

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 providing that an examination on worker's compensation
16 insurance or health insurance may not be required for
17 public adjusters; amending s. 626.641, F.S.; providing
18 that a suspended license may not be reinstated unless the
19 individual seeking reinstatement files an application for
20 reinstatement which is subsequently approved by the
21 department; prohibiting the department from approving such
22 an application under certain circumstances; amending s.
23 626.854, F.S.; prohibiting a public adjuster from
24 soliciting or entering into a contract with any insured or
25 claimant under an insurance policy for a specified period
26 after the occurrence of an event that may be the subject
27 of a claim; providing an exception; providing that a
28 public adjuster's contract to adjust a claim may be

29 canceled by the client without penalty within a specified
30 period after the execution of the contract; requiring that
31 a public adjuster disclose to a client his or her right to
32 cancel a contract by specified means; providing an
33 exception during a state of emergency; specifying an
34 unfair and deceptive insurance trade practice; prohibiting
35 a public adjuster, apprentice, or his or her agent from
36 giving or offering a monetary loan or an article in excess
37 of a specified value to a client or prospective client;
38 prohibiting a public adjuster from basing any charge, fee,
39 payment, commission, or compensation relating to a
40 supplemental claim on the corresponding previous
41 settlement or claim payment; prohibiting a public adjuster
42 from charging, agreeing to, or accepting a fee, payment,
43 commission, or any compensation in excess of certain
44 amounts; providing application; requiring a recorded
45 statement and examination under oath by public adjusters
46 under specified circumstances; providing a purpose for a
47 recorded statement and examination under oath by public
48 adjusters; creating s. 626.8541, F.S.; defining the term
49 "public adjuster apprentice"; amending s. 626.865, F.S.;
50 providing qualifications that an applicant must possess
51 before the issuance of a license by the department;
52 requiring that certain persons applying for a license
53 after the completion of a period of suspension,
54 termination, cancellation, revocation, or expiration must
55 pass the examination required for licensure as a public
56 adjuster; creating s. 626.8651, F.S.; providing

57 requirements for licensure as a public adjuster
58 apprentice; requiring that the department approve an
59 application under certain circumstances; requiring that
60 all license fees be paid before the department issues a
61 license; requiring the applicant to file a bond in a
62 specified amount in favor of the department; providing for
63 termination of the bond; requiring that the apprentice's
64 work be supervised by a licensed adjuster in good
65 standing; authorizing the department to adopt rules
66 governing employment requirements; providing that the
67 supervising adjuster is responsible for the acts of the
68 apprentice; providing a period of effectiveness for an
69 apprentice license; providing that an individual licensed
70 as an apprentice may file an application for licensure as
71 a public adjuster after a specified period of employment
72 as an apprentice; requiring that a sworn affidavit
73 containing certain information accompany such application;
74 prohibiting an apprentice from performing any functions
75 for which a license is required after the expiration of
76 his or her license for apprenticeship without first
77 obtaining a license to work as a public adjuster; limiting
78 the authority of a public adjuster apprentice; amending s.
79 626.869, F.S.; providing that an examination on worker's
80 compensation insurance or health insurance may not be
81 required for public adjusters; providing for continuing
82 education for company employee adjusters, independent
83 adjusters, and public adjusters; providing for the
84 satisfaction of continuing education requirements for

85 nonresident adjusters; amending s. 626.8698, F.S.;

86 providing disciplinary guidelines for public adjusters and

87 public adjuster apprentices; amending s. 626.870, F.S.;

88 providing requirements for the reinstatement of a

89 suspended license, an appointment, or eligibility;

90 providing for the notification of approval of an

91 application for reinstatement; amending s. 626.8732, F.S.;

92 revising requirements for licensure as a nonresident

93 public adjuster; providing exceptions to such

94 requirements; requiring that an applicant for licensure as

95 a nonresident public adjuster provide certain information

96 with his or her application; requiring that the department

97 verify the nonresident applicant's licensing status;

98 creating s. 626.8796, F.S.; requiring that all contracts

99 for services by a public adjuster be in writing and

100 contain a specified statement regarding fraud; creating s.

101 626.8797, F.S.; requiring that proof of loss statements

102 contain a specified statement regarding fraud; providing

103 effective dates.

