

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
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
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
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
 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
 135 follows:

136 (5) All insurance representatives, application for
 137 license, application for reinstatement of suspended license,
 138 each filing, filing fee....\$50.00

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

141 626.015 Definitions.--As used in this part:

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

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

148 626.221 Examination requirement; exemptions.--

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

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

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

165 (f) A person who has been licensed as a company employee
 166 or independent ~~an~~ adjuster for motor vehicle, property and
 167 casualty, workers' compensation, and health insurance may be
 168 licensed as such an adjuster without additional written

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169 examination if his or her application for licensure is filed
 170 with the department within 48 months after cancellation or
 171 expiration of the prior license.

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

174 626.241 Scope of examination.--

175 (6) In order to reflect the differences between adjusting
 176 claims for an insurer and adjusting claims for an insured, the
 177 department shall create an examination for applicants seeking
 178 licensure as a public adjuster and a separate examination for
 179 applicants seeking licensure as a company employee adjuster or
 180 independent adjuster. Examinations given applicants for license
 181 as an all-lines adjuster shall cover adjusting in all lines of
 182 insurance, other than life and annuity; or, in accordance with
 183 the application for the license, the examination may be limited
 184 to adjusting in:

- 185 (a) Automobile physical damage insurance;
- 186 (b) Property and casualty insurance;
- 187 (c) Workers' compensation insurance; or
- 188 (d) Health insurance.

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

191 626.641 Duration of suspension or revocation.--

192 (1) The department shall, in its order suspending a
 193 license or appointment or in its order suspending the
 194 eligibility of a person to hold or apply for such license or
 195 appointment, specify the period during which the suspension is
 196 to be in effect; but such period shall not exceed 2 years. The

197 license, appointment, or eligibility shall remain suspended
 198 during the period so specified, subject, however, to any
 199 rescission or modification of the order by the department, or
 200 modification or reversal thereof by the court, prior to
 201 expiration of the suspension period. A license, appointment, or
 202 eligibility that ~~which~~ has been suspended shall not be
 203 reinstated except upon the filing and approval of an application
 204 for ~~request for such~~ reinstatement and, in the case of a second
 205 suspension, completion of continuing education courses
 206 prescribed and approved by the department; but the department
 207 shall not approve an application for ~~grant such~~ reinstatement if
 208 it finds that the circumstance or circumstances for which the
 209 license, appointment, or eligibility was suspended still exist
 210 or are likely to recur. In addition, an application ~~a request~~
 211 for reinstatement is subject to denial and subject to a waiting
 212 period prior to approval on the same grounds that apply to
 213 applications for licensure pursuant to ss. 626.207, 626.611, ~~and~~
 214 626.621, and 626.8698.

215 Section 6. Subsections (5), (6), (7), (8), (9), (10),
 216 (11), (12), and (13) are added to section 626.854, Florida
 217 Statutes, to read:

218 626.854 "Public adjuster" defined; prohibitions.--The
 219 Legislature finds that it is necessary for the protection of the
 220 public to regulate public insurance adjusters and to prevent the
 221 unauthorized practice of law.

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

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

232 (7) A client may cancel a public adjuster's contract to
233 adjust a claim without penalty or obligation within 3 business
234 days after the date on which the contract is executed or within
235 3 business days after the date on which the client has notified
236 the insurer of the claim, either by phone or in writing,
237 whichever is later. The public adjuster shall disclose to the
238 client his or her right to cancel the contract and advise the
239 client that notice of cancellation must be submitted in writing
240 and sent by certified mail, return receipt requested, or other
241 form of mailing that provides proof thereof, to the public
242 adjuster at the address specified in the contract. However, when
243 the event is a storm declared to be a hurricane by the National
244 Hurricane Center, this provision applies for a period of 14
245 days.

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

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252 (9) A public adjuster, a public adjuster apprentice, or
253 any person or entity acting on behalf of a public adjuster or
254 public adjuster apprentice may not give or offer to give a
255 monetary loan or advance to a client or prospective client.

