apprentice has the same authority as
56 the licensed public adjuster or public adjusting firm that
57 employs the apprentice except that an apprentice may not execute
58 contracts for the services of a public adjuster or public
59 adjusting firm and is limited in his or her ability to ~~may not~~
60 ~~solicit contracts for the services except under the direct~~
61 ~~supervision and guidance of the supervisory public adjuster.~~ A
62 public adjuster apprentice may only solicit contracts for the
63 supervisory public adjuster under the general supervision of the
64 supervisory public adjuster; provided, however, that the public
65 adjuster apprentice may only solicit contracts if the public
66 adjuster apprentice has appeared at a residence without a prior
67 appointment if the apprentice is under the direct supervision of
68 the supervisory public adjuster. A public adjuster apprentice



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69 may not solicit contracts for natural disaster claims within 30
70 days after the declaration of the natural disaster except under
71 the direct supervision of a supervisory public adjuster. An
72 individual may not be, act as, or hold himself or herself out to
73 be a public adjuster apprentice unless the individual is
74 licensed and holds a current appointment by a licensed public
75 all-lines adjuster or a public adjusting firm that employs a
76 licensed all-lines public adjuster.

77 Section 3. Subsection (4) is added to section 627.405,
78 Florida Statutes, to read:

79 627.405 Insurable interest; property.-

80 (4) Insurable interest does not survive an assignment,
81 except to a subsequent purchaser of the property who acquires
82 insurable interest following a loss.

83

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

85 And the title is amended as follows:

86 Delete lines 44 - 53

87 and insert:

88 An act relating to insurance claims; amending s.
89 627.422, F.S.; authorizing a property insurance policy
90 to prohibit the post-loss assignment of certain
91 benefits or rights that apply to specified losses;
92 providing exceptions; providing that a post-loss
93 assignment in violation of the act is void; amending
94 s. 626.854, F.S.; providing that an assignment or
95 agreement that transfers authority to adjust,
96 negotiate, or settle a claim or that violates other
97 specified provisions is void; amending s. 626.8651,



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98 F.S.; revising the authority of public adjuster
99 apprentices; amending s. 627.405, F.S.; prohibiting
100 assignment of an insurable interest except to
101 subsequent purchasers after a loss;