

1 A bill to be entitled
2 An act relating to insurance adjusters; amending s.
3 624.501, F.S.; deleting a fee for an original or
4 renewal license for an adjusting firm; amending s.
5 626.015, F.S.; conforming a cross-reference; amending
6 s. 626.022, F.S.; revising applicability of the
7 Licensing Procedures Law to include adjusting firms;
8 amending s. 626.112, F.S.; prohibiting certain
9 entities from acting as insurance adjusting firms
10 without specified licenses; providing an exemption;
11 providing construction; specifying that an unlicensed
12 firm is subject to a certain administrative penalty;
13 deleting a requirement for the Department of Financial
14 Services to automatically convert a certain
15 registration to an insurance agency license as of a
16 certain date; amending s. 626.854, F.S.; redefining
17 the term "public adjuster"; deleting a certain
18 prohibited act of a public adjuster; deleting a
19 provision specifying the method for an insured or
20 claimant to provide certain notice to an insurer;
21 providing construction relating to certain limitations
22 on insurance claim payments and public adjuster
23 compensation; revising a prohibition against certain
24 entities relating to a contract or power of attorney
25 that vests certain authority in a property insurance

26 claim; conforming a cross-reference; prohibiting
27 persons from conducting certain activities relating to
28 insurance claims; providing an exception for attorneys
29 and public adjusters; repealing s. 626.8541, F.S.,
30 relating to public adjuster apprentices; amending s.
31 626.8548, F.S.; redefining the term "all-lines
32 adjuster"; creating s. 626.8561, F.S.; defining the
33 term "public adjuster apprentice"; amending s.
34 626.8584, F.S.; redefining the term "nonresident all-
35 lines adjuster"; amending s. 626.861, F.S.; revising
36 construction relating to employees of an insurer;
37 amending s. 626.864, F.S.; revising the permissible
38 appointments of all-lines adjusters; amending s.
39 626.865, F.S.; revising the qualifications for
40 licensure for public adjusters; amending s. 626.8651,
41 F.S.; requiring public adjuster apprentices to be
42 appointed, rather than licensed, by the department;
43 specifying qualifications for such appointments;
44 revising requirements and limitations for public
45 adjusting firms and public adjusters who supervise
46 public adjuster apprentices; revising certain
47 prohibited acts and exceptions to such acts of public
48 adjuster apprentices; conforming provisions to changes
49 made by the act; amending s. 626.8695, F.S.; revising
50 requirements for designating primary adjusters;

51 redefining the term "primary adjuster"; revising the
52 accountability of a primary adjuster for persons under
53 his or her supervision; revising a prohibition against
54 an adjusting firm location conducting insurance
55 business under certain circumstances; revising
56 procedures for an adjusting firm to determine a
57 person's current licensure status; amending s.
58 626.8696, F.S.; revising conditions for the issuance
59 of an adjusting firm license; revising application
60 requirements for such license; providing rulemaking
61 authority of the department; prohibiting the
62 department from requiring certain information on an
63 application; providing for expiration of such license;
64 repealing s. 626.872, F.S., relating to all-lines
65 adjuster temporary licenses; amending s. 626.874,
66 F.S.; revising conditions for the department to issue
67 adjuster licenses in the event of catastrophes or
68 emergencies; amending s. 626.875, F.S.; revising the
69 minimum time period in a records retention requirement
70 for adjusters; amending s. 626.876, F.S.; revising
71 certain prohibitions relating to exclusive employment
72 of public adjusters and all-lines adjusters and
73 appointed independent adjusters; repealing s. 626.879,
74 F.S., relating to pools of insurance adjusters;
75 amending s. 626.9953, F.S.; conforming a cross-

76 reference; providing an effective date.

77

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

79

80 Section 1. Subsection (20) of section 624.501, Florida
81 Statutes, is amended to read:

82 624.501 Filing, license, appointment, and miscellaneous
83 fees.—The department, commission, or office, as appropriate,
84 shall collect in advance, and persons so served shall pay to it
85 in advance, fees, licenses, and miscellaneous charges as
86 follows:

87 ~~(20) Adjusting firm, original or renewal 3-year license \$60.00~~

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

90 626.015 Definitions.—As used in this part:

91 (1) "Adjuster" means a public adjuster as defined in s.
92 ~~626.854, a public adjuster apprentice as defined in s. 626.8541,~~
93 or an all-lines adjuster as defined in s. 626.8548.

