

Amendment No. aa1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Jenne offered the following:

3
 4 **Amendment to Amendment (738959) by Representative Clemons**
 5 **(with title amendment)**

6 Remove lines 167-215 of the amendment and insert:

7 Section 11. Subsection (6) of section 626.854, Florida
 8 Statutes, is amended to read:

9 626.854 "Public adjuster" defined; prohibitions.—The
 10 Legislature finds that it is necessary for the protection of the
 11 public to regulate public insurance adjusters and to prevent the
 12 unauthorized practice of law.

13 (6) (a) An insured or claimant may cancel a public
 14 adjuster's contract to adjust a claim without penalty or
 15 obligation within 5 calendar ~~3 business~~ days after the date on
 16 which the contract is executed ~~or within 3 business days after~~

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17 ~~the date on which the insured or claimant has notified the~~
18 ~~insurer of the claim, whichever is later. The public adjuster's~~
19 contract must disclose to the insured or claimant his or her
20 right to cancel the contract and advise the insured or claimant
21 that notice of cancellation must be submitted in writing and
22 sent by certified mail, return receipt requested, or other form
23 of mailing that provides proof thereof, to the public adjuster
24 at the address specified in the contract; ~~provided, during any~~
25 ~~state of emergency as declared by the Governor and for 1 year~~
26 ~~after the date of loss, the insured or claimant has 5 business~~
27 ~~days after the date on which the contract is executed to cancel~~
28 ~~a public adjuster's contract.~~

29 (b) During a state of emergency declared by the Governor
30 or during the 1-year period after the date of loss associated
31 with a state of emergency declared by the Governor, an insured
32 or claimant may cancel a public adjuster's contract to adjust a
33 claim pursuant to the following:

34 1. An insured or claimant may cancel a public adjuster's
35 contract without penalty or obligation for any reason whatsoever
36 for 7 calendar days after the date on which the contract is
37 executed.

38 2. If a public adjuster has failed to submit to the
39 insurance company or the authorized representative of the
40 insurance company a documented initial claim submission within
41 45 days after the date of the execution of the contract between

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42 the public adjuster and the insured or claimant, the insured or
43 claimant may cancel the contract without penalty or obligation,
44 unless the failure to submit such initial claim submission is
45 caused by factors beyond the control of the public adjuster
46 which reasonably prevented the submission of such claim. A
47 documented initial claim submission for dwelling damage must
48 include a detailed written estimate of services, including,
49 itemized information on equipment, materials, and supplies, in
50 accordance with accepted industry standards.

51 3. If a public adjuster submits a documented initial claim
52 to the insurance company or the authorized representative of the
53 insurance company after the 45 day period specified in
54 subparagraph 2. but before the rescission of the contract by the
55 insured or claimant, the failure to submit the documented
56 initial claim shall be deemed to be cured, and the right to
57 rescind such contract without penalty or obligation shall end.

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60 **T I T L E A M E N D M E N T**

61 Remove line 1085 of the amendment and insert:
62 contract without penalty or obligation; specifying
63 requirements for such cancellation during a state of
64 emergency declared by the Governor; amending s.