

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 20and 21 insert:

5  
6 Section 1. Effective January 1, 2009, subsection (5) of  
7 section 624.501, Florida Statutes, is amended to read:

8 624.501 Filing, license, appointment, and miscellaneous  
9 fees.--The department, commission, or office, as appropriate,  
10 shall collect in advance, and persons so served shall pay to it  
11 in advance, fees, licenses, and miscellaneous charges as  
12 follows:

13 (5) All insurance representatives, application for  
14 license, application for reinstatement of suspended license,  
15 each filing, filing fee....\$50.00

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16 Section 2. Effective January 1, 2009, subsection (1) of  
17 section 626.015, Florida Statutes, is amended to read:

18 626.015 Definitions.--As used in this part:

19 (1) "Adjuster" means a public adjuster as defined in s.  
20 626.854, public adjuster apprentice as defined in s. 626.8541,  
21 independent adjuster as defined in s. 626.855, or company  
22 employee adjuster as defined in s. 626.856.

23 Section 3. Effective January 1, 2009, paragraphs (c), (e),  
24 and (f) of subsection (2) of section 626.221, Florida Statutes,  
25 are amended to read:

26 626.221 Examination requirement; exemptions.--

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

29 (c) In the discretion of the department, an applicant for  
30 reinstatement of license or appointment as an agent, customer  
31 representative, company employee adjuster, or independent  
32 adjuster whose license has been suspended within 4 years prior  
33 to the date of application or written request for reinstatement.

34 (e) A person who has been licensed and appointed as an a  
35 ~~public adjuster,~~ independent adjuster, or company employee  
36 adjuster as to all property, casualty, and surety insurances,  
37 may be licensed and appointed as a company employee adjuster or,  
38 independent, ~~or public~~ adjuster, as to these kinds of insurance,  
39 without additional written examination if an application for  
40 licensure is filed with the department within 48 months  
41 following the date of cancellation or expiration of the prior  
42 appointment.

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

50 Section 4. Effective January 1, 2009, subsection (6) of  
51 section 626.241, Florida Statutes, is amended to read:

52 626.241 Scope of examination.--

53 (6) In order to reflect the differences between adjusting  
54 claims for an insurer and adjusting claims for an insured, the  
55 department shall create an examination for applicants seeking  
56 licensure as a public adjuster and a separate examination for  
57 applicants seeking licensure as a company employee adjuster or  
58 independent adjuster. Examinations given applicants for license  
59 as an all-lines adjuster shall cover adjusting in all lines of  
60 insurance, other than life and annuity; or, in accordance with  
61 the application for the license, the examination may be limited  
62 to adjusting in:

- 63 (a) Automobile physical damage insurance;  
64 (b) Property and casualty insurance;  
65 (c) Workers' compensation insurance; or  
66 (d) Health insurance.

67  
68 No examination on worker's compensation insurance or health  
69 insurance shall be required for public adjusters.

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70 Section 5. Effective January 1, 2009, subsection (1) of  
71 section 626.641, Florida Statutes, is amended to read:

72 626.641 Duration of suspension or revocation.--

73 (1) The department shall, in its order suspending a  
74 license or appointment or in its order suspending the  
75 eligibility of a person to hold or apply for such license or  
76 appointment, specify the period during which the suspension is  
77 to be in effect; but such period shall not exceed 2 years. The  
78 license, appointment, or eligibility shall remain suspended  
79 during the period so specified, subject, however, to any  
80 rescission or modification of the order by the department, or  
81 modification or reversal thereof by the court, prior to  
82 expiration of the suspension period. A license, appointment, or  
83 eligibility that ~~which~~ has been suspended shall not be  
84 reinstated except upon the filing and approval of an application  
85 for ~~request for such~~ reinstatement and, in the case of a second  
86 suspension, completion of continuing education courses  
87 prescribed and approved by the department; but the department  
88 shall not approve an application for ~~grant such~~ reinstatement if  
89 it finds that the circumstance or circumstances for which the  
90 license, appointment, or eligibility was suspended still exist  
91 or are likely to recur. In addition, an application ~~a request~~  
92 for reinstatement is subject to denial and subject to a waiting  
93 period prior to approval on the same grounds that apply to  
94 applications for licensure pursuant to ss. 626.207, 626.611, ~~and~~  
95 626.621, and 626.8698.

