

1                   A bill to be entitled  
2           An act relating to insurance adjusters; amending s.  
3           624.501, F.S.; deleting adjusting firm license and  
4           license renewal fees; amending s. 626.015, F.S.;  
5           revising a definition; amending s. 626.022, F.S.;  
6           revising applicability; amending s. 626.112, F.S.;  
7           prohibiting certain persons and entities from acting  
8           as adjusting firm unless certain requirements are met;  
9           providing exceptions; providing requirements for  
10          adjusting firm locations; deleting a provision  
11          relating to converting certain licenses; amending s.  
12          626.854, F.S.; revising definitions; deleting a  
13          provision prohibiting public adjusters from soliciting  
14          or entering into contracts under certain  
15          circumstances; deleting certain contract cancellation  
16          notification requirements; prohibiting public  
17          adjusters from basing their fees on insurance  
18          deductible amounts; prohibiting certain persons from  
19          entering into contracts or accepting power of  
20          attorneys for certain purposes; conforming a cross-  
21          reference; amending s. 626.8541, F.S.; revising a  
22          definition; deleting eligibility requirements for  
23          public adjusters; amending ss. 626.8548 and 626.8584,  
24          F.S.; revising definitions; amending s. 626.861, F.S.;  
25          permitting an insurer's salaried employees to handle

26 | specified claims in certain circumstances; amending s.  
27 | 626.864, F.S.; permitting all-lines adjusters to be  
28 | appointed as public adjuster apprentices; amending s.  
29 | 626.865, F.S.; revising licensure qualifications for  
30 | public adjusters; amending s. 626.8651, F.S.; deleting  
31 | qualification requirements for public adjuster  
32 | apprentices; requiring such apprentices to be  
33 | appointed rather than licensed and revising their  
34 | scope of practice; amending s. 626.8695, F.S.;  
35 | requiring a primary adjuster to be designated at each  
36 | adjusting firm and adjusting firm location;  
37 | terminating an adjusting firm's license in certain  
38 | circumstances; revising requirements for verifying  
39 | licenses; amending s. 626.8696, F.S.; revising  
40 | adjusting firm license application requirements;  
41 | extending the license duration; amending s. 626.8698,  
42 | F.S.; conforming a provision to changes made by the  
43 | act; repealing s. 626.872, F.S., relating to temporary  
44 | licenses for all-lines adjusters; amending s. 626.874,  
45 | F.S.; permitting a primary adjuster to obtain a  
46 | license to adjust claims in certain situations;  
47 | amending s. 626.875, F.S.; extending the period that  
48 | adjusters must retain records; amending s. 626.876,  
49 | F.S.; prohibiting certain adjusters from being  
50 | simultaneously licensed, appointed, or employed;

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51 | repealing s. 626.879, F.S., relating to pools of  
 52 | insurance adjusters; amending s. 626.9953, F.S.;  
 53 | conforming a cross-reference; providing an effective  
 54 | date.

56 | Be It Enacted by the Legislature of the State of Florida:

58 | Section 1. Subsection (20) of section 624.501, Florida  
 59 | Statutes, is amended to read:

60 | 624.501 Filing, license, appointment, and miscellaneous  
 61 | fees.—The department, commission, or office, as appropriate,  
 62 | shall collect in advance, and persons so served shall pay to it  
 63 | in advance, fees, licenses, and miscellaneous charges as  
 64 | follows:

65 | ~~(20) Adjusting firm, original or renewal 3-year license \$60.00~~

67 | Section 2. Subsection (1) of section 626.015, Florida  
 68 | Statutes, is amended to read:

68 | 626.015 Definitions.—As used in this part:

69 | (1) "Adjuster" means a public adjuster as defined in s.  
 70 | 626.854, an independent adjuster as defined in s. 626.855, a  
 71 | company employee adjuster as defined in s. 626.856, or a public  
 72 | adjuster apprentice as defined in s. 626.8541, ~~or an all-lines~~  
 73 | ~~adjuster as defined in s. 626.8548.~~

74 | Section 3. Subsection (1) of section 626.022, Florida  
 75 | Statutes, is amended to read:

76 |           626.022 Scope of part.—

77 |           (1) This part applies ~~as~~ to insurance agents, service  
 78 | representatives, adjusters, adjusting firms, and insurance  
 79 | agencies; ~~as~~ to any and all kinds of insurance; and ~~as~~ to stock  
 80 | insurers, mutual insurers, reciprocal insurers, and all other  
 81 | types of insurers, except that:

82 |           (a) It does not apply as to reinsurance, except that ss.  
 83 | 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.  
 84 | 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-  
 85 | 626.591, and ss. 626.601-626.711 shall apply as to reinsurance  
 86 | intermediaries as defined in s. 626.7492.

87 |           (b) The applicability of this chapter as to fraternal  
 88 | benefit societies shall be as provided in chapter 632.

89 |           (c) It does not apply to a bail bond agent, as defined in  
 90 | s. 648.25, except as provided in chapter 648 or chapter 903.