104

105 Be It Enacted by the Legislature of the State of Florida:

106

107 Section 1. Effective January 1, 2009, subsection (5) of

108 section 624.501, Florida Statutes, is amended to read:

109 624.501 Filing, license, appointment, and miscellaneous

110 fees.--The department, commission, or office, as appropriate,

111 shall collect in advance, and persons so served shall pay to it

112 in advance, fees, licenses, and miscellaneous charges as

113 follows:

114 (5) All insurance representatives, application for
 115 license, application for reinstatement of suspended license,
 116 each filing, filing fee....\$50.00

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

119 626.015 Definitions.--As used in this part:

120 (1) "Adjuster" means a public adjuster as defined in s.
 121 626.854, public adjuster apprentice as defined in s. 626.8541,
 122 independent adjuster as defined in s. 626.855, or company
 123 employee adjuster as defined in s. 626.856.

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

127 626.221 Examination requirement; exemptions.--

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

130 (c) In the discretion of the department, an applicant for
 131 reinstatement of license or appointment as an agent, customer
 132 representative, company employee adjuster, or independent
 133 adjuster whose license has been suspended within 4 years prior
 134 to the date of application or written request for reinstatement.

135 (e) A person who has been licensed and appointed as an a
 136 ~~public adjuster,~~ independent adjuster, or company employee
 137 adjuster as to all property, casualty, and surety insurances,
 138 may be licensed and appointed as a company employee adjuster or,
 139 independent, ~~or public adjuster,~~ as to these kinds of insurance,
 140 without additional written examination if an application for

141 licensure is filed with the department within 48 months
 142 following the date of cancellation or expiration of the prior
 143 appointment.

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

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

153 626.241 Scope of examination.--

154 (6) In order to reflect the differences between adjusting
 155 claims for an insurer and adjusting claims for an insured, the
 156 department shall create an examination for applicants seeking
 157 licensure as a public adjuster and a separate examination for
 158 applicants seeking licensure as a company employee adjuster or
 159 independent adjuster. Examinations given applicants for license
 160 as an all-lines adjuster shall cover adjusting in all lines of
 161 insurance, other than life and annuity; or, in accordance with
 162 the application for the license, the examination may be limited
 163 to adjusting in:

- 164 (a) Automobile physical damage insurance;
- 165 (b) Property and casualty insurance;
- 166 (c) Workers' compensation insurance; or
- 167 (d) Health insurance.

168

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

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

173 626.641 Duration of suspension or revocation.--

174 (1) The department shall, in its order suspending a
 175 license or appointment or in its order suspending the
 176 eligibility of a person to hold or apply for such license or
 177 appointment, specify the period during which the suspension is
 178 to be in effect; but such period shall not exceed 2 years. The
 179 license, appointment, or eligibility shall remain suspended
 180 during the period so specified, subject, however, to any
 181 rescission or modification of the order by the department, or
 182 modification or reversal thereof by the court, prior to
 183 expiration of the suspension period. A license, appointment, or
 184 eligibility that ~~which~~ has been suspended shall not be
 185 reinstated except upon the filing and approval of an application
 186 for ~~request for~~ such reinstatement and, in the case of a second
 187 suspension, completion of continuing education courses
 188 prescribed and approved by the department; but the department
 189 shall not approve an application for ~~grant such~~ reinstatement if
 190 it finds that the circumstance or circumstances for which the
 191 license, appointment, or eligibility was suspended still exist
 192 or are likely to recur. In addition, an application ~~a request~~
 193 for reinstatement is subject to denial and subject to a waiting
 194 period prior to approval on the same grounds that apply to
 195 applications for licensure pursuant to ss. 626.207, 626.611, ~~and~~
 196 626.621, and 626.8698.

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

199 626.854 "Public adjuster" defined; prohibitions.--The
200 Legislature finds that it is necessary for the protection of the
201 public to regulate public insurance adjusters and to prevent the
202 unauthorized practice of law.

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

208 (6) A public adjuster may not directly or indirectly
209 through any other person or entity initiate contact or engage in
210 face-to-face or telephonic solicitation or enter into a contract
211 with any insured or claimant under an insurance policy until at
212 least 48 hours after the occurrence of an event that may be the
213 subject of a claim under the insurance policy unless contact is
214 initiated by the insured or claimant.

