

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 public adjusters
45 | to provide claimants or insureds a written estimate of
46 | certain losses relating to claims for payment of insurance
47 | proceeds; requiring adjusters to retain estimates for a
48 | specified time and make estimates available to claimants,
49 | insureds, and the department; creating s. 626.8541, F.S.;
50 | defining the term "public adjuster apprentice"; amending
51 | s. 626.865, F.S.; providing qualifications that an
52 | applicant must possess before the issuance of a license by
53 | the department; requiring that certain persons applying
54 | for a license after the completion of a period of
55 | suspension, termination, cancellation, revocation, or
56 | expiration must pass the examination required for

57 licensure as a public adjuster; creating s. 626.8651,
58 F.S.; providing requirements for licensure as a public
59 adjuster apprentice; requiring that the department approve
60 an application under certain circumstances; requiring that
61 all license fees be paid before the department issues a
62 license; requiring the applicant to file a bond in a
63 specified amount in favor of the department; providing for
64 termination of the bond; requiring that the apprentice's
65 work be supervised by a licensed adjuster in good
66 standing; authorizing the department to adopt rules
67 governing employment requirements; providing that the
68 supervising adjuster is responsible for the acts of the
69 apprentice; providing a period of effectiveness for an
70 apprentice license; providing that an individual licensed
71 as an apprentice may file an application for licensure as
72 a public adjuster after a specified period of employment
73 as an apprentice; requiring that a sworn affidavit
74 containing certain information accompany such application;
75 prohibiting an apprentice from performing any functions
76 for which a license is required after the expiration of
77 his or her license for apprenticeship without first
78 obtaining a license to work as a public adjuster; limiting
79 the authority of a public adjuster apprentice; amending s.
80 626.869, F.S.; providing that an examination on worker's
81 compensation insurance or health insurance may not be
82 required for public adjusters; providing for continuing
83 education for company employee adjusters, independent
84 adjusters, and public adjusters; providing for the

85 satisfaction of continuing education requirements for
86 nonresident adjusters; amending s. 626.8698, F.S.;
87 providing disciplinary guidelines for public adjusters and
88 public adjuster apprentices; amending s. 626.870, F.S.;
89 providing requirements for the reinstatement of a
90 suspended license, an appointment, or eligibility;
91 providing for the notification of approval of an
92 application for reinstatement; amending s. 626.8732, F.S.;
93 revising requirements for licensure as a nonresident
94 public adjuster; providing exceptions to such
95 requirements; requiring that an applicant for licensure as
96 a nonresident public adjuster provide certain information
97 with his or her application; requiring that the department
98 verify the nonresident applicant's licensing status;
99 creating s. 626.8796, F.S.; requiring that all contracts
100 for services by a public adjuster be in writing and
101 contain a specified statement regarding fraud; creating s.
102 626.8797, F.S.; requiring that proof of loss statements
103 contain a specified statement regarding fraud; providing
104 effective dates.

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

107
108 Section 1. Effective January 1, 2009, subsection (5) of
109 section 624.501, Florida Statutes, is amended to read:

110 624.501 Filing, license, appointment, and miscellaneous
111 fees.--The department, commission, or office, as appropriate,
112 shall collect in advance, and persons so served shall pay to it

113 in advance, fees, licenses, and miscellaneous charges as
 114 follows:

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

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

120 626.015 Definitions.--As used in this part:

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

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

128 626.221 Examination requirement; exemptions.--

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

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

136 (e) A person who has been licensed and appointed as an a
 137 ~~public adjuster,~~ independent adjuster, or company employee
 138 adjuster as to all property, casualty, and surety insurances,
 139 may be licensed and appointed as a company employee adjuster or
 140 independent, ~~or public adjuster,~~ as to these kinds of insurance,

141 without additional written examination if an application for
142 licensure is filed with the department within 48 months
143 following the date of cancellation or expiration of the prior
144 appointment.

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

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

154 626.241 Scope of examination.--

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

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

169
 170 No examination on worker's compensation insurance or health
 171 insurance shall be required for public adjusters.
 172 Section 5. Effective January 1, 2009, subsection (1) of
 173 section 626.641, Florida Statutes, is amended to read:
 174 626.641 Duration of suspension or revocation.--
 175 (1) The department shall, in its order suspending a
 176 license or appointment or in its order suspending the
 177 eligibility of a person to hold or apply for such license or
 178 appointment, specify the period during which the suspension is
 179 to be in effect; but such period shall not exceed 2 years. The
 180 license, appointment, or eligibility shall remain suspended
 181 during the period so specified, subject, however, to any
 182 rescission or modification of the order by the department, or
 183 modification or reversal thereof by the court, prior to
 184 expiration of the suspension period. A license, appointment, or
 185 eligibility that ~~which~~ has been suspended shall not be
 186 reinstated except upon the filing and approval of an application
 187 for ~~request for such~~ reinstatement and, in the case of a second
 188 suspension, completion of continuing education courses
 189 prescribed and approved by the department; but the department
 190 shall not approve an application for ~~grant such~~ reinstatement if
 191 it finds that the circumstance or circumstances for which the
 192 license, appointment, or eligibility was suspended still exist
 193 or are likely to recur. In addition, an application ~~a request~~
 194 for reinstatement is subject to denial and subject to a waiting
 195 period prior to approval on the same grounds that apply to
 196 applications for licensure pursuant to ss. 626.207, 626.611, and

