

By Senator Fasano

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1                   A bill to be entitled  
2           An act relating to insurance adjusters; amending s.  
3           624.501, F.S.; providing for filing fees for an  
4           application for reinstatement of a suspended license;  
5           amending s. 626.015, F.S.; redefining the term "adjuster"  
6           to include a public adjuster apprentice; amending s.  
7           626.221, F.S.; providing that certain company employee  
8           adjusters and independent adjusters seeking reinstatement  
9           of a suspended license are not required to take an  
10          examination; amending s. 626.241, F.S.; requiring that the  
11          Department of Financial Services create an examination for  
12          applicants seeking licensure as a public adjuster and a  
13          separate examination for applicants seeking licensure as a  
14          company employee adjuster or independent adjuster;  
15          amending s. 626.641, F.S.; providing that a suspended  
16          license may not be reinstated unless the individual  
17          seeking reinstatement files an application for  
18          reinstatement which is subsequently approved by the  
19          department; prohibiting the department from approving such  
20          an application under certain circumstances; amending s.  
21          626.854, F.S.; prohibiting a public adjuster from  
22          soliciting or entering into a contract with any insured or  
23          claimant under an insurance policy for a specified period  
24          after the occurrence of an event that may be the subject  
25          of a claim; providing an exception; providing that a  
26          public adjuster's contract to adjust a claim may be  
27          canceled by the client without penalty within a specified  
28          period after the execution of the contract; requiring that  
29          a public adjuster disclose to a client his or her right to

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30 cancel a contract by specified means; prohibiting a public  
31 adjuster, apprentice, or his or her agent from giving or  
32 offering a monetary loan or an article in excess of a  
33 specified value to a client or prospective client;  
34 providing that a public adjuster may not charge, agree to,  
35 or accept a fee, payment, commission, or any compensation  
36 based on any claim payments for additional living expenses  
37 or based on the amount of a claim payment or payment offer  
38 by the insurer which occurred before the date on which the  
39 adjuster and insured executed a contract with regard to  
40 the claim; providing restrictions on the fees and  
41 compensation that may be charged or accepted by a public  
42 adjuster with regard to claims involving residential or  
43 commercial policies that do or do not arise from  
44 hurricanes; prohibiting a public adjuster from basing any  
45 charge, fee, payment, commission, or compensation relating  
46 to a supplemental claim on the corresponding previous  
47 settlement or claim payment; limiting the amount of  
48 compensation that may be charged, agreed to, or accepted  
49 by a public adjuster to a specified amount; providing an  
50 exception; providing that it is an unfair and deceptive  
51 insurance trade practice for a public adjuster or any  
52 other person to circulate or disseminate any  
53 advertisement, announcement, or statement containing any  
54 assertion, representation, or statement with respect to  
55 the business of insurance which is untrue, deceptive, or  
56 misleading; creating s. 626.8541, F.S.; defining the term  
57 "public adjuster apprentice"; amending s. 626.865, F.S.;  
58 providing qualifications that an applicant must possess

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59 | before the issuance of a license by the department;  
60 | requiring that certain persons applying for a license  
61 | after the completion of a period of suspension,  
62 | termination, cancellation, revocation, or expiration must  
63 | pass the examination required for licensure as a public  
64 | adjuster; creating s. 626.8651, F.S.; providing  
65 | requirements for licensure as a public adjuster  
66 | apprentice; requiring that the department approve an  
67 | application under certain circumstances; requiring that  
68 | the department deny an application under certain  
69 | circumstances; requiring that an application be  
70 | accompanied by an affidavit verifying certain information;  
71 | requiring that all license fees be paid before the  
72 | department issues a license; requiring the applicant to  
73 | file a bond in a specified amount in favor of the  
74 | department; providing for termination of the bond;  
75 | requiring that the apprentice's work be supervised by a  
76 | licensed adjuster in good standing; authorizing the  
77 | department to adopt rules governing employment  
78 | requirements; providing that the supervising adjuster is  
79 | responsible for the acts of the apprentice; providing a  
80 | period of effectiveness for an apprentice license;  
81 | providing that an individual licensed as an apprentice may  
82 | file an application for licensure as a public adjuster  
83 | after a specified period of employment as an apprentice;  
84 | requiring that a sworn affidavit containing certain  
85 | information accompany such application; prohibiting an  
86 | apprentice from performing any functions for which a  
87 | license is required after the expiration of his or her