94 Section 3. Subsection (1) of section 626.022, Florida
95 Statutes, is amended to read:

96 626.022 Scope of part.—

97 (1) This part applies as to insurance agents, service
98 representatives, adjusters, adjusting firms, and insurance
99 agencies; as to any and all kinds of insurance; and as to stock
100 insurers, mutual insurers, reciprocal insurers, and all other

101 types of insurers, except that:

102 (a) It does not apply as to reinsurance, except that ss.
103 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
104 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
105 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
106 intermediaries as defined in s. 626.7492.

107 (b) The applicability of this chapter as to fraternal
108 benefit societies shall be as provided in chapter 632.

109 (c) It does not apply to a bail bond agent, as defined in
110 s. 648.25, except as provided in chapter 648 or chapter 903.

111 (d) This part does not apply to a certified public
112 accountant licensed under chapter 473 who is acting within the
113 scope of the practice of public accounting, as defined in s.
114 473.302, provided that the activities of the certified public
115 accountant are limited to advising a client of the necessity of
116 obtaining insurance, the amount of insurance needed, or the line
117 of coverage needed, and provided that the certified public
118 accountant does not directly or indirectly receive or share in
119 any commission or referral fee.

120 Section 4. Subsection (7) of section 626.112, Florida
121 Statutes, is amended to read:

122 626.112 License and appointment required; agents, customer
123 representatives, adjusters, insurance agencies, adjusting firms,
124 service representatives, managing general agents.—

125 (7)(a) An individual, firm, partnership, corporation,

126 association, or other entity may ~~shall~~ not act in its own name
127 or under a trade name, directly or indirectly, as an insurance
128 agency unless it complies with s. 626.172 with respect to
129 possessing an insurance agency license for each place of
130 business at which it engages in an activity that may be
131 performed only by a licensed insurance agent. However, an
132 insurance agency that is owned and operated by a single licensed
133 agent conducting business in his or her individual name and not
134 employing or otherwise using the services of or appointing other
135 licensees is ~~shall be~~ exempt from the agency licensing
136 requirements of this subsection.

137 (b) A branch place of business that is established by a
138 licensed agency is considered a branch agency and is not
139 required to be licensed so long as it transacts business under
140 the same name and federal tax identification number as the
141 licensed agency and has designated with the department a
142 licensed agent in charge of the branch location as required by
143 s. 626.0428 and the address and telephone number of the branch
144 location have been submitted to the department for inclusion in
145 the licensing record of the licensed agency within 30 days after
146 insurance transactions begin at the branch location.

147 (c) An individual, a firm, a partnership, a corporation,
148 an association, or any other entity may not act in its own name
149 or under a trade name, directly or indirectly, as an adjusting
150 firm unless it possesses an adjusting firm license under s.

151 626.8696 for each place of business at which it engages in an
152 activity that may be performed only by a licensed adjuster.
153 However, an insurance company authorized to transact insurance
154 in this state which directly appoints adjusters, or an adjusting
155 firm that is owned and operated by a single licensed adjuster
156 who is conducting business in his or her individual name and who
157 is not employing or otherwise using the services of or
158 appointing other licensees, is exempt from the adjusting firm
159 licensing requirements of this subsection.

160 (d) A branch place of business that is established by a
161 licensed adjusting firm is considered a branch firm and is not
162 required to be licensed so long as:

163 1. It transacts business under the same name and federal
164 tax identification number as the licensed adjusting firm;

165 2. It has designated with the department a licensed
166 primary adjuster in charge of the branch firm as required by s.
167 626.8695; and

168 3. Within 30 days after insurance transactions begin at
169 the branch firm, the address and telephone number of the branch
170 firm are submitted to the department for inclusion in the
171 licensing record of the licensed adjusting firm.

172 (e) ~~(e)~~ If an agency or firm is required to be licensed but
173 fails to file an application for licensure in accordance with
174 this section, the department must ~~shall~~ impose on the agency or
175 firm an administrative penalty of up to \$2,500 for a first

176 violation and up to \$10,000 for any subsequent violation.

177 ~~(d) Effective October 1, 2015, the department must~~
178 ~~automatically convert the registration of an approved registered~~
179 ~~insurance agency to an insurance agency license.~~

180 Section 5. Subsections (7) through (19) of section
181 626.854, Florida Statutes, are renumbered as subsections (6)
182 through (18), respectively, present subsections (1), (6), (7),
183 (11), (18), and (19) are amended, and a new subsection (19) is
184 added to that section, to read:

185 626.854 "Public adjuster" defined; prohibitions.—The
186 Legislature finds that it is necessary for the protection of the
187 public to regulate public insurance adjusters and to prevent the
188 unauthorized practice of law.

