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CS/CS/HB 911, Engrossed 1

2017 Legislature

1  
2 An act relating to insurance adjusters; amending s.  
3 626.015, F.S.; conforming a cross-reference; amending  
4 s. 626.854, F.S.; redefining the term "public  
5 adjuster"; deleting a certain prohibited act of a  
6 public adjuster; deleting a provision specifying the  
7 method for an insured or claimant to provide certain  
8 notice to an insurer; providing construction relating  
9 to certain limitations on insurance claim payments and  
10 public adjuster compensation; revising a prohibition  
11 against certain entities relating to a contract or  
12 power of attorney that vests certain authority in a  
13 property insurance claim; conforming a cross-  
14 reference; prohibiting persons from conducting certain  
15 activities relating to insurance claims; providing an  
16 exception for attorneys and public adjusters;  
17 repealing s. 626.8541, F.S., relating to public  
18 adjuster apprentices; amending s. 626.8548, F.S.;  
19 redefining the term "all-lines adjuster"; creating s.  
20 626.8561, F.S.; defining the term "public adjuster  
21 apprentice"; amending s. 626.8584, F.S.; redefining  
22 the term "nonresident all-lines adjuster"; amending s.  
23 626.861, F.S.; revising construction relating to  
24 employees of an insurer; amending s. 626.864, F.S.;  
25 revising the permissible appointments of all-lines

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26 | adjusters; amending s. 626.865, F.S.; revising the  
27 | qualifications for licensure for public adjusters;  
28 | amending s. 626.8651, F.S.; requiring public adjuster  
29 | apprentices to be appointed, rather than licensed, by  
30 | the department; specifying qualifications for such  
31 | appointments; revising requirements and limitations  
32 | for public adjusting firms and public adjusters who  
33 | supervise public adjuster apprentices; revising  
34 | certain prohibited acts and exceptions to such acts of  
35 | public adjuster apprentices; conforming provisions to  
36 | changes made by the act; amending s. 626.8695, F.S.;  
37 | revising requirements for designating primary  
38 | adjusters; redefining the term "primary adjuster";  
39 | revising the accountability of a primary adjuster for  
40 | persons under his or her supervision; revising a  
41 | prohibition against an adjusting firm location  
42 | conducting insurance business under certain  
43 | circumstances; revising procedures for an adjusting  
44 | firm to determine a person's current licensure status;  
45 | repealing s. 626.872, F.S., relating to all-lines  
46 | adjuster temporary licenses; amending s. 626.874,  
47 | F.S.; revising conditions for the department to issue  
48 | adjuster licenses in the event of catastrophes or  
49 | emergencies; amending s. 626.875, F.S.; revising the  
50 | minimum time period in a records retention requirement

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51 for adjusters; amending s. 626.876, F.S.; revising  
 52 certain prohibitions relating to exclusive employment  
 53 of public adjusters, all-lines adjusters, and  
 54 appointed independent adjusters; repealing s. 626.879,  
 55 F.S., relating to pools of insurance adjusters;  
 56 providing an effective date.

57

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

59

60 Section 1. Subsection (1) of section 626.015, Florida  
 61 Statutes, is amended to read:

62 626.015 Definitions.—As used in this part:

63 (1) "Adjuster" means a public adjuster as defined in s.  
 64 ~~626.854, a public adjuster apprentice as defined in s. 626.8541,~~  
 65 or an all-lines adjuster as defined in s. 626.8548.

66 Section 2. Subsections (7) through (19) of section  
 67 626.854, Florida Statutes, are renumbered as subsections (6)  
 68 through (18), respectively, subsection (1) and present  
 69 subsections (6), (7), (11), (18), and (19) are amended, and a  
 70 new subsection (19) is added to that section, to read:

71 626.854 "Public adjuster" defined; prohibitions.—The  
 72 Legislature finds that it is necessary for the protection of the  
 73 public to regulate public insurance adjusters and to prevent the  
 74 unauthorized practice of law.