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88 license for apprenticeship without first obtaining a  
89 license to work as a public adjuster; limiting the  
90 authority of a public adjuster apprentice; amending s.  
91 626.869, F.S.; providing for continuing education for  
92 company employee adjusters, independent adjusters, and  
93 public adjusters; providing for the satisfaction of  
94 continuing education requirements for nonresident  
95 adjusters; amending s. 626.8698, F.S.; providing  
96 disciplinary guidelines for public adjusters and public  
97 adjuster apprentices; amending s. 626.870, F.S.; providing  
98 requirements for the reinstatement of a suspended license;  
99 providing for the notification of denial or approval of an  
100 application for reinstatement; amending s. 626.8732, F.S.;  
101 revising requirements for licensure as a nonresident  
102 public adjuster; providing exceptions to such  
103 requirements; requiring that an applicant for licensure as  
104 a nonresident public adjuster provide certain information  
105 with his or her application; requiring that the department  
106 verify the nonresident applicant's licensing status;  
107 creating ss. 626.8796 and 626.8797, F.S.; requiring that  
108 all contracts for services by a public adjuster be in  
109 writing and contain a specified statement regarding fraud;  
110 providing that any person who knowingly and with intent to  
111 injure, defraud, or deceive any insurer or who files a  
112 statement of claim or proof of loss containing any false,  
113 incomplete, or misleading information commits a felony of  
114 the third degree; providing a statement that must be  
115 signed by a public adjuster for claims under a policy  
116 requiring the filing of a written proof of loss containing

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117 an estimate of the costs to repair or replace damaged  
118 property; providing that it is a felony of the third  
119 degree for any person who, with the intent to injure,  
120 defraud, or deceive any insurer, prepares, presents, or  
121 causes to be presented a proof of loss in support of a  
122 claim under an insurance policy knowing that the proof of  
123 loss contains any false, incomplete, or misleading  
124 information concerning any fact or thing material to the  
125 claim; providing an effective date.  
126

127 Be It Enacted by the Legislature of the State of Florida:  
128

129 Section 1. Subsection (5) of section 624.501, Florida  
130 Statutes, is amended to read:

131 624.501 Filing, license, appointment, and miscellaneous  
132 fees.--The department, commission, or office, as appropriate,  
133 shall collect in advance, and persons so served shall pay to it  
134 in advance, fees, licenses, and miscellaneous charges as follows:  
135 (5) All insurance representatives, application for license,  
136 application for reinstatement of suspended license, each filing,  
137 filing fee....\$50.00

138 Section 2. Subsection (1) of section 626.015, Florida  
139 Statutes, is amended to read:

140 626.015 Definitions.--As used in this part:

141 (1) "Adjuster" means a public adjuster as defined in s.  
142 626.854, public adjuster apprentice as defined in s. 626.8541,  
143 independent adjuster as defined in s. 626.855, or company  
144 employee adjuster as defined in s. 626.856.

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145 Section 3. Paragraphs (c), (e), and (f) of subsection (2)  
146 of section 626.221, Florida Statutes, are amended to read:

147 626.221 Examination requirement; exemptions.--

148 (2) However, no such examination shall be necessary in any  
149 of the following cases:

150 (c) In the discretion of the department, an applicant for  
151 reinstatement of license or appointment as an agent, customer  
152 representative, company employee adjuster, or independent  
153 adjuster whose license has been suspended within 4 years prior to  
154 the date of application or written request for reinstatement.

155 (e) A person who has been licensed and appointed as an a  
156 ~~public adjuster~~, independent adjuster, or company employee  
157 adjuster as to all property, casualty, and surety insurances, may  
158 be licensed and appointed as a company employee or, independent,  
159 ~~or public~~ adjuster, as to these kinds of insurance, without  
160 additional written examination if an application for licensure is  
161 filed with the department within 48 months following the date of  
162 cancellation or expiration of the prior appointment.

163 (f) A person who has been licensed as a company employee or  
164 independent ~~an~~ adjuster for motor vehicle, property and casualty,  
165 workers' compensation, and health insurance may be licensed as  
166 such an adjuster without additional written examination if his or  
167 her application for licensure is filed with the department within  
168 48 months after cancellation or expiration of the prior license.

