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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Polsky) recommended the following:

Senate Amendment (with title amendment)

Before line 62

insert:

Section 1. Subsection (9) of section 626.112, Florida Statutes, is amended to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.—

(9) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without



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12 a license in violation of this section or who knowingly aids or
13 abets an unlicensed person in transacting insurance or otherwise
14 engaging in insurance activities in this state without a license
15 commits a felony of the third degree, punishable as provided in
16 s. 775.082, s. 775.083, or s. 775.084.

17 Section 2. Section 626.5813, Florida Statutes, is created
18 to read:

19 626.5813 Claims adjusting.—

20 (1)(a) As used in this section, the term "claims adjusting"
21 means directly or indirectly:

22 1. Attempting or undertaking to ascertain and determine the
23 amount of any claim, loss, or damage payable under an insurance
24 contract or undertaking to negotiate or effect settlement of a
25 claim, loss, or damage under an insurance contract, if such
26 action results in payment to or receipt of money, commission, or
27 any other thing of value by the party or parties rendering such
28 service or persons affiliated with such party or parties; or

29 2. Soliciting services as described in subparagraph 1. or
30 soliciting an insured or policyholder to file an insurance
31 claim.

32 (b) The term does not include:

33 1. Paid services as a spokesperson used as part of a
34 written or an electronic advertisement.

35 2. Paid services as a photographer or videographer used to
36 capture images of damage.

37 3. Paid services to inventory personal property or business
38 personal property.

39 4. Discussion or explanation of a bid for construction or
40 repair services by a licensed contractor under part I of chapter



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41 489, or a subcontractor for a licensed contractor, with a
42 property owner or the insurer of the property.

43 (2) Except for a duly licensed attorney at law as exempted
44 under s. 626.860 or an agent as exempted under s. 626.862, a
45 person may not provide claims adjusting services unless licensed
46 and appointed as an adjuster under this part.

47 (3) The department may take administrative action and
48 impose fines against any persons performing claims adjusting,
49 soliciting, marketing, or any other services under this section
50 or s. 626.854 without the licensure required under s. 626.112 or
51 s. 626.854.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Between lines 2 and 3
56 insert:

57 amending s. 626.112, F.S.; providing a criminal
58 penalty for aiding or abetting unlicensed activity;
59 creating s. 626.5813, F.S.; defining the term "claims
60 adjusting"; prohibiting a person from providing claims
61 adjusting services unless the person meets specified
62 requirements; authorizing the department to take
63 administrative actions and impose fines against
64 persons performing specified activities without
65 licensure;