

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2
3 **Substitute Amendment for Amendment (262647) to Senate Bill**
4 **(with title amendment)**

5 Between lines 20and 21 insert:

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

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

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

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

19 626.015 Definitions.--As used in this part:

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

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

27 626.221 Examination requirement; exemptions.--

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

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

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

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

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

53 626.241 Scope of examination.--

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

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

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

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

73 626.641 Duration of suspension or revocation.--

74 (1) The department shall, in its order suspending a
75 license or appointment or in its order suspending the
76 eligibility of a person to hold or apply for such license or
77 appointment, specify the period during which the suspension is
78 to be in effect; but such period shall not exceed 2 years. The
79 license, appointment, or eligibility shall remain suspended
80 during the period so specified, subject, however, to any
81 rescission or modification of the order by the department, or
82 modification or reversal thereof by the court, prior to
83 expiration of the suspension period. A license, appointment, or
84 eligibility that ~~which~~ has been suspended shall not be
85 reinstated except upon the filing and approval of an application
86 for ~~request for such~~ reinstatement and, in the case of a second
87 suspension, completion of continuing education courses
88 prescribed and approved by the department; but the department
89 shall not approve an application for ~~grant such~~ reinstatement if
90 it finds that the circumstance or circumstances for which the
91 license, appointment, or eligibility was suspended still exist
92 or are likely to recur. In addition, an application ~~a request~~
93 for reinstatement is subject to denial and subject to a waiting
94 period prior to approval on the same grounds that apply to
95 applications for licensure pursuant to ss. 626.207, 626.611, ~~and~~
96 626.621, and 626.8698.

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97 Section 6. Effective October 1, 2008, subsections (5)
98 through (12) are added to section 626.854, Florida Statutes, to
99 read:

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

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

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

116 (7) An insured or claimant may cancel a public adjuster's
117 contract to adjust a claim without penalty or obligation within
118 3 business days after the date on which the contract is executed
119 or within 3 business days after the date on which the insured or
120 claimant has notified the insurer of the claim, by phone or in
121 writing, whichever is later. The public adjuster's contract
122 shall disclose to the insured or claimant his or her right to
123 cancel the contract and advise the insured or claimant that
124 notice of cancellation must be submitted in writing and sent by

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125 certified mail, return receipt requested, or other form of
126 mailing which provides proof thereof, to the public adjuster at
127 the address specified in the contract; provided, during any
128 state of emergency as declared by the Governor and for a period
129 of 1 year after the date of loss, the insured or claimant shall
130 have 5 business days after the date on which the contract is
131 executed to cancel a public adjuster's contract.

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

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

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

149 (11) (a) If a public adjuster enters into a contract with
150 an insured or claimant to reopen a claim or to file a
151 supplemental claim that seeks additional payments for a claim
152 that has been previously paid in part or in full or settled by

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

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

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

171 2. Twenty percent of the amount of all other insurance
172 claim payments.

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

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

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

186 626.8541 Public adjuster apprentice.--

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

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

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

203 626.865 Public adjuster's qualifications, bond.--

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

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

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209 (3) The department may not issue a license as a public
210 adjuster to any individual who has not passed the examination
211 for a public adjuster's license. Any individual who is applying
212 for reinstatement of a license after completion of a period of
213 suspension and any individual who is applying for a new license
214 after termination, cancellation, revocation, or expiration of a
215 prior license as a public adjuster must pass the examination
216 required for licensure as a public adjuster after approval of
217 the application for reinstatement or for a new license
218 regardless of whether the applicant passed an examination prior
219 to issuance of the license that was suspended, terminated,
220 canceled, revoked, or expired.

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

223 626.8651 Public adjuster apprentice license;
224 qualifications.--

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

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

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

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

235 (2) All applicable license fees, as prescribed in s.
236 624.501, must be paid in full before issuance of the license.

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

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

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

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265 (6) An apprentice license is effective for 18 months
266 unless the license expires due to lack of maintaining an
267 appointment; is surrendered by the licensee; is terminated,
268 suspended, or revoked by the department; or is canceled by the
269 department upon issuance of a public adjuster license. The
270 department may not issue a public adjuster apprentice license to
271 any individual who has held such a license in this state within
272 2 years after expiration, surrender, termination, revocation, or
273 cancellation of the license.