75 (1) A "public adjuster" is any person, except a duly

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76 licensed attorney at law as exempted under s. 626.860, who, for  
77 money, commission, or any other thing of value, directly or  
78 indirectly prepares, completes, or files an insurance claim ~~form~~  
79 for an insured or third-party claimant or who, for money,  
80 commission, or any other thing of value, acts on behalf of, or  
81 aids an insured or third-party claimant in negotiating for or  
82 effecting the settlement of a claim or claims for loss or damage  
83 covered by an insurance contract or who advertises for  
84 employment as an adjuster of such claims. The term also includes  
85 any person who, for money, commission, or any other thing of  
86 value, directly or indirectly solicits, investigates, or adjusts  
87 such claims on behalf of a public adjuster, an insured, or a  
88 third-party claimant. The term does not include a person who  
89 photographs or inventories damaged personal property or business  
90 personal property or a person performing duties under another  
91 professional license, if such person does not otherwise solicit,  
92 adjust, investigate, or negotiate for or attempt to effect the  
93 settlement of a claim.

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

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101        (6)~~(7)~~ An insured or claimant may cancel a public  
102 adjuster's contract to adjust a claim without penalty or  
103 obligation within 3 business days after the date on which the  
104 contract is executed or within 3 business days after the date on  
105 which the insured or claimant has notified the insurer of the  
106 claim, ~~by phone or in writing~~, whichever is later. The public  
107 adjuster's contract must disclose to the insured or claimant his  
108 or her right to cancel the contract and advise the insured or  
109 claimant that notice of cancellation must be submitted in  
110 writing and sent by certified mail, return receipt requested, or  
111 other form of mailing that provides proof thereof, to the public  
112 adjuster at the address specified in the contract; provided,  
113 during any state of emergency as declared by the Governor and  
114 for 1 year after the date of loss, the insured or claimant has 5  
115 business days after the date on which the contract is executed  
116 to cancel a public adjuster's contract.

117        (10) (a)~~(11) (a)~~ If a public adjuster enters into a contract  
118 with an insured or claimant to reopen a claim or file a  
119 supplemental claim that seeks additional payments for a claim  
120 that has been previously paid in part or in full or settled by  
121 the insurer, the public adjuster may not charge, agree to, or  
122 accept from any source compensation, payment, commission, fee,  
123 or any other thing of value based on a previous settlement or  
124 previous claim payments by the insurer for the same cause of  
125 loss. The charge, compensation, payment, commission, fee, or any

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126 | other thing of value must be based only on the claim payments or  
 127 | settlement obtained through the work of the public adjuster  
 128 | after entering into the contract with the insured or claimant.  
 129 | Compensation for the reopened or supplemental claim may not  
 130 | exceed 20 percent of the reopened or supplemental claim payment.  
 131 | In no event shall the contracts described in this paragraph  
 132 | exceed the limitations in paragraph (b).

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

136 |             1. Ten percent of the amount of insurance claim payments  
 137 | made by the insurer for claims based on events that are the  
 138 | subject of a declaration of a state of emergency by the  
 139 | Governor. This provision applies to claims made during the year  
 140 | after the declaration of emergency. After that year, the  
 141 | limitations in subparagraph 2. apply.

142 |             2. Twenty percent of the amount of insurance claim  
 143 | payments made by the insurer for claims that are not based on  
 144 | events that are the subject of a declaration of a state of  
 145 | emergency by the Governor.

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

149 |         ~~(d)-(e)~~ Any maneuver, shift, or device through which the  
 150 | limits on compensation set forth in this subsection are exceeded

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151 is a violation of this chapter punishable as provided under s.  
152 626.8698.

153 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,  
154 or a person acting on behalf of an adjuster or apprentice may  
155 not enter into a contract or accept a power of attorney that  
156 vests in the public adjuster, the public adjuster apprentice, or  
157 the person acting on behalf of the adjuster or apprentice the  
158 effective authority to choose the persons or entities that will  
159 perform repair work in a property insurance claim or provide  
160 goods or services that will require the insured or third-party  
161 claimant to expend funds in excess of those payable to the  
162 public adjuster under the terms of the contract for adjusting  
163 services.

164 (18)~~(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to  
165 residential property insurance policies and condominium unit  
166 owner policies as described in s. 718.111(11).

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

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

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

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176           (c) Advertise for employment as a public adjuster; or  
 177           (d) Solicit, investigate, or adjust a claim on behalf of a  
 178 public adjuster, an insured, or a third-party claimant.