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

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

266 (a) Based on any claim payments for additional living
267 expenses;

268 (b) Based on the amount of a claim payment or payment
269 offer by the insurer which occurred before the date on which the
270 adjuster and the insured executed a contract with regard to the
271 claim;

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

276 (d) Greater than 10 percent of the amount of an insurance
277 claim payment by the insurer for claims based on and made
278 subsequent to a storm declared to be a hurricane by the National
279 Hurricane Center; except that, if a public adjuster and an

280 insured execute a contract providing for the adjuster to reopen
 281 or file a supplemental claim that seeks additional payments on
 282 behalf of an insured or claimant for a claim that has been
 283 previously paid or settled, the amount may be up to 15 percent
 284 of the amount of the claim payments made by the insurer after
 285 the date of the execution of the contract to reopen or file a
 286 supplemental claim.

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

293 (13) A public adjuster may not charge, agree to, or accept
 294 any compensation, payment, commission, fee, or other thing of
 295 value based on any full or partial insurance settlement or
 296 insurance claim payment by the insurer, or any portion of any
 297 payment by the insurer:

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

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

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

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

314 Section 7. Section 626.8541, Florida Statutes, is created
 315 to read:

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

324 Section 8. Subsection (1) of section 626.865, Florida
 325 Statutes, is amended, and subsection (3) is added to that
 326 section, to read:

327 626.865 Public adjuster's qualifications, bond.--

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

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

333 (b) Is a United States citizen or legal alien who
 334 possesses work authorization from the United States Bureau of

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335 Citizenship and Immigration Services and a bona fide resident of
336 this state.

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

341 (d) 1. In the past 4 years has had 2 years of sufficient
342 experience involving the adjusting of damages or losses under
343 insurance contracts, other than life and annuity contracts, as a
344 licensed and appointed general lines insurance agent or as a
345 licensed and appointed all-lines or property and casualty
346 company employee adjuster or independent adjuster; , training, or
347 instruction concerning the adjusting of damages or losses under
348 insurance contracts, other than life and annuity contracts,

349 2. Has successfully completed 12 semester hours or 18
350 quarter hours in courses on insurance, other than life and
351 annuity contracts, at an accredited institution of higher
352 learning; or

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

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

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

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

375 Section 9. Section 626.8651, Florida Statutes, is created
376 to read:

377 626.8651 Public adjuster apprentice license;
378 qualifications.--

379 (1) If, upon the basis of a completed application for
380 license as a public adjuster apprentice and such further inquiry
381 or investigation as the department may make concerning an
382 applicant, the department is satisfied that the applicant is
383 qualified and that all pertinent fees have been paid, it shall
384 approve the application.

385 (2) If, upon the basis of the completed application and
386 such further inquiry or investigation, the department finds the
387 applicant to be lacking in any one or more of the required
388 qualifications for licensure as a public adjuster apprentice,
389 the department shall deny the application and notify the
390 applicant, stating the grounds for denial.

391 (3) The department shall issue a license as a public
392 adjuster apprentice if the applicant meets the following
393 qualifications:

394 (a) The applicant is a natural person at least 18 years of
395 age.

396 (b) The applicant is a United States citizen or legal
397 alien who possesses work authorization from the United States
398 Bureau of Citizenship and Immigration Services and is a resident
399 of this state.

400 (c) The applicant is trustworthy and has such business
401 reputation as would reasonably ensure that the applicant will
402 conduct business as a public adjuster apprentice fairly and in
403 good faith and without detriment to the public.

404 (d) The applicant has had sufficient experience, training,
405 or instruction concerning the adjusting of damages or losses
406 under insurance contracts, other than life and annuity
407 contracts, is sufficiently informed as to the terms and effects
408 of the provisions of those types of insurance contracts, and
409 possesses adequate knowledge of the laws of this state relating
410 to such contracts as to enable and qualify him or her to engage
411 in business as a public adjuster apprentice fairly and without
412 injury to the public. The department may adopt rules that
413 establish standards for the experience, training, or instruction
414 requirements.

415 (4) (a) The application must be accompanied by an affidavit
416 verifying proposed employment and the applicant's
417 trustworthiness and qualifications on a form prescribed by the
418 department and executed by the proposed employer. The proposed

419 employer must be a licensed and appointed public adjuster in
420 good standing with the department or a public adjuster firm that
421 employs at least one licensed and appointed public adjuster in
422 good standing with the department.

423 (b) All applicable license fees, as prescribed in s.
424 624.501, must be paid in full before issuance of the license.