215 (7) An insured or claimant may cancel a public adjuster's
216 contract to adjust a claim without penalty or obligation within
217 3 business days after the date on which the contract is executed
218 or within 3 business days after the date on which the insured or
219 claimant has notified the insurer of the claim, by phone or in
220 writing, whichever is later. The public adjuster's contract
221 shall disclose to the insured or claimant his or her right to
222 cancel the contract and advise the insured or claimant that
223 notice of cancellation must be submitted in writing and sent by
224 certified mail, return receipt requested, or other form of

225 mailing which provides proof thereof, to the public adjuster at
226 the address specified in the contract; provided, during any
227 state of emergency as declared by the Governor and for a period
228 of 1 year after the date of loss, the insured or claimant shall
229 have 5 business days after the date on which the contract is
230 executed to cancel a public adjuster's contract.

231 (8) It is an unfair and deceptive insurance trade practice
232 pursuant to s. 626.9541 for a public adjuster or any other
233 person to circulate or disseminate any advertisement,
234 announcement, or statement containing any assertion,
235 representation, or statement with respect to the business of
236 insurance which is untrue, deceptive, or misleading.

237 (9) A public adjuster, a public adjuster apprentice, or
238 any person or entity acting on behalf of a public adjuster or
239 public adjuster apprentice may not give or offer to give a
240 monetary loan or advance to a client or prospective client.

241 (10) A public adjuster, public adjuster apprentice, or any
242 individual or entity acting on behalf of a public adjuster or
243 public adjuster apprentice may not give or offer to give,
244 directly or indirectly, any article of merchandise having a
245 value in excess of \$25 to any individual for the purpose of
246 advertising or as an inducement to entering into a contract with
247 a public adjuster.

248 (11) (a) If a public adjuster enters into a contract with
249 an insured or claimant to reopen a claim or to file a
250 supplemental claim that seeks additional payments for a claim
251 that has been previously paid in part or in full or settled by
252 the insurer, the public adjuster may not charge, agree to, or

253 accept any compensation, payment, commission, fee, or other
254 thing of value based on a previous settlement or previous claim
255 payments by the insurer for the same cause of loss. The charge,
256 compensation, payment, commission, fee, or other thing of value
257 may be based only on the claim payments or settlement obtained
258 through the work of the public adjuster after entering into the
259 contract with the insured or claimant. The contracts described
260 in this paragraph are not subject to the limitations in
261 paragraph (b).

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

265 1. Ten percent of the amount of insurance claim payments
266 by the insurer for claims based on events that are the subject
267 of a declaration of a state of emergency by the Governor. This
268 provision applies to claims made during the period of 1 year
269 after the declaration of emergency.

270 2. Twenty percent of the amount of all other insurance
271 claim payments.

272 (12) A public adjuster shall provide a recorded statement
273 and examination under oath upon request of the insurer after
274 reasonable notice to the public adjuster. The purpose of such
275 recorded statement and examination under oath is limited to
276 providing the insurer with such information as may be reasonably
277 necessary to evaluate the factual basis and validity of a claim
278 and the public adjuster's related actions.

279

280 The provisions of subsections (5)-(11) apply only to residential

281 property insurance policies and condominium association policies
 282 as defined in s. 718.111(11).

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

285 626.8541 Public adjuster apprentice.--

286 (1) A "public adjuster apprentice" is any person who is
 287 not a licensed public adjuster, who is employed by or has a
 288 contract with a licensed and appointed public adjuster in good
 289 standing with the department or a public adjusting firm that
 290 employs at least one licensed and appointed public adjuster in
 291 good standing with the department to assist a public adjuster in
 292 conducting business under the license, and who satisfies the
 293 requirements of s. 626.8651.

294 (2) A public adjuster apprentice must work with a licensed
 295 and appointed public adjuster for a period of 12 months as set
 296 forth in this section, and who otherwise is in full compliance
 297 with this chapter, prior to being eligible for appointment as a
 298 licensed public adjuster.

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

302 626.865 Public adjuster's qualifications, bond.--

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

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

308 (3) The department may not issue a license as a public

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309 adjuster to any individual who has not passed the examination
310 for a public adjuster's license. Any individual who is applying
311 for reinstatement of a license after completion of a period of
312 suspension and any individual who is applying for a new license
313 after termination, cancellation, revocation, or expiration of a
314 prior license as a public adjuster must pass the examination
315 required for licensure as a public adjuster after approval of
316 the application for reinstatement or for a new license
317 regardless of whether the applicant passed an examination prior
318 to issuance of the license that was suspended, terminated,
319 anceled, revoked, or expired.

