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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Banking and Insurance (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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11 follows:

12 ~~(20) Adjusting firm, original or renewal 3-year license~~  
13 ~~-----\$60.00~~

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

16 626.015 Definitions.—As used in this part:

17 (1) "Adjuster" means a public adjuster as defined in s.  
18 ~~626.854, a public adjuster apprentice as defined in s. 626.8541,~~  
19 or an all-lines adjuster as defined in s. 626.8548.

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

22 626.022 Scope of part.—

23 (1) This part applies as to insurance agents, service  
24 representatives, adjusters, adjusting firms, and insurance  
25 agencies; as to any and all kinds of insurance; and as to stock  
26 insurers, mutual insurers, reciprocal insurers, and all other  
27 types of insurers, except that:

28 (a) It does not apply as to reinsurance, except that ss.  
29 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.  
30 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-  
31 626.591, and ss. 626.601-626.711 shall apply as to reinsurance  
32 intermediaries as defined in s. 626.7492.

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

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

37 (d) This part does not apply to a certified public  
38 accountant licensed under chapter 473 who is acting within the  
39 scope of the practice of public accounting, as defined in s.



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40 473.302, provided that the activities of the certified public  
41 accountant are limited to advising a client of the necessity of  
42 obtaining insurance, the amount of insurance needed, or the line  
43 of coverage needed, and provided that the certified public  
44 accountant does not directly or indirectly receive or share in  
45 any commission or referral fee.

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

48 626.112 License and appointment required; agents, customer  
49 representatives, adjusters, insurance agencies, adjusting firms,  
50 service representatives, managing general agents.-

51 (7) (a) An individual, firm, partnership, corporation,  
52 association, or other entity may ~~shall~~ not act in its own name  
53 or under a trade name, directly or indirectly, as an insurance  
54 agency unless it complies with s. 626.172 with respect to  
55 possessing an insurance agency license for each place of  
56 business at which it engages in an activity that may be  
57 performed only by a licensed insurance agent. However, an  
58 insurance agency that is owned and operated by a single licensed  
59 agent conducting business in his or her individual name and not  
60 employing or otherwise using the services of or appointing other  
61 licensees is ~~shall be~~ exempt from the agency licensing  
62 requirements of this subsection.

63 (b) A branch place of business that is established by a  
64 licensed agency is considered a branch agency and is not  
65 required to be licensed so long as it transacts business under  
66 the same name and federal tax identification number as the  
67 licensed agency and has designated with the department a  
68 licensed agent in charge of the branch location as required by



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69 s. 626.0428 and the address and telephone number of the branch  
70 location have been submitted to the department for inclusion in  
71 the licensing record of the licensed agency within 30 days after  
72 insurance transactions begin at the branch location.

73 (c) An individual, a firm, a partnership, a corporation, an  
74 association, or any other entity may not act in its own name or  
75 under a trade name, directly or indirectly, as an adjusting firm  
76 unless it possesses an adjusting firm license under s. 626.8696  
77 for each place of business at which it engages in an activity  
78 that may be performed only by a licensed adjuster. However, an  
79 insurance company authorized to transact insurance in this state  
80 which directly appoints adjusters, or an adjusting firm that is  
81 owned and operated by a single licensed adjuster who is  
82 conducting business in his or her individual name and who is not  
83 employing or otherwise using the services of or appointing other  
84 licensees, is exempt from the adjusting firm licensing  
85 requirements of this subsection.

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

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

91 2. It has designated with the department a licensed primary  
92 adjuster in charge of the branch firm as required by s.  
93 626.8695; and

94 3. Within 30 days after insurance transactions begin at the  
95 branch firm, the address and telephone number of the branch firm  
96 are submitted to the department for inclusion in the licensing  
97 record of the licensed adjusting firm.



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98            ~~(e)~~ If an agency or firm is required to be licensed but  
99 fails to file an application for licensure in accordance with  
100 this section, the department must ~~shall~~ impose on the agency or  
101 firm an administrative penalty of up to \$2,500 for a first  
102 violation and up to \$10,000 for any subsequent violation.

