

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....~~
88 ~~\$60.00~~

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

91 626.015 Definitions.—As used in this part:

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

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

97 626.022 Scope of part.—

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

101 insurers, mutual insurers, reciprocal insurers, and all other
 102 types of insurers, except that:

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

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

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

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

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

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

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

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

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

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

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

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

166 2. It has designated with the department a licensed
167 primary adjuster in charge of the branch firm as required by s.
168 626.8695; and

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

173 (e) ~~(e)~~ If an agency or firm is required to be licensed but
174 fails to file an application for licensure in accordance with
175 this section, the department must ~~shall~~ impose on the agency or

176 firm an administrative penalty of up to \$2,500 for a first
177 violation and up to \$10,000 for any subsequent violation.

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

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

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

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

201 value, directly or indirectly solicits, investigates, or adjusts
202 such claims on behalf of a public adjuster, an insured, or a
203 third-party claimant, unless such person is performing duties
204 under another professional license. The term does not include a
205 person who photographs or inventories damaged personal property
206 or business personal property if such person does not otherwise
207 adjust, investigate, or negotiate for or attempt to effect the
208 settlement of a claim.

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

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

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

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

251 1. Ten percent of the amount of insurance claim payments
252 made by the insurer for claims based on events that are the
253 subject of a declaration of a state of emergency by the
254 Governor. This provision applies to claims made during the year
255 after the declaration of emergency. After that year, the
256 limitations in subparagraph 2. apply.

257 2. Twenty percent of the amount of insurance claim
258 payments made by the insurer for claims that are not based on
259 events that are the subject of a declaration of a state of
260 emergency by the Governor.

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

264 (d)~~(e)~~ Any maneuver, shift, or device through which the
265 limits on compensation set forth in this subsection are exceeded
266 is a violation of this chapter punishable as provided under s.
267 626.8698.

268 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,
269 or a person acting on behalf of an adjuster or apprentice may
270 not enter into a contract or accept a power of attorney that
271 vests in the public adjuster, the public adjuster apprentice, or
272 the person acting on behalf of the adjuster or apprentice the
273 effective authority to choose the persons or entities that will
274 perform repair work in a property insurance claim or provide
275 goods or services that will require the insured or third-party

276 claimant to expend funds in excess of those payable to the
277 public adjuster under the terms of the contract for adjusting
278 services.

279 (18)-(19) Subsections (5)-(17) ~~(5)-(18)~~ apply only to
280 residential property insurance policies and condominium unit
281 owner policies as described in s. 718.111(11).

282 (19) Except as otherwise provided in this chapter, no
283 person, except an attorney at law or a public adjuster, may for
284 money, commission, or any other thing of value, directly or
285 indirectly:

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

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

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

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

294 Section 6. Section 626.8541, Florida Statutes, is
295 repealed.

296 Section 7. Section 626.8548, Florida Statutes, is amended
297 to read:

298 626.8548 "All-lines adjuster" defined.—An "all-lines
299 adjuster" is a person who, for money, commission, or any other
300 thing of value, directly or indirectly is self-employed or

301 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~
 302 ~~or an independent adjusting firm or other independent adjuster,~~
 303 ~~and who~~ undertakes on behalf of a public adjuster or an insurer
 304 ~~or other insurers under common control or ownership~~ to ascertain
 305 and determine the amount of any claim, loss, or damage payable
 306 under an insurance contract or undertakes to effect settlement
 307 of such claim, loss, or damage. The term also includes any
 308 person who, for money, commission, or any other thing of value,
 309 directly or indirectly solicits claims on behalf of a public
 310 adjuster, but does not include a paid spokesperson used as part
 311 of a written or an electronic advertisement or a person who
 312 photographs or inventories damaged personal property or business
 313 personal property if such person does not otherwise adjust,
 314 investigate, or negotiate for or attempt to effect the
 315 settlement of a claim. The term does not apply to life insurance
 316 or annuity contracts.