169 Section 4. Subsection (6) of section 626.241, Florida  
170 Statutes, is amended to read:

171 626.241 Scope of examination.--

172 (6) In order to reflect the differences between adjusting  
173 claims for an insurer and adjusting claims for an insured, the

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174 department shall create an examination for applicants seeking  
175 licensure as a public adjuster and a separate examination for  
176 applicants seeking licensure as a company employee adjuster or  
177 independent adjuster. Examinations given applicants for license  
178 as an all-lines adjuster shall cover adjusting in all lines of  
179 insurance, other than life and annuity; or, in accordance with  
180 the application for the license, the examination may be limited  
181 to adjusting in:

- 182 (a) Automobile physical damage insurance;  
183 (b) Property and casualty insurance;  
184 (c) Workers' compensation insurance; or  
185 (d) Health insurance.

186 Section 5. Subsection (1) of section 626.641, Florida  
187 Statutes, is amended to read:

188 626.641 Duration of suspension or revocation.--

189 (1) The department shall, in its order suspending a license  
190 or appointment or in its order suspending the eligibility of a  
191 person to hold or apply for such license or appointment, specify  
192 the period during which the suspension is to be in effect; but  
193 such period shall not exceed 2 years. The license, appointment,  
194 or eligibility shall remain suspended during the period so  
195 specified, subject, however, to any rescission or modification of  
196 the order by the department, or modification or reversal thereof  
197 by the court, prior to expiration of the suspension period. A  
198 license, appointment, or eligibility that ~~which~~ has been  
199 suspended shall not be reinstated except upon the filing and  
200 approval of an application for ~~request for such~~ reinstatement  
201 and, in the case of a second suspension, completion of continuing  
202 education courses prescribed and approved by the department; but

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203 the department shall not approve an application for ~~grant such~~  
204 reinstatement if it finds that the circumstance or circumstances  
205 for which the license, appointment, or eligibility was suspended  
206 still exist or are likely to recur. In addition, an application a  
207 ~~request~~ for reinstatement is subject to denial and subject to a  
208 waiting period prior to approval on the same grounds that apply  
209 to applications for licensure pursuant to ss. 626.207, 626.611,  
210 ~~and~~ 626.621, and 626.8698.

211 Section 6. Subsections (5), (6), (7), (8), (9), (10), (11),  
212 (12), and (13) are added to section 626.854, Florida Statutes, to  
213 read:

214 626.854 "Public adjuster" defined; prohibitions.--The  
215 Legislature finds that it is necessary for the protection of the  
216 public to regulate public insurance adjusters and to prevent the  
217 unauthorized practice of law.

218 (5) A public adjuster may not directly or indirectly  
219 through any other person or entity solicit an insured or claimant  
220 by any means between the hours of 9 p.m. and 8 a.m.

221 (6) A public adjuster may not directly or indirectly  
222 through any other person or entity engage in face-to-face or  
223 telephonic solicitation or enter into a contract with any insured  
224 or claimant under an insurance policy until at least 72 hours  
225 after the occurrence of an event that may be the subject of a  
226 claim under the insurance policy unless contact is initiated by  
227 the insured or claimant.

228 (7) A client may cancel a public adjuster's contract to  
229 adjust a claim without penalty or obligation within 3 business  
230 days after the date on which the contract is executed or within 3  
231 business days after the date on which the client has notified the



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232 insurer of the claim, either by phone or in writing, whichever is  
233 later. The public adjuster shall disclose to the client his or  
234 her right to cancel the contract and advise the client that  
235 notice of cancellation must be submitted in writing and sent by  
236 certified mail, return receipt requested, or other form of  
237 mailing which provides proof thereof, to the public adjuster at  
238 the address specified in the contract. However, when the event is  
239 a storm declared to be a hurricane by the National Hurricane  
240 Center, this provision applies for a period of 14 days.

241 (8) It is an unfair and deceptive insurance trade practice  
242 pursuant to s. 626.9541 for a public adjuster or any other person  
243 to circulate or disseminate any advertisement, announcement, or  
244 statement containing any assertion, representation, or statement  
245 with respect to the business of insurance which is untrue,  
246 deceptive, or misleading.

247 (9) A public adjuster, a public adjuster apprentice, or any  
248 person or entity acting on behalf of a public adjuster or public  
249 adjuster apprentice may not give or offer to give a monetary loan  
250 or advance to a client or prospective client.

251 (10) A public adjuster, public adjuster apprentice, or any  
252 person or entity acting on behalf of a public adjuster or public  
253 adjuster apprentice may not give or offer to give, directly or  
254 indirectly, any article of merchandise having a value in excess  
255 of \$25 to any person for the purpose of advertising or as an  
256 inducement to entering into a contract with a public adjuster.