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

322 626.8651 Public adjuster apprentice license;
323 qualifications.--

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

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

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

330 (c) Trustworthy and has such business reputation as would
331 reasonably ensure that the applicant will conduct business as a
332 public adjuster apprentice fairly and in good faith and without
333 detriment to the public.

334 (2) All applicable license fees, as prescribed in s.
335 624.501, must be paid in full before issuance of the license.

336 (3) At the time of application for license as a public

337 adjuster apprentice, the applicant shall file with the
338 department a bond executed and issued by a surety insurer
339 authorized to transact such business in this state in the amount
340 of \$50,000, conditioned upon the faithful performance of his or
341 her duties as a public adjuster apprentice under the license for
342 which the applicant has applied, and thereafter maintain the
343 bond unimpaired throughout the existence of the license and for
344 at least 1 year after termination of the license. The bond shall
345 be in favor of the department and shall specifically authorize
346 recovery by the department of the damages sustained in case the
347 licensee commits fraud or unfair practices in connection with
348 his or her business as a public adjuster apprentice. The
349 aggregate liability of the surety for all such damages may not
350 exceed the amount of the bond, and the bond may not be
351 terminated by the issuing insurer unless written notice of at
352 least 30 days is given to the licensee and filed with the
353 department.

354 (4) A public adjuster apprentice shall complete at a
355 minimum 100 hours of employment per month for 12 months of
356 employment under the supervision of a licensed and appointed
357 all-lines public adjuster in order to qualify for licensure as a
358 public adjuster. The department may adopt rules that establish
359 standards for such employment requirements.

360 (5) A supervising public adjuster shall be responsible and
361 accountable for the acts of a public adjuster apprentice which
362 are related to transacting business as a public adjuster
363 apprentice.

364 (6) An apprentice license is effective for 18 months

365 unless the license expires due to lack of maintaining an
 366 appointment; is surrendered by the licensee; is terminated,
 367 suspended, or revoked by the department; or is canceled by the
 368 department upon issuance of a public adjuster license. The
 369 department may not issue a public adjuster apprentice license to
 370 any individual who has held such a license in this state within
 371 2 years after expiration, surrender, termination, revocation, or
 372 cancellation of the license.

373 (7) After completing the requirements for employment as a
 374 public adjuster apprentice, the licensee may file an application
 375 for a public adjuster license. The applicant and supervising
 376 public adjuster or public adjusting firm must each file a sworn
 377 affidavit, on a form prescribed by the department, verifying
 378 that the employment of the public adjuster apprentice meets the
 379 requirements of this section.

380 (8) In no event shall a public adjuster apprentice
 381 licensed under this section perform any of the functions for
 382 which a public adjuster's license is required after expiration
 383 of the public adjuster apprentice license without having
 384 obtained a public adjuster license.

385 (9) A public adjuster apprentice has the same authority as
 386 the licensed public adjuster or public adjusting firm that
 387 employs the apprentice except that an apprentice may not execute
 388 contracts for the services of a public adjuster or public
 389 adjusting firm and may not solicit contracts for the services
 390 except under the direct supervision and guidance of the
 391 supervisory public adjuster. An individual may not be, act as,
 392 or hold himself or herself out to be a public adjuster

393 apprentice unless the individual is licensed and holds a current
 394 appointment by a licensed public all-lines adjuster or a public
 395 adjusting firm that employs a licensed all-lines public
 396 adjuster.

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

399 626.869 License, adjusters; continuing education.--

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

- 403 (a) All lines of insurance except life and annuities.
- 404 (b) Motor vehicle physical damage insurance.
- 405 (c) Property and casualty insurance.
- 406 (d) Workers' compensation insurance.
- 407 (e) Health insurance.

408
 409 No examination on worker's compensation insurance or health
 410 insurance shall be required for public adjusters.

411 (4)(a) Any individual holding a license as a company
 412 employee adjuster or independent adjuster for 24 consecutive
 413 months or longer must, beginning in his or her birth month and
 414 every 2 years thereafter, have completed 24 hours of courses, 2
 415 hours of which relate to ethics, in subjects designed to inform
 416 the licensee regarding the current insurance laws of this state,
 417 so as to enable him or her to engage in business as an insurance
 418 adjuster fairly and without injury to the public and to adjust
 419 all claims in accordance with the policy or contract and the
 420 laws of this state.