189 (1) A "public adjuster" is any person, except a duly
190 licensed attorney at law as exempted under s. 626.860, who, for
191 money, commission, or any other thing of value, directly or
192 indirectly prepares, completes, or files an insurance claim ~~form~~
193 for an insured or third-party claimant or who, for money,
194 commission, or any other thing of value, acts on behalf of, or
195 aids an insured or third-party claimant in negotiating for or
196 effecting the settlement of a claim or claims for loss or damage
197 covered by an insurance contract or who advertises for
198 employment as an adjuster of such claims. The term also includes
199 any person who, for money, commission, or any other thing of
200 value, directly or indirectly solicits, investigates, or adjusts

201 such claims on behalf of a public adjuster, an insured, or a
 202 third-party claimant, unless such person is performing duties
 203 under another professional license.

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

211 (6)(7) An insured or claimant may cancel a public
 212 adjuster's contract to adjust a claim without penalty or
 213 obligation within 3 business days after the date on which the
 214 contract is executed or within 3 business days after the date on
 215 which the insured or claimant has notified the insurer of the
 216 claim, ~~by phone or in writing,~~ whichever is later. The public
 217 adjuster's contract must disclose to the insured or claimant his
 218 or her right to cancel the contract and advise the insured or
 219 claimant that notice of cancellation must be submitted in
 220 writing and sent by certified mail, return receipt requested, or
 221 other form of mailing that provides proof thereof, to the public
 222 adjuster at the address specified in the contract; provided,
 223 during any state of emergency as declared by the Governor and
 224 for 1 year after the date of loss, the insured or claimant has 5
 225 business days after the date on which the contract is executed

226 to cancel a public adjuster's contract.

227 (10) (a) ~~(11) (a)~~ If a public adjuster enters into a contract
228 with an insured or claimant to reopen a claim or file a
229 supplemental claim that seeks additional payments for a claim
230 that has been previously paid in part or in full or settled by
231 the insurer, the public adjuster may not charge, agree to, or
232 accept from any source compensation, payment, commission, fee,
233 or any other thing of value based on a previous settlement or
234 previous claim payments by the insurer for the same cause of
235 loss. The charge, compensation, payment, commission, fee, or any
236 other thing of value must be based only on the claim payments or
237 settlement obtained through the work of the public adjuster
238 after entering into the contract with the insured or claimant.
239 Compensation for the reopened or supplemental claim may not
240 exceed 20 percent of the reopened or supplemental claim payment.
241 In no event shall the contracts described in this paragraph
242 exceed the limitations in paragraph (b).

243 (b) A public adjuster may not charge, agree to, or accept
244 from any source compensation, payment, commission, fee, or any
245 other thing of value in excess of:

246 1. Ten percent of the amount of insurance claim payments
247 made by the insurer for claims based on events that are the
248 subject of a declaration of a state of emergency by the
249 Governor. This provision applies to claims made during the year
250 after the declaration of emergency. After that year, the

251 limitations in subparagraph 2. apply.

252 2. Twenty percent of the amount of insurance claim
 253 payments made by the insurer for claims that are not based on
 254 events that are the subject of a declaration of a state of
 255 emergency by the Governor.

256 (c) Insurance claim payments made by the insurer do not
 257 include policy deductibles, and public adjuster compensation may
 258 not be based on the deductible portion of a claim.

259 (d)~~(e)~~ Any maneuver, shift, or device through which the
 260 limits on compensation set forth in this subsection are exceeded
 261 is a violation of this chapter punishable as provided under s.
 262 626.8698.

263 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,
 264 or a person acting on behalf of an adjuster or apprentice may
 265 not enter into a contract or accept a power of attorney that
 266 vests in the public adjuster, the public adjuster apprentice, or
 267 the person acting on behalf of the adjuster or apprentice the
 268 effective authority to choose the persons or entities that will
 269 perform salvage, repair, or any other work in a property
 270 insurance claim.

271 (18)~~(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to
 272 residential property insurance policies and condominium unit
 273 owner policies as described in s. 718.111(11).

274 (19) Except as otherwise provided in this chapter, no
 275 person, except an attorney at law or a public adjuster, may for

276 money, commission, or any other thing of value, directly or
 277 indirectly:

278 (a) Prepare, complete, or file an insurance claim for an
 279 insured or a third-party claimant;

280 (b) Act on behalf of or aid an insured or a third-party
 281 claimant in negotiating for or effecting the settlement of a
 282 claim for loss or damage covered by an insurance contract;

283 (c) Advertise for employment as a public adjuster; or

284 (d) Solicit, investigate, or adjust a claim on behalf of a
 285 public adjuster, an insured, or a third-party claimant.