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

106            Section 5. Present subsections (7) through (19) of section  
107 626.854, Florida Statutes, are renumbered as subsections (6)  
108 through (18), respectively, subsection (1) and present  
109 subsections (6), (7), (11), (18), and (19) are amended, and a  
110 new subsection (19) is added to that section, to read:

111            626.854 "Public adjuster" defined; prohibitions.—The  
112 Legislature finds that it is necessary for the protection of the  
113 public to regulate public insurance adjusters and to prevent the  
114 unauthorized practice of law.

115            (1) A "public adjuster" is any person, except a duly  
116 licensed attorney at law as exempted under s. 626.860, who, for  
117 money, commission, or any other thing of value, directly or  
118 indirectly prepares, completes, or files an insurance claim ~~form~~  
119 for an insured or third-party claimant or who, for money,  
120 commission, or any other thing of value, acts on behalf of, or  
121 aids an insured or third-party claimant in negotiating for or  
122 effecting the settlement of a claim or claims for loss or damage  
123 covered by an insurance contract or who advertises for  
124 employment as an adjuster of such claims. The term also includes  
125 any person who, for money, commission, or any other thing of  
126 value, directly or indirectly solicits, investigates, or adjusts



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

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

137 (6) ~~(7)~~ An insured or claimant may cancel a public  
138 adjuster's contract to adjust a claim without penalty or  
139 obligation within 3 business days after the date on which the  
140 contract is executed or within 3 business days after the date on  
141 which the insured or claimant has notified the insurer of the  
142 claim, ~~by phone or in writing,~~ whichever is later. The public  
143 adjuster's contract must disclose to the insured or claimant his  
144 or her right to cancel the contract and advise the insured or  
145 claimant that notice of cancellation must be submitted in  
146 writing and sent by certified mail, return receipt requested, or  
147 other form of mailing that provides proof thereof, to the public  
148 adjuster at the address specified in the contract; provided,  
149 during any state of emergency as declared by the Governor and  
150 for 1 year after the date of loss, the insured or claimant has 5  
151 business days after the date on which the contract is executed  
152 to cancel a public adjuster's contract.

153 (10) (a) ~~(11) (a)~~ If a public adjuster enters into a contract  
154 with an insured or claimant to reopen a claim or file a  
155 supplemental claim that seeks additional payments for a claim



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156 that has been previously paid in part or in full or settled by  
157 the insurer, the public adjuster may not charge, agree to, or  
158 accept from any source compensation, payment, commission, fee,  
159 or any other thing of value based on a previous settlement or  
160 previous claim payments by the insurer for the same cause of  
161 loss. The charge, compensation, payment, commission, fee, or any  
162 other thing of value must be based only on the claim payments or  
163 settlement obtained through the work of the public adjuster  
164 after entering into the contract with the insured or claimant.  
165 Compensation for the reopened or supplemental claim may not  
166 exceed 20 percent of the reopened or supplemental claim payment.  
167 In no event shall the contracts described in this paragraph  
168 exceed the limitations in paragraph (b).

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

172 1. Ten percent of the amount of insurance claim payments  
173 made by the insurer for claims based on events that are the  
174 subject of a declaration of a state of emergency by the  
175 Governor. This provision applies to claims made during the year  
176 after the declaration of emergency. After that year, the  
177 limitations in subparagraph 2. apply.

178 2. Twenty percent of the amount of insurance claim payments  
179 made by the insurer for claims that are not based on events that  
180 are the subject of a declaration of a state of emergency by the  
181 Governor.

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



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185           ~~(d)-(e)~~ Any maneuver, shift, or device through which the  
186 limits on compensation set forth in this subsection are exceeded  
187 is a violation of this chapter punishable as provided under s.  
188 626.8698.

189           ~~(17)-(18)~~ A public adjuster, a public adjuster apprentice,  
190 or a person acting on behalf of an adjuster or apprentice may  
191 not enter into a contract or accept a power of attorney that  
192 vests in the public adjuster, the public adjuster apprentice, or  
193 the person acting on behalf of the adjuster or apprentice the  
194 effective authority to choose the persons or entities that will  
195 perform salvage, repair, or any other work in a property  
196 insurance claim.