179           Section 3. Section 626.8541, Florida Statutes, is  
 180 repealed.

181           Section 4. Section 626.8548, Florida Statutes, is amended  
 182 to read:

183           626.8548 "All-lines adjuster" defined.—An "all-lines  
 184 adjuster" is a person who, for money, commission, or any other  
 185 thing of value, directly or indirectly ~~is self-employed or~~  
 186 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~  
 187 ~~or an independent adjusting firm or other independent adjuster,~~  
 188 ~~and who~~ undertakes on behalf of a public adjuster or an insurer  
 189 ~~or other insurers under common control or ownership~~ to ascertain  
 190 and determine the amount of any claim, loss, or damage payable  
 191 under an insurance contract or undertakes to effect settlement  
 192 of such claim, loss, or damage. The term also includes any  
 193 person who, for money, commission, or any other thing of value,  
 194 directly or indirectly solicits claims on behalf of a public  
 195 adjuster, but does not include a paid spokesperson used as part  
 196 of a written or an electronic advertisement or a person who  
 197 photographs or inventories damaged personal property or business  
 198 personal property if such person does not otherwise adjust,  
 199 investigate, or negotiate for or attempt to effect the  
 200 settlement of a claim. The term does not apply to life insurance



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201 or annuity contracts.

202 Section 5. Section 626.8561, Florida Statutes, is created  
203 to read:

204 626.8561 "Public adjuster apprentice" defined.—The term  
205 "public adjuster apprentice" means a person licensed as an all-  
206 lines adjuster who:

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

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

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

214 Section 6. Subsection (3) of section 626.8584, Florida  
215 Statutes, is amended to read:

216 626.8584 "Nonresident all-lines adjuster" defined.—A  
217 "nonresident all-lines adjuster" means a person who:

218 (3) Is licensed as an all-lines adjuster and self-  
219 appointed or appointed and employed or contracted by an  
220 independent adjusting firm or other independent adjuster, by an  
221 insurer admitted to do business in this state or a wholly owned  
222 subsidiary of an insurer admitted to do business in this state,  
223 or by a public adjuster or a public adjusting firm ~~other~~  
224 ~~insurers under the common control or ownership of such insurer.~~

225 Section 7. Subsection (1) of section 626.861, Florida

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226 Statutes, is amended to read:

227 626.861 Insurer's officers, insurer's employees,  
228 reciprocal insurer's representatives; adjustments by.—

229 (1) ~~Nothing in~~ This part may not shall be construed to  
230 prevent an executive officer of any insurer, an ~~or a regularly~~  
231 ~~salaried~~ employee of an insurer handling claims with respect to  
232 health insurance, an employee of an insurer handling claims with  
233 respect to residential property insurance in which the amount of  
234 coverage for the applicable type of loss is contractually  
235 limited to \$500 or less, or the duly designated attorney or  
236 agent authorized and acting for subscribers to reciprocal  
237 insurers, from adjusting any claim loss or damage under any  
238 insurance contract of such insurer.

239 Section 8. Subsection (3) of section 626.864, Florida  
240 Statutes, is amended to read:

241 626.864 Adjuster license types.—

242 (3) An all-lines adjuster may be appointed as an  
243 independent adjuster, public adjuster apprentice, or company  
244 employee adjuster, but not more than one of these ~~both~~  
245 concurrently.

246 Section 9. Paragraphs (d) and (e) of subsection (1) of  
247 section 626.865, Florida Statutes, are amended to read:

248 626.865 Public adjuster's qualifications, bond.—

249 (1) The department shall issue a license to an applicant  
250 for a public adjuster's license upon determining that the

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251 applicant has paid the applicable fees specified in s. 624.501  
 252 and possesses the following qualifications:

253 (d) Has had sufficient experience, training, or  
 254 instruction concerning the adjusting of damages or losses under  
 255 insurance contracts, other than life and annuity contracts, is  
 256 sufficiently informed as to the terms and effects of the  
 257 provisions of those types of insurance contracts, and possesses  
 258 adequate knowledge of the laws of this state relating to such  
 259 contracts as to enable and qualify him or her to engage in the  
 260 business of insurance adjuster fairly and without injury to the  
 261 public or any member thereof with whom the applicant may have  
 262 business as a public adjuster, ~~or has been licensed and employed~~  
 263 ~~as a resident insurance company adjuster or independent adjuster~~  
 264 ~~in this state on a continual basis for the past year.~~

265 (e) Has been licensed in this state as an all-lines  
 266 adjuster, and has been appointed on a continual basis for the  
 267 previous 6 months ~~Is licensed~~ as a public adjuster apprentice  
 268 under s. 626.8561, as an independent adjuster under s. 626.855,  
 269 or as a company employee adjuster under s. 626.856 ~~under s.~~  
 270 ~~626.8651 and complies with the requirements of that license~~  
 271 ~~throughout the licensure period.~~

272 Section 10. Section 626.8651, Florida Statutes, is amended  
 273 to read:

274 626.8651 Public adjuster apprentice appointment ~~license~~;  
 275 qualifications.—

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276 (1) (a) The department shall issue an appointment ~~a license~~  
 277 as a public adjuster apprentice to a licensee ~~an applicant~~ who  
 278 ~~is~~:

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

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

285 3. Maintains such bond unimpaired throughout the existence  
 286 of the appointment and for at least 1 year after termination of  
 287 the appointment.