425 (5) At the time of application for license as a public
426 adjuster apprentice, the applicant shall file with the
427 department a bond executed and issued by a surety insurer
428 authorized to transact such business in this state, in the
429 amount of \$50,000, conditioned for the faithful performance of
430 his or her duties as a public adjuster apprentice under the
431 license for which the applicant has applied, and thereafter
432 maintain the bond unimpaired throughout the existence of the
433 license and for at least 1 year after termination of the
434 license. The bond shall be in favor of the department and shall
435 specifically authorize recovery by the department of the damages
436 sustained in case the licensee is guilty of fraud or unfair
437 practices in connection with his or her business as public
438 adjuster apprentice. The aggregate liability of the surety for
439 all such damages may not exceed the amount of the bond, and the
440 bond may not be terminated by the issuing insurer unless written
441 notice of at least 30 days is given to the licensee and filed
442 with the department.

443 (6) A public adjuster apprentice must complete at least 12
444 months of employment under the supervision of a licensed and
445 appointed all-lines public adjuster in order to qualify for

446 licensure as a public adjuster. The department may adopt rules
447 that establish standards for the employment requirements.

448 (7) The supervising public adjuster is responsible and
449 accountable for the acts of a public adjuster apprentice which
450 are related to transacting business as a public adjuster
451 apprentice.

452 (8) The apprentice license is effective for 18 months
453 unless surrendered by the licensee; terminated, suspended, or
454 revoked by the department; or cancelled by the department upon
455 issuance of a public adjuster license.

456 (9) After completing at least 12 months of employment as a
457 public adjuster apprentice, the licensee may file an application
458 for a public adjuster license. The applicant and supervising
459 public adjuster or public adjusting firm must each file a sworn
460 affidavit, on a form prescribed by the department, verifying
461 that the employment of the public adjuster apprentice meets the
462 requirements of this section.

463 (10) A public adjuster apprentice licensed under this
464 section may not perform any of the functions for which a public
465 adjuster's license is required after expiration of the public
466 adjuster apprentice license without having obtained a public
467 adjuster license.

468 (11) A public adjuster apprentice has the same authority
469 as the licensed public adjuster or public adjusting firm that
470 employs the apprentice except that an apprentice may not execute
471 contracts for the services of a public adjuster or public
472 adjusting firm and may not solicit contracts for the services

473 except under the direct supervision and guidance of the
 474 supervisory public adjuster.

475 Section 10. Section 626.869, Florida Statutes, is amended
 476 to read:

477 626.869 License, adjusters; continuing education.--

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

- 481 (a) All lines of insurance except life and annuities.
- 482 (b) Motor vehicle physical damage insurance.
- 483 (c) Property and casualty insurance.
- 484 (d) Workers' compensation insurance.
- 485 (e) Health insurance.

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

494 (3) The applicant's application for license shall specify
 495 which of the foregoing classes of business the application for
 496 license is to cover.

497 (4) (a) Any individual holding a license as a company
 498 employee adjuster or independent adjuster for 24 consecutive
 499 months or longer must, beginning in his or her birth month and
 500 every 2 years thereafter, have completed 24 hours of courses, 2

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501 hours of which relate to ethics, in subjects designed to inform
502 the licensee regarding the current insurance laws of this state,
503 so as to enable him or her to engage in business as an insurance
504 adjuster fairly and without injury to the public and to adjust
505 all claims in accordance with the policy or contract and the
506 laws of this state.

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

525 (c) The department shall adopt rules necessary to
526 implement and administer the continuing education requirements
527 of this subsection. For good cause shown, the department may
528 grant an extension of time during which the requirements imposed

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529 | by this section may be completed, but such extension of time may
530 | not exceed 1 year.

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

548 | (5) The regulation of continuing education for licensees,
549 | course providers, instructors, school officials, and monitor
550 | groups shall be as provided for in s. 626.2816.

551 | Section 11. Section 626.8698, Florida Statutes, is amended
552 | to read:

553 | 626.8698 Disciplinary guidelines for public adjusters and
554 | public adjuster apprentices.--The department may deny, suspend,
555 | or revoke the license of a public adjuster or public adjuster

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

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

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

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

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

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

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

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

574 626.870 Application for license.--

575 (4) A license, appointment, or eligibility that has been
 576 suspended may not be reinstated except upon the filing and
 577 approval of an application for reinstatement in accordance with
 578 s. 626.641 and passing of the public adjuster licensing
 579 examination. An application for reinstatement must be
 580 accompanied by an application for examination in accordance with
 581 s. 626.231 and the applicable examination fee. Successful
 582 completion of the examination does not entitle the applicant to
 583 have a license reinstated. The application is subject to denial

584 pursuant to ss. 626.207, 626.611, 626.621, and 626.8698. If the
 585 department approves an application for reinstatement, the
 586 applicant shall be notified that the license will be reinstated
 587 upon payment by the applicant of the reinstatement fee contained
 588 in s. 624.501(15).