197           ~~(18)-(19)~~ Subsections ~~(5)-(17)~~ ~~(5)-(18)~~ apply only to  
198 residential property insurance policies and condominium unit  
199 owner policies as described in s. 718.111(11).

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

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

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

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

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

212           Section 6. Section 626.8541, Florida Statutes, is repealed.

213           Section 7. Section 626.8548, Florida Statutes, is amended





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214 to read:

215       626.8548 "All-lines adjuster" defined.—An "all-lines  
216 adjuster" is a person who, for money, commission, or any other  
217 thing of value, directly or indirectly is self-employed or  
218 employed by an insurer, a wholly owned subsidiary of an insurer,  
219 or an independent adjusting firm or other independent adjuster,  
220 and who undertakes on behalf of a public adjuster or an insurer  
221 or other insurers under common control or ownership to ascertain  
222 and determine the amount of any claim, loss, or damage payable  
223 under an insurance contract or undertakes to effect settlement  
224 of such claim, loss, or damage. The term also includes any  
225 person who, for money, commission, or any other thing of value,  
226 directly or indirectly solicits claims on behalf of a public  
227 adjuster, but does not include paid spokespersons used as part  
228 of a written or an electronic advertisement. The term does not  
229 apply to life insurance or annuity contracts.

230       Section 8. Section 626.8561, Florida Statutes, is created  
231 to read:

232       626.8561 "Public adjuster apprentice" defined.—The term  
233 "public adjuster apprentice" means a person licensed as an all-  
234 lines adjuster who:

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

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

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

242       Section 9. Subsection (3) of section 626.8584, Florida



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243 Statutes, is amended to read:

244 626.8584 "Nonresident all-lines adjuster" defined.—A

245 "nonresident all-lines adjuster" means a person who:

246 (3) Is licensed as an all-lines adjuster and self-appointed  
247 or appointed and employed or contracted by an independent  
248 adjusting firm or other independent adjuster, by an insurer  
249 admitted to do business in this state or a wholly owned  
250 subsidiary of an insurer admitted to do business in this state,  
251 or by a public adjuster or a public adjusting firm ~~other~~  
252 ~~insurers under the common control or ownership of such insurer.~~

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

255 626.861 Insurer's officers, insurer's employees, reciprocal  
256 insurer's representatives; adjustments by.—

257 (1) ~~Nothing in~~ This part may not ~~shall~~ be construed to  
258 prevent an executive officer of any insurer, an ~~or a regularly~~  
259 ~~salari~~ed employee of an insurer handling claims with respect to  
260 health insurance, an employee of an insurer handling claims with  
261 respect to residential property insurance in which the amount of  
262 coverage for the applicable type of loss is contractually  
263 limited to \$500 or less, or the duly designated attorney or  
264 agent authorized and acting for subscribers to reciprocal  
265 insurers, ~~from~~ adjusting any claim loss or damage under any  
266 insurance contract of such insurer.

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

269 626.864 Adjuster license types.—

270 (3) An all-lines adjuster may be appointed as an  
271 independent adjuster, public adjuster apprentice, or company



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272 employee adjuster, but not more than one of these ~~both~~  
273 concurrently.

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

276 626.865 Public adjuster's qualifications, bond.-

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

281 (d) Has had sufficient experience, training, or instruction  
282 concerning the adjusting of damages or losses under insurance  
283 contracts, other than life and annuity contracts, is  
284 sufficiently informed as to the terms and effects of the  
285 provisions of those types of insurance contracts, and possesses  
286 adequate knowledge of the laws of this state relating to such  
287 contracts as to enable and qualify him or her to engage in the  
288 business of insurance adjuster fairly and without injury to the  
289 public or any member thereof with whom the applicant may have  
290 business as a public adjuster, ~~or has been licensed and employed~~  
291 ~~as a resident insurance company adjuster or independent adjuster~~  
292 ~~in this state on a continual basis for the past year.~~

293 (e) Has been licensed in this state as an all-lines  
294 adjuster, and has been appointed on a continual basis for the  
295 previous 6 months ~~Is licensed~~ as a public adjuster apprentice  
296 under s. 626.8561, as an independent adjuster under s. 626.855,  
297 or as a company employee adjuster under s. 626.856 ~~under s.~~  
298 ~~626.8651 and complies with the requirements of that license~~  
299 ~~throughout the licensure period.~~