288 (b) The bond must be in favor of the department and must  
 289 specifically authorize recovery by the department of the damages  
 290 sustained in case the licensee commits fraud or unfair practices  
 291 in connection with his or her business as a public adjuster  
 292 apprentice. The aggregate liability of the surety for all such  
 293 damages may not exceed the amount of the bond, and the bond may  
 294 not be terminated by the issuing insurer unless written notice  
 295 of at least 30 days is given to the licensee and filed with the  
 296 department.

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

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

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301 ~~(c) Trustworthy and has such business reputation as would~~  
 302 ~~reasonably ensure that the applicant will conduct business as a~~  
 303 ~~public adjuster apprentice fairly and in good faith and without~~  
 304 ~~detriment to the public.~~

305 ~~(2) All applicable license fees, as prescribed in s.~~  
 306 ~~624.501, must be paid in full before issuance of the license.~~

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

309 ~~(4) An applicant must have received designation as an~~  
 310 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~  
 311 ~~or as a Certified Claims Adjuster (CCA) after completion of~~  
 312 ~~training that qualifies the applicant to engage in the business~~  
 313 ~~of a public adjuster apprentice fairly and without injury to the~~  
 314 ~~public. Such training and instruction must address adjusting~~  
 315 ~~damages and losses under insurance contracts, the terms and~~  
 316 ~~effects of insurance contracts, and knowledge of the laws of~~  
 317 ~~this state relating to insurance contracts.~~

318 ~~(5) At the time of application for license as a public~~  
 319 ~~adjuster apprentice, the applicant shall file with the~~  
 320 ~~department a bond executed and issued by a surety insurer~~  
 321 ~~authorized to transact such business in this state in the amount~~  
 322 ~~of \$50,000, conditioned upon the faithful performance of his or~~  
 323 ~~her duties as a public adjuster apprentice under the license for~~  
 324 ~~which the applicant has applied, and thereafter maintain the~~  
 325 ~~bond unimpaired throughout the existence of the license and for~~

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326 | ~~at least 1 year after termination of the license. The bond shall~~  
327 | ~~be in favor of the department and shall specifically authorize~~  
328 | ~~recovery by the department of the damages sustained in case the~~  
329 | ~~licensee commits fraud or unfair practices in connection with~~  
330 | ~~his or her business as a public adjuster apprentice. The~~  
331 | ~~aggregate liability of the surety for all such damages may not~~  
332 | ~~exceed the amount of the bond, and the bond may not be~~  
333 | ~~terminated by the issuing insurer unless written notice of at~~  
334 | ~~least 30 days is given to the licensee and filed with the~~  
335 | ~~department.~~

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

342 |       (2)~~(7)~~ An appointing public adjusting firm may not  
343 | maintain more than four ~~12~~ public adjuster apprentices  
344 | simultaneously. However, a supervising public adjuster may not  
345 | be responsible for more than one ~~three~~ public adjuster  
346 | apprentice apprentices simultaneously and shall be accountable  
347 | for the acts of the ~~all~~ public adjuster apprentice apprentices  
348 | which are related to transacting business as a public adjuster  
349 | apprentice. This subsection does not apply to a public adjusting  
350 | firm that adjusts claims primarily for commercial entities with

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351 operations in more than one state and that does not directly or  
 352 indirectly perform adjusting services for insurers or individual  
 353 homeowners.