286 Section 6. Section 626.8541, Florida Statutes, is
 287 repealed.

288 Section 7. Section 626.8548, Florida Statutes, is amended
 289 to read:

290 626.8548 "All-lines adjuster" defined.—An "all-lines
 291 adjuster" is a person who, for money, commission, or any other
 292 thing of value, directly or indirectly ~~is self-employed or~~
 293 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~
 294 ~~or an independent adjusting firm or other independent adjuster,~~
 295 ~~and who~~ undertakes on behalf of a public adjuster or an insurer
 296 ~~or other insurers under common control or ownership~~ to ascertain
 297 and determine the amount of any claim, loss, or damage payable
 298 under an insurance contract or undertakes to effect settlement
 299 of such claim, loss, or damage. The term also includes any
 300 person who, for money, commission, or any other thing of value,

301 directly or indirectly solicits claims on behalf of a public
 302 adjuster, but does not include paid spokespersons used as part
 303 of a written or an electronic advertisement. The term does not
 304 apply to life insurance or annuity contracts.

305 Section 8. Section 626.8561, Florida Statutes, is created
 306 to read:

307 626.8561 "Public adjuster apprentice" defined.—The term
 308 "public adjuster apprentice" means a person licensed as an all-
 309 lines adjuster who:

310 (1) Is appointed and employed or contracted by a public
 311 adjuster or a public adjusting firm;

312 (2) Assists the public adjuster or public adjusting firm
 313 in ascertaining and determining the amount of any claim, loss,
 314 or damage payable under an insurance contract, or who undertakes
 315 to effect settlement of such claim, loss, or damage; and

316 (3) Satisfies the requirements of s. 626.8651.

317 Section 9. Subsection (3) of section 626.8584, Florida
 318 Statutes, is amended to read:

319 626.8584 "Nonresident all-lines adjuster" defined.—A
 320 "nonresident all-lines adjuster" means a person who:

321 (3) Is licensed as an all-lines adjuster and self-
 322 appointed or appointed and employed or contracted by an
 323 independent adjusting firm or other independent adjuster, by an
 324 insurer admitted to do business in this state or a wholly owned
 325 subsidiary of an insurer admitted to do business in this state,

326 or by a public adjuster or a public adjusting firm ~~other~~
 327 ~~insurers under the common control or ownership of such insurer.~~

328 Section 10. Subsection (1) of section 626.861, Florida
 329 Statutes, is amended to read:

330 626.861 Insurer's officers, insurer's employees,
 331 reciprocal insurer's representatives; adjustments by.—

332 (1) ~~Nothing in~~ This part may not ~~shall~~ be construed to
 333 prevent an executive officer of any insurer, an ~~or a regularly~~
 334 ~~salaries~~ employee of an insurer handling claims with respect to
 335 health insurance, an employee of an insurer handling claims with
 336 respect to residential property insurance in which the amount of
 337 coverage for the applicable type of loss is contractually
 338 limited to \$500 or less, or the duly designated attorney or
 339 agent authorized and acting for subscribers to reciprocal
 340 insurers, ~~from~~ adjusting any claim loss or damage under any
 341 insurance contract of such insurer.

342 Section 11. Subsection (3) of section 626.864, Florida
 343 Statutes, is amended to read:

344 626.864 Adjuster license types.—

345 (3) An all-lines adjuster may be appointed as an
 346 independent adjuster, public adjuster apprentice, or company
 347 employee adjuster, but not more than one of these ~~both~~
 348 concurrently.

349 Section 12. Paragraphs (d) and (e) of subsection (1) of
 350 section 626.865, Florida Statutes, are amended to read:

351 626.865 Public adjuster's qualifications, bond.—

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

356 (d) Has had sufficient experience, training, or
 357 instruction concerning the adjusting of damages or losses under
 358 insurance contracts, other than life and annuity contracts, is
 359 sufficiently informed as to the terms and effects of the
 360 provisions of those types of insurance contracts, and possesses
 361 adequate knowledge of the laws of this state relating to such
 362 contracts as to enable and qualify him or her to engage in the
 363 business of insurance adjuster fairly and without injury to the
 364 public or any member thereof with whom the applicant may have
 365 business as a public adjuster, ~~or has been licensed and employed~~
 366 ~~as a resident insurance company adjuster or independent adjuster~~
 367 ~~in this state on a continual basis for the past year.~~

368 (e) Has been licensed in this state as an all-lines
 369 adjuster, and has been appointed on a continual basis for the
 370 previous 6 months ~~is licensed~~ as a public adjuster apprentice
 371 under s. 626.8561, as an independent adjuster under s. 626.855,
 372 or as a company employee adjuster under s. 626.856 ~~under s.~~
 373 ~~626.8651 and complies with the requirements of that license~~
 374 ~~throughout the licensure period.~~

