



476130

LEGISLATIVE ACTION

Senate

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House

Senator Simmons moved the following:

Senate Amendment (with title amendment)

Before line 30

insert:

Section 1. Section 501.172, Florida Statutes, is created to read:

501.172 Agreements with service providers entered into under urgent or emergency circumstances; assignment of benefits relating to property insurance; limitations.—

(1) For purposes of this section, the term:

(a) "Consumer" means a person who has an interest in or who



12 has a right to manage real property, including improvements upon
13 such real property, regardless of whether for personal or
14 business purposes, including an owner, a tenant, a licensee, or
15 a property manager.

16 (b) "Service provider" means a person who enters into an
17 agreement with a consumer for the stabilization, repair,
18 improvement, or remediation of real property.

19 (2) If a consumer, including a consumer who is a
20 policyowner of a property insurance policy, acts under urgent or
21 emergency circumstances to protect property from damage and
22 enters into an agreement with a service provider to stabilize,
23 protect, repair, or improve such property, the service provider
24 may only contract for or receive from the consumer at such time
25 the right to payment for the amount of work necessary to
26 stabilize, protect, repair, and prevent additional damage from
27 occurring to the property.

28 (3) In all circumstances, including urgent or emergency
29 circumstances, an agreement entered into by a consumer and a
30 service provider after a loss or damage has occurred to the
31 consumer's property which contains a purported post-loss
32 assignment of benefits to the service provider or some third
33 person is not valid:

34 (a) Unless the consumer or service provider provides a copy
35 of the agreement to the consumer's property insurer within 5
36 business days after execution by both the service provider and
37 consumer;

38 (b) To the extent that the agreement prevents or inhibits
39 an insurer from communicating with the consumer at any time; or

40 (c) To the extent that the agreement purports to transfer



41 or create any authority to adjust, negotiate, or settle any
42 portion of a claim to a person or an entity who is not
43 authorized to adjust, negotiate, or settle a claim on behalf of
44 the insured or claimant under part VI of chapter 626.

45 (4) This section does not apply to a power of attorney
46 granted to a management company, family member, guardian, or
47 similarly situated person which complies with chapter 709 and
48 which may include, as part of the authority granted, the
49 authority to act in place of a principal as it relates to a
50 property insurance claim.

51 (5) A policyholder who assigns the right to receive the
52 benefit of payment under the policy is not liable to the
53 assignee for services and materials for which the insurer is
54 liable, and the assignee may not collect or attempt to collect
55 money from, maintain any action at law against, or claim a lien
56 on the real property of a policyholder or report a policyholder
57 to a credit agency for payment for which the insurer is liable
58 under the policy. However, to the extent such purported
59 assignment is otherwise valid under applicable law, this
60 subsection does not prohibit the assignee from collecting or
61 attempting to collect money from, maintaining an action at law
62 against, or claiming a lien on the real property of a
63 policyholder or reporting a policyholder to a credit agency for
64 payment of the amount of the insurance deductible or any amount
65 attributable to services and materials ordered by the
66 policyholder which are not covered under the insurance policy.

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

69 And the title is amended as follows:



476130

70 Delete line 2

71 and insert:

72 An act relating to insurance practices; creating s.
73 501.172, F.S.; defining terms; specifying limitations
74 to the assignment of specified rights by a consumer to
75 a service provider for certain services provided under
76 urgent or emergency circumstances to stabilize,
77 protect, repair, or improve real property; providing
78 that a specified agreement assigning certain rights is
79 not valid unless specified conditions are met;
80 providing applicability; providing that a policyholder
81 who assigns a certain right is not liable to the
82 assignee for specified services and materials;
83 prohibiting an assignee from taking certain actions
84 for payments for which the insurer is liable;
85 providing applicability;