

By the Committee on Banking and Insurance; and Senator Hukill

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1 A bill to be entitled
2 An act relating to insurance claims; amending s.
3 626.854, F.S.; providing that an assignment or
4 agreement that transfers authority to adjust,
5 negotiate, or settle a claim or that violates other
6 specified provisions is void; amending s. 626.8651,
7 F.S.; revising the authority of public adjuster
8 apprentices; amending s. 627.405, F.S.; prohibiting
9 assignment of an insurable interest except to
10 subsequent purchasers after a loss; amending s.
11 627.422, F.S.; authorizing a property insurance policy
12 to prohibit the post-loss assignment of certain
13 benefits or rights that apply to specified losses;
14 providing exceptions; providing that a post-loss
15 assignment in violation of the act is void; providing
16 an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (16) of section 626.854, Florida
21 Statutes, is amended to read:

22 626.854 "Public adjuster" defined; prohibitions.—The
23 Legislature finds that it is necessary for the protection of the
24 public to regulate public insurance adjusters and to prevent the
25 unauthorized practice of law.

26 (16) (a) A licensed contractor under part I of chapter 489,
27 or a subcontractor, may not adjust a claim on behalf of an
28 insured unless licensed and compliant as a public adjuster under
29 this chapter. However, the contractor may discuss or explain a

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30 bid for construction or repair of covered property with the
31 residential property owner who has suffered loss or damage
32 covered by a property insurance policy, or the insurer of such
33 property, if the contractor is doing so for the usual and
34 customary fees applicable to the work to be performed as stated
35 in the contract between the contractor and the insured.

36 (b) An assignment or agreement that transfers the authority
37 to adjust, negotiate, or settle any portion of a claim to such
38 contractor or subcontractor or that is otherwise in violation of
39 this section is void.

40 Section 2. Subsection (11) of section 626.8651, Florida
41 Statutes, is amended to read:

42 626.8651 Public adjuster apprentice license;
43 qualifications.—

44 (11) A public adjuster apprentice has the same authority as
45 the licensed public adjuster or public adjusting firm that
46 employs the apprentice except that an apprentice may not execute
47 contracts for the services of a public adjuster or public
48 adjusting firm and is limited in his or her ability to ~~may not~~
49 ~~solicit contracts for the services except under the direct~~
50 ~~supervision and guidance of the supervisory public adjuster.~~ A
51 public adjuster apprentice may only solicit contracts for the
52 supervisory public adjuster under the general supervision of the
53 supervisory public adjuster; provided, however, that the public
54 adjuster apprentice may only solicit contracts if the public
55 adjuster apprentice has appeared at a residence without a prior
56 appointment if the apprentice is under the direct supervision of
57 the supervisory public adjuster. A public adjuster apprentice
58 may not solicit contracts for natural disaster claims within 30

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59 days after the declaration of the natural disaster except under
60 the direct supervision of a supervisory public adjuster. An
61 individual may not be, act as, or hold himself or herself out to
62 be a public adjuster apprentice unless the individual is
63 licensed and holds a current appointment by a licensed public
64 all-lines adjuster or a public adjusting firm that employs a
65 licensed all-lines public adjuster.

66 Section 3. Subsection (4) is added to section 627.405,
67 Florida Statutes, to read:

68 627.405 Insurable interest; property.-

69 (4) An insurable interest does not survive an assignment,
70 except to a subsequent purchaser of the property who acquires
71 insurable interest following a loss.

72 Section 4. Section 627.422, Florida Statutes, is amended to
73 read:

74 627.422 Assignment of policies; limitations on post-loss
75 assignment of benefits.-

76 (1) A policy may be assignable, or not assignable, as
77 provided by its terms. Subject to its terms relating to
78 assignability, any life or health insurance policy under the
79 terms of which the beneficiary may be changed upon the sole
80 request of the policyowner may be assigned either by pledge or
81 transfer of title, by an assignment executed by the policyowner
82 alone and delivered to the insurer, regardless of whether ~~or not~~
83 the pledgee or assignee is the insurer. Any such assignment
84 entitles ~~shall entitle~~ the insurer to deal with the assignee as
85 the owner or pledgee of the policy in accordance with the terms
86 of the assignment, until the insurer has received at its home
87 office written notice of termination of the assignment or pledge

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88 or written notice by or on behalf of some other person claiming
89 some interest in the policy in conflict with the assignment.

90 (2) A property insurance policy may prohibit the post-loss
91 assignment of benefits, rights, causes of action, or other
92 contractual rights under the policy, except that a policyholder
93 may assign the benefit of payment:

94 (a) Up to \$3,000, to a person or entity that provides
95 services or materials to mitigate or repair damage that directly
96 arises from a covered loss. Such assignment is limited solely to
97 designating the person or entity as a copayee for the benefit of
98 payment for the reasonable value of services or materials
99 provided. The policyholder has the exclusive right to enforce
100 payment of the post-loss benefits under the policy and may not
101 assign that right to another person or entity.

102 (b) To compensate a public adjuster for services authorized
103 by s. 626.854(11). The assignment may only be for compensation
104 due to the public adjuster by the policyholder and may not
105 include any assignment of other benefits under the policy. This
106 paragraph does not change the obligations, if any, of the
107 insurer to issue to the policyholder a check for payment in the
108 name of the policyholder or mortgageholder.

109 (c) To an attorney who represents the policyholder only if
110 the assignment provides that the benefits are to be paid to the
111 attorney for disbursement of the funds by the attorney to repair
112 the property at the direction of the policyholder.

113 (3) A post-loss assignment in violation of subsection (2)
114 is void.

115 Section 5. This act shall take effect July 1, 2015.

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