96 Section 6. Subsections (5) through (12) are added to  
97 section 626.854, Florida Statutes, to read:

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98           626.854 "Public adjuster" defined; prohibitions.--The  
99 Legislature finds that it is necessary for the protection of the  
100 public to regulate public insurance adjusters and to prevent the  
101 unauthorized practice of law.

102           (5) A public adjuster may not directly or indirectly  
103 through any other person or entity solicit an insured or  
104 claimant by any means except on Monday through Saturday of each  
105 week and only between the hours of 8 a.m. and 8 p.m. on those  
106 days.

107           (6) A public adjuster may not directly or indirectly  
108 through any other person or entity initiate contact or engage in  
109 face-to-face or telephonic solicitation or enter into a contract  
110 with any insured or claimant under an insurance policy until at  
111 least 48 hours after the occurrence of an event that may be the  
112 subject of a claim under the insurance policy unless contact is  
113 initiated by the insured or claimant.

114           (7) An insured or claimant may cancel a public adjuster's  
115 contract to adjust a claim without penalty or obligation within  
116 3 business days after the date on which the contract is executed  
117 or within 3 business days after the date on which the insured or  
118 claimant has notified the insurer of the claim, by phone or in  
119 writing, whichever is later. The public adjuster's contract  
120 shall disclose to the insured or claimant his or her right to  
121 cancel the contract and advise the insured or claimant that  
122 notice of cancellation must be submitted in writing and sent by  
123 certified mail, return receipt requested, or other form of  
124 mailing which provides proof thereof, to the public adjuster at  
125 the address specified in the contract; provided, during any

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126 state of emergency as declared by the Governor and for a period  
127 of 1 year after the date of loss, the insured or claimant shall  
128 have 5 business days after the date on which the contract is  
129 executed to cancel a public adjuster's contract.

130 (8) It is an unfair and deceptive insurance trade practice  
131 pursuant to s. 626.9541 for a public adjuster or any other  
132 person to circulate or disseminate any advertisement,  
133 announcement, or statement containing any assertion,  
134 representation, or statement with respect to the business of  
135 insurance which is untrue, deceptive, or misleading.

136 (9) A public adjuster, a public adjuster apprentice, or  
137 any person or entity acting on behalf of a public adjuster or  
138 public adjuster apprentice may not give or offer to give a  
139 monetary loan or advance to a client or prospective client.

140 (10) A public adjuster, public adjuster apprentice, or any  
141 individual or entity acting on behalf of a public adjuster or  
142 public adjuster apprentice may not give or offer to give,  
143 directly or indirectly, any article of merchandise having a  
144 value in excess of \$25 to any individual for the purpose of  
145 advertising or as an inducement to entering into a contract with  
146 a public adjuster.

147 (11) (a) If a public adjuster enters into a contract with  
148 an insured or claimant to reopen a claim or to file a  
149 supplemental claim that seeks additional payments for a claim  
150 that has been previously paid in part or in full or settled by  
151 the insurer, the public adjuster may not charge, agree to, or  
152 accept any compensation, payment, commission, fee, or other  
153 thing of value based on a previous settlement or previous claim

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154 payments by the insurer for the same cause of loss. The charge,  
155 compensation, payment, commission, fee, or other thing of value  
156 may be based only on the claim payments or settlement obtained  
157 through the work of the public adjuster after entering into the  
158 contract with the insured or claimant. The contracts described  
159 in this paragraph are not subject to the limitations in  
160 paragraph (b).

161 (b) A public adjuster may not charge, agree to, or accept  
162 any compensation, payment, commission, fee, or other thing of  
163 value in excess of:

164 1. Ten percent of the amount of insurance claim payments  
165 by the insurer for claims based on events that are the subject  
166 of a declaration of a state of emergency by the Governor. This  
167 provision applies to claims made during the period of 1 year  
168 after the declaration of emergency.

169 2. Twenty percent of the amount of all other insurance  
170 claim payments.

171 (12) Each public adjuster shall provide to the claimant or  
172 insured a written estimate of the loss to assist in the  
173 submission of a proof of loss or any other claim for payment of  
174 insurance proceeds. The public adjuster shall retain such  
175 written estimate for at least 5 years and shall make such  
176 estimate available to the claimant or insured and the department  
177 upon request.

