



687430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on General Government (Garcia)
recommended the following:

Senate Amendment

Delete lines 203 - 303
and insert:
third-party claimant. The term does not include a person who
photographs or inventories damaged personal property or business
personal property or a person performing duties under another
professional license, if such person does not otherwise solicit,
adjust, investigate, or negotiate for or attempt to effect the
settlement of a claim.



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11 ~~(6) A public adjuster may not directly or indirectly~~
12 ~~through any other person or entity initiate contact or engage in~~
13 ~~face-to-face or telephonic solicitation or enter into a contract~~
14 ~~with any insured or claimant under an insurance policy until at~~
15 ~~least 48 hours after the occurrence of an event that may be the~~
16 ~~subject of a claim under the insurance policy unless contact is~~
17 ~~initiated by the insured or claimant.~~

18 (6)~~(7)~~ An insured or claimant may cancel a public
19 adjuster's contract to adjust a claim without penalty or
20 obligation within 3 business days after the date on which the
21 contract is executed or within 3 business days after the date on
22 which the insured or claimant has notified the insurer of the
23 claim, ~~by phone or in writing~~, whichever is later. The public
24 adjuster's contract must disclose to the insured or claimant his
25 or her right to cancel the contract and advise the insured or
26 claimant that notice of cancellation must be submitted in
27 writing and sent by certified mail, return receipt requested, or
28 other form of mailing that provides proof thereof, to the public
29 adjuster at the address specified in the contract; provided,
30 during any state of emergency as declared by the Governor and
31 for 1 year after the date of loss, the insured or claimant has 5
32 business days after the date on which the contract is executed
33 to cancel a public adjuster's contract.

34 (10) ~~(a)~~~~(11)~~~~(a)~~ If a public adjuster enters into a contract
35 with an insured or claimant to reopen a claim or file a
36 supplemental claim that seeks additional payments for a claim
37 that has been previously paid in part or in full or settled by
38 the insurer, the public adjuster may not charge, agree to, or
39 accept from any source compensation, payment, commission, fee,



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40 or any other thing of value based on a previous settlement or
41 previous claim payments by the insurer for the same cause of
42 loss. The charge, compensation, payment, commission, fee, or any
43 other thing of value must be based only on the claim payments or
44 settlement obtained through the work of the public adjuster
45 after entering into the contract with the insured or claimant.
46 Compensation for the reopened or supplemental claim may not
47 exceed 20 percent of the reopened or supplemental claim payment.
48 In no event shall the contracts described in this paragraph
49 exceed the limitations in paragraph (b).

50 (b) A public adjuster may not charge, agree to, or accept
51 from any source compensation, payment, commission, fee, or any
52 other thing of value in excess of:

53 1. Ten percent of the amount of insurance claim payments
54 made by the insurer for claims based on events that are the
55 subject of a declaration of a state of emergency by the
56 Governor. This provision applies to claims made during the year
57 after the declaration of emergency. After that year, the
58 limitations in subparagraph 2. apply.

59 2. Twenty percent of the amount of insurance claim payments
60 made by the insurer for claims that are not based on events that
61 are the subject of a declaration of a state of emergency by the
62 Governor.

63 (c) Insurance claim payments made by the insurer do not
64 include policy deductibles, and public adjuster compensation may
65 not be based on the deductible portion of a claim.

66 (d)~~(e)~~ Any maneuver, shift, or device through which the
67 limits on compensation set forth in this subsection are exceeded
68 is a violation of this chapter punishable as provided under s.



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69 626.8698.

70 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,
71 or a person acting on behalf of an adjuster or apprentice may
72 not enter into a contract or accept a power of attorney that
73 vests in the public adjuster, the public adjuster apprentice, or
74 the person acting on behalf of the adjuster or apprentice the
75 effective authority to choose the persons or entities that will
76 perform repair work in a property insurance claim or provide
77 goods or services that will require the insured or third-party
78 claimant to expend funds in excess of those payable to the
79 public adjuster under the terms of the contract for adjusting
80 services.

81 (18)~~(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to
82 residential property insurance policies and condominium unit
83 owner policies as described in s. 718.111(11).

84 (19) Except as otherwise provided in this chapter, no
85 person, except an attorney at law or a public adjuster, may for
86 money, commission, or any other thing of value, directly or
87 indirectly:

88 (a) Prepare, complete, or file an insurance claim for an
89 insured or a third-party claimant;

90 (b) Act on behalf of or aid an insured or a third-party
91 claimant in negotiating for or effecting the settlement of a
92 claim for loss or damage covered by an insurance contract;

93 (c) Advertise for employment as a public adjuster; or

94 (d) Solicit, investigate, or adjust a claim on behalf of a
95 public adjuster, an insured, or a third-party claimant.

96 Section 6. Section 626.8541, Florida Statutes, is repealed.

97 Section 7. Section 626.8548, Florida Statutes, is amended



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98 to read:

99 626.8548 "All-lines adjuster" defined.—An "all-lines
100 adjuster" is a person who, for money, commission, or any other
101 thing of value, directly or indirectly ~~is self-employed or~~
102 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~
103 ~~or an independent adjusting firm or other independent adjuster,~~
104 ~~and who~~ undertakes on behalf of a public adjuster or an insurer
105 ~~or other insurers under common control or ownership~~ to ascertain
106 and determine the amount of any claim, loss, or damage payable
107 under an insurance contract or undertakes to effect settlement
108 of such claim, loss, or damage. The term also includes any
109 person who, for money, commission, or any other thing of value,
110 directly or indirectly solicits claims on behalf of a public
111 adjuster, but does not include a paid spokesperson used as part
112 of a written or an electronic advertisement or a person who
113 photographs or inventories damaged personal property or business
114 personal property if such person does not otherwise adjust,
115 investigate, or negotiate for or attempt to effect the
116 settlement of a claim. The term does not