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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Polsky) recommended the following:

1           **Senate Amendment to Amendment (280944) (with title**  
2 **amendment)**

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4           Between lines 5 and 6

5 insert:

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

8           626.112 License and appointment required; agents, customer  
9 representatives, adjusters, insurance agencies, service  
10 representatives, managing general agents.—

11           (9) Any person who knowingly transacts insurance or



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

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

20 626.5813 Claims adjusting.-

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

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

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

33 (b) The term does not include:

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

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

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

40 4. Discussion or explanation of a bid for construction or



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41 repair services by a licensed contractor under part I of chapter  
42 489, or a subcontractor for a licensed contractor, with a  
43 property owner or the insurer of the property.

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

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

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

55 And the title is amended as follows:

56 Delete line 486

57 and insert:

58 626.112, F.S.; providing a criminal penalty for aiding  
59 or abetting unlicensed activity; creating s. 626.5813,  
60 F.S.; defining the term "claims adjusting";  
61 prohibiting a person from providing claims adjusting  
62 services unless the person meets specified  
63 requirements; authorizing the department to take  
64 administrative actions and impose fines against  
65 persons performing specified activities without  
66 licensure; amending s. 626.9373, F.S.; providing that,  
67 for certain attorney