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

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

286 (9) A public adjuster apprentice has the same authority as
287 the licensed public adjuster or public adjusting firm that
288 employs the apprentice except that an apprentice may not execute
289 contracts for the services of a public adjuster or public
290 adjusting firm and may not solicit contracts for the services
291 except under the direct supervision and guidance of the
292 supervisory public adjuster. An individual may not be, act as,

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293 or hold himself or herself out to be a public adjuster
294 apprentice unless the individual is licensed and holds a current
295 appointment by a licensed public all-lines adjuster or a public
296 adjusting firm that employs a licensed all-lines public
297 adjuster.

298 Section 10. Effective October 1, 2008, subsections (1) and
299 (4) of section 626.869, Florida Statutes, are amended to read:

300 626.869 License, adjusters; continuing education.--

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

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

309

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

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

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320 all claims in accordance with the policy or contract and the
321 laws of this state.

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

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

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

362 Section 11. Effective October 1, 2008, section 626.8698,
363 Florida Statutes, is amended to read:

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

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

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

373 (3) Receiving or accepting any fee, kickback, or other
374 thing of value pursuant to any agreement or understanding, oral
375 or otherwise; entering into a split-fee arrangement with another

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376 person who is not a public adjuster; or being otherwise paid or
377 accepting payment for services that have not been performed;

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

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

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

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

385 626.870 Application for license.--

386 (4) A license, an appointment, or eligibility that has
387 been suspended may not be reinstated except upon the filing and
388 approval of an application for reinstatement in accordance with
389 s. 626.641. In addition, for reinstatement of a public
390 adjuster's license, appointment, or eligibility, the individual
391 must pass the public adjuster licensing examination. An
392 application for reinstatement must be accompanied by any
393 applicable examination fee. Successful completion of the
394 examination does not entitle the applicant to have a license
395 reinstated. The application is subject to denial pursuant to ss.
396 626.207, 626.611, 626.621, and 626.8698. If the department
397 approves an application for reinstatement, the applicant shall
398 be notified that the license will be reinstated upon payment by
399 the applicant of the reinstatement fee contained in s.
400 624.501(15).

401 Section 13. Effective January 1, 2009, paragraphs (b) and
402 (e) of subsection (1) and paragraphs (b) and (c) of subsection

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403 (2) of section 626.8732, Florida Statutes, are amended, and
404 subsection (6) is added to that section, to read:

405 626.8732 Nonresident public adjuster's qualifications,
406 bond.--

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

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

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

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

427 (e) Has been licensed and employed as a public adjuster in
428 the applicant's state of residence on a continual basis for the
429 past 3 years, or, if the applicant's state of residence does not
430 issue licenses to individuals who act as public adjusters, the

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431 applicant has been licensed and employed as a resident insurance
432 company or independent adjuster, insurance agent, insurance
433 broker, or other insurance representative in his or her state of
434 residence or any other state on a continual basis for the past 3
435 years. This paragraph does not apply to individuals who are
436 licensed to transact only life insurance and annuity business
437 ~~had sufficient experience, training, or instruction concerning~~
438 ~~the adjusting of damages or losses under insurance contracts,~~
439 ~~other than life and annuity contracts; is sufficiently informed~~
440 ~~as to the terms and effects of the provisions of those types of~~
441 ~~insurance contracts; and possesses adequate knowledge of the~~
442 ~~laws of this state relating to such contracts as to enable and~~
443 ~~qualify him or her to engage in the business of insurance~~
444 ~~adjuster fairly and without injury to the public or any member~~
445 ~~thereof with whom he or she may have business as a public~~
446 ~~adjuster.~~

447 (2) The applicant shall furnish the following with his or
448 her application:

449 (b) If currently licensed as a resident public adjuster in
450 the applicant's state of residence, a certificate or letter of
451 authorization from the licensing authority of the applicant's
452 state of residence, stating that the applicant holds a current
453 or comparable license to act as a public adjuster and has held
454 the license continuously for the past 3 years. The certificate
455 or letter of authorization must be signed by the insurance
456 commissioner or his or her deputy or the appropriate licensing
457 official and must disclose whether the adjuster has ever had any
458 license or eligibility to hold any license declined, denied,

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459 suspended, revoked, or placed on probation or whether an
460 administrative fine or penalty has been levied against the
461 adjuster and, if so, the reason for the action.