257 (11) For any claim under a residential or commercial  
258 residential property insurance policy, a public adjuster may not  
259 charge, agree to, or accept any compensation, payment,  
260 commission, fee, or other thing of value:

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261 (a) Based on any claim payments for additional living  
262 expenses;

263 (b) Based on the amount of a claim payment or payment offer  
264 by the insurer which occurred before the date on which the  
265 adjuster and the insured executed a contract with regard to the  
266 claim;

267 (c) Greater than 15 percent of the amount of an insurance  
268 claim payment by the insurer for claims that do not arise out of  
269 a storm declared to be a hurricane by the National Hurricane  
270 Center; or

271 (d) Greater than 10 percent of the amount of an insurance  
272 claim payment by the insurer for claims based on and made  
273 subsequent to a storm declared to be a hurricane by the National  
274 Hurricane Center; except that, if a public adjuster and an  
275 insured execute a contract providing for the adjuster to reopen  
276 or file a supplemental claim that seeks additional payments on  
277 behalf of an insured or claimant for a claim that has been  
278 previously paid or settled, the amount may be up to 15 percent of  
279 the amount of the claim payments made by the insurer after the  
280 date of the execution of the contract to reopen or file a  
281 supplemental claim.

282 (12) If a public adjuster enters into a contract with an  
283 insured or claimant to reopen a claim or to file a supplemental  
284 claim that seeks additional payments for a claim that has been  
285 previously paid or settled, the public adjuster may not base any  
286 charge, compensation, payment, commission, or fee on the previous  
287 settlement or previous claim payments.

288 (13) A public adjuster may not charge, agree to, or accept  
289 any compensation, payment, commission, fee, or other thing of

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290 value based on any full or partial insurance settlement or  
291 insurance claim payment by the insurer, or any portion of any  
292 payment by the insurer:

293 (a) Equal to more than 15 percent of the amount of any full  
294 or partial insurance settlement or claim payment by the insurer.  
295 However, this paragraph does not apply to claims that arise out  
296 of a storm declared to be a hurricane by the National Hurricane  
297 Center.

298 (b) With regard to claims arising out of a storm declared  
299 to be a hurricane by the National Hurricane Center:

300 1. Equal to more than 10 percent of the amount of any full  
301 or partial insurance settlement or insurance claim payment by the  
302 insurer on the initial claim; or

303 2. Equal to more than 15 percent of the amount of any full  
304 or partial insurance settlement or insurance claim payment by the  
305 insurer if a public adjuster reopens the initial claim or files a  
306 supplemental claim that seeks additional payments on behalf of an  
307 insured or claimant for a claim that has been previously paid or  
308 settled.

309 Section 7. Section 626.8541, Florida Statutes, is created  
310 to read:

311 626.8541 "Public adjuster apprentice" defined.--The term  
312 "public adjuster apprentice" means any person who is employed by  
313 a licensed and appointed public adjuster in good standing with  
314 the department or a public adjusting firm that employs at least  
315 one licensed and appointed public adjuster in good standing with  
316 the department to assist a public adjuster in conducting business  
317 under the license and who satisfies the requirements of s.  
318 626.8651.

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319 Section 8. Subsection (1) of section 626.865, Florida  
320 Statutes, is amended, and subsection (3) is added to that  
321 section, to read:

322 626.865 Public adjuster's qualifications, bond.--

323 (1) The department shall issue a license to an applicant  
324 for a public adjuster's license upon determining that the  
325 applicant has paid the applicable fees specified in s. 624.501  
326 and possesses the following qualifications:

327 (a) Is a natural person at least 18 years of age.

328 (b) Is a United States citizen or legal alien who possesses  
329 work authorization from the United States Bureau of Citizenship  
330 and Immigration Services and a bona fide resident of this state.

331 (c) Is trustworthy and has such business reputation as  
332 would reasonably assure that the applicant will conduct his or  
333 her business as insurance adjuster fairly and in good faith and  
334 without detriment to the public.

335 (d) 1. In the past 4 years has had 2 years of sufficient  
336 experience involving the adjusting of damages or losses under  
337 insurance contracts, other than life and annuity contracts, as a  
338 licensed and appointed general lines insurance agent or as a  
339 licensed and appointed all-lines or property and casualty company  
340 employee adjuster or independent adjuster; ~~training, or~~  
341 ~~instruction concerning the adjusting of damages or losses under~~  
342 ~~insurance contracts, other than life and annuity contracts,~~

343 2. Has successfully completed 12 semester hours or 18  
344 quarter hours in courses on insurance, other than life and  
345 annuity contracts, at an accredited institution of higher  
346 learning; or

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347       3. Has completed 12 months of employment as a public  
348 adjuster apprentice in accordance with s. 626.8651.