354 ~~(8) An apprentice license is effective for 18 months~~  
 355 ~~unless the license expires due to lack of maintaining an~~  
 356 ~~appointment; is surrendered by the licensee; is terminated,~~  
 357 ~~suspended, or revoked by the department; or is canceled by the~~  
 358 ~~department upon issuance of a public adjuster license. The~~  
 359 ~~department may not issue a public adjuster apprentice license to~~  
 360 ~~any individual who has held such a license in this state within~~  
 361 ~~2 years after expiration, surrender, termination, revocation, or~~  
 362 ~~cancellation of the license.~~

363 ~~(9) After completing the requirements for employment as a~~  
 364 ~~public adjuster apprentice, the licensee may file an application~~  
 365 ~~for a public adjuster license. The applicant and supervising~~  
 366 ~~public adjuster or public adjusting firm must each file a sworn~~  
 367 ~~affidavit, on a form prescribed by the department, verifying~~  
 368 ~~that the employment of the public adjuster apprentice meets the~~  
 369 ~~requirements of this section.~~

370 ~~(10) In no event shall A public adjuster apprentice~~  
 371 ~~licensed under this section perform any of the functions for~~  
 372 ~~which a public adjuster's license is required after expiration~~  
 373 ~~of the public adjuster apprentice license without having~~  
 374 ~~obtained a public adjuster license.~~

375 (3)~~(11)~~ A public adjuster apprentice has the same

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376 authority as the licensed public adjuster or public adjusting  
 377 firm that employs the apprentice except that an apprentice may  
 378 not execute contracts for the services of a public adjuster or  
 379 public adjusting firm ~~and may not solicit contracts for the~~  
 380 ~~services except under the direct supervision and guidance of the~~  
 381 ~~supervisory public adjuster~~. An individual may not be, act as,  
 382 or hold himself or herself out to be a public adjuster  
 383 apprentice unless the individual is licensed as an all-lines  
 384 adjuster and holds a current appointment by a licensed public  
 385 all-lines adjuster or a public adjusting firm that employs a  
 386 licensed ~~all-lines~~ public adjuster.

387 Section 11. Section 626.8695, Florida Statutes, is amended  
 388 to read:

389 626.8695 Primary adjuster.—

390 (1) Each business location established by an adjuster,  
 391 ~~person operating an adjusting firm, a corporation, or an~~  
 392 ~~association and each location of a multiple location adjusting~~  
 393 ~~firm~~ must designate with the department a primary adjuster who  
 394 is licensed and appointed to adjust the insurance claims  
 395 adjusted by the business location.

396 (2) An adjusting firm and each of its branch firms shall  
 397 designate a primary adjuster ~~for each such firm or location and~~  
 398 ~~must~~ file with the department, at the department's designated  
 399 website, the name and license number of such primary adjuster  
 400 and the physical address of the adjusting firm or branch firm



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401 location where he or she is the primary adjuster, ~~on a form~~  
402 ~~approved by the department~~. The designation of the primary  
403 adjuster may be changed at the option of the adjusting firm. Any  
404 such change is effective upon notification to the department.  
405 Notice of change must be provided ~~sent~~ to the department within  
406 30 days after such change.

407 ~~(3)(2)(a)~~ For purposes of this section, a "primary  
408 adjuster" is the licensed adjuster who is responsible for the  
409 ~~hiring and~~ supervision of all individuals within an adjusting  
410 firm location who act ~~deal with the public and who acts~~ in the  
411 capacity of a ~~public adjuster as defined in s. 626.854, or an~~  
412 ~~independent~~ adjuster as defined in this chapter ~~s. 626.855~~. An  
413 adjuster may be designated as a primary adjuster for more than  
414 ~~only~~ one adjusting firm location provided no person engages in  
415 activity requiring licensure as an adjuster at any location when  
416 an adjuster is not physically present.

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

420 ~~(5)(3)~~ The department may suspend or revoke the license of  
421 the primary adjuster if the adjusting firm employs or contracts  
422 any person who has had a license denied or any person whose  
423 license is currently suspended or revoked. However, if a person  
424 has been denied a license for failure to pass a required  
425 examination, he or she may be employed or contracted to perform

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426 clerical or administrative functions for which licensure is not  
427 required.

428 (6)-(4) The primary adjuster in an ~~unincorporated~~ adjusting  
429 firm, ~~or the primary adjuster in an incorporated adjusting firm~~  
430 ~~in which no officer, director, or stockholder is an adjuster,~~ is  
431 ~~responsible and~~ accountable for misconduct or violations of this  
432 code committed by the primary adjuster or by any other person  
433 ~~the acts of salaried employees~~ under his or her direct  
434 supervision ~~and control~~ while acting on behalf of the adjusting  
435 firm. This section does not render a primary adjuster ~~Nothing in~~  
436 ~~this section renders any person~~ criminally liable for an ~~or~~  
437 ~~subject to any disciplinary proceedings for any act unless the~~  
438 primary adjuster ~~person~~ personally committed the act or knew or  
439 should have known of the act and of the facts constituting a  
440 violation of this code.