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



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301 to read:

302 626.8651 Public adjuster apprentice appointment license;  
303 qualifications.—

304 (1) (a) The department shall issue an appointment ~~a license~~  
305 as a public adjuster apprentice to a licensee ~~an applicant~~ who  
306 ~~is~~:

307 1. Is licensed as an all-lines adjuster under s. 626.866;  
308 2. Has filed with the department a bond executed and issued  
309 by a surety insurer that is authorized to transact such business  
310 in this state in the amount of \$50,000, which is conditioned  
311 upon the faithful performance of his or her duties as a public  
312 adjuster apprentice; and

313 3. Maintains such bond unimpaired throughout the existence  
314 of the appointment and for at least 1 year after termination of  
315 the appointment.

316 (b) The bond must be in favor of the department and must  
317 specifically authorize recovery by the department of the damages  
318 sustained in case the licensee commits fraud or unfair practices  
319 in connection with his or her business as a public adjuster  
320 apprentice. The aggregate liability of the surety for all such  
321 damages may not exceed the amount of the bond, and the bond may  
322 not be terminated by the issuing insurer unless written notice  
323 of at least 30 days is given to the licensee and filed with the  
324 department.

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

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

329 ~~(c) Trustworthy and has such business reputation as would~~



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330 ~~reasonably ensure that the applicant will conduct business as a~~  
331 ~~public adjuster apprentice fairly and in good faith and without~~  
332 ~~detriment to the public.~~

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

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

337 ~~(4) An applicant must have received designation as an~~  
338 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~  
339 ~~or as a Certified Claims Adjuster (CCA) after completion of~~  
340 ~~training that qualifies the applicant to engage in the business~~  
341 ~~of a public adjuster apprentice fairly and without injury to the~~  
342 ~~public. Such training and instruction must address adjusting~~  
343 ~~damages and losses under insurance contracts, the terms and~~  
344 ~~effects of insurance contracts, and knowledge of the laws of~~  
345 ~~this state relating to insurance contracts.~~

346 ~~(5) At the time of application for license as a public~~  
347 ~~adjuster apprentice, the applicant shall file with the~~  
348 ~~department a bond executed and issued by a surety insurer~~  
349 ~~authorized to transact such business in this state in the amount~~  
350 ~~of \$50,000, conditioned upon the faithful performance of his or~~  
351 ~~her duties as a public adjuster apprentice under the license for~~  
352 ~~which the applicant has applied, and thereafter maintain the~~  
353 ~~bond unimpaired throughout the existence of the license and for~~  
354 ~~at least 1 year after termination of the license. The bond shall~~  
355 ~~be in favor of the department and shall specifically authorize~~  
356 ~~recovery by the department of the damages sustained in case the~~  
357 ~~licensee commits fraud or unfair practices in connection with~~  
358 ~~his or her business as a public adjuster apprentice. The~~



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359 ~~aggregate liability of the surety for all such damages may not~~  
360 ~~exceed the amount of the bond, and the bond may not be~~  
361 ~~terminated by the issuing insurer unless written notice of at~~  
362 ~~least 30 days is given to the licensee and filed with the~~  
363 ~~department.~~

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

370 ~~(2)(7)~~ An appointing public adjusting firm may not maintain  
371 more than four ~~12~~ public adjuster apprentices simultaneously.  
372 However, a supervising public adjuster may not be responsible  
373 for more than one ~~three~~ public adjuster apprentice ~~apprentices~~  
374 simultaneously and shall be accountable for the acts of the ~~all~~  
375 public adjuster apprentice ~~apprentices~~ which are related to  
376 transacting business as a public adjuster apprentice. This  
377 subsection does not apply to a public adjusting firm that  
378 adjusts claims primarily for commercial entities with operations  
379 in more than one state and that does not directly or indirectly  
380 perform adjusting services for insurers or individual  
381 homeowners.

