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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Polsky) recommended the following:

1 **Senate Amendment to Amendment (372938) (with title**
2 **amendment)**

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4 Between lines 4 and 5
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



790748

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



790748

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 Between lines 479 and 480

57 insert:

58 amending s. 626.112, F.S.; providing a criminal
59 penalty for aiding or abetting unlicensed activity;
60 creating s. 626.5813, F.S.; defining the term "claims
61 adjusting"; prohibiting a person from providing claims
62 adjusting 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;