LEGISLATIVE ACTION

The Committee on Judiciary (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Before line 62 insert:

Section 1. Subsection (9) of section 626.112, Florida Statutes, is amended to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.—

(9) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without
a license in violation of this section or who knowingly aids or
abet an unlicensed person in transacting insurance or otherwise
engaging in insurance activities in this state without a license
commits a felony of the third degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 626.5813, Florida Statutes, is created
to read:

626.5813 Claims adjusting.—
(1)(a) As used in this section, the term “claims adjusting”
means directly or indirectly:

1. Attempting or undertaking to ascertain and determine the
amount of any claim, loss, or damage payable under an insurance
contract or undertaking to negotiate or effect settlement of a
claim, loss, or damage under an insurance contract, if such
action results in payment to or receipt of money, commission, or
any other thing of value by the party or parties rendering such
service or persons affiliated with such party or parties; or

2. Soliciting services as described in subparagraph 1. or
soliciting an insured or policyholder to file an insurance
claim.

(b) The term does not include:

1. Paid services as a spokesperson used as part of a
written or an electronic advertisement.

2. Paid services as a photographer or videographer used to
capture images of damage.

3. Paid services to inventory personal property or business
personal property.

4. Discussion or explanation of a bid for construction or
repair services by a licensed contractor under part I of chapter
489, or a subcontractor for a licensed contractor, with a property owner or the insurer of the property.

(2) Except for a duly licensed attorney at law as exempted under s. 626.860 or an agent as exempted under s. 626.862, a person may not provide claims adjusting services unless licensed and appointed as an adjuster under this part.

(3) The department may take administrative action and impose fines against any persons performing claims adjusting, soliciting, marketing, or any other services under this section or s. 626.854 without the licensure required under s. 626.112 or s. 626.854.

And the title is amended as follows:

Between lines 2 and 3 insert:

amending s. 626.112, F.S.; providing a criminal penalty for aiding or abetting unlicensed activity; creating s. 626.5813, F.S.; defining the term “claims adjusting”; prohibiting a person from providing claims adjusting services unless the person meets specified requirements; authorizing the department to take administrative actions and impose fines against persons performing specified activities without licensure;