375 Section 13. Section 626.8651, Florida Statutes, is amended

376 to read:

377 626.8651 Public adjuster apprentice appointment ~~license~~;
 378 qualifications.—

379 (1) (a) The department shall issue an appointment ~~a license~~
 380 as a public adjuster apprentice to a licensee ~~an applicant~~ who
 381 ~~is~~:

382 1. Is licensed as an all-lines adjuster under s. 626.866;

383 2. Has filed with the department a bond executed and
 384 issued by a surety insurer that is authorized to transact such
 385 business in this state in the amount of \$50,000, which is
 386 conditioned upon the faithful performance of his or her duties
 387 as a public adjuster apprentice; and

388 3. Maintains such bond unimpaired throughout the existence
 389 of the appointment and for at least 1 year after termination of
 390 the appointment.

391 (b) The bond must be in favor of the department and must
 392 specifically authorize recovery by the department of the damages
 393 sustained in case the licensee commits fraud or unfair practices
 394 in connection with his or her business as a public adjuster
 395 apprentice. The aggregate liability of the surety for all such
 396 damages may not exceed the amount of the bond, and the bond may
 397 not be terminated by the issuing insurer unless written notice
 398 of at least 30 days is given to the licensee and filed with the
 399 department.

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

401 ~~(b) A United States citizen or legal alien who possesses~~
402 ~~work authorization from the United States Bureau of Citizenship~~
403 ~~and Immigration Services.~~

404 ~~(c) Trustworthy and has such business reputation as would~~
405 ~~reasonably ensure that the applicant will conduct business as a~~
406 ~~public adjuster apprentice fairly and in good faith and without~~
407 ~~detriment to the public.~~

408 ~~(2) All applicable license fees, as prescribed in s.~~
409 ~~624.501, must be paid in full before issuance of the license.~~

410 ~~(3) An applicant must pass the required written~~
411 ~~examination before a license may be issued.~~

412 ~~(4) An applicant must have received designation as an~~
413 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~
414 ~~or as a Certified Claims Adjuster (CCA) after completion of~~
415 ~~training that qualifies the applicant to engage in the business~~
416 ~~of a public adjuster apprentice fairly and without injury to the~~
417 ~~public. Such training and instruction must address adjusting~~
418 ~~damages and losses under insurance contracts, the terms and~~
419 ~~effects of insurance contracts, and knowledge of the laws of~~
420 ~~this state relating to insurance contracts.~~

421 ~~(5) At the time of application for license as a public~~
422 ~~adjuster apprentice, the applicant shall file with the~~
423 ~~department a bond executed and issued by a surety insurer~~
424 ~~authorized to transact such business in this state in the amount~~
425 ~~of \$50,000, conditioned upon the faithful performance of his or~~

426 | ~~her duties as a public adjuster apprentice under the license for~~
427 | ~~which the applicant has applied, and thereafter maintain the~~
428 | ~~bond unimpaired throughout the existence of the license and for~~
429 | ~~at least 1 year after termination of the license. The bond shall~~
430 | ~~be in favor of the department and shall specifically authorize~~
431 | ~~recovery by the department of the damages sustained in case the~~
432 | ~~licensee commits fraud or unfair practices in connection with~~
433 | ~~his or her business as a public adjuster apprentice. The~~
434 | ~~aggregate liability of the surety for all such damages may not~~
435 | ~~exceed the amount of the bond, and the bond may not be~~
436 | ~~terminated by the issuing insurer unless written notice of at~~
437 | ~~least 30 days is given to the licensee and filed with the~~
438 | ~~department.~~

439 | ~~(6) A public adjuster apprentice shall complete at a~~
440 | ~~minimum 100 hours of employment per month for 12 months of~~
441 | ~~employment under the supervision of a licensed and appointed~~
442 | ~~all-lines public adjuster in order to qualify for licensure as a~~
443 | ~~public adjuster. The department may adopt rules that establish~~
444 | ~~standards for such employment requirements.~~

445 | ~~(2)(7)~~ An appointing public adjusting firm may not
446 | maintain more than four ~~12~~ public adjuster apprentices
447 | simultaneously. However, a supervising public adjuster may not
448 | be responsible for more than one ~~three~~ public adjuster
449 | apprentice ~~apprentices~~ simultaneously and shall be accountable
450 | for the acts of the ~~all~~ public adjuster apprentice ~~apprentices~~

451 which are related to transacting business as a public adjuster
452 apprentice. This subsection does not apply to a public adjusting
453 firm that adjusts claims primarily for commercial entities with
454 operations in more than one state and that does not directly or
455 indirectly perform adjusting services for insurers or individual
456 homeowners.