441 (7)-(5) The department may suspend or revoke the license of  
442 any adjuster who is employed or contracted by a person whose  
443 license is currently suspended or revoked.

444 (8)-(6) An adjusting firm location may not conduct the  
445 business of insurance unless a primary adjuster is designated  
446 and provides services to the firm at all times. If the Failure  
447 ~~of the person operating the adjusting firm to designate a~~  
448 primary adjuster designated with the department ends his or her  
449 affiliation with the firm for any reason and if the firm fails  
450 to designate another primary adjuster, as required in subsection

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451 (2), within 90 days, the firm license automatically expires on  
 452 the 91st day after the date the designated primary adjuster  
 453 ended his or her affiliation with ~~for the firm, or for each~~  
 454 ~~location, as applicable, on a form prescribed by the department~~  
 455 ~~within 30 days after inception of the firm or change of primary~~  
 456 ~~adjuster designation, constitutes grounds for requiring the~~  
 457 ~~adjusting firm to obtain an adjusting firm license pursuant to~~  
 458 ~~s. 626.8696.~~

459 (9) ~~(7)~~ Any adjusting firm may determine a request, ~~on a~~  
 460 ~~form prescribed by the department, verification from the~~  
 461 ~~department of any person's current licensure status by~~  
 462 submitting an appointment request. ~~If a request is mailed to the~~  
 463 ~~office~~ within 5 working days after the date an adjuster is  
 464 hired. ~~If, and~~ the department subsequently notifies the  
 465 adjusting firm that its appointee's ~~an employee's~~ license is  
 466 currently suspended, revoked, or has been denied, the license of  
 467 the primary adjuster may ~~shall~~ not be revoked or suspended if  
 468 the unlicensed person is immediately dismissed from employment  
 469 as an adjuster with the firm.

470 Section 12. Section 626.872, Florida Statutes, is  
 471 repealed.

472 Section 13. Subsection (1) of section 626.874, Florida  
 473 Statutes, is amended to read:

474 626.874 Catastrophe or emergency adjusters.—

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

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476 department may issue a license, for the purposes and under the  
 477 conditions and for the period of emergency as it shall  
 478 determine, to persons who are residents or nonresidents of this  
 479 state, who are at least 18 years of age, who are United States  
 480 citizens or legal aliens who possess work authorization from the  
 481 United States Bureau of Citizenship and Immigration Services,  
 482 and who are not licensed adjusters under this part but who have  
 483 been designated and certified to it as qualified to act as  
 484 adjusters ~~by all-lines resident adjusters,~~ by an authorized  
 485 insurer, ~~or by a licensed general lines agent~~ to adjust claims,  
 486 losses, or damages under policies or contracts of insurance  
 487 issued by such insurers, or by the primary adjuster of an  
 488 independent adjusting firm contracted with an authorized insurer  
 489 to adjust claims on behalf of the insurer. The fee for the  
 490 license is as provided in s. 624.501(12)(c).

491 Section 14. Subsection (2) of section 626.875, Florida  
 492 Statutes, is amended to read:

493 626.875 Office and records.—

494 (2) The records of the adjuster relating to a particular  
 495 claim or loss shall be so retained in the adjuster's place of  
 496 business for a period of not less than 5 ~~3~~ years after  
 497 completion of the adjustment. This provision shall not be deemed  
 498 to prohibit return or delivery to the insurer or insured of  
 499 documents furnished to or prepared by the adjuster and required  
 500 by the insurer or insured to be returned or delivered thereto.

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501 Section 15. Section 626.876, Florida Statutes, is amended  
 502 to read:

503 626.876 Exclusive employment; public adjusters, all-lines  
 504 ~~independent~~ adjusters.—

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

509 (2) An individual licensed as an all-lines adjuster and  
 510 appointed as an independent adjuster, a company employee  
 511 adjuster, or a public adjuster apprentice may not be  
 512 simultaneously appointed, contracted, or employed as an adjuster  
 513 that requires a different appointment type ~~during the same~~  
 514 ~~period by more than one independent adjuster or independent~~  
 515 ~~adjuster firm or corporation.~~

516 Section 16. Section 626.879, Florida Statutes, is  
 517 repealed.

518 Section 17. This act shall take effect January 1, 2018.