91 |           (d) This part does not apply to a certified public  
 92 | accountant licensed under chapter 473 who is acting within the  
 93 | scope of the practice of public accounting, as defined in s.  
 94 | 473.302, provided that the activities of the certified public  
 95 | accountant are limited to advising a client of the necessity of  
 96 | obtaining insurance, the amount of insurance needed, or the line  
 97 | of coverage needed, and provided that the certified public  
 98 | accountant does not directly or indirectly receive or share in  
 99 | any commission or referral fee.

100 |           Section 4. Subsection (7) of section 626.112, Florida

101 Statutes, is amended to read:

102       626.112 License and appointment required; agents, customer  
 103 representatives, adjusters, insurance agencies, service  
 104 representatives, managing general agents.—

105       (7) (a) An individual, firm, partnership, corporation,  
 106 association, or other entity shall not act in its own name or  
 107 under a trade name, directly or indirectly, as an insurance  
 108 agency unless it complies with s. 626.172 with respect to  
 109 possessing an insurance agency license for each place of  
 110 business at which it engages in an activity that may be  
 111 performed only by a licensed insurance agent. However, an  
 112 insurance agency that is owned and operated by a single licensed  
 113 agent conducting business in his or her individual name and not  
 114 employing or otherwise using the services of or appointing other  
 115 licensees shall be exempt from the agency licensing requirements  
 116 of this subsection.

117       (b) A branch place of business that is established by a  
 118 licensed agency is considered a branch agency and is not  
 119 required to be licensed so long as it transacts business under  
 120 the same name and federal tax identification number as the  
 121 licensed agency and has designated with the department a  
 122 licensed agent in charge of the branch location as required by  
 123 s. 626.0428 and the address and telephone number of the branch  
 124 location have been submitted to the department for inclusion in  
 125 the licensing record of the licensed agency within 30 days after

126 insurance transactions begin at the branch location.

127 (c) An individual, firm, partnership, corporation,  
128 association, or other entity may not act in its own name or  
129 under a trade name, directly or indirectly, as an adjusting firm  
130 unless it holds a valid license pursuant to s. 626.8696 for each  
131 adjusting firm location. This paragraph does not apply to an  
132 insurance company authorized to transact insurance in this state  
133 which directly appoints adjusters or an adjusting firm that is  
134 owned and operated by a single licensed adjuster conducting  
135 business in his or her individual name and not employing or  
136 otherwise using the services of or appointing other licensees.

137 (d) A branch place of business that is established by a  
138 licensed adjusting firm is considered an adjusting firm  
139 location. An adjusting firm location is not required to be  
140 licensed if it transacts business under the same name and  
141 federal tax identification number as the licensed adjusting  
142 firm, it designates with the department a licensed primary  
143 adjuster in charge of the adjusting firm location as required by  
144 s. 626.8695, and it submits to the department the adjusting firm  
145 location's physical address and telephone number for inclusion  
146 in the licensing record of the licensed adjusting firm within 30  
147 days after it begins adjusting claims on behalf of an insurer or  
148 employer.

149 (e)-(e) If an agency or firm is required to be licensed but  
150 fails to file an application for licensure in accordance with

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151 | this section, the department shall impose on the agency or firm  
152 | an administrative penalty of up to \$10,000.

153 | ~~(d) Effective October 1, 2015, the department must~~  
154 | ~~automatically convert the registration of an approved registered~~  
155 | ~~insurance agency to an insurance agency license.~~

156 | Section 5. Subsections (7) through (19) of section  
157 | 626.854, Florida Statutes, are renumbered as subsections (6)  
158 | through (18), respectively, and present subsections (1), (6),  
159 | (7), (11), (18), and (19) and paragraph (b) of subsection (8) of  
160 | that section are amended, to read:

161 | 626.854 "Public adjuster" defined; prohibitions.—The  
162 | Legislature finds that it is necessary for the protection of the  
163 | public to regulate public insurance adjusters and to prevent the  
164 | unauthorized practice of law.

165 | (1) A "public adjuster" means a ~~is any~~ person, except a  
166 | duly licensed attorney at law as exempted under s. 626.860, who,  
167 | for money, commission, or any other thing of value, directly or  
168 | indirectly prepares, completes, or files an insurance claim form  
169 | for an insured or third-party claimant or who, for money,  
170 | commission, or any other thing of value, directly or indirectly  
171 | acts on behalf of, or aids an insured or third-party claimant in  
172 | negotiating for or effecting the settlement of a claim or claims  
173 | for loss or damage covered by an insurance contract or who  
174 | directly or indirectly advertises for employment as an adjuster  
175 | of such claims. The term ~~also~~ includes a ~~any~~ person who, for

176 money, commission, or any other thing of value, directly or  
 177 indirectly solicits, investigates, or adjusts such claims on  
 178 behalf of a public adjuster.