457 ~~(8) An apprentice license is effective for 18 months~~
458 ~~unless the license expires due to lack of maintaining an~~
459 ~~appointment; is surrendered by the licensee; is terminated,~~
460 ~~suspended, or revoked by the department; or is canceled by the~~
461 ~~department upon issuance of a public adjuster license. The~~
462 ~~department may not issue a public adjuster apprentice license to~~
463 ~~any individual who has held such a license in this state within~~
464 ~~2 years after expiration, surrender, termination, revocation, or~~
465 ~~cancellation of the license.~~

466 ~~(9) After completing the requirements for employment as a~~
467 ~~public adjuster apprentice, the licensee may file an application~~
468 ~~for a public adjuster license. The applicant and supervising~~
469 ~~public adjuster or public adjusting firm must each file a sworn~~
470 ~~affidavit, on a form prescribed by the department, verifying~~
471 ~~that the employment of the public adjuster apprentice meets the~~
472 ~~requirements of this section.~~

473 ~~(10) In no event shall A public adjuster apprentice~~
474 ~~licensed under this section perform any of the functions for~~
475 ~~which a public adjuster's license is required after expiration~~

476 ~~of the public adjuster apprentice license without having~~
477 ~~obtained a public adjuster license.~~

478 (3)~~(11)~~ A public adjuster apprentice has the same
479 authority as the licensed public adjuster or public adjusting
480 firm that employs the apprentice except that an apprentice may
481 not execute contracts for the services of a public adjuster or
482 public adjusting firm ~~and may not solicit contracts for the~~
483 ~~services except under the direct supervision and guidance of the~~
484 ~~supervisory public adjuster.~~ An individual may not be, act as,
485 or hold himself or herself out to be a public adjuster
486 apprentice unless the individual is licensed as an all-lines
487 adjuster and holds a current appointment by a licensed public
488 all-lines adjuster or a public adjusting firm that employs a
489 licensed ~~all-lines~~ public adjuster.

490 Section 14. Section 626.8695, Florida Statutes, is amended
491 to read:

492 626.8695 Primary adjuster.—

493 (1) Each business location established by an adjuster,
494 ~~person operating an adjusting firm, a corporation, or an~~
495 association ~~and each location of a multiple location adjusting~~
496 ~~firm~~ must designate with the department a primary adjuster who
497 is licensed and appointed to adjust the insurance claims
498 adjusted by the business location.

499 (2) An adjusting firm and each of its branch firms shall
500 designate a primary adjuster ~~for each such firm or location and~~

501 ~~must~~ file with the department, at the department's designated
502 website, the name and license number of such primary adjuster
503 and the physical address of the adjusting firm or branch firm
504 location where he or she is the primary adjuster, ~~on a form~~
505 ~~approved by the department.~~ The designation of the primary
506 adjuster may be changed at the option of the adjusting firm. Any
507 such change is effective upon notification to the department.
508 Notice of change must be provided ~~sent~~ to the department within
509 30 days after such change.

510 ~~(3)(2)(a)~~ For purposes of this section, a "primary
511 adjuster" is the licensed adjuster who is responsible for the
512 ~~hiring and~~ supervision of all individuals within an adjusting
513 firm location who act ~~deal with the public and who acts~~ in the
514 capacity of a ~~public adjuster as defined in s. 626.854,~~ or an
515 ~~independent~~ adjuster as defined in this chapter ~~s. 626.855.~~ An
516 adjuster may be designated as a primary adjuster for more than
517 ~~only~~ one adjusting firm location provided no person engages in
518 activity requiring licensure as an adjuster at any location when
519 an adjuster is not physically present.

520 ~~(4)(b)~~ For purposes of this section, an "adjusting firm"
521 is a location where an independent or public adjuster is engaged
522 in the business of insurance.

523 ~~(5)(3)~~ The department may suspend or revoke the license of
524 the primary adjuster if the adjusting firm employs or contracts
525 any person who has had a license denied or any person whose

526 license is currently suspended or revoked. However, if a person
527 has been denied a license for failure to pass a required
528 examination, he or she may be employed or contracted to perform
529 clerical or administrative functions for which licensure is not
530 required.