589 Section 13. Paragraphs (b) and (e) of subsection (1) and
 590 paragraphs (b) and (c) of subsection (2) of section 626.8732,
 591 Florida Statutes, are amended, and subsection (6) is added to
 592 that section, to read:

593 626.8732 Nonresident public adjuster's qualifications,
 594 bond.--

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

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

603 ~~1. An applicant who is licensed as a resident public~~
 604 ~~adjuster in his or her state of residence, when that state~~
 605 ~~requires the passing of a written examination in order to obtain~~
 606 ~~the license and a reciprocal agreement with the appropriate~~
 607 ~~official of that state has been entered into by the department,~~
 608 ~~or~~

609 ~~2. An applicant who is licensed as a nonresident public~~
 610 ~~adjuster in a state other than his or her state of residence~~
 611 ~~when the state of licensure requires the passing of a written~~

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612 ~~examination in order to obtain the license and a reciprocal~~
613 ~~agreement with the appropriate official of the state of~~
614 ~~licensure has been entered into by the department.~~

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

635 (2) The applicant shall furnish the following with his or
636 her application:

637 (b) If currently licensed as a resident public adjuster in
638 the applicant's state of residence, a certificate or letter of
639 authorization from the licensing authority of the applicant's

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640 state of residence, stating that the applicant holds a current
641 or comparable license to act as a public adjuster and has held
642 the license continuously for the past 3 years. The certificate
643 or letter of authorization must be signed by the insurance
644 commissioner or his or her deputy or the appropriate licensing
645 official and must disclose whether the adjuster has ever had any
646 license or eligibility to hold any license declined, denied,
647 suspended, revoked, or placed on probation or whether an
648 administrative fine or penalty has been levied against the
649 adjuster and, if so, the reason for the action.

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

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667 (6) If available, the department shall verify the
668 nonresident applicant's licensing status through the producer
669 database maintained by the National Association of Insurance
670 Commissioners or its affiliates or subsidiaries.

671 Section 14. Section 626.8796, Florida Statutes, is created
672 to read:

673 626.8796 Public adjuster contracts; fraud statement.--All
674 contracts for public adjuster services must be in writing and
675 must prominently display the following statement on the first
676 page of the contract: "Any person who knowingly and with intent
677 to injure, defraud, or deceive any insurer files a statement of
678 claim or proof of loss containing any false, incomplete, or
679 misleading information commits a felony of the third degree."

680 Section 15. Section 626.8797, Florida Statutes, is created
681 to read:

682 626.8797 Public adjusters; proof of loss
683 certification.--If an insurance policy requires an insured or
684 claimant to file a written proof of loss containing an estimate
685 of the costs to repair or replace damaged property, a public
686 adjuster under contract to adjust the claim for the insured or
687 claimant must affirm, under oath given by a notary public, the
688 proof of loss by signing the following statement: "I, ... (name
689 of claimant or insured) ..., do solemnly, sincerely, and truly
690 declare and affirm that I have reviewed the estimate of the cost
691 of repair or replacement of damaged property as set forth in
692 this proof of loss, in my best judgment the estimated costs are
693 reasonable, and, to the best of my knowledge, the proof of loss
694 does not contain any false, incomplete, or misleading

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695 information." If this statement is not printed on the proof-of-
696 loss form, the adjuster shall add the statement to the form or
697 attach a separate page containing the signed statement to the
698 form. Pursuant to s. 817.234, any person who, with the intent to
699 injure, defraud, or deceive any insurer, prepares, presents, or
700 causes to be presented a proof of loss in support of a claim
701 under an insurance policy knowing that the proof of loss
702 contains any false, incomplete, or misleading information
703 concerning any fact or thing material to the claim, commits a
704 felony of the third degree, punishable as provided in s.
705 775.082, s. 775.803, or s. 775.084.

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