421 (b) Any individual holding a license as a public adjuster
 422 for 24 consecutive months or longer, beginning in their birth
 423 month and every 2 years thereafter, must have completed 24 hours
 424 of courses, 2 hours of which relate to ethics, in subjects
 425 designed to inform the licensee regarding the current laws of
 426 this state pertaining to all lines of insurance other than life
 427 and annuities, the current laws of this state pertaining to the
 428 duties and responsibilities of public adjusters as set forth in
 429 this part, and the current rules of the department applicable to
 430 public adjusters and standard or representative policy forms
 431 used by insurers, other than forms for life insurance and
 432 annuities, so as to enable him or her to engage in business as
 433 an adjuster fairly and without injury to the public and to
 434 adjust all claims in accordance with the policy or contract and
 435 laws of this state. In order to receive credit for continuing
 436 education courses, public adjusters must take courses that are
 437 specifically designed for public adjusters and approved by the
 438 department, provided, however, no continuing education course
 439 shall be required for public adjusters for worker's compensation
 440 insurance or health insurance.

441 (c) The department shall adopt rules necessary to
 442 implement and administer the continuing education requirements
 443 of this subsection. For good cause shown, the department may
 444 grant an extension of time during which the requirements imposed
 445 by this section may be completed, but such extension of time may
 446 not exceed 1 year.

447 (d) A nonresident public adjuster must complete the
 448 continuing education requirements provided by this section;

449 provided, a nonresident public adjuster may meet the
 450 requirements of this section if the continuing education
 451 requirements of the nonresident public adjuster's home state are
 452 determined to be substantially comparable to the requirements of
 453 this state's continuing education requirements and if the
 454 resident's state recognizes reciprocity with this state's
 455 continuing education requirements. A nonresident public adjuster
 456 whose home state does not have such continuing education
 457 requirements for adjusters, and who is not licensed as a
 458 nonresident adjuster in a state that has continuing education
 459 requirements and reciprocates with this state, must meet the
 460 continuing education requirements of this section.

461 Section 11. Section 626.8698, Florida Statutes, is amended
 462 to read:

463 626.8698 Disciplinary guidelines for public adjusters and
 464 public adjuster apprentices.--The department may deny, suspend,
 465 or revoke the license of a public adjuster or public adjuster
 466 apprentice, and administer a fine not to exceed \$5,000 per act,
 467 for any of the following:

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

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

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

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

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

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

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

484 626.870 Application for license.--

485 (4) A license, an appointment, or eligibility that has
486 been suspended may not be reinstated except upon the filing and
487 approval of an application for reinstatement in accordance with
488 s. 626.641. In addition, for reinstatement of a public
489 adjuster's license, appointment, or eligibility, the individual
490 must pass the public adjuster licensing examination. An
491 application for reinstatement must be accompanied by any
492 applicable examination fee. Successful completion of the
493 examination does not entitle the applicant to have a license
494 reinstated. The application is subject to denial pursuant to ss.
495 626.207, 626.611, 626.621, and 626.8698. If the department
496 approves an application for reinstatement, the applicant shall
497 be notified that the license will be reinstated upon payment by
498 the applicant of the reinstatement fee contained in s.
499 624.501(15).

500 Section 13. Effective January 1, 2009, paragraphs (b) and
501 (e) of subsection (1) and paragraphs (b) and (c) of subsection
502 (2) of section 626.8732, Florida Statutes, are amended, and
503 subsection (6) is added to that section, to read:

504 626.8732 Nonresident public adjuster's qualifications,

505 bond.--

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

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

514 1. ~~An applicant who is licensed as a resident public~~
515 ~~adjuster in his or her state of residence, when that state~~
516 ~~requires the passing of a written examination in order to obtain~~
517 ~~the license and a reciprocal agreement with the appropriate~~
518 ~~official of that state has been entered into by the department,~~
519 ~~or~~

520 2. ~~An applicant who is licensed as a nonresident public~~
521 ~~adjuster in a state other than his or her state of residence~~
522 ~~when the state of licensure requires the passing of a written~~
523 ~~examination in order to obtain the license and a reciprocal~~
524 ~~agreement with the appropriate official of the state of~~
525 ~~licensure has been entered into by the department.~~

526 (e) Has been licensed and employed as a public adjuster in
527 the applicant's state of residence on a continual basis for the
528 past 3 years, or, if the applicant's state of residence does not
529 issue licenses to individuals who act as public adjusters, the
530 applicant has been licensed and employed as a resident insurance
531 company or independent adjuster, insurance agent, insurance
532 broker, or other insurance representative in his or her state of