382 ~~(8) An apprentice license is effective for 18 months unless~~  
383 ~~the license expires due to lack of maintaining an appointment;~~  
384 ~~is surrendered by the licensee; is terminated, suspended, or~~  
385 ~~revoked by the department; or is canceled by the department upon~~  
386 ~~issuance of a public adjuster license. The department may not~~  
387 ~~issue a public adjuster apprentice license to any individual who~~



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388 ~~has held such a license in this state within 2 years after~~  
389 ~~expiration, surrender, termination, revocation, or cancellation~~  
390 ~~of the license.~~

391 ~~(9) After completing the requirements for employment as a~~  
392 ~~public adjuster apprentice, the licensee may file an application~~  
393 ~~for a public adjuster license. The applicant and supervising~~  
394 ~~public adjuster or public adjusting firm must each file a sworn~~  
395 ~~affidavit, on a form prescribed by the department, verifying~~  
396 ~~that the employment of the public adjuster apprentice meets the~~  
397 ~~requirements of this section.~~

398 ~~(10) In no event shall A public adjuster apprentice~~  
399 ~~licensed under this section perform any of the functions for~~  
400 ~~which a public adjuster's license is required after expiration~~  
401 ~~of the public adjuster apprentice license without having~~  
402 ~~obtained a public adjuster license.~~

403 ~~(3)~~(11) A public adjuster apprentice has the same authority  
404 as the licensed public adjuster or public adjusting firm that  
405 employs the apprentice except that an apprentice may not execute  
406 contracts for the services of a public adjuster or public  
407 adjusting firm and ~~may not solicit contracts for the services~~  
408 ~~except under the direct supervision and guidance of the~~  
409 ~~supervisory public adjuster. An individual may not be, act as,~~  
410 or hold himself or herself out to be a public adjuster  
411 apprentice unless the individual is licensed as an all-lines  
412 adjuster and holds a current appointment by a licensed public  
413 all-lines adjuster or a public adjusting firm that employs a  
414 licensed ~~all-lines~~ public adjuster.

415 Section 14. Section 626.8695, Florida Statutes, is amended  
416 to read:



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417 626.8695 Primary adjuster.-

418 (1) Each business location established by an adjuster,  
419 ~~person operating an adjusting firm, a corporation, or an~~  
420 association and each location of a multiple location adjusting  
421 ~~firm~~ must designate with the department a primary adjuster who  
422 is licensed and appointed to adjust the insurance claims  
423 adjusted by the business location.

424 (2) An adjusting firm and each of its branch firms shall  
425 designate a primary adjuster for each such firm or location and  
426 ~~must~~ file with the department, at the department's designated  
427 website, the name and license number of such primary adjuster  
428 and the physical address of the adjusting firm or branch firm  
429 location where he or she is the primary adjuster, on a form  
430 ~~approved by the department.~~ The designation of the primary  
431 adjuster may be changed at the option of the adjusting firm. Any  
432 such change is effective upon notification to the department.  
433 Notice of change must be provided ~~sent~~ to the department within  
434 30 days after such change.

435 (3) ~~(2)(a)~~ For purposes of this section, a "primary  
436 adjuster" is the licensed adjuster who is responsible for the  
437 ~~hiring and~~ supervision of all individuals within an adjusting  
438 firm location who act deal with the public and who acts in the  
439 capacity of a public adjuster as defined in s. 626.854, or an  
440 ~~independent~~ adjuster as defined in this chapter s. 626.855. An  
441 adjuster may be designated as a primary adjuster for more than  
442 ~~only~~ one adjusting firm location provided no person engages in  
443 activity requiring licensure as an adjuster at any location when  
444 an adjuster is not physically present.

445 (4) ~~(b)~~ For purposes of this section, an "adjusting firm" is





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446 a location where an independent or public adjuster is engaged in  
447 the business of insurance.

448 (5)~~(3)~~ The department may suspend or revoke the license of  
449 the primary adjuster if the adjusting firm employs or contracts  
450 any person who has had a license denied or any person whose  
451 license is currently suspended or revoked. However, if a person  
452 has been denied a license for failure to pass a required  
453 examination, he or she may be employed or contracted to perform  
454 clerical or administrative functions for which licensure is not  
455 required.

