

1                                   A bill to be entitled  
 2           An act relating to assignment of post-loss insurance  
 3           policy benefits; amending s. 626.854, F.S.; providing  
 4           that an assignment or agreement that transfers  
 5           authority to adjust, negotiate, or settle a claim is  
 6           void; amending s. 627.405, F.S.; prohibiting  
 7           assignment of an insurable interest except to  
 8           subsequent purchasers after a loss; amending s.  
 9           627.422, F.S.; authorizing an insurance policy to  
 10          prohibit assignment of post-loss benefits; providing  
 11          exceptions; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Subsection (16) of section 626.854, Florida  
 16           Statutes, is amended to read:

17           626.854 "Public adjuster" defined; prohibitions.—The  
 18           Legislature finds that it is necessary for the protection of the  
 19           public to regulate public insurance adjusters and to prevent the  
 20           unauthorized practice of law.

21           (16) (a) A licensed contractor under part I of chapter 489,  
 22           or a subcontractor, may not adjust a claim on behalf of an  
 23           insured unless licensed and compliant as a public adjuster under  
 24           this chapter. However, the contractor may discuss or explain a  
 25           bid for construction or repair of covered property with the  
 26           residential property owner who has suffered loss or damage

27 covered by a property insurance policy, or the insurer of such  
 28 property, if the contractor is doing so for the usual and  
 29 customary fees applicable to the work to be performed as stated  
 30 in the contract between the contractor and the insured.

31 (b) Any assignment or agreement that purports to transfer  
 32 the authority to adjust, negotiate, or settle any portion of a  
 33 claim to such contractor or subcontractor, or that is otherwise  
 34 in derogation of this section, is void.

35 Section 2. Subsection (4) is added to section 627.405,  
 36 Florida Statutes, to read:

37 627.405 Insurable interest; property.—

38 (4) Insurable interest does not survive an assignment,  
 39 except to a subsequent purchaser of the property who acquires  
 40 insurable interest following a loss.

41 Section 3. Section 627.422, Florida Statutes, is amended  
 42 to read:

43 627.422 Assignment of policies; restrictions on post-loss  
 44 assignment of benefits.—

45 (1) A policy may be assignable, or not assignable, as  
 46 provided by its terms. Subject to its terms relating to  
 47 assignability, any life or health insurance policy under the  
 48 terms of which the beneficiary may be changed upon the sole  
 49 request of the policyowner may be assigned either by pledge or  
 50 transfer of title, by an assignment executed by the policyowner  
 51 alone and delivered to the insurer, whether or not the pledgee  
 52 or assignee is the insurer. Any such assignment shall entitle

53 the insurer to deal with the assignee as the owner or pledgee of  
 54 the policy in accordance with the terms of the assignment, until  
 55 the insurer has received at its home office written notice of  
 56 termination of the assignment or pledge or written notice by or  
 57 on behalf of some other person claiming some interest in the  
 58 policy in conflict with the assignment.

59 (2) A property insurance policy may prohibit the post-loss  
 60 assignment of rights, benefits, causes of action, or other  
 61 contractual rights under the policy, except:

62 (a) An insured may assign the benefit of payment of no  
 63 more than \$3,000 to a person or entity providing services or  
 64 materials to mitigate or repair damage directly arising from a  
 65 covered loss. The assignment is limited solely to the ability to  
 66 be named as a copayee for the benefit of payment for the  
 67 reasonable value of services rendered and materials provided to  
 68 mitigate or repair the damage. The insured may not assign the  
 69 right to enforce payment of the post-loss benefits in the  
 70 policy.

71 (b) For the purpose of compensating a public adjuster for  
 72 services authorized by s. 626.854(11). The assignment may only  
 73 be for compensation due to the public adjuster by the insured  
 74 and not for the remainder of the benefits due to the insured  
 75 under the policy. This paragraph does not affect any obligation  
 76 of the insurer to issue the insured a check for payment in the  
 77 name of the insured or mortgage holder.

78 (c) For payment of an attorney representing the insured,

79 | if the assignment provides that the benefits must be paid to the  
80 | attorney representing the insured and that the attorney must  
81 | disperse the funds to repair the property at the direction of  
82 | the insured.

83 | (3) Any post-loss assignment of rights, benefits, causes  
84 | of action, or other contractual rights in contravention of this  
85 | section renders the assignment void.

86 | Section 4. This act shall take effect July 1, 2015.