



467244

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Banking and Insurance (Brandes) recommended the following:

1 **Senate Amendment to Amendment (334330) (with title**
2 **amendment)**

3
4 Delete lines 1733 - 1752
5 and insert:

6 Section 47. Subsection (10) of section 626.854, Florida
7 Statutes, is 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



467244

11 unauthorized practice of law.

12 (10) (a) If a public adjuster enters into a contract with an
13 insured or claimant to reopen a claim or file a supplemental
14 claim that seeks additional payments for a claim that has been
15 previously paid in part or in full or settled by the insurer,
16 the public adjuster may not charge, agree to, or accept from any
17 source compensation, payment, commission, fee, or any other
18 thing of value based on a previous settlement or previous claim
19 payments by the insurer for the same cause of loss. The charge,
20 compensation, payment, commission, fee, or any other thing of
21 value must be based only on the recovery allocated to the
22 insured for covered damages, exclusive of attorney fees and
23 costs, ~~claim payments or settlement~~ obtained through the work of
24 the public adjuster after entering into the contract with the
25 insured or claimant. Compensation for the reopened or
26 supplemental claim may not exceed 20 percent of the reopened or
27 supplemental claim payment. In no event shall the contracts
28 described in this paragraph exceed the limitations in paragraph
29 (b).

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

33 1. Ten percent of the amount of insurance recovery
34 allocated to the insured for covered damages, exclusive of
35 attorney fees and costs, ~~claim payments made~~ by the insurer for
36 claims based on events that are the subject of a declaration of
37 a state of emergency by the Governor. This provision applies to
38 claims made during the year after the declaration of emergency.
39 After that year, the limitations in subparagraph 2. apply.



467244

40 2. Twenty percent of the amount of insurance recovery
41 allocated to the insured for covered damages, exclusive of
42 attorney fees and costs, ~~claim payments made~~ by the insurer for
43 claims that are not based on events that are the subject of a
44 declaration of a state of emergency by the Governor.

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

48 (d) Public adjuster compensation may not be based on
49 amounts attributable to additional living expenses unless such
50 compensation is affirmatively agreed to in a separate agreement
51 that includes a disclosure in substantially the following form:
52 "I agree to retain and compensate the public adjuster for
53 adjusting my additional living expenses and securing payment
54 from my insurer for amounts attributable to additional living
55 expenses payable under the policy issued on my (home/mobile
56 home/condominium unit)."

57 (e) Public adjuster compensation may not be increased based
58 on a claim being resolved by litigation.

59 (f) Any maneuver, shift, or device through which the limits
60 on compensation set forth in this subsection are exceeded is a
61 violation of this chapter punishable as provided under s.
62 626.8698.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 2573

67 and insert:

68 agency licenses; amending s. 626.854, F.S.; revising



467244

69

and providing