456 (6)~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting  
457 firm, ~~or the primary adjuster in an incorporated adjusting firm~~  
458 ~~in which no officer, director, or stockholder is an adjuster,~~ is  
459 ~~responsible and~~ accountable for misconduct or violations of this  
460 code committed by the primary adjuster or by any other person  
461 ~~the acts of salaried employees~~ under his or her direct  
462 supervision ~~and control~~ while acting on behalf of the adjusting  
463 firm. This section does not render a primary adjuster ~~Nothing in~~  
464 ~~this section renders any person~~ criminally liable for an ~~or~~  
465 ~~subject to any disciplinary proceedings for any act unless the~~  
466 primary adjuster ~~person~~ personally committed the act or knew or  
467 should have known of the act and of the facts constituting a  
468 violation of this code.

469 (7)~~(5)~~ The department may suspend or revoke the license of  
470 any adjuster who is employed or contracted by a person whose  
471 license is currently suspended or revoked.

472 (8)~~(6)~~ An adjusting firm location may not conduct the  
473 business of insurance unless a primary adjuster is designated  
474 and provides services to the firm at all times. If the Failure



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475 ~~of the person operating the adjusting firm to designate a~~  
476 ~~primary adjuster designated with the department ends his or her~~  
477 ~~affiliation with the firm for any reason and if the firm fails~~  
478 ~~to designate another primary adjuster, as required in subsection~~  
479 ~~(2), within 90 days, the firm license automatically expires on~~  
480 ~~the 91st day after the date the designated primary adjuster~~  
481 ~~ended his or her affiliation with for the firm, or for each~~  
482 ~~location, as applicable, on a form prescribed by the department~~  
483 ~~within 30 days after inception of the firm or change of primary~~  
484 ~~adjuster designation, constitutes grounds for requiring the~~  
485 ~~adjusting firm to obtain an adjusting firm license pursuant to~~  
486 ~~s. 626.8696.~~

487 ~~(9)(7)~~ Any adjusting firm may determine a request, on a  
488 ~~form prescribed by the department, verification from the~~  
489 ~~department of any person's current licensure status by~~  
490 ~~submitting an appointment request. If a request is mailed to the~~  
491 ~~office within 5 working days after the date an adjuster is~~  
492 ~~hired. If, and the department subsequently notifies the~~  
493 ~~adjusting firm that its appointee's an employee's license is~~  
494 ~~currently suspended, revoked, or has been denied, the license of~~  
495 ~~the primary adjuster may shall not be revoked or suspended if~~  
496 ~~the unlicensed person is immediately dismissed from employment~~  
497 ~~as an adjuster with the firm.~~

498 Section 15. Section 626.8696, Florida Statutes, is amended  
499 to read:

500 626.8696 Application for adjusting firm license.—

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



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504       (2) An application for an adjusting firm license must be  
505 signed by an individual required to be listed in the application  
506 under paragraph (a). An adjusting firm may authorize a third  
507 party to complete, submit, and sign an application on the firm's  
508 behalf. However, the firm must ensure that the information on  
509 the application is true and correct, and the firm is accountable  
510 for any misstatement or misrepresentation. The application for  
511 an adjusting firm license must include:

512           (a) The name of each majority owner, partner, officer, and  
513 director, president, senior vice president, secretary,  
514 treasurer, and limited liability company member who directs or  
515 participates in the management or control of the adjusting firm.

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

518           (c) The name, ~~of the adjusting firm and its~~ principal  
519 business street address, and valid e-mail address of the  
520 adjusting firm, and the name, street address, and valid e-mail  
521 address of the firm's registered agent, person, or company  
522 authorized to accept service on behalf of the firm.

523           (d) The physical address ~~location~~ of each branch adjusting  
524 firm, including its name, valid e-mail address, and telephone  
525 number, and the date that the branch firm began transacting  
526 insurance business ~~office and the name under which each office~~  
527 ~~conducts or will conduct business.~~

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

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

532           1. A sole proprietor, if the applicant is a sole



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533 proprietor;

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

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

539  
540 Fingerprints must be taken by a law enforcement agency or other  
541 entity approved by the department, must be accompanied by the  
542 fingerprint processing fee specified in s. 624.501, and must be  
543 processed in accordance with s. 624.34. However, fingerprints  
544 need not be filed for an individual who is currently licensed  
545 and appointed under this chapter. This paragraph does not apply  
546 to corporations whose voting shares are traded on a securities  
547 exchange.