179 ~~(6) A public adjuster may not directly or indirectly~~  
 180 ~~through any other person or entity initiate contact or engage in~~  
 181 ~~face-to-face or telephonic solicitation or enter into a contract~~  
 182 ~~with any insured or claimant under an insurance policy until at~~  
 183 ~~least 48 hours after the occurrence of an event that may be the~~  
 184 ~~subject of a claim under the insurance policy unless contact is~~  
 185 ~~initiated by the insured or claimant.~~

186 (6)(7) An insured or claimant may cancel a public  
 187 adjuster's contract to adjust a claim without penalty or  
 188 obligation within 3 business days after the date on which the  
 189 contract is executed or within 3 business days after the date on  
 190 which the insured or claimant has notified the insurer of the  
 191 claim, ~~by phone or in writing~~, whichever is later. The public  
 192 adjuster's contract must disclose to the insured or claimant his  
 193 or her right to cancel the contract and advise the insured or  
 194 claimant that notice of cancellation must be submitted in  
 195 writing and sent by certified mail, return receipt requested, or  
 196 other form of mailing that provides proof thereof, to the public  
 197 adjuster at the address specified in the contract; provided,  
 198 during any state of emergency as declared by the Governor and  
 199 for 1 year after the date of loss, the insured or claimant has 5  
 200 business days after the date on which the contract is executed



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201 to cancel a public adjuster's contract.

202 (7)~~(8)~~ It is an unfair and deceptive insurance trade  
203 practice pursuant to s. 626.9541 for a public adjuster or any  
204 other person to circulate or disseminate any advertisement,  
205 announcement, or statement containing any assertion,  
206 representation, or statement with respect to claim adjustments  
207 ~~the business of insurance~~ which is untrue, deceptive, or  
208 misleading.

209 (b) For purposes of this paragraph, the term "written  
210 advertisement" includes only newspapers, magazines, flyers, ~~and~~  
211 bulk mailers, and websites. The following disclaimer, which is  
212 not required to be printed on standard size business cards, must  
213 be added in bold print and capital letters in typeface no  
214 smaller than the typeface of the body of the text to all written  
215 advertisements by a public adjuster:

216 "THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD A CLAIM  
217 FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU ARE SATISFIED  
218 WITH THE PAYMENT BY YOUR INSURER, YOU MAY DISREGARD THIS  
219 ADVERTISEMENT."

220 (10) (a)~~(11) (a)~~ If a public adjuster enters into a contract  
221 with an insured or claimant to reopen a claim or file a  
222 supplemental claim that seeks additional payments for a claim  
223 that has been previously paid in part or in full or settled by  
224 the insurer, the public adjuster may not charge, agree to, or  
225 accept from any source compensation, payment, commission, fee,

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226 or any other thing of value based on a previous settlement or  
227 previous claim payments by the insurer for the same cause of  
228 loss. The charge, compensation, payment, commission, fee, or any  
229 other thing of value must be based only on the claim payments or  
230 settlement obtained through the work of the public adjuster  
231 after entering into the contract with the insured or claimant.  
232 Compensation for the reopened or supplemental claim may not  
233 exceed 20 percent of the reopened or supplemental claim payment.  
234 In no event shall the contracts described in this paragraph  
235 exceed the limitations in paragraph (b).

236 (b) A public adjuster may not charge, agree to, or accept  
237 from any source compensation, payment, commission, fee, or any  
238 other thing of value in excess of:

239 1. Ten percent of the amount of insurance claim payments  
240 made by the insurer for claims based on events that are the  
241 subject of a declaration of a state of emergency by the  
242 Governor. This provision applies to claims made during the year  
243 after the declaration of emergency. After that year, the  
244 limitations in subparagraph 2. apply.

245 2. Twenty percent of the amount of insurance claim  
246 payments made by the insurer for claims that are not based on  
247 events that are the subject of a declaration of a state of  
248 emergency by the Governor.

249 (c) A public adjuster may not charge any fee based on the  
250 applicable insurance deductible amount.

251 (d)~~(e)~~ Any maneuver, shift, or device through which the  
 252 limits on compensation set forth in this subsection are exceeded  
 253 is a violation of this chapter punishable as provided under s.  
 254 626.8698.

255 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,  
 256 or a person acting on behalf of an adjuster or apprentice may  
 257 not enter into a contract or accept a power of attorney that  
 258 vests in the public adjuster, the public adjuster apprentice, or  
 259 the person acting on behalf of the adjuster or apprentice the  
 260 effective authority to choose the persons or entities that will  
 261 perform salvage, repair, or any other work in a property  
 262 insurance claim.

263 (18)~~(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to  
 264 residential property insurance policies and condominium unit  
 265 owner policies as described in s. 718.111(11).