349       (e) Is sufficiently informed as to the terms and effects of  
350 the provisions of those types of insurance contracts, and  
351 possesses adequate knowledge of the laws of this state relating  
352 to such contracts as to enable and qualify him or her to engage  
353 in the business of insurance adjuster fairly and without injury  
354 to the public or any member thereof with whom the applicant may  
355 have business as a public adjuster.

356       (f)~~(e)~~ Has passed the ~~any~~ required written examination.

357       (3) The department may not issue a license as a public  
358 adjuster to any person who has not passed the examination for a  
359 public adjuster's license. Any person who is applying for  
360 reinstatement of a license after completion of a period of  
361 suspension and any person who is applying for a new license after  
362 termination, cancellation, revocation, or expiration of a prior  
363 license as a public adjuster must pass the examination required  
364 for licensure as a public adjuster after approval of the  
365 application for reinstatement or for a new license regardless of  
366 whether the applicant passed an examination prior to issuance of  
367 the license that was suspended, terminated, cancelled, revoked,  
368 or expired.

369       Section 9. Section 626.8651, Florida Statutes, is created  
370 to read:

371       626.8651 Public adjuster apprentice license;  
372 qualifications.--

373       (1) If, upon the basis of a completed application for  
374 license as a public adjuster apprentice and such further inquiry  
375 or investigation as the department may make concerning an

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376 applicant, the department is satisfied that the applicant is  
377 qualified and that all pertinent fees have been paid, it shall  
378 approve the application.

379 (2) If, upon the basis of the completed application and  
380 such further inquiry or investigation, the department finds the  
381 applicant to be lacking in any one or more of the required  
382 qualifications for licensure as a public adjuster apprentice, the  
383 department shall deny the application and notify the applicant,  
384 stating the grounds for denial.

385 (3) The department shall issue a license as a public  
386 adjuster apprentice if the applicant meets the following  
387 qualifications:

388 (a) The applicant is a natural person at least 18 years of  
389 age.

390 (b) The applicant is a United States citizen or legal alien  
391 who possesses work authorization from the United States Bureau of  
392 Citizenship and Immigration Services and is a resident of this  
393 state.

394 (c) The applicant is trustworthy and has such business  
395 reputation as would reasonably assure that the applicant will  
396 conduct business as a public adjuster apprentice fairly and in  
397 good faith and without detriment to the public.

398 (d) The applicant has had sufficient experience, training,  
399 or instruction concerning the adjusting of damages or losses  
400 under insurance contracts, other than life and annuity contracts,  
401 is sufficiently informed as to the terms and effects of the  
402 provisions of those types of insurance contracts, and possesses  
403 adequate knowledge of the laws of this state relating to such  
404 contracts as to enable and qualify him or her to engage in

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405 business as a public adjuster apprentice fairly and without  
406 injury to the public. The department may adopt rules that  
407 establish standards for the experience, training, or instruction  
408 requirements.

409 (4) (a) The application must be accompanied by an affidavit  
410 verifying proposed employment and the applicant's trustworthiness  
411 and qualifications on a form prescribed by the department and  
412 executed by the proposed employer. The proposed employer must be  
413 a licensed and appointed public adjuster in good standing with  
414 the department or a public adjuster firm that employs at least  
415 one licensed and appointed public adjuster in good standing with  
416 the department.

417 (b) All applicable license fees, as prescribed in s.  
418 624.501, must be paid in full before issuance of the license.

419 (5) At the time of application for license as a public  
420 adjuster apprentice, the applicant shall file with the department  
421 a bond executed and issued by a surety insurer authorized to  
422 transact such business in this state, in the amount of \$50,000,  
423 conditioned for the faithful performance of his or her duties as  
424 a public adjuster apprentice under the license for which the  
425 applicant has applied, and thereafter maintain the bond  
426 unimpaired throughout the existence of the license and for at  
427 least 1 year after termination of the license. The bond shall be  
428 in favor of the department and shall specifically authorize  
429 recovery by the department of the damages sustained in case the  
430 licensee is guilty of fraud or unfair practices in connection  
431 with his or her business as public adjuster apprentice. The  
432 aggregate liability of the surety for all such damages may not  
433 exceed the amount of the bond, and the bond may not be terminated

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434 by the issuing insurer unless written notice of at least 30 days  
435 is given to the licensee and filed with the department.

