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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Soto) recommended the following:

1 **Senate Substitute for Amendment (142260) (with title**
2 **amendment)**

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4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (11) of section 626.8651, Florida
7 Statutes, is amended to read:

8 626.8651 Public adjuster apprentice license;
9 qualifications.—

10 (11) A public adjuster apprentice has the same authority as
11 the licensed public adjuster or public adjusting firm that



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12 employs the apprentice except that an apprentice may not execute
13 contracts for the services of a public adjuster or public
14 adjusting firm and is limited in his or her ability to ~~may not~~
15 ~~solicit contracts for the services except under the direct~~
16 ~~supervision and guidance~~ of the supervisory public adjuster. A
17 public adjuster apprentice may solicit contracts for the
18 supervisory public adjuster only under the general supervision
19 of the supervisory public adjuster, provided, however, that the
20 public adjuster apprentice may only solicit contracts if the
21 public adjuster apprentice has appeared at a residence without a
22 prior appointment if the apprentice is under the direct
23 supervision of the supervisory public adjuster. A public
24 adjuster apprentice may not solicit contracts for natural
25 disaster claims within 30 days after the declaration of the
26 natural disaster except under the direct supervision of a
27 supervisory public adjuster. An individual may not be, act as,
28 or hold himself or herself out to be a public adjuster
29 apprentice unless the individual is licensed and holds a current
30 appointment by a licensed public all-lines adjuster or a public
31 adjusting firm that employs a licensed all-lines public
32 adjuster.

33 Section 2. Section 627.422, Florida Statutes, is amended to
34 read:

35 627.422 Assignment of policies; limitations on post-loss
36 assignments of policy benefits.-

37 (1) A policy may be assignable, or not assignable, as
38 provided by its terms. Subject to its terms relating to
39 assignability, any life or health insurance policy under the
40 terms of which the beneficiary may be changed upon the sole



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41 request of the policyowner may be assigned either by pledge or
42 transfer of title, by an assignment executed by the policyowner
43 alone and delivered to the insurer, regardless of whether ~~or not~~
44 the pledgee or assignee is the insurer. Any such assignment
45 entitles ~~shall entitle~~ the insurer to deal with the assignee as
46 the owner or pledgee of the policy in accordance with the terms
47 of the assignment, until the insurer has received at its home
48 office written notice of termination of the assignment or pledge
49 or written notice by or on behalf of some other person claiming
50 some interest in the policy in conflict with the assignment.

51 (2) A personal lines residential property insurance policy
52 and a commercial lines residential property insurance policy may
53 not prohibit the post-loss assignment of benefits. However, an
54 agreement assigning post-loss benefits under such insurance
55 policies must:

56 (a) Require the assignee to notify the insurer within 7
57 days after the date of the assignment, provided, however, that
58 if the contact information for the insurer is unavailable for
59 the first 7 days, the assignee shall contact the company as soon
60 as practicable. A facsimile number and an e-mail address
61 dedicated solely to the use of receiving notices of assignments
62 must be posted on the carrier's website and be operational 24
63 hours a day, 7 days a week. A facsimile confirmation held by an
64 assignee is prima facie evidence that the notice was properly
65 given. Insurers must also accept this notice by regular mail.

66 (b) Limit the assignment to the contracted work to be
67 performed. Such assignment is restricted to claims for damage to
68 the dwelling and other structures and items covered under the
69 policy.



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70 (c) Specify the estimated scope and price of the work in
71 writing before it is performed, provided, however, that revised
72 estimates subject to the assignment may be provided where the
73 need for additional or supplemental repairs is determined
74 subsequent to the original estimate.

75 (d) Prohibit the assignee from charging the policyowner for
76 any portion of the repair or replacement beyond the applicable
77 deductible contained in the insurance policy, provided, however,
78 that a policyowner may contract for upgrades or additional work
79 not covered under the policy at the policyowner's expense.

80 (e) Prohibit a person performing any portion of the repair
81 or replacement on behalf of the assignee from charging the
82 policyowner, provided, however, that the policyowner may
83 contract for upgrades or additional work not covered under the
84 policy at the policyowner's expense.

85 (f) Prohibit the assignee from retaining insurance proceeds
86 for payment of work performed or to be performed by vendors
87 other than the assignee, provided, however, that this paragraph
88 does not apply to a general contractor who retains
89 subcontractors to perform work covered under the policy.

90 (g) Require the assignee to guarantee that the work
91 performed for the loss event conforms to the most recent,
92 accepted industry standards, including, but not limited to,
93 applicable local building codes.

94 (3) An assignment that fails to substantially comply with
95 this section may be rescinded by the policyowner in writing with
96 notice of rescission provided to both the contractor and the
97 insurer.

98 Section 3. This act shall take effect July 1, 2015.



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

101 And the title is amended as follows:

102 Delete everything before the enacting clause
103 and insert:

104 A bill to be entitled
105 An act relating act relating to insurance claims;
106 amending s. 626.8651, F.S.; revising the authority of
107 public adjuster apprentices; amending s. 627.422,
108 F.S.; providing that personal and commercial lines
109 residential property insurance policies may not
110 prohibit the post-loss assignment of benefits;
111 providing procedures, requirements, and limitations
112 for an agreement assigning the post-loss benefits
113 under such insurance policies; providing for
114 rescission of an assignment by a policyowner under
115 certain circumstances; providing an effective date.