266 Section 6. Section 626.8541, Florida Statutes, is amended  
 267 to read:

268 626.8541 Public adjuster apprentice.-

269 ~~(1)~~ A "public adjuster apprentice" means a ~~is any~~ person  
 270 ~~who is not a licensed~~ as an all-lines ~~public~~ adjuster, who is  
 271 appointed and employed by ~~or has a contract with a licensed and~~  
 272 ~~appointed public adjuster in good standing with the department~~  
 273 ~~or a public adjusting firm;~~ who assists the ~~that employs at~~  
 274 ~~least one licensed and appointed public adjuster in good~~  
 275 ~~standing with the department to assist a public adjuster~~ or

276 public adjusting firm in determining the amount of any claim,  
 277 loss, or damage payable under an insurance contract or  
 278 undertakes to effect settlement of a claim, loss, or damage; ~~in~~  
 279 ~~conducting business under the license,~~ and who satisfies the  
 280 requirements of s. 626.8651.

281 ~~(2) A public adjuster apprentice must work with a licensed~~  
 282 ~~and appointed public adjuster for a period of 12 months as set~~  
 283 ~~forth in this section, and must otherwise be in full compliance~~  
 284 ~~with this chapter, prior to being eligible for appointment as a~~  
 285 ~~licensed public adjuster.~~

286 Section 7. Section 626.8548, Florida Statutes, is amended  
 287 to read:

288 626.8548 "All-lines adjuster" defined.—

289 (1) An "all-lines adjuster" means ~~is~~ a person who, for  
 290 money, commission, or any other thing of value, directly or  
 291 indirectly: ~~is self-employed or employed by an insurer, a wholly~~  
 292 ~~owned subsidiary of an insurer, or an independent adjusting firm~~  
 293 ~~or other independent adjuster, and who~~

294 (a) Undertakes ~~on behalf of an insurer or other insurers~~  
 295 ~~under common control or ownership to ascertain and determine the~~  
 296 ~~amount of any claim, loss, or damage payable under an insurance~~  
 297 ~~contract or undertakes to effect settlement of such claim, loss,~~  
 298 ~~or damage on behalf of a public adjuster or an insurer; or~~

299 (b) Solicits claims on behalf of a public adjuster.

300 (2) The term does not apply to life insurance or annuity

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301 | contracts.

302 |       Section 8. Subsection (3) of section 626.8584, Florida  
303 | Statutes, is amended to read:

304 |       626.8584 "Nonresident all-lines adjuster" defined.—A  
305 | "nonresident all-lines adjuster" means a person who:

306 |       (3) Is licensed as an all-lines adjuster and self-  
307 | appointed or appointed and employed by an independent adjusting  
308 | firm or other independent adjuster, by an insurer admitted to do  
309 | business in this state or a wholly owned subsidiary of an  
310 | insurer admitted to do business in this state, or by a public  
311 | adjuster or a public adjusting firm ~~other insurers under the~~  
312 | ~~common control or ownership of such insurer.~~

313 |       Section 9. Subsection (1) of section 626.861, Florida  
314 | Statutes, is amended to read:

315 |       626.861 Insurer's officers, insurer's employees,  
316 | reciprocal insurer's representatives; adjustments by.—

317 |       (1) Nothing in this part shall be construed to prevent an  
318 | executive officer of any insurer, ~~or~~ a regularly salaried  
319 | employee of an insurer handling claims with respect to health  
320 | insurance, a regularly salaried employee of an insurer handling  
321 | claims with respect to residential property insurance in which  
322 | the amount of coverage for the applicable type of loss does not  
323 | exceed \$500, or the duly designated attorney or agent authorized  
324 | and acting for subscribers to reciprocal insurers, ~~from~~  
325 | adjusting any claim loss or damage under any insurance contract

326 | of such insurer.

327 |       Section 10. Subsection (3) of section 626.864, Florida  
328 | Statutes, is amended to read:

329 |       626.864 Adjuster license types.—

330 |       (3) An all-lines adjuster may be appointed as an  
331 | independent adjuster, a public adjuster apprentice, or a company  
332 | employee adjuster, but not ~~both~~ concurrently.

333 |       Section 11. Paragraphs (d) and (e) of subsection (1) of  
334 | section 626.865, Florida Statutes, are amended to read:

335 |       626.865 Public adjuster's qualifications; 7 bond.—

336 |       (1) The department shall issue a license to an applicant  
337 | for a public adjuster's license upon determining that the  
338 | applicant has paid the applicable fees specified in s. 624.501  
339 | and possesses the following qualifications:

340 |       (d) Has had sufficient experience, training, or  
341 | instruction concerning the adjusting of damages or losses under  
342 | insurance contracts, other than life and annuity contracts, is  
343 | sufficiently informed as to the terms and effects of the  
344 | provisions of those types of insurance contracts, and possesses  
345 | adequate knowledge of the laws of this state relating to such  
346 | contracts as to enable and qualify him or her to engage in the  
347 | business of insurance adjuster fairly and without injury to the  
348 | public or any member thereof with whom the applicant may have  
349 | business as a public adjuster, ~~or has been licensed and employed~~  
350 | ~~as a resident insurance company adjuster or independent adjuster~~