548 (g)(e) Such Any additional information that the department  
549 requires by rule to ascertain the trustworthiness and competence  
550 of persons required to be listed on the application and to  
551 ascertain that such persons meet the requirements of this code.  
552 However, the department may not require that credit or character  
553 reports be submitted for such persons.

554 ~~(2) An application for an adjusting firm license must be~~  
555 ~~signed by each owner of the firm. If the firm is incorporated,~~  
556 ~~the application must be signed by the president and secretary of~~  
557 ~~the corporation.~~

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

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

561 ~~(3)(5) The license of an adjusting firm continues in force~~



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562 until it is canceled, ~~required to be licensed pursuant to s.~~  
563 ~~626.8695 must remain so licensed for a period of 3 years from~~  
564 ~~the date of licensure, unless the license is suspended, or~~  
565 ~~revoked~~ until it is otherwise terminated or expires by  
566 operation of law. The department may suspend or revoke the  
567 adjusting firm's authority to do business for activities  
568 occurring during the time the firm is licensed, regardless of  
569 whether the licensing period has terminated.

570 Section 16. Section 626.872, Florida Statutes, is repealed.

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

573 626.874 Catastrophe or emergency adjusters.—

574 (1) In the event of a catastrophe or emergency, the  
575 department may issue a license, for the purposes and under the  
576 conditions and for the period of emergency as it shall  
577 determine, to persons who are residents or nonresidents of this  
578 state, who are at least 18 years of age, who are United States  
579 citizens or legal aliens who possess work authorization from the  
580 United States Bureau of Citizenship and Immigration Services,  
581 and who are not licensed adjusters under this part but who have  
582 been designated and certified to it as qualified to act as  
583 adjusters ~~by all-lines resident adjusters,~~ by an authorized  
584 insurer, ~~or by a licensed general-lines agent~~ to adjust claims,  
585 losses, or damages under policies or contracts of insurance  
586 issued by such insurers, or by the primary adjuster of an  
587 independent adjusting firm contracted with an authorized insurer  
588 to adjust claims on behalf of the insurer. The fee for the  
589 license is as provided in s. 624.501(12)(c).

590 Section 18. Subsection (2) of section 626.875, Florida



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591 Statutes, is amended to read:

592 626.875 Office and records.—

593 (2) The records of the adjuster relating to a particular  
594 claim or loss shall be so retained in the adjuster's place of  
595 business for a period of not less than 5 ~~3~~ years after  
596 completion of the adjustment. This provision shall not be deemed  
597 to prohibit return or delivery to the insurer or insured of  
598 documents furnished to or prepared by the adjuster and required  
599 by the insurer or insured to be returned or delivered thereto.

600 Section 19. Section 626.876, Florida Statutes, is amended  
601 to read:

602 626.876 Exclusive employment; public adjusters, all-lines  
603 ~~independent~~ adjusters.—

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

608 (2) An individual licensed as an all-lines adjuster and  
609 appointed as an independent adjuster, a company employee  
610 adjuster, or a public adjuster apprentice may not be  
611 simultaneously appointed, contracted, or employed as an adjuster  
612 that requires a different appointment type ~~during the same~~  
613 ~~period by more than one independent adjuster or independent~~  
614 ~~adjuster firm or corporation.~~

615 Section 20. Section 626.879, Florida Statutes, is repealed.

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

618 626.9953 Qualifications for registration; application  
619 required.—



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620 (5) An applicant must submit a set of his or her  
621 fingerprints to the department and pay the processing fee  
622 established under s. 624.501(23) ~~s. 624.501(24)~~. The department  
623 shall submit the applicant's fingerprints to the Department of  
624 Law Enforcement for processing state criminal history records  
625 checks and local criminal records checks through local law  
626 enforcement agencies and for forwarding to the Federal Bureau of  
627 Investigation for national criminal history records checks. The  
628 fingerprints shall be taken by a law enforcement agency, a  
629 designated examination center, or another department-approved  
630 entity. The department may not approve an application for  
631 registration as a navigator if fingerprints have not been  
632 submitted.