178  
179 The provisions of subsections (5)-(12) apply only to residential  
180 property insurance policies and condominium association policies  
181 as defined in s. 718.111(11).

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182 Section 7. Effective January 1, 2009, section 626.8541,  
183 Florida Statutes, is created to read:

184 626.8541 Public adjuster apprentice.--

185 (1) A "public adjuster apprentice" is any person who is  
186 not a licensed public adjuster, who is employed by or has a  
187 contract with a licensed and appointed public adjuster in good  
188 standing with the department or a public adjusting firm that  
189 employs at least one licensed and appointed public adjuster in  
190 good standing with the department to assist a public adjuster in  
191 conducting business under the license, and who satisfies the  
192 requirements of s. 626.8651.

193 (2) A public adjuster apprentice must work with a licensed  
194 and appointed public adjuster for a period of 12 months as set  
195 forth in this section, and who otherwise is in full compliance  
196 with this chapter, prior to being eligible for appointment as a  
197 licensed public adjuster.

198 Section 8. Effective January 1, 2009, paragraph (e) of  
199 subsection (1) of section 626.865, Florida Statutes, is amended,  
200 and subsection (3) is added to that section, to read:

201 626.865 Public adjuster's qualifications, bond.--

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

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

207 (3) The department may not issue a license as a public  
208 adjuster to any individual who has not passed the examination  
209 for a public adjuster's license. Any individual who is applying

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210 for reinstatement of a license after completion of a period of  
211 suspension and any individual who is applying for a new license  
212 after termination, cancellation, revocation, or expiration of a  
213 prior license as a public adjuster must pass the examination  
214 required for licensure as a public adjuster after approval of  
215 the application for reinstatement or for a new license  
216 regardless of whether the applicant passed an examination prior  
217 to issuance of the license that was suspended, terminated,  
218 canceled, revoked, or expired.

219 Section 9. Effective January 1, 2009, section 626.8651,  
220 Florida Statutes, is created to read:

221 626.8651 Public adjuster apprentice license;  
222 qualifications.--

223 (1) The department shall issue a license as a public  
224 adjuster apprentice to an applicant who is:

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

226 (b) A United States citizen or legal alien who possesses  
227 work authorization from the United States Bureau of Citizenship  
228 and Immigration Services and is a resident of this state.

229 (c) Trustworthy and has such business reputation as would  
230 reasonably ensure that the applicant will conduct business as a  
231 public adjuster apprentice fairly and in good faith and without  
232 detriment to the public.

233 (2) All applicable license fees, as prescribed in s.  
234 624.501, must be paid in full before issuance of the license.

235 (3) At the time of application for license as a public  
236 adjuster apprentice, the applicant shall file with the  
237 department a bond executed and issued by a surety insurer

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238 authorized to transact such business in this state in the amount  
239 of \$50,000, conditioned upon the faithful performance of his or  
240 her duties as a public adjuster apprentice under the license for  
241 which the applicant has applied, and thereafter maintain the  
242 bond unimpaired throughout the existence of the license and for  
243 at least 1 year after termination of the license. The bond shall  
244 be in favor of the department and shall specifically authorize  
245 recovery by the department of the damages sustained in case the  
246 licensee commits fraud or unfair practices in connection with  
247 his or her business as a public adjuster apprentice. The  
248 aggregate liability of the surety for all such damages may not  
249 exceed the amount of the bond, and the bond may not be  
250 terminated by the issuing insurer unless written notice of at  
251 least 30 days is given to the licensee and filed with the  
252 department.

253 (4) A public adjuster apprentice shall complete at a  
254 minimum 100 hours of employment per month for 12 months of  
255 employment under the supervision of a licensed and appointed  
256 all-lines public adjuster in order to qualify for licensure as a  
257 public adjuster. The department may adopt rules that establish  
258 standards for such employment requirements.

259 (5) A supervising public adjuster shall be responsible and  
260 accountable for the acts of a public adjuster apprentice which  
261 are related to transacting business as a public adjuster  
262 apprentice.