351 ~~in this state on a continual basis for the past year.~~

352 (e) Is licensed in this state as an all-lines adjuster and  
 353 has been appointed on a continuous basis for the past 6 months  
 354 ~~Is licensed~~ as a public adjuster apprentice as defined in s.  
 355 626.8541, an independent adjuster as defined in s. 626.855, or a  
 356 company employee adjuster as defined in s. 626.856 ~~under s.~~  
 357 ~~626.8651 and complies with the requirements of that license~~  
 358 ~~throughout the licensure period.~~

359 Section 12. Section 626.8651, Florida Statutes, is amended  
 360 to read:

361 626.8651 Public adjuster apprentice appointment license;  
 362 ~~qualifications.-~~

363 (1) The department may appoint a licensed all-lines  
 364 adjuster under s. 626.866 ~~shall issue a license~~ as a public  
 365 adjuster apprentice if he or she files to an applicant who is:

366 ~~(a) A natural person at least 18 years of age.~~

367 ~~(b) A United States citizen or legal alien who possesses~~  
 368 ~~work authorization from the United States Bureau of Citizenship~~  
 369 ~~and Immigration Services.~~

370 ~~(c) Trustworthy and has such business reputation as would~~  
 371 ~~reasonably ensure that the applicant will conduct business as a~~  
 372 ~~public adjuster apprentice fairly and in good faith and without~~  
 373 ~~detriment to the public.~~

374 ~~(2) All applicable license fees, as prescribed in s.~~  
 375 ~~624.501, must be paid in full before issuance of the license.~~

376 ~~(3) An applicant must pass the required written~~  
377 ~~examination before a license may be issued.~~

378 ~~(4) An applicant must have received designation as an~~  
379 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~  
380 ~~or as a Certified Claims Adjuster (CCA) after completion of~~  
381 ~~training that qualifies the applicant to engage in the business~~  
382 ~~of a public adjuster apprentice fairly and without injury to the~~  
383 ~~public. Such training and instruction must address adjusting~~  
384 ~~damages and losses under insurance contracts, the terms and~~  
385 ~~effects of insurance contracts, and knowledge of the laws of~~  
386 ~~this state relating to insurance contracts.~~

387 ~~(5) At the time of application for license as a public~~  
388 ~~adjuster apprentice, the applicant shall file with the~~  
389 ~~department a bond executed and issued by a surety insurer~~  
390 ~~authorized to transact such business in this state in the amount~~  
391 ~~of \$50,000, conditioned upon the faithful performance of his or~~  
392 ~~her duties as a public adjuster apprentice under the license for~~  
393 ~~which the applicant has applied, and thereafter maintains~~  
394 ~~maintain the bond unimpaired throughout the existence of the~~  
395 ~~appointment ~~license~~ and for at least 1 year after termination of~~  
396 ~~the appointment ~~license~~. The bond shall be in favor of the~~  
397 ~~department and shall specifically authorize recovery by the~~  
398 ~~department of the damages sustained in case the appointee~~  
399 ~~licensee commits fraud or unfair practices in connection with~~  
400 ~~his or her business as a public adjuster apprentice. The~~



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401 aggregate liability of the surety for all such damages may not  
402 exceed the amount of the bond, and the bond may not be  
403 terminated by the issuing insurer unless written notice of at  
404 least 30 days is given to the appointee licensee and filed with  
405 the department.

406 ~~(6) A public adjuster apprentice shall complete at a~~  
407 ~~minimum 100 hours of employment per month for 12 months of~~  
408 ~~employment under the supervision of a licensed and appointed~~  
409 ~~all-lines public adjuster in order to qualify for licensure as a~~  
410 ~~public adjuster. The department may adopt rules that establish~~  
411 ~~standards for such employment requirements.~~

412 (2)~~(7)~~ A ~~An appointing~~ public adjusting firm may not  
413 maintain more than four ~~12~~ public adjuster apprentices  
414 simultaneously. However, a supervising public adjuster may not  
415 be responsible for more than one ~~three~~ public adjuster  
416 apprentice ~~apprentices~~ simultaneously and is ~~shall be~~  
417 accountable for the acts of the all public adjuster apprentice  
418 ~~apprentices~~ which are related to transacting business as a  
419 public adjuster apprentice. This subsection does not apply to a  
420 public adjusting firm that adjusts claims primarily for  
421 commercial entities with operations in more than one state and  
422 that does not directly or indirectly perform adjusting services  
423 for insurers or individual homeowners.