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

634  
635 ===== T I T L E A M E N D M E N T =====

636 And the title is amended as follows:

637 Delete everything before the enacting clause  
638 and insert:

639 A bill to be entitled  
640 An act relating to insurance adjusters; amending s.  
641 624.501, F.S.; deleting a fee for an original or  
642 renewal license for an adjusting firm; amending s.  
643 626.015, F.S.; conforming a cross-reference; amending  
644 s. 626.022, F.S.; revising applicability of the  
645 Licensing Procedures Law to include adjusting firms;  
646 amending s. 626.112, F.S.; prohibiting certain  
647 entities from acting as insurance adjusting firms  
648 without specified licenses; providing an exemption;



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649 providing construction; specifying that an unlicensed  
650 firm is subject to a certain administrative penalty;  
651 deleting a requirement for the Department of Financial  
652 Services to automatically convert a certain  
653 registration to an insurance agency license as of a  
654 certain date; amending s. 626.854, F.S.; redefining  
655 the term "public adjuster"; deleting a certain  
656 prohibited act of a public adjuster; deleting a  
657 provision specifying the method for an insured or  
658 claimant to provide certain notice to an insurer;  
659 providing construction relating to certain limitations  
660 on insurance claim payments and public adjuster  
661 compensation; revising a prohibition against certain  
662 entities relating to a contract or power of attorney  
663 that vests certain authority in a property insurance  
664 claim; conforming a cross-reference; prohibiting  
665 persons from conducting certain activities relating to  
666 insurance claims; providing an exception for attorneys  
667 and public adjusters; repealing s. 626.8541, F.S.,  
668 relating to public adjuster apprentices; amending s.  
669 626.8548, F.S.; redefining the term "all-lines  
670 adjuster"; creating s. 626.8561, F.S.; defining the  
671 term "public adjuster apprentice"; amending s.  
672 626.8584, F.S.; redefining the term "nonresident all-  
673 lines adjuster"; amending s. 626.861, F.S.; revising  
674 construction relating to employees of an insurer;  
675 amending s. 626.864, F.S.; revising the permissible  
676 appointments of all-lines adjusters; amending s.  
677 626.865, F.S.; revising the qualifications for





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678 licensure for public adjusters; amending s. 626.8651,  
679 F.S.; requiring public adjuster apprentices to be  
680 appointed, rather than licensed, by the department;  
681 specifying qualifications for such appointments;  
682 revising requirements and limitations for public  
683 adjusting firms and public adjusters who supervise  
684 public adjuster apprentices; revising certain  
685 prohibited acts and exceptions to such acts of public  
686 adjuster apprentices; conforming provisions to changes  
687 made by the act; amending s. 626.8695, F.S.; revising  
688 requirements for designating primary adjusters;  
689 redefining the term "primary adjuster"; revising the  
690 accountability of a primary adjuster for persons under  
691 his or her supervision; revising a prohibition against  
692 an adjusting firm location conducting insurance  
693 business under certain circumstances; revising  
694 procedures for an adjusting firm to determine a  
695 person's current licensure status; amending s.  
696 626.8696, F.S.; revising conditions for the issuance  
697 of an adjusting firm license; revising application  
698 requirements for such license; providing rulemaking  
699 authority of the department; prohibiting the  
700 department from requiring certain information on an  
701 application; providing for expiration of such license;  
702 repealing s. 626.872, F.S., relating to all-lines  
703 adjuster temporary licenses; amending s. 626.874,  
704 F.S.; revising conditions for the department to issue  
705 adjuster licenses in the event of catastrophes or  
706 emergencies; amending s. 626.875, F.S.; revising the



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707 minimum time period in a records retention requirement  
708 for adjusters; amending s. 626.876, F.S.; revising  
709 certain prohibitions relating to exclusive employment  
710 of public adjusters and all-lines adjusters and  
711 appointed independent adjusters; repealing s. 626.879,  
712 F.S., relating to pools of insurance adjusters;  
713 amending s. 626.9953, F.S.; conforming a cross-  
714 reference; providing an effective date.