436 (6) A public adjuster apprentice must complete at least 12  
437 months of employment under the supervision of a licensed and  
438 appointed all-lines public adjuster in order to qualify for  
439 licensure as a public adjuster. The department may adopt rules  
440 that establish standards for the employment requirements.

441 (7) The supervising public adjuster is responsible and  
442 accountable for the acts of a public adjuster apprentice which  
443 are related to transacting business as a public adjuster  
444 apprentice.

445 (8) The apprentice license is effective for 18 months  
446 unless surrendered by the licensee; terminated, suspended, or  
447 revoked by the department; or cancelled by the department upon  
448 issuance of a public adjuster license.

449 (9) After completing at least 12 months of employment as a  
450 public adjuster apprentice, the licensee may file an application  
451 for a public adjuster license. The applicant and supervising  
452 public adjuster or public adjusting firm must each file a sworn  
453 affidavit, on a form prescribed by the department, verifying that  
454 the employment of the public adjuster apprentice meets the  
455 requirements of this section.

456 (10) A public adjuster apprentice licensed under this  
457 section may not perform any of the functions for which a public  
458 adjuster's license is required after expiration of the public  
459 adjuster apprentice license without having obtained a public  
460 adjuster license.

461 (11) A public adjuster apprentice has the same authority  
462 as the licensed public adjuster or public adjusting firm that



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463 employs the apprentice except that an apprentice may not execute  
464 contracts for the services of a public adjuster or public  
465 adjusting firm and may not solicit contracts for the services  
466 except under the direct supervision and guidance of the  
467 supervisory public adjuster.

468 Section 10. Section 626.869, Florida Statutes, is amended  
469 to read:

470 626.869 License, adjusters; continuing education.--

471 (1) An applicant for a license as an adjuster may qualify  
472 and his or her license when issued may cover adjusting in any one  
473 of the following classes of insurance:

474 (a) All lines of insurance except life and annuities.

475 (b) Motor vehicle physical damage insurance.

476 (c) Property and casualty insurance.

477 (d) Workers' compensation insurance.

478 (e) Health insurance.

479 (2) All individuals who on October 1, 1990, hold an  
480 adjuster's license and appointment limited to fire and allied  
481 lines, including marine or casualty or boiler and machinery, may  
482 remain licensed and appointed under the limited license and may  
483 renew their appointment, but no license or appointment which has  
484 been terminated, not renewed, suspended, or revoked shall be  
485 reinstated, and no new or additional licenses or appointments  
486 shall be issued.

487 (3) The applicant's application for license shall specify  
488 which of the foregoing classes of business the application for  
489 license is to cover.

490 (4) (a) Any individual holding a license as a company  
491 employee adjuster or independent adjuster for 24 consecutive

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492 months or longer must, beginning in his or her birth month and  
493 every 2 years thereafter, have completed 24 hours of courses, 2  
494 hours of which relate to ethics, in subjects designed to inform  
495 the licensee regarding the current insurance laws of this state,  
496 so as to enable him or her to engage in business as an insurance  
497 adjuster fairly and without injury to the public and to adjust  
498 all claims in accordance with the policy or contract and the laws  
499 of this state.

500 (b) Any individual holding a license as a public adjuster  
501 for 24 consecutive months or longer, beginning in their birth  
502 month and every 2 years thereafter, must have completed 24 hours  
503 of courses, 2 hours of which relate to ethics, in subjects  
504 designed to inform the licensee regarding the current laws of  
505 this state pertaining to all lines of insurance other than life  
506 and annuities, the current laws of this state pertaining to the  
507 duties and responsibilities of public adjusters as set forth in  
508 this part, and the current rules of the department which are  
509 applicable to public adjusters and standard or representative  
510 policy forms used by insurers, other than forms for life  
511 insurance and annuities, so as to enable him or her to engage in  
512 business as an adjuster fairly and without injury to the public  
513 and to adjust all claims in accordance with the policy or  
514 contract and laws of this state. In order to receive credit for  
515 continuing education courses, public adjusters must take courses  
516 that are specifically designed for public adjusters and approved  
517 by the department.

518 (c) The department shall adopt rules necessary to implement  
519 and administer the continuing education requirements of this  
520 subsection. For good cause shown, the department may grant an

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521 extension of time during which the requirements imposed by this  
522 section may be completed, but such extension of time may not  
523 exceed 1 year.