424 ~~(8) An apprentice license is effective for 18 months~~  
425 ~~unless the license expires due to lack of maintaining an~~

426 ~~appointment; is surrendered by the licensee; is terminated,~~  
427 ~~suspended, or revoked by the department; or is canceled by the~~  
428 ~~department upon issuance of a public adjuster license. The~~  
429 ~~department may not issue a public adjuster apprentice license to~~  
430 ~~any individual who has held such a license in this state within~~  
431 ~~2 years after expiration, surrender, termination, revocation, or~~  
432 ~~cancellation of the license.~~

433 ~~(9) After completing the requirements for employment as a~~  
434 ~~public adjuster apprentice, the licensee may file an application~~  
435 ~~for a public adjuster license. The applicant and supervising~~  
436 ~~public adjuster or public adjusting firm must each file a sworn~~  
437 ~~affidavit, on a form prescribed by the department, verifying~~  
438 ~~that the employment of the public adjuster apprentice meets the~~  
439 ~~requirements of this section.~~

440 ~~(3)(10) In no event shall~~ A public adjuster apprentice  
441 appointed ~~licensed~~ under this section may not perform any of the  
442 functions for which a public adjuster's license is required  
443 ~~after expiration of the public adjuster apprentice license~~  
444 ~~without having obtained a public adjuster license.~~

445 ~~(4)(11)~~ A public adjuster apprentice has the same  
446 authority as the licensed public adjuster or public adjusting  
447 firm that employs the apprentice except that an apprentice may  
448 not execute contracts for the services of a public adjuster or  
449 public adjusting firm ~~and may not solicit contracts for the~~  
450 ~~services except under the direct supervision and guidance of the~~

451 ~~supervisory public adjuster.~~ An individual may not be, act as,  
452 or hold himself or herself out to be a public adjuster  
453 apprentice unless the individual is a licensed all-lines  
454 adjuster and appointed by the department pursuant to this  
455 section holds a current appointment by a licensed public all-  
456 lines adjuster or a public adjusting firm that employs a  
457 licensed all-lines public adjuster.

458 Section 13. Section 626.8695, Florida Statutes, is amended  
459 to read:

460 626.8695 Primary adjuster.—

461 (1) ~~An Each person operating an adjusting firm and each~~  
462 ~~location of a multiple location~~ adjusting firm must designate  
463 with the department a licensed and appointed primary adjuster  
464 for the adjusting firm and for each adjusting firm location. for  
465 ~~each such firm or location and must file with the department~~

466 (2) An adjusting firm must provide the department with the  
467 name and license number of the such primary adjuster and the  
468 physical address of the adjusting firm or adjusting firm  
469 location at which where he or she is the primary adjuster, and  
470 provide such designation to the department in a manner  
471 prescribed by the department, on a form approved by the  
472 department. An adjusting firm may change the designation of the  
473 primary adjuster ~~may be changed at the option of the adjusting~~  
474 ~~firm. Any such change is~~ effective upon notification to the  
475 department. Such notification ~~Notice of change~~ must be provided

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476 ~~sent~~ to the department within 30 days after such change.

477 (3)~~(2)~~~~(a)~~ For purposes of this section, a "primary  
478 adjuster" is the licensed adjuster who is responsible for  
479 supervising ~~the hiring and supervision of~~ all individuals within  
480 an adjusting firm or an adjusting firm location who deal with  
481 the public and who acts in the capacity of a public adjuster as  
482 defined in s. 626.854, a public adjuster apprentice as defined  
483 in s. 626.8541, or an independent adjuster as defined in s.  
484 626.855. An adjuster may be designated as a primary adjuster for  
485 only one adjusting firm location.

486 ~~(b) For purposes of this section, an "adjusting firm" is a~~  
487 ~~location where an independent or public adjuster is engaged in~~  
488 ~~the business of insurance.~~

489 (4)~~(3)~~ The department may suspend or revoke the license of  
490 the primary adjuster if the adjusting firm employs any person  
491 who has had a license denied or any person whose license is  
492 currently suspended or revoked. However, if a person has been  
493 denied a license for failure to pass a required examination, he  
494 or she may be employed to perform clerical or administrative  
495 functions for which licensure is not required.

496 (5)~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting  
497 firm or adjusting firm location, ~~or the primary adjuster in an~~  
498 ~~incorporated adjusting firm in which no officer, director, or~~  
499 ~~stockholder is an adjuster,~~ is responsible and accountable for  
500 the misconduct or violation of this code by any person ~~the acts~~

501 ~~of salaried employees~~ under his or her direct supervision ~~and~~  
502 ~~control~~ while acting on behalf of the adjusting firm. This  
503 section does not render a primary adjuster ~~Nothing in this~~  
504 ~~section renders any person~~ criminally liable ~~or subject to any~~  
505 ~~disciplinary proceedings~~ for an any act unless the primary  
506 adjuster person personally committed the act or knew or should  
507 have known of the act and ~~of~~ the facts constituting a violation  
508 of this code.

509 (6)-(5) The department may suspend or revoke the license of  
510 any adjuster who is employed by a person whose license is  
511 currently suspended or revoked.

