



662786

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/26/2017	.	
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	.	

The Committee on Appropriations (Garcia) recommended the following:

1 **Senate Amendment to Amendment (603728) (with title**
2 **amendment)**

3
4 Delete lines 340 - 397
5 and insert:

6 (2) An adjusting firm and each of its business locations
7 shall designate a primary adjuster for each such firm or
8 location and must file with the department, at the department's
9 designated website, the name and license number of such primary
10 adjuster and the physical address of the adjusting firm or



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11 business location where he or she is the primary adjuster, ~~on a~~
12 ~~form approved by the department~~. The designation of the primary
13 adjuster may be changed at the option of the adjusting firm. Any
14 such change is effective upon notification to the department.
15 Notice of change must be provided ~~sent~~ to the department within
16 30 days after such change.

17 (3)-(2)-(a) For purposes of this section, a "primary
18 adjuster" is the licensed adjuster who is responsible for the
19 ~~hiring and~~ supervision of all individuals within an adjusting
20 firm location who act ~~deal with the public and who acts~~ in the
21 capacity of a ~~public adjuster as defined in s. 626.854, or an~~
22 ~~independent~~ adjuster as defined in this chapter s. 626.855. An
23 adjuster may be designated as a primary adjuster for more than
24 ~~only~~ one adjusting firm location provided no person engages in
25 activity requiring licensure as an adjuster at any location when
26 an adjuster is not physically present.

27 (4)-(b) For purposes of this section, an "adjusting firm" is
28 a location where an independent or public adjuster is engaged in
29 the business of insurance.

30 (5)-(3) The department may suspend or revoke the license of
31 the primary adjuster if the adjusting firm employs or contracts
32 any person who has had a license denied or any person whose
33 license is currently suspended or revoked. However, if a person
34 has been denied a license for failure to pass a required
35 examination, he or she may be employed or contracted to perform
36 clerical or administrative functions for which licensure is not
37 required.

38 (6)-(4) The primary adjuster in an ~~unincorporated~~ adjusting
39 firm, ~~or the primary adjuster in an incorporated adjusting firm~~



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40 ~~in which no officer, director, or stockholder is an adjuster, is~~
41 ~~responsible and~~ accountable for misconduct or violations of this
42 code committed by the primary adjuster or by any other person
43 ~~the acts of salaried employees~~ under his or her direct
44 supervision ~~and control~~ while acting on behalf of the adjusting
45 firm. This section does not render a primary adjuster ~~Nothing in~~
46 ~~this section renders any person~~ criminally liable for an ~~or~~
47 ~~subject to any disciplinary proceedings for any act unless the~~
48 primary adjuster ~~person~~ personally committed the act or knew or
49 should have known of the act and of the facts constituting a
50 violation of this code.

51 ~~(7)(5)~~ The department may suspend or revoke the license of
52 any adjuster who is employed or contracted by a person whose
53 license is currently suspended or revoked.

54 ~~(8)(6)~~ An adjusting firm ~~location~~ may not conduct the
55 business of insurance unless a primary adjuster is designated
56 and provides services to the firm at all times. If the Failure
57 ~~of the person operating the adjusting firm to designate a~~
58 primary adjuster designated with the department ends his or her
59 affiliation with the firm for any reason and if the firm fails
60 to designate another primary adjuster for a business location as
61 required in subsection (2), the firm must cease operations at
62 the location until a primary adjuster is appointed ~~for the firm,~~
63 ~~or for each~~

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 507 - 508

68 and insert:



69 an adjusting firm conducting insurance business under
70 certain circumstances; revising a requirement if the
71 firm fails to designate a primary adjuster under
72 certain circumstances; revising