197 626.621, and 626.8698.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (12) Each public adjuster shall provide to the claimant or
 274 insured a written estimate of the loss to assist in the
 275 submission of a proof of loss or any other claim for payment of
 276 insurance proceeds. The public adjuster shall retain such
 277 written estimate for at least 5 years and shall make such
 278 estimate available to the claimant or insured and the department
 279 upon request.

280

281 The provisions of subsections (5)-(11) apply only to residential
 282 property insurance policies and condominium association policies
 283 as defined in s. 718.111(11).

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

286 626.8541 Public adjuster apprentice.--

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

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

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

303 626.865 Public adjuster's qualifications, bond.--

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

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

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

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

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

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

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

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

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

335 (2) All applicable license fees, as prescribed in s.
336 624.501, must be paid in full before issuance of the license.

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

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

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

365 (6) An apprentice license is effective for 18 months
366 unless the license expires due to lack of maintaining an
367 appointment; is surrendered by the licensee; is terminated,
368 suspended, or revoked by the department; or is canceled by the
369 department upon issuance of a public adjuster license. The
370 department may not issue a public adjuster apprentice license to
371 any individual who has held such a license in this state within
372 2 years after expiration, surrender, termination, revocation, or
373 cancellation of the license.

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

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

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

393 or hold himself or herself out to be a public adjuster
 394 apprentice unless the individual is licensed and holds a current
 395 appointment by a licensed public all-lines adjuster or a public
 396 adjusting firm that employs a licensed all-lines public
 397 adjuster.

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

400 626.869 License, adjusters; continuing education.--

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

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

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

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

421 laws of this state.

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

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

448 (d) A nonresident public adjuster must complete the

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

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

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

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

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

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

477 accepting payment for services that have not been performed;

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

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

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

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

485 626.870 Application for license.--

486 (4) A license, an appointment, or eligibility that has
 487 been suspended may not be reinstated except upon the filing and
 488 approval of an application for reinstatement in accordance with
 489 s. 626.641. In addition, for reinstatement of a public
 490 adjuster's license, appointment, or eligibility, the individual
 491 must pass the public adjuster licensing examination. An
 492 application for reinstatement must be accompanied by any
 493 applicable examination fee. Successful completion of the
 494 examination does not entitle the applicant to have a license
 495 reinstated. The application is subject to denial pursuant to ss.
 496 626.207, 626.611, 626.621, and 626.8698. If the department
 497 approves an application for reinstatement, the applicant shall
 498 be notified that the license will be reinstated upon payment by
 499 the applicant of the reinstatement fee contained in s.
 500 624.501(15).

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

505 626.8732 Nonresident public adjuster's qualifications,
506 bond.--

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

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

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

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

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

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

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

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

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561 adjuster and, if so, the reason for the action.

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

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

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

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

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589 who, with the intent to injure, defraud, or deceive any insurer
590 or insured, prepares, presents, or causes to be presented a
591 proof of loss or estimate of cost or repair of damaged property
592 in support of a claim under an insurance policy knowing that the
593 proof of loss or estimate of claim or repairs contains any
594 false, incomplete, or misleading information concerning any fact
595 or thing material to the claim commits a felony of the third
596 degree, punishable as provided in s. 775.082, s. 775.803, or s.
597 775.084, Florida Statutes."

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

600 626.8797 Proof of loss; fraud statement.--All proof of
601 loss statements must prominently display the following
602 statement: "Pursuant to s. 817.234, Florida Statutes, any person
603 who, with the intent to injure, defraud, or deceive any insurer
604 or insured, prepares, presents, or causes to be presented a
605 proof of loss or estimate of cost or repair of damaged property
606 in support of a claim under an insurance policy knowing that the
607 proof of loss or estimate of claim or repairs contains any
608 false, incomplete, or misleading information concerning any fact
609 or thing material to the claim commits a felony of the third
610 degree, punishable as provided in s. 775.082, s. 775.803, or s.
611 775.084, Florida Statutes."

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