263 (6) An apprentice license is effective for 18 months  
264 unless the license expires due to lack of maintaining an  
265 appointment; is surrendered by the licensee; is terminated,

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266 suspended, or revoked by the department; or is canceled by the  
267 department upon issuance of a public adjuster license. The  
268 department may not issue a public adjuster apprentice license to  
269 any individual who has held such a license in this state within  
270 2 years after expiration, surrender, termination, revocation, or  
271 cancellation of the license.

272 (7) After completing the requirements for employment as a  
273 public adjuster apprentice, the licensee may file an application  
274 for a public adjuster license. The applicant and supervising  
275 public adjuster or public adjusting firm must each file a sworn  
276 affidavit, on a form prescribed by the department, verifying  
277 that the employment of the public adjuster apprentice meets the  
278 requirements of this section.

279 (8) In no event shall a public adjuster apprentice  
280 licensed under this section perform any of the functions for  
281 which a public adjuster's license is required after expiration  
282 of the public adjuster apprentice license without having  
283 obtained a public adjuster license.

284 (9) A public adjuster apprentice has the same authority as  
285 the licensed public adjuster or public adjusting firm that  
286 employs the apprentice except that an apprentice may not execute  
287 contracts for the services of a public adjuster or public  
288 adjusting firm and may not solicit contracts for the services  
289 except under the direct supervision and guidance of the  
290 supervisory public adjuster. An individual may not be, act as,  
291 or hold himself or herself out to be a public adjuster  
292 apprentice unless the individual is licensed and holds a current  
293 appointment by a licensed public all-lines adjuster or a public

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294 adjusting firm that employs a licensed all-lines public  
295 adjuster.

296 Section 10. Subsections (1) and (4) of section 626.869,  
297 Florida Statutes, are amended to read:

298 626.869 License, adjusters; continuing education.--

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

- 302 (a) All lines of insurance except life and annuities.
- 303 (b) Motor vehicle physical damage insurance.
- 304 (c) Property and casualty insurance.
- 305 (d) Workers' compensation insurance.
- 306 (e) Health insurance.

307

308 No examination on worker's compensation insurance or health  
309 insurance shall be required for public adjusters.

310 (4) (a) Any individual holding a license as a company  
311 employee adjuster or independent adjuster for 24 consecutive  
312 months or longer must, beginning in his or her birth month and  
313 every 2 years thereafter, have completed 24 hours of courses, 2  
314 hours of which relate to ethics, in subjects designed to inform  
315 the licensee regarding the current insurance laws of this state,  
316 so as to enable him or her to engage in business as an insurance  
317 adjuster fairly and without injury to the public and to adjust  
318 all claims in accordance with the policy or contract and the  
319 laws of this state.

320 (b) Any individual holding a license as a public adjuster  
321 for 24 consecutive months or longer, beginning in their birth

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322 month and every 2 years thereafter, must have completed 24 hours  
323 of courses, 2 hours of which relate to ethics, in subjects  
324 designed to inform the licensee regarding the current laws of  
325 this state pertaining to all lines of insurance other than life  
326 and annuities, the current laws of this state pertaining to the  
327 duties and responsibilities of public adjusters as set forth in  
328 this part, and the current rules of the department applicable to  
329 public adjusters and standard or representative policy forms  
330 used by insurers, other than forms for life insurance and  
331 annuities, so as to enable him or her to engage in business as  
332 an adjuster fairly and without injury to the public and to  
333 adjust all claims in accordance with the policy or contract and  
334 laws of this state. In order to receive credit for continuing  
335 education courses, public adjusters must take courses that are  
336 specifically designed for public adjusters and approved by the  
337 department, provided, however, no continuing education course  
338 shall be required for public adjusters for worker's compensation  
339 insurance or health insurance.

340 (c) The department shall adopt rules necessary to  
341 implement and administer the continuing education requirements  
342 of this subsection. For good cause shown, the department may  
343 grant an extension of time during which the requirements imposed  
344 by this section may be completed, but such extension of time may  
345 not exceed 1 year.

