

By Senator Broxson

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1                                   A bill to be entitled  
 2           An act relating to prohibited property insurance  
 3           practices; creating s. 455.2278, F.S.; providing  
 4           grounds for the discipline of licensees of various  
 5           professions and occupations regulated by the  
 6           Department of Business and Professional Regulation for  
 7           certain referrals involving property insurance  
 8           proceeds, for interpreting or advising on coverage or  
 9           duties under a property insurance policy or adjusting  
 10          a property insurance claim under certain  
 11          circumstances, or for failing to provide a good faith  
 12          estimate of the cost of services and materials for  
 13          repairs subject to certain requirements; providing an  
 14          effective date.

16 Be It Enacted by the Legislature of the State of Florida:

18           Section 1. Section 455.2278, Florida Statutes, is created  
 19 to read:

20           455.2278 Prohibited property insurance practices.—A  
 21 licensee commits a violation for which disciplinary action may  
 22 be taken pursuant to s. 455.227(2) if the licensee:

23           (1) Directly or indirectly offers, delivers, receives, or  
 24 accepts any compensation, inducement, or reward for the referral  
 25 of any business for which property insurance proceeds are  
 26 payable;

27           (2) Interprets policy provisions or advises an insured  
 28 regarding coverages or duties under the insured's property  
 29 insurance policy or adjusts a property insurance claim on behalf

1-00999-17

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30 of the insured, unless the licensee holds an unencumbered  
31 license as a public adjuster pursuant to part VI of chapter 626.  
32 However, the licensee may discuss or explain a bid for  
33 construction or repair of covered property with the residential  
34 property owner who has suffered loss or damage covered by a  
35 property insurance policy, or with the insurer of such property,  
36 if the licensee is doing so for the usual and customary fees  
37 applicable to the work to be performed as stated in the contract  
38 between the licensee and the insured; or

39 (3) Fails to provide an insured with a good faith estimate,  
40 which is detailed and itemized, of the cost of services and  
41 materials to be provided for repairs undertaken pursuant to a  
42 property insurance claim before the agreement authorizing such  
43 repairs is executed. A licensee does not commit a violation of  
44 this subsection if, as a result of the process of adjusting the  
45 claim with the insurer, the actual cost of repairs differs from  
46 the initial estimate.

47 Section 2. This act shall take effect July 1, 2017.