317 Section 8. Section 626.8561, Florida Statutes, is created
 318 to read:

319 626.8561 "Public adjuster apprentice" defined.—The term
 320 "public adjuster apprentice" means a person licensed as an all-
 321 lines adjuster who:

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

324 (2) Assists the public adjuster or public adjusting firm
 325 in ascertaining and determining the amount of any claim, loss,

326 or damage payable under an insurance contract, or who undertakes
 327 to effect settlement of such claim, loss, or damage; and

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

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

331 626.8584 "Nonresident all-lines adjuster" defined.—A
 332 "nonresident all-lines adjuster" means a person who:

333 (3) Is licensed as an all-lines adjuster and self-
 334 appointed or appointed and employed or contracted by an
 335 independent adjusting firm or other independent adjuster, by an
 336 insurer admitted to do business in this state or a wholly owned
 337 subsidiary of an insurer admitted to do business in this state,
 338 or by a public adjuster or a public adjusting firm ~~other~~
 339 ~~insurers under the common control or ownership of such insurer.~~

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

342 626.861 Insurer's officers, insurer's employees,
 343 reciprocal insurer's representatives; adjustments by.—

344 (1) ~~Nothing in~~ This part may not shall be construed to
 345 prevent an executive officer of any insurer, an ~~or a~~ regularly
 346 ~~salari~~ed employee of an insurer handling claims with respect to
 347 health insurance, an employee of an insurer handling claims with
 348 respect to residential property insurance in which the amount of
 349 coverage for the applicable type of loss is contractually
 350 limited to \$500 or less, or the duly designated attorney or

351 agent authorized and acting for subscribers to reciprocal
 352 insurers~~7~~ from adjusting any claim loss or damage under any
 353 insurance contract of such insurer.

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

356 626.864 Adjuster license types.-

357 (3) An all-lines adjuster may be appointed as an
 358 independent adjuster, public adjuster apprentice, or company
 359 employee adjuster, but not more than one of these ~~both~~
 360 concurrently.

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

363 626.865 Public adjuster's qualifications, bond.-

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

368 (d) Has had sufficient experience, training, or
 369 instruction concerning the adjusting of damages or losses under
 370 insurance contracts, other than life and annuity contracts, is
 371 sufficiently informed as to the terms and effects of the
 372 provisions of those types of insurance contracts, and possesses
 373 adequate knowledge of the laws of this state relating to such
 374 contracts as to enable and qualify him or her to engage in the
 375 business of insurance adjuster fairly and without injury to the

376 public or any member thereof with whom the applicant may have
 377 business as a public adjuster, ~~or has been licensed and employed~~
 378 ~~as a resident insurance company adjuster or independent adjuster~~
 379 ~~in this state on a continual basis for the past year.~~

380 (e) Has been licensed in this state as an all-lines
 381 adjuster, and has been appointed on a continual basis for the
 382 previous 6 months ~~Is licensed~~ as a public adjuster apprentice
 383 under s. 626.8561, as an independent adjuster under s. 626.855,
 384 or as a company employee adjuster under s. 626.856 ~~under s.~~
 385 ~~626.8651 and complies with the requirements of that license~~
 386 ~~throughout the licensure period.~~

387 Section 13. Section 626.8651, Florida Statutes, is amended
 388 to read:

389 626.8651 Public adjuster apprentice appointment license;
 390 qualifications.—

391 (1) (a) The department shall issue an appointment ~~a license~~
 392 as a public adjuster apprentice to a licensee ~~an applicant~~ who
 393 ~~is~~:

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

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

400 3. Maintains such bond unimpaired throughout the existence

401 of the appointment and for at least 1 year after termination of
402 the appointment.

403 (b) The bond must be in favor of the department and must
404 specifically authorize recovery by the department of the damages
405 sustained in case the licensee commits fraud or unfair practices
406 in connection with his or her business as a public adjuster
407 apprentice. The aggregate liability of the surety for all such
408 damages may not exceed the amount of the bond, and the bond may
409 not be terminated by the issuing insurer unless written notice
410 of at least 30 days is given to the licensee and filed with the
411 department.

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

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

416 ~~(c) Trustworthy and has such business reputation as would~~
417 ~~reasonably ensure that the applicant will conduct business as a~~
418 ~~public adjuster apprentice fairly and in good faith and without~~
419 ~~detriment to the public.~~

420 ~~(2) All applicable license fees, as prescribed in s.~~
421 ~~624.501, must be paid in full before issuance of the license.~~

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

424 ~~(4) An applicant must have received designation as an~~
425 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~

426 ~~or as a Certified Claims Adjuster (CCA) after completion of~~
427 ~~training that qualifies the applicant to engage in the business~~
428 ~~of a public adjuster apprentice fairly and without injury to the~~
429 ~~public. Such training and instruction must address adjusting~~
430 ~~damages and losses under insurance contracts, the terms and~~
431 ~~effects of insurance contracts, and knowledge of the laws of~~
432 ~~this state relating to insurance contracts.~~