346 (d) A nonresident public adjuster must complete the  
347 continuing education requirements provided by this section;  
348 provided, a nonresident public adjuster may meet the  
349 requirements of this section if the continuing education

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350 requirements of the nonresident public adjuster's home state are  
351 determined to be substantially comparable to the requirements of  
352 this state's continuing education requirements and if the  
353 resident's state recognizes reciprocity with this state's  
354 continuing education requirements. A nonresident public adjuster  
355 whose home state does not have such continuing education  
356 requirements for adjusters, and who is not licensed as a  
357 nonresident adjuster in a state that has continuing education  
358 requirements and reciprocates with this state, must meet the  
359 continuing education requirements of this section.

360 Section 11. Section 626.8698, Florida Statutes, is amended  
361 to read:

362 626.8698 Disciplinary guidelines for public adjusters and  
363 public adjuster apprentices.--The department may deny, suspend,  
364 or revoke the license of a public adjuster or public adjuster  
365 apprentice, and administer a fine not to exceed \$5,000 per act,  
366 for any of the following:

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

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

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

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

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

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

381 Section 12. Effective January 1, 2009, subsection (4) is  
382 added to section 626.870, Florida Statutes, to read:

383 626.870 Application for license.--

384 (4) A license, an appointment, or eligibility that has  
385 been suspended may not be reinstated except upon the filing and  
386 approval of an application for reinstatement in accordance with  
387 s. 626.641. In addition, for reinstatement of a public  
388 adjuster's license, appointment, or eligibility, the individual  
389 must pass the public adjuster licensing examination. An  
390 application for reinstatement must be accompanied by any  
391 applicable examination fee. Successful completion of the  
392 examination does not entitle the applicant to have a license  
393 reinstated. The application is subject to denial pursuant to ss.  
394 626.207, 626.611, 626.621, and 626.8698. If the department  
395 approves an application for reinstatement, the applicant shall  
396 be notified that the license will be reinstated upon payment by  
397 the applicant of the reinstatement fee contained in s.  
398 624.501(15).

399 Section 13. Effective January 1, 2009, paragraphs (b) and  
400 (e) of subsection (1) and paragraphs (b) and (c) of subsection  
401 (2) of section 626.8732, Florida Statutes, are amended, and  
402 subsection (6) is added to that section, to read:

403 626.8732 Nonresident public adjuster's qualifications,  
404 bond.--

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

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

413 ~~1. An applicant who is licensed as a resident public~~  
414 ~~adjuster in his or her state of residence, when that state~~  
415 ~~requires the passing of a written examination in order to obtain~~  
416 ~~the license and a reciprocal agreement with the appropriate~~  
417 ~~official of that state has been entered into by the department,~~  
418 ~~or~~

419 ~~2. An applicant who is licensed as a nonresident public~~  
420 ~~adjuster in a state other than his or her state of residence~~  
421 ~~when the state of licensure requires the passing of a written~~  
422 ~~examination in order to obtain the license and a reciprocal~~  
423 ~~agreement with the appropriate official of the state of~~  
424 ~~licensure has been entered into by the department.~~

425 (e) Has been licensed and employed as a public adjuster in  
426 the applicant's state of residence on a continual basis for the  
427 past 3 years, or, if the applicant's state of residence does not  
428 issue licenses to individuals who act as public adjusters, the  
429 applicant has been licensed and employed as a resident insurance  
430 company or independent adjuster, insurance agent, insurance  
431 broker, or other insurance representative in his or her state of  
432 residence or any other state on a continual basis for the past 3

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433 years. This paragraph does not apply to individuals who are  
434 licensed to transact only life insurance and annuity business  
435 ~~had sufficient experience, training, or instruction concerning~~  
436 ~~the adjusting of damages or losses under insurance contracts,~~  
437 ~~other than life and annuity contracts; is sufficiently informed~~  
438 ~~as to the terms and effects of the provisions of those types of~~  
439 ~~insurance contracts; and possesses adequate knowledge of the~~  
440 ~~laws of this state relating to such contracts as to enable and~~  
441 ~~qualify him or her to engage in the business of insurance~~  
442 ~~adjuster fairly and without injury to the public or any member~~  
443 ~~thereof with whom he or she may have business as a public~~  
444 ~~adjuster.~~

445 (2) The applicant shall furnish the following with his or  
446 her application:

447 (b) If currently licensed as a resident public adjuster in  
448 the applicant's state of residence, a certificate or letter of  
449 authorization from the licensing authority of the applicant's  
450 state of residence, stating that the applicant holds a current  
451 or comparable license to act as a public adjuster and has held  
452 the license continuously for the past 3 years. The certificate  
453 or letter of authorization must be signed by the insurance  
454 commissioner or his or her deputy or the appropriate licensing  
455 official and must disclose whether the adjuster has ever had any  
456 license or eligibility to hold any license declined, denied,  
457 suspended, revoked, or placed on probation or whether an  
458 administrative fine or penalty has been levied against the  
459 adjuster and, if so, the reason for the action.