524 (d) A nonresident adjuster who must complete continuing  
525 education requirements in his or her home state may use the home  
526 state requirements to meet this state's continuing education  
527 requirements as well if the resident's state recognizes  
528 reciprocity with this state's continuing education requirements.  
529 A nonresident whose home state does not have a continuing  
530 education requirement but who is licensed for the same type and  
531 class of adjuster license in another state that does have a  
532 continuing education requirement may comply with this section by  
533 furnishing proof of compliance with the other state's requirement  
534 if that state has a reciprocal agreement with this state relative  
535 to continuing education. A nonresident whose home state does not  
536 have such continuing education requirements for adjusters and who  
537 is not licensed as a nonresident adjuster in a state that has  
538 continuing education requirements and a reciprocal agreement with  
539 this state must meet the continuing education requirements of  
540 this state.

541 (5) The regulation of continuing education for licensees,  
542 course providers, instructors, school officials, and monitor  
543 groups shall be as provided for in s. 626.2816.

544 Section 11. Section 626.8698, Florida Statutes, is amended  
545 to read:

546 626.8698 Disciplinary guidelines for public adjusters and  
547 public adjuster apprentices.--The department may deny, suspend,  
548 or revoke the license of a public adjuster or public adjuster

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549 apprentice, and administer a fine not to exceed \$5,000 per act,  
550 for any of the following:

551 (1) Violating any provision of this chapter or a rule or  
552 order of the department;

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

555 (3) Receiving or accepting any fee, kickback, or other  
556 thing of value pursuant to any agreement or understanding, oral  
557 or otherwise; entering into a split-fee arrangement with another  
558 person who is not a public adjuster; or being otherwise paid or  
559 accepting payment for services that have not been performed;

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

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

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

565 Section 12. Subsection (4) is added to section 626.870,  
566 Florida Statutes, to read:

567 626.870 Application for license.--

568 (4) A license, appointment, or eligibility that has been  
569 suspended may not be reinstated except upon the filing and  
570 approval of an application for reinstatement in accordance with  
571 s. 626.641 and passing of the public adjuster licensing  
572 examination. An application for reinstatement must be accompanied  
573 by an application for examination in accordance with s. 626.231  
574 and the applicable examination fee. Successful completion of the  
575 examination does not entitle the applicant to have a license  
576 reinstated. The application is subject to denial pursuant to ss.  
577 626.207, 626.611, 626.621, and 626.8698. If the department

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578 approves an application for reinstatement, the applicant shall be  
579 notified that the license will be reinstated upon payment by the  
580 applicant of the reinstatement fee contained in s. 624.501(15).

581 Section 13. Paragraphs (b) and (e) of subsection (1) and  
582 paragraphs (b) and (c) of subsection (2) of section 626.8732,  
583 Florida Statutes, are amended, and subsection (6) is added to  
584 that section, to read:

585 626.8732 Nonresident public adjuster's qualifications,  
586 bond.--

587 (1) The department shall, upon application therefor, issue  
588 a license to an applicant for a nonresident public adjuster's  
589 license upon determining that the applicant has paid the  
590 applicable license fees required under s. 624.501 and:

591 (b) Has passed to the satisfaction of the department a  
592 written Florida public adjuster's examination of the scope  
593 prescribed in s. 626.241(6); ~~however, the requirement for such an~~  
594 ~~examination does not apply to any of the following:~~

595 1. ~~An applicant who is licensed as a resident public~~  
596 ~~adjuster in his or her state of residence, when that state~~  
597 ~~requires the passing of a written examination in order to obtain~~  
598 ~~the license and a reciprocal agreement with the appropriate~~  
599 ~~official of that state has been entered into by the department;~~  
600 ~~or~~

601 2. ~~An applicant who is licensed as a nonresident public~~  
602 ~~adjuster in a state other than his or her state of residence when~~  
603 ~~the state of licensure requires the passing of a written~~  
604 ~~examination in order to obtain the license and a reciprocal~~  
605 ~~agreement with the appropriate official of the state of licensure~~  
606 ~~has been entered into by the department.~~