531 (6)~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting
532 firm, ~~or the primary adjuster in an incorporated adjusting firm~~
533 ~~in which no officer, director, or stockholder is an adjuster,~~ is
534 ~~responsible and~~ accountable for misconduct or violations of this
535 code committed by the primary adjuster or by any other person
536 ~~the acts of salaried employees~~ under his or her direct
537 supervision ~~and control~~ while acting on behalf of the adjusting
538 firm. This section does not render a primary adjuster ~~Nothing in~~
539 ~~this section renders any person~~ criminally liable for an ~~or~~
540 ~~subject to any disciplinary proceedings for any act unless the~~
541 primary adjuster ~~person~~ personally committed the act or knew or
542 should have known of the act and of the facts constituting a
543 violation of this code.

544 (7)~~(5)~~ The department may suspend or revoke the license of
545 any adjuster who is employed or contracted by a person whose
546 license is currently suspended or revoked.

547 (8)~~(6)~~ An adjusting firm location may not conduct the
548 business of insurance unless a primary adjuster is designated
549 and provides services to the firm at all times. If the ~~Failure~~
550 ~~of the person operating the adjusting firm to designate a~~

551 primary adjuster designated with the department ends his or her
552 affiliation with the firm for any reason and if the firm fails
553 to designate another primary adjuster, as required in subsection
554 (2), within 90 days, the firm license automatically expires on
555 the 91st day after the date the designated primary adjuster
556 ended his or her affiliation with ~~for the firm, or for each~~
557 ~~location, as applicable, on a form prescribed by the department~~
558 ~~within 30 days after inception of the firm or change of primary~~
559 ~~adjuster designation, constitutes grounds for requiring the~~
560 ~~adjusting firm to obtain an adjusting firm license pursuant to~~
561 ~~s. 626.8696.~~

562 (9) ~~(7)~~ Any adjusting firm may determine a request, ~~on a~~
563 ~~form prescribed by the department, verification from the~~
564 ~~department of any person's current licensure status by~~
565 submitting an appointment request. ~~If a request is mailed to the~~
566 ~~office~~ within 5 working days after the date an adjuster is
567 hired. ~~If,~~ and the department subsequently notifies the
568 adjusting firm that its appointee's ~~an employee's~~ license is
569 currently suspended, revoked, or has been denied, the license of
570 the primary adjuster may ~~shall~~ not be revoked or suspended if
571 the unlicensed person is immediately dismissed from employment
572 as an adjuster with the firm.

573 Section 15. Section 626.8696, Florida Statutes, is amended
574 to read:

575 626.8696 Application for adjusting firm license.—

576 (1) The department may issue an adjusting firm license to
 577 a person only after the person files a written application with
 578 the department and qualifies for such license.

579 (2) An application for an adjusting firm license must be
 580 signed by an individual required to be listed in the application
 581 under paragraph (a). An adjusting firm may authorize a third
 582 party to complete, submit, and sign an application on the firm's
 583 behalf. However, the firm must ensure that the information on
 584 the application is true and correct, and the firm is accountable
 585 for any misstatement or misrepresentation. The application for
 586 an adjusting firm license must include:

587 (a) The name of each majority owner, partner, officer, ~~and~~
 588 director, president, senior vice president, secretary,
 589 treasurer, and limited liability company member who directs or
 590 participates in the management or control of the adjusting firm.

591 (b) The resident address of each person required to be
 592 listed in the application under paragraph (a).

593 (c) The name, ~~of the adjusting firm and its~~ principal
 594 business street address, and valid e-mail address of the
 595 adjusting firm, and the name, street address, and valid e-mail
 596 address of the firm's registered agent, person, or company
 597 authorized to accept service on behalf of the firm.

598 (d) The physical address location of each branch adjusting
 599 firm, including its name, valid e-mail address, and telephone
 600 number, and the date that the branch firm began transacting

601 insurance business office and the name under which each office
602 conducts or will conduct business.

603 (e) The name of the primary adjuster in full-time charge
604 of the adjusting firm office, including branch firms, and his or
605 her corresponding location.

606 (f) The fingerprints of each of the following:

607 1. A sole proprietor, if the applicant is a sole
608 proprietor;

609 2. Each individual required to be listed in the
610 application under paragraph (a); and

611 3. Each individual who directs or participates in the
612 management or control of an incorporated firm whose shares are
613 not traded on a securities exchange.

614
615 Fingerprints must be taken by a law enforcement agency or other
616 entity approved by the department, must be accompanied by the
617 fingerprint processing fee specified in s. 624.501, and must be
618 processed in accordance with s. 624.34. However, fingerprints
619 need not be filed for an individual who is currently licensed
620 and appointed under this chapter. This paragraph does not apply
621 to corporations whose voting shares are traded on a securities
622 exchange.