512 (7)-(6) An adjusting firm or an adjusting firm location may  
513 not conduct the business of claim adjustments ~~insurance~~ unless a  
514 primary adjuster is designated with the department for such firm  
515 or location and the primary adjuster provides services solely at  
516 such firm or location. If the ~~Failure of the person operating~~  
517 ~~the adjusting firm to designate a primary adjuster~~ ends his or  
518 her affiliation with the adjusting firm or adjusting firm  
519 location for any reason and the firm fails to designate another  
520 primary adjuster for the firm or location ~~for the firm, or for~~  
521 ~~each location, as applicable, on a form prescribed by the~~  
522 ~~department~~ within 90 ~~30~~ days, the adjusting firm's license is  
523 terminated on the 91st day after the date on which the primary  
524 adjuster ended his or her affiliation with the firm or location  
525 ~~after inception of the firm or change of primary adjuster~~

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526 ~~designation, constitutes grounds for requiring the adjusting~~  
527 ~~firm to obtain an adjusting firm license pursuant to s.~~  
528 ~~626.8696.~~

529 (8) ~~(7)~~ An Any adjusting firm may determine a request, on a  
530 form prescribed by the department, verification from the  
531 department of any person's current licensure or appointment  
532 status by submitting a verification request to the department.  
533 ~~If a request is mailed to the office within 5 working days after~~  
534 ~~the date an adjuster is hired. If, and the department~~  
535 ~~subsequently notifies the adjusting firm that an employee's~~  
536 ~~license or appointment is currently suspended or, revoked, or~~  
537 ~~has been denied, the license of the primary adjuster shall not~~  
538 ~~be revoked or suspended if the unlicensed person is immediately~~  
539 ~~dismissed from employment as an adjuster with the adjusting firm~~  
540 ~~or adjusting firm location.~~

541 Section 14. Section 626.8696, Florida Statutes, is amended  
542 to read:

543 626.8696 Application for adjusting firm license.—

544 (1) A person must file a written application with the  
545 department to obtain an adjusting firm license. A third-party  
546 may complete, submit, and sign an application on a firm's  
547 behalf. However, the firm is responsible for the truthfulness  
548 and accuracy of the information on the application and  
549 accountable for any misstatements or misrepresentations on the  
550 application made by the third-party. An ~~The~~ application for an

551 adjusting firm license must include:

552 (a) The name and physical residence address of each  
553 majority owner, partner, officer, ~~and director,~~ president,  
554 senior vice president, secretary, treasurer, and limited  
555 liability company member who directs or participates in the  
556 management or control of the adjusting firm.

557 ~~(b) The resident address of each person required to be~~  
558 ~~listed in the application under paragraph (a).~~

559 ~~(b)(e) The name, physical~~ of the adjusting firm and its  
560 principal business address, and email address of the adjusting  
561 firm and the name, physical address, and email address of the  
562 firm's registered agent and any person or company authorized to  
563 accept service on behalf of the firm.

564 ~~(c)(d) The name, physical principal business address,~~  
565 email address, telephone number, and date on which the adjusting  
566 firm and each adjusting firm location began to conduct the  
567 business of claim adjustments ~~location of each adjusting firm~~  
568 ~~office and the name under which each office conducts or will~~  
569 ~~conduct business.~~

570 (d) The name of each primary adjuster designated for the  
571 firm and each adjusting firm location.

572 (e) The fingerprints of each:

573 1. Sole proprietor.

574 2. Individual who is required to be listed in the  
575 application under paragraph (a).

576 3. Individual who directs or participates in the  
577 management or control of an incorporated firm whose shares are  
578 not traded on a securities exchange.

579  
580 Fingerprints must be taken by a law enforcement agency or other  
581 entity approved by the department and must be accompanied by the  
582 fingerprinting processing fee in s. 624.501. Fingerprints must  
583 be processed in accordance with s. 624.34. However, fingerprints  
584 of an individual who is currently licensed and appointed under  
585 this chapter is not required to be filed with the department.  
586 This subparagraph does not apply to corporations whose voting  
587 shares are traded on a securities exchange.

588 (f)(e) Such Any additional information that the department  
589 requires by rule to ascertain the trustworthiness and competence  
590 of persons required to be listed in the application under  
591 paragraph (a) and to ascertain that such persons meet the  
592 requirements of this code. However, the department may not  
593 require that credit or character reports be submitted for such  
594 persons.

595 (g) Signature of each person required to be listed in the  
596 application under paragraph (a).

597 ~~(2) An application for an adjusting firm license must be~~  
598 ~~signed by each owner of the firm. If the firm is incorporated,~~  
599 ~~the application must be signed by the president and secretary of~~  
600 ~~the corporation.~~



601 ~~(3) Each application must be accompanied by payment of any~~  
 602 ~~applicable fee as prescribed in s. 624.501.~~

603 ~~(4) License fees are not refundable.~~

604 (2)(5) The license of an adjusting firm shall continue in  
 605 force until canceled, required to be licensed pursuant to s.  
 606 ~~626.8695 must remain so licensed for a period of 3 years from~~  
 607 ~~the date of licensure, unless the license is suspended, or~~  
 608 ~~revoked, or otherwise terminated or expires by operation of law.~~  
 609 The department may suspend or revoke the adjusting firm's  
 610 authority to do business for activities occurring during the  
 611 time the firm is licensed, regardless of whether the licensing  
 612 period has terminated.