533 residence or any other state on a continual basis for the past 3
534 years. This paragraph does not apply to individuals who are
535 licensed to transact only life insurance and annuity business
536 ~~had sufficient experience, training, or instruction concerning~~
537 ~~the adjusting of damages or losses under insurance contracts,~~
538 ~~other than life and annuity contracts; is sufficiently informed~~
539 ~~as to the terms and effects of the provisions of those types of~~
540 ~~insurance contracts; and possesses adequate knowledge of the~~
541 ~~laws of this state relating to such contracts as to enable and~~
542 ~~qualify him or her to engage in the business of insurance~~
543 ~~adjuster fairly and without injury to the public or any member~~
544 ~~thereof with whom he or she may have business as a public~~
545 ~~adjuster.~~

546 (2) The applicant shall furnish the following with his or
547 her application:

548 (b) If currently licensed as a resident public adjuster in
549 the applicant's state of residence, a certificate or letter of
550 authorization from the licensing authority of the applicant's
551 state of residence, stating that the applicant holds a current
552 or comparable license to act as a public adjuster and has held
553 the license continuously for the past 3 years. The certificate
554 or letter of authorization must be signed by the insurance
555 commissioner or his or her deputy or the appropriate licensing
556 official and must disclose whether the adjuster has ever had any
557 license or eligibility to hold any license declined, denied,
558 suspended, revoked, or placed on probation or whether an
559 administrative fine or penalty has been levied against the
560 adjuster and, if so, the reason for the action.

561 (c) If the applicant's state of residence does not require
 562 licensure as a public adjuster and the applicant has been
 563 licensed as a resident insurance adjuster, agent, broker, or
 564 other insurance representative in his or her state of residence
 565 or any other state ~~within the past 3 years~~, a certificate or
 566 letter of authorization from the licensing authority stating
 567 that the applicant holds or has held a license to act as such an
 568 insurance adjuster, agent, or other insurance representative and
 569 has held the license continuously for the past 3 years. The
 570 certificate or letter of authorization must be signed by the
 571 insurance commissioner or his or her deputy or the appropriate
 572 licensing official and must disclose whether or not the
 573 adjuster, agent, or other insurance representative has ever had
 574 any license or eligibility to hold any license declined, denied,
 575 suspended, revoked, or placed on probation or whether an
 576 administrative fine or penalty has been levied against the
 577 adjuster and, if so, the reason for the action.

578 (6) If available, the department shall verify the
 579 nonresident applicant's licensing status through the producer
 580 database maintained by the National Association of Insurance
 581 Commissioners or its affiliates or subsidiaries.

582 Section 14. Section 626.8796, Florida Statutes, is created
 583 to read:

584 626.8796 Public adjuster contracts; fraud statement.--All
 585 contracts for public adjuster services must be in writing and
 586 must prominently display the following statement on the
 587 contract: "Pursuant to s. 817.234, Florida Statutes, any person
 588 who, with the intent to injure, defraud, or deceive any insurer

589 or insured, prepares, presents, or causes to be presented a
 590 proof of loss or estimate of cost or repair of damaged property
 591 in support of a claim under an insurance policy knowing that the
 592 proof of loss or estimate of claim or repairs contains any
 593 false, incomplete, or misleading information concerning any fact
 594 or thing material to the claim commits a felony of the third
 595 degree, punishable as provided in s. 775.082, s. 775.803, or s.
 596 775.084, Florida Statutes."

597 Section 15. Section 626.8797, Florida Statutes, is created
 598 to read:

599 626.8797 Proof of loss; fraud statement.--All proof of
 600 loss statements must prominently display the following
 601 statement: "Pursuant to s. 817.234, Florida Statutes, any person
 602 who, with the intent to injure, defraud, or deceive any insurer
 603 or insured, prepares, presents, or causes to be presented a
 604 proof of loss or estimate of cost or repair of damaged property
 605 in support of a claim under an insurance policy knowing that the
 606 proof of loss or estimate of claim or repairs contains any
 607 false, incomplete, or misleading information concerning any fact
 608 or thing material to the claim commits a felony of the third
 609 degree, punishable as provided in s. 775.082, s. 775.803, or s.
 610 775.084, Florida Statutes."

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