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607           (e) Has been licensed and employed as a public adjuster in  
608 the applicant's state of residence on a continual basis for the  
609 past 3 years, or, if the applicant's state of residence does not  
610 issue licenses to persons who act as public adjusters, the  
611 applicant has been licensed and employed as a resident insurance  
612 company or independent adjuster, insurance agent, insurance  
613 broker, or other insurance representative in his or her state of  
614 residence or any other state on a continual basis for the past 3  
615 years. This paragraph does not apply to persons who are licensed  
616 to transact only life insurance and annuity business ~~had~~  
617 ~~sufficient experience, training, or instruction concerning the~~  
618 ~~adjusting of damages or losses under insurance contracts, other~~  
619 ~~than life and annuity contracts; is sufficiently informed as to~~  
620 ~~the terms and effects of the provisions of those types of~~  
621 ~~insurance contracts; and possesses adequate knowledge of the laws~~  
622 ~~of this state relating to such contracts as to enable and qualify~~  
623 ~~him or her to engage in the business of insurance adjuster fairly~~  
624 ~~and without injury to the public or any member thereof with whom~~  
625 ~~he or she may have business as a public adjuster.~~

626           (2) The applicant shall furnish the following with his or  
627 her application:

628           (b) If currently licensed as a resident public adjuster in  
629 the applicant's state of residence, a certificate or letter of  
630 authorization from the licensing authority of the applicant's  
631 state of residence, stating that the applicant holds a current or  
632 comparable license to act as a public adjuster and has held the  
633 license continuously for the past 3 years. The certificate or  
634 letter of authorization must be signed by the insurance  
635 commissioner or his or her deputy or the appropriate licensing

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636 official and must disclose whether the adjuster has ever had any  
637 license or eligibility to hold any license declined, denied,  
638 suspended, revoked, or placed on probation or whether an  
639 administrative fine or penalty has been levied against the  
640 adjuster and, if so, the reason for the action.

641 (c) If the applicant's state of residence does not require  
642 licensure as a public adjuster and the applicant has been  
643 licensed as a resident insurance adjuster, agent, broker, or  
644 other insurance representative in his or her state of residence  
645 or any other state ~~within the past 3 years~~, a certificate or  
646 letter of authorization from the licensing authority stating that  
647 the applicant holds ~~or has held~~ a license to act as such an  
648 insurance adjuster, agent, or other insurance representative and  
649 has held the license continuously for the past 3 years. The  
650 certificate or letter of authorization must be signed by the  
651 insurance commissioner or his or her deputy or the appropriate  
652 licensing official and must disclose whether or not the adjuster,  
653 agent, or other insurance representative has ever had any license  
654 or eligibility to hold any license declined, denied, suspended,  
655 revoked, or placed on probation or whether an administrative fine  
656 or penalty has been levied against the adjuster and, if so, the  
657 reason for the action.

658 (6) If available, the department shall verify the  
659 nonresident applicant's licensing status through the producer  
660 database maintained by the National Association of Insurance  
661 Commissioners or its affiliates or subsidiaries.

662 Section 14. Section 626.8796, Florida Statutes, is created  
663 to read:

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664       626.8796 Public adjuster contracts; fraud statement.--All  
665 contracts for public adjuster services must be in writing and  
666 must prominently display the following statement on the first  
667 page of the contract: "Any person who knowingly and with intent  
668 to injure, defraud, or deceive any insurer files a statement of  
669 claim or proof of loss containing any false, incomplete, or  
670 misleading information commits a felony of the third degree."

671       Section 15. Section 626.8797, Florida Statutes, is created  
672 to read:

673       626.8797 Public adjusters; proof of loss certification.--If  
674 an insurance policy requires an insured or claimant to file a  
675 written proof of loss containing an estimate of the costs to  
676 repair or replace damaged property, a public adjuster under  
677 contract to adjust the claim for the insured or claimant must  
678 affirm, under oath given by a notary public, the proof of loss by  
679 signing the following statement: "I, . . . , do solemnly, sincerely,  
680 and truly declare and affirm that I have reviewed the estimate of  
681 the cost of repair or replacement of damaged property as set  
682 forth in this proof of loss, in my best judgment the estimated  
683 costs are reasonable, and, to the best of my knowledge, the proof  
684 of loss does not contain any false, incomplete, or misleading  
685 information." If this statement is not printed on the proof-of-  
686 loss form, the adjuster shall add the statement to the form or  
687 attach a separate page containing the signed statement to the  
688 form. Pursuant to s. 817.234, any person who, with the intent to  
689 injure, defraud, or deceive any insurer, prepares, presents, or  
690 causes to be presented a proof of loss in support of a claim  
691 under an insurance policy knowing that the proof of loss contains  
692 any false, incomplete, or misleading information concerning any



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693 fact or thing material to the claim, commits a felony of the  
694 third degree, punishable as provided in s. 775.082, s. 775.803,  
695 or s. 775.084.

696 Section 16. This act shall take effect October 1, 2008.