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460 (c) If the applicant's state of residence does not require  
461 licensure as a public adjuster and the applicant has been  
462 licensed as a resident insurance adjuster, agent, broker, or  
463 other insurance representative in his or her state of residence  
464 or any other state ~~within the past 3 years~~, a certificate or  
465 letter of authorization from the licensing authority stating  
466 that the applicant holds or has held a license to act as such an  
467 insurance adjuster, agent, or other insurance representative and  
468 has held the license continuously for the past 3 years. The  
469 certificate or letter of authorization must be signed by the  
470 insurance commissioner or his or her deputy or the appropriate  
471 licensing official and must disclose whether or not the  
472 adjuster, agent, or other insurance representative has ever had  
473 any license or eligibility to hold any license declined, denied,  
474 suspended, revoked, or placed on probation or whether an  
475 administrative fine or penalty has been levied against the  
476 adjuster and, if so, the reason for the action.

477 (6) If available, the department shall verify the  
478 nonresident applicant's licensing status through the producer  
479 database maintained by the National Association of Insurance  
480 Commissioners or its affiliates or subsidiaries.

481 Section 14. Section 626.8796, Florida Statutes, is created  
482 to read:

483 626.8796 Public adjuster contracts; fraud statement.--All  
484 contracts for public adjuster services must be in writing and  
485 must prominently display the following statement on the  
486 contract: "Pursuant to s. 817.234, Florida Statutes, any person  
487 who, with the intent to injure, defraud, or deceive any insurer

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488 or insured, prepares, presents, or causes to be presented a  
489 proof of loss or estimate of cost or repair of damaged property  
490 in support of a claim under an insurance policy knowing that the  
491 proof of loss or estimate of claim or repairs contains any  
492 false, incomplete, or misleading information concerning any fact  
493 or thing material to the claim commits a felony of the third  
494 degree, punishable as provided in s. 775.082, s. 775.803, or s.  
495 775.084, Florida Statutes."

496 Section 15. Section 626.8797, Florida Statutes, is created  
497 to read:

498 626.8797 Proof of loss; fraud statement.--All proof of  
499 loss statements must prominently display the following  
500 statement: "Pursuant to s. 817.234, Florida Statutes, any person  
501 who, with the intent to injure, defraud, or deceive any insurer  
502 or insured, prepares, presents, or causes to be presented a  
503 proof of loss or estimate of cost or repair of damaged property  
504 in support of a claim under an insurance policy knowing that the  
505 proof of loss or estimate of claim or repairs contains any  
506 false, incomplete, or misleading information concerning any fact  
507 or thing material to the claim commits a felony of the third  
508 degree, punishable as provided in s. 775.082, s. 775.803, or s.  
509 775.084, Florida Statutes."

510 Section 16. Except as otherwise expressly provided in this  
511 act, this act shall take effect October 1, 2008.

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

518 Remove line 2 and insert:

519 An act relating to insurance; amending s. 624.501, F.S.;

520 providing for filing fees for an application for reinstatement

521 of a suspended license; amending s. 626.015, F.S.; redefining

522 the term "adjuster" to include a public adjuster apprentice;

523 amending s. 626.221, F.S.; providing that certain company

524 employee adjusters and independent adjusters seeking

525 reinstatement of a suspended license are not required to take an

526 examination; amending s. 626.241, F.S.; requiring that the

527 Department of Financial Services create an examination for

528 applicants seeking licensure as a public adjuster and a separate

529 examination for applicants seeking licensure as a company

530 employee adjuster or independent adjuster; providing that an

531 examination on worker's compensation insurance or health

532 insurance may not be required for public adjusters; amending s.