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

451 ~~(6) A public adjuster apprentice shall complete at a~~
452 ~~minimum 100 hours of employment per month for 12 months of~~
453 ~~employment under the supervision of a licensed and appointed~~
454 ~~all-lines public adjuster in order to qualify for licensure as a~~
455 ~~public adjuster. The department may adopt rules that establish~~
456 ~~standards for such employment requirements.~~

457 ~~(2)(7)~~ An appointing public adjusting firm may not
458 maintain more than four ~~12~~ public adjuster apprentices
459 simultaneously. However, a supervising public adjuster may not
460 be responsible for more than one ~~three~~ public adjuster
461 apprentice ~~apprentices~~ simultaneously and shall be accountable
462 for the acts of the ~~all~~ public adjuster apprentice ~~apprentices~~
463 which are related to transacting business as a public adjuster
464 apprentice. This subsection does not apply to a public adjusting
465 firm that adjusts claims primarily for commercial entities with
466 operations in more than one state and that does not directly or
467 indirectly perform adjusting services for insurers or individual
468 homeowners.

469 ~~(8) An apprentice license is effective for 18 months~~
470 ~~unless the license expires due to lack of maintaining an~~
471 ~~appointment; is surrendered by the licensee; is terminated,~~
472 ~~suspended, or revoked by the department; or is canceled by the~~
473 ~~department upon issuance of a public adjuster license. The~~
474 ~~department may not issue a public adjuster apprentice license to~~
475 ~~any individual who has held such a license in this state within~~

476 ~~2 years after expiration, surrender, termination, revocation, or~~
477 ~~cancellation of the license.~~

478 ~~(9) After completing the requirements for employment as a~~
479 ~~public adjuster apprentice, the licensee may file an application~~
480 ~~for a public adjuster license. The applicant and supervising~~
481 ~~public adjuster or public adjusting firm must each file a sworn~~
482 ~~affidavit, on a form prescribed by the department, verifying~~
483 ~~that the employment of the public adjuster apprentice meets the~~
484 ~~requirements of this section.~~

485 ~~(10) In no event shall A public adjuster apprentice~~
486 ~~licensed under this section perform any of the functions for~~
487 ~~which a public adjuster's license is required after expiration~~
488 ~~of the public adjuster apprentice license without having~~
489 ~~obtained a public adjuster license.~~

490 (3)~~(11)~~ A public adjuster apprentice has the same
491 authority as the licensed public adjuster or public adjusting
492 firm that employs the apprentice except that an apprentice may
493 not execute contracts for the services of a public adjuster or
494 public adjusting firm ~~and may not solicit contracts for the~~
495 ~~services except under the direct supervision and guidance of the~~
496 ~~supervisory public adjuster.~~ An individual may not be, act as,
497 or hold himself or herself out to be a public adjuster
498 apprentice unless the individual is licensed as an all-lines
499 adjuster and holds a current appointment by a licensed public
500 all-lines adjuster or a public adjusting firm that employs a

501 licensed ~~all-lines~~ public adjuster.

502 Section 14. Section 626.8695, Florida Statutes, is amended
503 to read:

504 626.8695 Primary adjuster.—

505 (1) Each business location established by an adjuster,
506 ~~person operating~~ an adjusting firm, a corporation, or an
507 association and ~~each location of a multiple location adjusting~~
508 ~~firm~~ must designate with the department a primary adjuster who
509 is licensed and appointed to adjust the insurance claims
510 adjusted by the business location.

511 (2) An adjusting firm and each of its branch firms shall
512 designate a primary adjuster ~~for each such firm or location~~ and
513 ~~must~~ file with the department, at the department's designated
514 website, the name and license number of such primary adjuster
515 and the physical address of the adjusting firm or branch firm
516 location where he or she is the primary adjuster, ~~on a form~~
517 ~~approved by the department.~~ The designation of the primary
518 adjuster may be changed at the option of the adjusting firm. Any
519 such change is effective upon notification to the department.
520 Notice of change must be provided ~~sent~~ to the department within
521 30 days after such change.

522 ~~(3)(2)(a)~~ For purposes of this section, a "primary
523 adjuster" is the licensed adjuster who is responsible for the
524 ~~hiring and~~ supervision of all individuals within an adjusting
525 firm location who act ~~deal with the public and who acts in the~~

526 capacity of a ~~public adjuster as defined in s. 626.854,~~ or an
527 ~~independent~~ adjuster as defined in this chapter s. 626.855. An
528 adjuster may be designated as a primary adjuster for more than
529 ~~only~~ one adjusting firm location provided no person engages in
530 activity requiring licensure as an adjuster at any location when
531 an adjuster is not physically present.

