

2014 Florida Legislative Session Public Adjuster Wrap-up



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As the old saying goes, no one is safe when the legislature is in session! With the adjournment of the 2014 Florida Legislative Session, not much earthshaking legislation passed, given the upcoming fall election cycle. That proved to be mostly true with at least insurance issues. One of the exceptions was Chief Financial Officer Jeff Atwater's success in getting SB708 Homeowners Claims Bill of Rights legislation passed. From my perspective it will be interesting to see what the actual Bill of Rights says and how this program will actually be implemented. The bill was necessary because policyholders have in the past flooded the phone lines at the Department of Financial Services (DFS) following property losses from fire and storm events. Most are lost and confused in dealing with insurance adjustment issues. That's not surprising given the complexity of property insurance claims and adjustment issues that arise. Thus, according to Chief Financial Atwater, the Bill of Rights will provide some insight to the policyholder about their rights and the claim process. Let's hope it works. Loss adjustment can be a very complex process that requires knowledge as well as a deep institutional understanding of the process, all at a very stressful time.

As usual, no legislative session would be complete without someone dragging the public adjusting profession yet again through the halls of the legislature. HB 743 - Reduce public adjuster fees from 20% to 15% maximum for non-disaster claims and HB 1109 - Reduce public adjuster fees to a maximum of 10% on all claims did just that. My take on this is, good grief don't you think Florida has enough major problems that need legislative attention besides visiting the fee issue again that was debated and agreed to last year? Apparently not, fees that public adjusters charge approved in last year's legislative session were again on the table for a short while. This year a bill was drafted attempting to strike last year's law with more new rules on fees. It even had an amendment sponsored by a small group of disenfranchised public adjusters who actually supported

last year's fee structure.

I wonder what lawyers, accountants, contractors, and other professionals involved in the property insurance claim process would react if each year the legislature drafted bills to impose some fee cap on their profession? I think what we have here is some form of discrimination going on by using the public adjusting profession as a scapegoat. Restraint of trade also comes to mind. This type of activity is very un-American and our country has a long and proud history of standing up for free enterprise and principles of fairness and fighting discrimination no matter what its form. Thankfully, Senator [Joe Negron](#) saw through this and got it right. I hope this gentleman has aspirations for a higher political office as it would be refreshing to see his thinking in grid locked Washington.

I also applaud the passing of SB 542 - Alternative to FEMA Flood Insurance which will pave the way for private insurance companies to write flood insurance and give homeowners more flexibility on how they want to be covered. SB 1672 - Prohibiting a Public Adjuster From Choosing a Repair Contractor and SB 1672 - Waiver of Deductible by Contractor were also moved in the right direction to eliminate those who try to game the system. The defeat of HB 129 - Establishment of the Citizens Sinkhole Stabilization Repair Program for sinkhole claims was also a win for policyholders.

Finally, it was a pleasure and honor to have served with a distinguished panel at the recent Windstorm Insurance Network Inc. regional conference held on May 9th in Newark, NJ. The general session panel topic was High Value Complex Claims: A Difference in Kind and Degree. Our panel of experts was moderated by attorney Janet Brown who did an excellent job fielding questions from the audience and keeping the focus on Super Storm Sandy adjusting issues. Adjuster Rick Tutwiler also served as a workshop presenter for Ethics & Professionalism for Adjusters. I was also honored to make the introduction of the conference's keynote speaker, Ms. Heather Abbott, a Boston Marathon survivor and amputee. Ms. Abbott could not have been a better choice for a Super Storm Sandy Conference. She has shown through her story of loss, struggle, recovery, renewal,

and finally giving back to others that the most difficult obstacles in life can be overcome.

Stay safe and remember, despite this year's predictions of a below average storm season, it only takes one storm to make the infamous list of retired hurricane names.

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