533 626.641, F.S.; providing that a suspended license may not be

534 reinstated unless the individual seeking reinstatement files an

535 application for reinstatement which is subsequently approved by

536 the department; prohibiting the department from approving such

537 an application under certain circumstances; amending s. 626.854,

538 F.S.; prohibiting a public adjuster from soliciting or entering

539 into a contract with any insured or claimant under an insurance

540 policy for a specified period after the occurrence of an event

541 that may be the subject of a claim; providing an exception;

542 providing that a public adjuster's contract to adjust a claim

543 may be canceled by the client without penalty within a specified

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544 period after the execution of the contract; requiring that a  
545 public adjuster disclose to a client his or her right to cancel  
546 a contract by specified means; providing an exception during a  
547 state of emergency; specifying an unfair and deceptive insurance  
548 trade practice; prohibiting a public adjuster, apprentice, or  
549 his or her agent from giving or offering a monetary loan or an  
550 article in excess of a specified value to a client or  
551 prospective client; prohibiting a public adjuster from basing  
552 any charge, fee, payment, commission, or compensation relating  
553 to a supplemental claim on the corresponding previous settlement  
554 or claim payment; prohibiting a public adjuster from charging,  
555 agreeing to, or accepting a fee, payment, commission, or any  
556 compensation in excess of certain amounts; providing  
557 application; requiring public adjusters to provide claimants or  
558 insureds a written estimate of certain losses relating to claims  
559 for payment of insurance proceeds; requiring adjusters to retain  
560 estimates for a specified time and make estimates available to  
561 claimants, insureds, and the department; creating s. 626.8541,  
562 F.S.; defining the term "public adjuster apprentice"; amending  
563 s. 626.865, F.S.; providing qualifications that an applicant  
564 must possess before the issuance of a license by the department;  
565 requiring that certain persons applying for a license after the  
566 completion of a period of suspension, termination, cancellation,  
567 revocation, or expiration must pass the examination required for  
568 licensure as a public adjuster; creating s. 626.8651, F.S.;

569 providing requirements for licensure as a public adjuster  
570 apprentice; requiring that the department approve an application  
571 under certain circumstances; requiring that all license fees be

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572 | paid before the department issues a license; requiring the  
573 | applicant to file a bond in a specified amount in favor of the  
574 | department; providing for termination of the bond; requiring  
575 | that the apprentice's work be supervised by a licensed adjuster  
576 | in good standing; authorizing the department to adopt rules  
577 | governing employment requirements; providing that the  
578 | supervising adjuster is responsible for the acts of the  
579 | apprentice; providing a period of effectiveness for an  
580 | apprentice license; providing that an individual licensed as an  
581 | apprentice may file an application for licensure as a public  
582 | adjuster after a specified period of employment as an  
583 | apprentice; requiring that a sworn affidavit containing certain  
584 | information accompany such application; prohibiting an  
585 | apprentice from performing any functions for which a license is  
586 | required after the expiration of his or her license for  
587 | apprenticeship without first obtaining a license to work as a  
588 | public adjuster; limiting the authority of a public adjuster  
589 | apprentice; amending s. 626.869, F.S.; providing that an  
590 | examination on worker's compensation insurance or health  
591 | insurance may not be required for public adjusters; providing  
592 | for continuing education for company employee adjusters,  
593 | independent adjusters, and public adjusters; providing for the  
594 | satisfaction of continuing education requirements for  
595 | nonresident adjusters; amending s. 626.8698, F.S.; providing  
596 | disciplinary guidelines for public adjusters and public adjuster  
597 | apprentices; amending s. 626.870, F.S.; providing requirements  
598 | for the reinstatement of a suspended license, an appointment, or  
599 | eligibility; providing for the notification of approval of an

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600 application for reinstatement; amending s. 626.8732, F.S.;  
601 revising requirements for licensure as a nonresident public  
602 adjuster; providing exceptions to such requirements; requiring  
603 that an applicant for licensure as a nonresident public adjuster  
604 provide certain information with his or her application;  
605 requiring that the department verify the nonresident applicant's  
606 licensing status; creating s. 626.8796, F.S.; requiring that all  
607 contracts for services by a public adjuster be in writing and  
608 contain a specified statement regarding fraud; creating s.  
609 626.8797, F.S.; requiring that proof of loss statements contain  
610 a specified statement regarding fraud; amending s.

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