



730048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2020	.	
	.	
	.	
	.	

The Committee on Rules (Wright) recommended the following:

1 **Senate Amendment to Amendment (957714) (with title**
2 **amendment)**

3
4 Delete lines 146 - 176

5 and insert:

6 Section 10. Subsections (6) and (11) of section 626.854,
7 Florida Statutes, are amended to read:

8 626.854 "Public adjuster" defined; prohibitions.—The
9 Legislature finds that it is necessary for the protection of the
10 public to regulate public insurance adjusters and to prevent the
11 unauthorized practice of law.



730048

12 (6) Except during a state of emergency declared by the
13 Governor and except during the 1-year period after the date of
14 loss, an insured or claimant may cancel a public adjuster's
15 contract to adjust a claim without penalty or obligation within
16 7 calendar ~~3 business~~ days after the date on which the contract
17 is executed ~~or within 3 business days after the date on which~~
18 ~~the insured or claimant has notified the insurer of the claim,~~
19 ~~whichever is later.~~ During a state of emergency declared by the
20 Governor or during the 1-year period after the date of loss, an
21 insured or a claimant may cancel a public adjuster's contract to
22 adjust a claim without penalty or obligation within 14 calendar
23 days after the date on which the contract is executed. The
24 public adjuster's contract must disclose to the insured or
25 claimant his or her right to cancel the contract and advise the
26 insured or claimant that notice of cancellation must be
27 submitted in writing and sent by certified mail, return receipt
28 requested, or other form of mailing that provides proof thereof,
29 to the public adjuster at the address specified in the contract.
30 Any public adjuster's contract entered into pursuant to a state
31 of emergency or during the 1-year period after the date of a
32 loss caused by the state of emergency must contain the following
33 language in minimum 18-point bold type: "You, the insured, may
34 cancel this contract for any reason without penalty or
35 obligation to you within 14 days after the date of this contract
36 by providing notice to ...(name of public adjuster)...,
37 submitted in writing and sent by certified mail, return receipt
38 requested, or other form of mailing that provides proof thereof,
39 at the address specified in the contract. In addition, if
40 ...(name of public adjuster)... fails to provide you with a



730048

41 written estimate (which must include an itemized, per-unit
42 estimate of the repairs, including itemized information on
43 equipment, materials, labor, and supplies, in accordance with
44 accepted industry standards) within 45 days after the date of
45 this contract, you, the insured, may cancel this contract with
46 ...(name of public adjuster)... without penalty or obligation by
47 providing notice as set forth above. This right to cancel the
48 contract without penalty or obligation shall continue until such
49 time as ...(name of public adjuster)... submits the required
50 estimate to you.”; ~~provided, during any state of emergency as~~
51 ~~declared by the Governor and for 1 year after the date of loss,~~
52 ~~the insured or claimant has 5 business days after the date on~~
53 ~~which the contract is executed to cancel a public adjuster’s~~
54 ~~contract.~~

55 (11) Each public adjuster must provide to the claimant or
56 insured a written estimate of the loss to assist in the
57 submission of a proof of loss or any other claim for payment of
58 insurance proceeds. The written estimate must include an
59 itemized, per-unit estimate of the repairs, including itemized
60 information on equipment, materials, labor, and supplies, in
61 accordance with accepted industry standards. The public adjuster
62 shall retain such written estimate for at least 5 years and
63 shall make the estimate available to the claimant or insured,
64 the insurer, and the department upon request. Failure to provide
65 the required estimate within 45 calendar days after the date on
66 which the contract is executed shall restore the insured’s right
67 to cancel the public adjuster’s contract without penalty or
68 obligation. The insured retains such right until such time as
69 the public adjuster submits the required estimate.



730048

70
71
72
73
74
75
76
77
78
79
80
81

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

And the title is amended as follows:

Delete line 963

and insert:

without penalty or obligation; requiring that certain
public adjuster's contracts include a specified
disclosure; specifying requirements for written
estimates of loss provided by public adjusters to
claimants or insureds; providing construction relating
to the failure to provide the required estimate;
amending s. 626.916,