Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Before line 98

insert:

Section 1. Section 489.147, Florida Statutes, is created to read:

489.147 Prohibited property insurance practices.—

(1) As used in this section, the term:

(a) "Prohibited advertisement" means any written or electronic communication that encourages, instructs, or induces a consumer to contact a contractor for the purpose of making an
insurance claim. The term includes, but is not limited to, door hangers, business cards, magnets, flyers, pamphlets, and e-mails.

(b) "Soliciting" means contacting:
1. In person;
2. By electronic means, including e-mail, telephone, and real-time communication directed to a specific person; or
3. By delivery to a specific person.

(2) A contractor as defined in s. 489.105(3) or licensed under part XVI of chapter 468, including, but not limited to, a general contractor, a building contractor, a residential contractor, a mold remediator, a mold assessor, or a roofing contractor, may not directly or indirectly engage in any of the following practices:

(a) Soliciting a property owner by means of a prohibited advertisement.

(b) Offering to a property owner a rebate, gift, gift card, cash, coupon, waiver of any insurance deductible, or any other thing of value in exchange for:

1. Allowing the contractor to conduct an inspection of the property owner’s property; or
2. Making an insurance claim for damage to the property owner’s property.

(c) Offering, delivering, receiving, or accepting any compensation or inducement for the referral of any services for which property insurance proceeds are payable.

(d) Interpreting policy provisions or advising an insured regarding coverages or duties under the insured’s property insurance policy or adjusting a property insurance claim on
behalf of the insured, unless the contractor holds an unencumbered license as a public adjuster pursuant to part VI of chapter 626.

(e) Providing an insured with an agreement authorizing repairs without providing a good faith estimate of the itemized and detailed cost of services and materials for repairs undertaken pursuant to a property insurance claim. A contractor does not violate this subsection if, as a result of the process of the insurer adjusting a claim, the actual cost of repairs differs from the initial estimate.

(3) A contractor who violates this section is subject to disciplinary proceedings as set forth in s. 489.129. A contractor may receive up to a $10,000 fine for each violation of this section.

(4) For the purposes of this section:

(a) The acts of any person on behalf of a contractor, including the acts of a compensated employee or a nonemployee who is compensated for soliciting as defined in this section, are considered the acts of the contractor.

(b) Any person who engages in an act prohibited by this section, but who is not a contractor as defined in s. 489.105(3) or licensed under part XVI of chapter 468, is guilty of unlicensed contracting and is subject to the penalties set forth in s. 489.13. Notwithstanding s. 489.13(3), an unlicensed person who violates this section may be fined up to $10,000 for each violation.

(5) A contractor may not execute a contract with a property owner to repair or replace a roof without including a notice that the contractor may not engage in the practices set forth in
paragraph (2)(b). If the contractor fails to include such notice, the residential property owner may void the contract within 10 days after executing it.

Section 2. Subsection (20) is added to section 626.854, Florida Statutes, to read:

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

(20)(a) The following acts by a public adjuster, a public adjuster apprentice, or a person acting on behalf of a public adjuster are prohibited and shall result in discipline as applicable under this part:

1. Offering to a property owner a rebate, gift, gift card, cash, coupon, waiver of any insurance deductible, or any other thing of value in exchange for allowing a contractor, a public adjuster, a public adjuster apprentice, or a person acting on behalf of a public adjuster to conduct an inspection of the owner’s property.

2. Offering, delivering, receiving, or accepting any compensation or inducement for the referral of any services for which property insurance proceeds would be used for property repairs or replacement. This subsection does not prohibit a public adjuster from sharing fees with another public adjuster or public adjuster apprentice.

(b) Notwithstanding the fine set forth in s. 626.8698, any public adjuster or public adjuster apprentice is subject to a fine not to exceed $10,000 per act for a violation of this subsection.
(c) Any person who engages in the acts prohibited by this subsection and who is not a public adjuster or a public adjuster apprentice or is not otherwise exempt from licensure is guilty of the unlicensed practice of public adjusting and is subject to:

1. All applicable penalties set forth in this part.
2. Notwithstanding subparagraph 1., a fine not to exceed $10,000 per act for a violation of this section.

And the title is amended as follows:

Delete line 2 and insert:

An act relating to property insurance; creating s. 489.147, F.S.; defining the terms “prohibited advertisement” and “soliciting”; prohibiting certain practices by contractors; providing for disciplinary proceedings; providing that the acts of any persons on behalf of a contractor are considered the acts of the contractor; providing that certain acts constitute unlicensed contracting; providing penalties; prohibiting a contractor from executing a contract with a property owner for a roofing repair or replacement unless a certain notice is included; authorizing the residential property owner to void the contract within a specified timeframe if such notice is not included; amending 626.854, F.S.; prohibiting certain practices by public adjusters, public adjuster apprentices, or persons acting on behalf of public
adjusters; providing penalties; providing that certain acts constitute the unlicensed practice of public adjusting; providing penalties; amending s.