613 Section 15. Section 626.8698, Florida Statutes, is amended  
 614 to read:

615 626.8698 Disciplinary guidelines for public adjusters and  
 616 public adjuster apprentices.—The department may deny, suspend,  
 617 or revoke the license of a public adjuster or the appointment of  
 618 a public adjuster apprentice, and administer a fine not to  
 619 exceed \$5,000 per act, for any of the following:

620 (1) ~~Violating any provision of~~ this chapter or a rule or  
 621 order of the department;

622 (2) Receiving payment or anything of value as a result of  
 623 an unfair or deceptive practice;

624 (3) Receiving or accepting any fee, kickback, or other  
 625 thing of value pursuant to any agreement or understanding, oral

626 or otherwise; entering into a split-fee arrangement with another  
 627 person who is not a public adjuster; or being otherwise paid or  
 628 accepting payment for services that have not been performed;

629 (4) Violating s. 316.066 or s. 817.234;

630 (5) Soliciting or otherwise taking advantage of a person  
 631 who is vulnerable, emotional, or otherwise upset as the result  
 632 of a trauma, accident, or other similar occurrence; or

633 (6) Violating any ethical rule of the department.

634 Section 16. Section 626.872, Florida Statutes, is  
 635 repealed.

636 Section 17. Subsection (1) of section 626.874, Florida  
 637 Statutes, is amended to read:

638 626.874 Catastrophe or emergency adjusters.—

639 (1) In the event of a catastrophe or emergency, the  
 640 department may issue a license, for the purposes and under the  
 641 conditions and for the period of emergency as it shall  
 642 determine, to persons who are residents or nonresidents of this  
 643 state, who are at least 18 years of age, who are United States  
 644 citizens or legal aliens who possess work authorization from the  
 645 United States Bureau of Citizenship and Immigration Services,  
 646 and who are not licensed adjusters under this part but who have  
 647 been designated and certified to it as qualified to act as  
 648 adjusters ~~by all-lines resident adjusters,~~ by an authorized  
 649 insurer, ~~or by a licensed general lines agent~~ to adjust claims,  
 650 losses, or damages under policies or contracts of insurance

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651 issued by such insurers, or by the primary adjuster of an  
652 independent adjusting firm contracted with an authorized insurer  
653 to adjust claims on behalf of the insurer. The fee for the  
654 license is as provided in s. 624.501(12)(c).

655 Section 18. Subsection (2) of section 626.875, Florida  
656 Statutes, is amended to read:

657 626.875 Office and records.—

658 (2) The records of the adjuster relating to a particular  
659 claim or loss shall be so retained in the adjuster's place of  
660 business for a period of not less than 5 ~~3~~ years after  
661 completion of the adjustment. This provision shall not be deemed  
662 to prohibit return or delivery to the insurer or insured of  
663 documents furnished to or prepared by the adjuster and required  
664 by the insurer or insured to be returned or delivered thereto.

665 Section 19. Section 626.876, Florida Statutes, is amended  
666 to read:

667 626.876 Exclusive employment; public adjusters,  
668 independent adjusters.—

669 (1) An individual licensed ~~and appointed~~ as a public  
670 adjuster may not be simultaneously licensed as an all-lines  
671 adjuster ~~employed during the same period by more than one public~~  
672 ~~adjuster or public adjuster firm or corporation.~~

673 (2) An individual licensed as an all-lines adjuster and  
674 appointed as an independent adjuster, company adjuster, or  
675 public adjuster apprentice may not be simultaneously appointed

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676 | or employed in a different capacity which would require a  
677 | different appointment from the department during the same period  
678 | ~~by more than one independent adjuster or independent adjuster~~  
679 | ~~firm or corporation.~~

680 | Section 20. Section 626.879, Florida Statutes, is  
681 | repealed.

682 | Section 21. Subsection (5) of section 626.9953, Florida  
683 | Statutes, is amended to read:

684 | 626.9953 Qualifications for registration; application  
685 | required.—

686 | (5) An applicant must submit a set of his or her  
687 | fingerprints to the department and pay the processing fee  
688 | established under s. 624.501(23) ~~s. 624.501(24)~~. The department  
689 | shall submit the applicant's fingerprints to the Department of  
690 | Law Enforcement for processing state criminal history records  
691 | checks and local criminal records checks through local law  
692 | enforcement agencies and for forwarding to the Federal Bureau of  
693 | Investigation for national criminal history records checks. The  
694 | fingerprints shall be taken by a law enforcement agency, a  
695 | designated examination center, or another department-approved  
696 | entity. The department may not approve an application for  
697 | registration as a navigator if fingerprints have not been  
698 | submitted.

699 | Section 22. This act shall take effect January 1, 2018.