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

535 (5) ~~(3)~~ The department may suspend or revoke the license of
536 the primary adjuster if the adjusting firm employs or contracts
537 any person who has had a license denied or any person whose
538 license is currently suspended or revoked. However, if a person
539 has been denied a license for failure to pass a required
540 examination, he or she may be employed or contracted to perform
541 clerical or administrative functions for which licensure is not
542 required.

543 (6) ~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting
544 firm, ~~or the primary adjuster in an incorporated adjusting firm~~
545 ~~in which no officer, director, or stockholder is an adjuster,~~ is
546 ~~responsible and~~ accountable for misconduct or violations of this
547 code committed by the primary adjuster or by any other person
548 ~~the acts of salaried employees~~ under his or her direct
549 supervision ~~and control~~ while acting on behalf of the adjusting
550 firm. This section does not render a primary adjuster ~~Nothing in~~

551 ~~this section renders any person~~ criminally liable for an ~~or~~
552 ~~subject to any disciplinary proceedings for any act unless the~~
553 primary adjuster ~~person~~ personally committed the act or knew or
554 should have known of the act and of the facts constituting a
555 violation of this code.

556 (7) ~~(5)~~ The department may suspend or revoke the license of
557 any adjuster who is employed or contracted by a person whose
558 license is currently suspended or revoked.

559 (8) ~~(6)~~ An adjusting firm location may not conduct the
560 business of insurance unless a primary adjuster is designated
561 and provides services to the firm at all times. If the Failure
562 of the person operating the adjusting firm to designate a
563 primary adjuster designated with the department ends his or her
564 affiliation with the firm for any reason and if the firm fails
565 to designate another primary adjuster, as required in subsection
566 (2), within 90 days, the firm license automatically expires on
567 the 91st day after the date the designated primary adjuster
568 ended his or her affiliation with for the firm, or for each
569 location, as applicable, on a form prescribed by the department
570 within 30 days after inception of the firm or change of primary
571 adjuster designation, constitutes grounds for requiring the
572 adjusting firm to obtain an adjusting firm license pursuant to
573 s. 626.8696.

574 (9) ~~(7)~~ Any adjusting firm may determine a request, on a
575 form prescribed by the department, verification from the

576 ~~department of any~~ person's current licensure status by
577 submitting an appointment request. ~~If a request is mailed to the~~
578 ~~office~~ within 5 working days after the date an adjuster is
579 hired. ~~If, and~~ the department subsequently notifies the
580 adjusting firm that its appointee's ~~an employee's~~ license is
581 currently suspended, revoked, or has been denied, the license of
582 the primary adjuster may ~~shall~~ not be revoked or suspended if
583 the unlicensed person is immediately dismissed from employment
584 as an adjuster with the firm.

585 Section 15. Section 626.8696, Florida Statutes, is amended
586 to read:

587 626.8696 Application for adjusting firm license.—

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

591 (2) An application for an adjusting firm license must be
592 signed by an individual required to be listed in the application
593 under paragraph (a). An adjusting firm may authorize a third
594 party to complete, submit, and sign an application on the firm's
595 behalf. However, the firm must ensure that the information on
596 the application is true and correct, and the firm is accountable
597 for any misstatement or misrepresentation. The application for
598 an adjusting firm license must include:

599 (a) The name of each majority owner, partner, officer, ~~and~~
600 director, president, senior vice president, secretary,

601 treasurer, and limited liability company member who directs or
602 participates in the management or control of the adjusting firm.

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

605 (c) The name, ~~of the adjusting firm and its principal~~
606 business street address, and valid e-mail address of the
607 adjusting firm, and the name, street address, and valid e-mail
608 address of the firm's registered agent, person, or company
609 authorized to accept service on behalf of the firm.

610 (d) The physical address ~~location~~ of each branch ~~adjusting~~
611 firm, including its name, valid e-mail address, and telephone
612 number, and the date that the branch firm began transacting
613 insurance business ~~office and the name under which each office~~
614 ~~conducts or will conduct business.~~

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

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

619 1. A sole proprietor, if the applicant is a sole
620 proprietor;

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

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

626
627 Fingerprints must be taken by a law enforcement agency or other
628 entity approved by the department, must be accompanied by the
629 fingerprint processing fee specified in s. 624.501, and must be
630 processed in accordance with s. 624.34. However, fingerprints
631 need not be filed for an individual who is currently licensed
632 and appointed under this chapter. This paragraph does not apply
633 to corporations whose voting shares are traded on a securities
634 exchange.