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

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

483 Section 14. Effective October 1, 2008, section 626.8796,
484 Florida Statutes, is created to read:

485 626.8796 Public adjuster contracts; fraud statement.--All
486 contracts for public adjuster services must be in writing and

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487 must prominently display the following statement on the
488 contract: "Pursuant to s. 817.234, Florida Statutes, any person
489 who, with the intent to injure, defraud, or deceive any insurer
490 or insured, prepares, presents, or causes to be presented a
491 proof of loss or estimate of cost or repair of damaged property
492 in support of a claim under an insurance policy knowing that the
493 proof of loss or estimate of claim or repairs contains any
494 false, incomplete, or misleading information concerning any fact
495 or thing material to the claim commits a felony of the third
496 degree, punishable as provided in s. 775.082, s. 775.803, or s.
497 775.084, Florida Statutes."

498 Section 15. Effective October 1, 2008, section 626.8797,
499 Florida Statutes, is created to read:

500 626.8797 Proof of loss; fraud statement.--All proof of
501 loss statements must prominently display the following
502 statement: "Pursuant to s. 817.234, Florida Statutes, any person
503 who, with the intent to injure, defraud, or deceive any insurer
504 or insured, prepares, presents, or causes to be presented a
505 proof of loss or estimate of cost or repair of damaged property
506 in support of a claim under an insurance policy knowing that the
507 proof of loss or estimate of claim or repairs contains any
508 false, incomplete, or misleading information concerning any fact
509 or thing material to the claim commits a felony of the third
510 degree, punishable as provided in s. 775.082, s. 775.803, or s.
511 775.084, Florida Statutes."

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

Remove line 2 and insert:

An act relating to insurance; amending s. 624.501, F.S.;
providing for filing fees for an application for reinstatement
of a suspended license; amending s. 626.015, F.S.; redefining
the term "adjuster" to include a public adjuster apprentice;
amending s. 626.221, F.S.; providing that certain company
employee adjusters and independent adjusters seeking
reinstatement of a suspended license are not required to take an
examination; amending s. 626.241, F.S.; requiring that the
Department of Financial Services create an examination for
applicants seeking licensure as a public adjuster and a separate
examination for applicants seeking licensure as a company
employee adjuster or independent adjuster; providing that an
examination on worker's compensation insurance or health
insurance may not be required for public adjusters; amending s.
626.641, F.S.; providing that a suspended license may not be
reinstated unless the individual seeking reinstatement files an
application for reinstatement which is subsequently approved by
the department; prohibiting the department from approving such
an application under certain circumstances; amending s. 626.854,
F.S.; prohibiting a public adjuster from soliciting or entering
into a contract with any insured or claimant under an insurance
policy for a specified period after the occurrence of an event
that may be the subject of a claim; providing an exception;

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543 providing that a public adjuster's contract to adjust a claim
544 may be canceled by the client without penalty within a specified
545 period after the execution of the contract; requiring that a
546 public adjuster disclose to a client his or her right to cancel
547 a contract by specified means; providing an exception during a
548 state of emergency; specifying an unfair and deceptive insurance
549 trade practice; prohibiting a public adjuster, apprentice, or
550 his or her agent from giving or offering a monetary loan or an
551 article in excess of a specified value to a client or
552 prospective client; prohibiting a public adjuster from basing
553 any charge, fee, payment, commission, or compensation relating
554 to a supplemental claim on the corresponding previous settlement
555 or claim payment; prohibiting a public adjuster from charging,
556 agreeing to, or accepting a fee, payment, commission, or any
557 compensation in excess of certain amounts; providing
558 application; requiring public adjusters to provide claimants or
559 insureds a written estimate of certain losses relating to claims
560 for payment of insurance proceeds; requiring adjusters to retain
561 estimates for a specified time and make estimates available to
562 claimants, insureds, and the department; creating s. 626.8541,
563 F.S.; defining the term "public adjuster apprentice"; amending
564 s. 626.865, F.S.; providing qualifications that an applicant
565 must possess before the issuance of a license by the department;
566 requiring that certain persons applying for a license after the
567 completion of a period of suspension, termination, cancellation,
568 revocation, or expiration must pass the examination required for
569 licensure as a public adjuster; creating s. 626.8651, F.S.;

570 providing requirements for licensure as a public adjuster

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

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

612