623 (g) ~~(e)~~ Such ~~Any~~ additional information that the department
624 requires by rule to ascertain the trustworthiness and competence
625 of persons required to be listed on the application and to

626 ascertain that such persons meet the requirements of this code.
 627 However, the department may not require that credit or character
 628 reports be submitted for such persons.

629 ~~(2) An application for an adjusting firm license must be~~
 630 ~~signed by each owner of the firm. If the firm is incorporated,~~
 631 ~~the application must be signed by the president and secretary of~~
 632 ~~the corporation.~~

633 ~~(3) Each application must be accompanied by payment of any~~
 634 ~~applicable fee as prescribed in s. 624.501.~~

635 ~~(4) License fees are not refundable.~~

636 (3)(5) The license of an adjusting firm continues in force
 637 until it is canceled, required to be licensed pursuant to s.
 638 ~~626.8695 must remain so licensed for a period of 3 years from~~
 639 ~~the date of licensure, unless the license is suspended, or~~
 640 ~~revoked or until it is otherwise terminated or expires by~~
 641 ~~operation of law. The department may suspend or revoke the~~
 642 ~~adjusting firm's authority to do business for activities~~
 643 ~~occurring during the time the firm is licensed, regardless of~~
 644 ~~whether the licensing period has terminated.~~

645 Section 16. Section 626.872, Florida Statutes, is
 646 repealed.

647 Section 17. Subsection (1) of section 626.874, Florida
 648 Statutes, is amended to read:

649 626.874 Catastrophe or emergency adjusters.—

650 (1) In the event of a catastrophe or emergency, the

651 department may issue a license, for the purposes and under the
 652 conditions and for the period of emergency as it shall
 653 determine, to persons who are residents or nonresidents of this
 654 state, who are at least 18 years of age, who are United States
 655 citizens or legal aliens who possess work authorization from the
 656 United States Bureau of Citizenship and Immigration Services,
 657 and who are not licensed adjusters under this part but who have
 658 been designated and certified to it as qualified to act as
 659 adjusters ~~by all-lines resident adjusters,~~ by an authorized
 660 insurer, ~~or by a licensed general lines agent~~ to adjust claims,
 661 losses, or damages under policies or contracts of insurance
 662 issued by such insurers, or by the primary adjuster of an
 663 independent adjusting firm contracted with an authorized insurer
 664 to adjust claims on behalf of the insurer. The fee for the
 665 license is as provided in s. 624.501(12)(c).

666 Section 18. Subsection (2) of section 626.875, Florida
 667 Statutes, is amended to read:

668 626.875 Office and records.—

669 (2) The records of the adjuster relating to a particular
 670 claim or loss shall be so retained in the adjuster's place of
 671 business for a period of not less than 5 ~~3~~ years after
 672 completion of the adjustment. This provision shall not be deemed
 673 to prohibit return or delivery to the insurer or insured of
 674 documents furnished to or prepared by the adjuster and required
 675 by the insurer or insured to be returned or delivered thereto.

676 Section 19. Section 626.876, Florida Statutes, is amended
677 to read:

678 626.876 Exclusive employment; public adjusters, all-lines
679 ~~independent~~ adjusters.—

680 (1) An individual licensed ~~and appointed~~ as a public
681 adjuster may not be simultaneously licensed as an all-lines
682 adjuster ~~employed during the same period by more than one public~~
683 ~~adjuster or public adjuster firm or corporation.~~

684 (2) An individual licensed as an all-lines adjuster and
685 appointed as an independent adjuster, a company employee
686 adjuster, or a public adjuster apprentice may not be
687 simultaneously appointed, contracted, or employed as an adjuster
688 that requires a different appointment type ~~during the same~~
689 ~~period by more than one independent adjuster or independent~~
690 ~~adjuster firm or corporation.~~

691 Section 20. Section 626.879, Florida Statutes, is
692 repealed.

693 Section 21. Subsection (5) of section 626.9953, Florida
694 Statutes, is amended to read:

695 626.9953 Qualifications for registration; application
696 required.—

697 (5) An applicant must submit a set of his or her
698 fingerprints to the department and pay the processing fee
699 established under s. 624.501(23) ~~s. 624.501(24)~~. The department
700 shall submit the applicant's fingerprints to the Department of

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701 Law Enforcement for processing state criminal history records
702 checks and local criminal records checks through local law
703 enforcement agencies and for forwarding to the Federal Bureau of
704 Investigation for national criminal history records checks. The
705 fingerprints shall be taken by a law enforcement agency, a
706 designated examination center, or another department-approved
707 entity. The department may not approve an application for
708 registration as a navigator if fingerprints have not been
709 submitted.

710 Section 22. This act shall take effect January 1, 2018.