635 (g)(e) Such Any additional information that the department
636 requires by rule to ascertain the trustworthiness and competence
637 of persons required to be listed on the application and to
638 ascertain that such persons meet the requirements of this code.
639 However, the department may not require that credit or character
640 reports be submitted for such persons.

641 ~~(2) An application for an adjusting firm license must be~~
642 ~~signed by each owner of the firm. If the firm is incorporated,~~
643 ~~the application must be signed by the president and secretary of~~
644 ~~the corporation.~~

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

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

648 (3)(5) The license of an adjusting firm continues in force
649 until it is canceled, required to be licensed pursuant to s.
650 626.8695 must remain so licensed for a period of 3 years from

651 ~~the date of licensure, unless the license is~~ suspended, or
652 revoked or until it is otherwise terminated or expires by
653 operation of law. The department may suspend or revoke the
654 adjusting firm's authority to do business for activities
655 occurring during the time the firm is licensed, regardless of
656 whether the licensing period has terminated.

657 Section 16. Section 626.872, Florida Statutes, is
658 repealed.

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

661 626.874 Catastrophe or emergency adjusters.—

662 (1) In the event of a catastrophe or emergency, the
663 department may issue a license, for the purposes and under the
664 conditions and for the period of emergency as it shall
665 determine, to persons who are residents or nonresidents of this
666 state, who are at least 18 years of age, who are United States
667 citizens or legal aliens who possess work authorization from the
668 United States Bureau of Citizenship and Immigration Services,
669 and who are not licensed adjusters under this part but who have
670 been designated and certified to it as qualified to act as
671 adjusters ~~by all lines resident adjusters,~~ by an authorized
672 insurer, ~~or by a licensed general lines agent~~ to adjust claims,
673 losses, or damages under policies or contracts of insurance
674 issued by such insurers, or by the primary adjuster of an
675 independent adjusting firm contracted with an authorized insurer

676 | to adjust claims on behalf of the insurer. The fee for the
 677 | license is as provided in s. 624.501(12)(c).

678 | Section 18. Subsection (2) of section 626.875, Florida
 679 | Statutes, is amended to read:

680 | 626.875 Office and records.—

681 | (2) The records of the adjuster relating to a particular
 682 | claim or loss shall be so retained in the adjuster's place of
 683 | business for a period of not less than 5 ~~3~~ years after
 684 | completion of the adjustment. This provision shall not be deemed
 685 | to prohibit return or delivery to the insurer or insured of
 686 | documents furnished to or prepared by the adjuster and required
 687 | by the insurer or insured to be returned or delivered thereto.

688 | Section 19. Section 626.876, Florida Statutes, is amended
 689 | to read:

690 | 626.876 Exclusive employment; public adjusters, all-lines
 691 | ~~independent~~ adjusters.—

692 | (1) An individual licensed ~~and appointed~~ as a public
 693 | adjuster may not be simultaneously licensed as an all-lines
 694 | adjuster ~~employed during the same period by more than one public~~
 695 | ~~adjuster or public adjuster firm or corporation.~~

696 | (2) An individual licensed as an all-lines adjuster and
 697 | appointed as an independent adjuster, a company employee
 698 | adjuster, or a public adjuster apprentice may not be
 699 | simultaneously appointed, contracted, or employed as an adjuster
 700 | that requires a different appointment type ~~during the same~~

701 ~~period by more than one independent adjuster or independent~~
702 ~~adjuster firm or corporation.~~

703 Section 20. Section 626.879, Florida Statutes, is
704 repealed.

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

707 626.9953 Qualifications for registration; application
708 required.—

709 (5) An applicant must submit a set of his or her
710 fingerprints to the department and pay the processing fee
711 established under s. 624.501(23) ~~s. 624.501(24)~~. The department
712 shall submit the applicant's fingerprints to the Department of
713 Law Enforcement for processing state criminal history records
714 checks and local criminal records checks through local law
715 enforcement agencies and for forwarding to the Federal Bureau of
716 Investigation for national criminal history records checks. The
717 fingerprints shall be taken by a law enforcement agency, a
718 designated examination center, or another department-approved
719 entity. The department may not approve an application for
720 registration as a navigator if fingerprints have not been
721 submitted.

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