COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	____	(Y/N)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

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Rommel offered the following:

Amendment (with title amendment)

Between lines 69 and 70, insert:

Section 489.147, Florida Statutes, is created to read:

489.147 Prohibited property insurance practices.—

(1) DEFINITIONS.—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 or public adjuster for the purpose of making an insurance claim for roof damage. Prohibited advertisements may include door hangers, business cards, magnets, flyers, pamphlets, and emails.

(b) "Soliciting" means contacting, in person, by telephone, by electronic means including email and real-time communication face-to-face directed to a specific person, and by delivery to, residential property owners.

(2) No contractor, as defined by s. 489.105, including but not limited to, a general contractor, building contractor, residential contractor, or roofing contractor, may directly or indirectly engage in the following:

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

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

1. Allowing the contractor to conduct an inspection of the residential property owner's roof;

2. Making an insurance claim for damage to the residential property owner's roof.

(c) Offering, delivering, receiving, or accepting any compensation, inducement, or reward 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 commit a violation of 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) Any contractor who violates this section shall be 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 actions of any person acting on behalf of a contractor, including a compensated employee or a nonemployee who is compensated for soliciting as defined in this section, shall be considered the actions of the contractor.

(b) Any person who engages in the actions prohibited by this section, but is not a contractor as defined in s. 489.105, is guilty of unlicensed contracting and shall be 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 is prohibited from executing a contract related with a residential property owner to repair or replace a roof without including notice that the contractor is prohibited from engaging in the conduct set forth in paragraph (2)(b) of this section. If the contractor fails to include such notice, the residential property owner may void the contract within 10 days of executing it.

Between lines 188 and 189, insert:

Subsection (20) of section 626.854, Florida Statutes, is created to read:

626.854 "Public adjuster" defined; prohibitions.—

The legislature finds that it is necessary for the practice of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(20) 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 chapter 626, part VI:

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

1. 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 residential property owner's roof;

2. Making an insurance claim for damage to the residential property owner's roof.

(b) Offering, delivering, receiving, or accepting any compensation, inducement, or reward for the referral of any services for which property insurance proceeds would be used for roofing repairs or replacement.

(c) Notwithstanding the fine set forth in s. 626.8698, any public adjuster or public adjuster apprentice maybe to subject to a fine not to exceed $10,000 per act for a violation of this subsection.

(d) Any person who engages in the actions prohibited by this subsection and 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 shall be:

1. Subject to all applicable penalties set forth in chapter 626, part VI.

2. Notwithstanding subparagraph 1, subject to a fine not to exceed $10,000 per act for a violation of this section.

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

Remove line 2 and insert:

An act relating to insurance; creating s. 489.147, F.S.; providing definitions; prohibiting certain actions by contractors; providing for disciplinary proceedings; providing that the actions of any persons are the actions of a contractor; providing that certain actions constitute unlicensed contracting; prohibiting a contractor from executing a contract with a residential property owner unless certain notice is provided; providing that any contract executed in violation of this section is voidable; amending s. 624.316,

Remove line 22 and insert:

Domestic insurer; prohibiting certain actions by a public adjuster, public adjuster apprentice, and certain other persons; providing that certain actions constitute unlicensed practice of public adjusting; amending s. 627.351, F.S.; revising