

By Senator Garcia

36-01171A-17

2017922__

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.; redefining the term "adjuster";
6 amending s. 626.022, F.S.; revising applicability of
7 the Licensing Procedures Law to include adjusting
8 firms; 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 redefining the term "written advertisement"; providing
22 construction relating to a certain limitation on
23 public adjuster compensation; revising a prohibition
24 against certain entities relating to a contract or
25 power of attorney that vests certain authority in a
26 property insurance claim; conforming a cross-
27 reference; repealing s. 626.8541, F.S., relating to
28 public adjuster apprentices; amending s. 626.8548,
29 F.S.; redefining the term "all-lines adjuster";

36-01171A-17

2017922__

30 creating s. 626.8561, F.S.; defining the term "public
31 adjuster apprentice"; amending s. 626.8584, F.S.;
32 redefining the term "nonresident all-lines adjuster";
33 amending s. 626.861, F.S.; revising construction;
34 amending s. 626.864, F.S.; revising the permissible
35 appointments of all-lines adjusters; amending s.
36 626.865, F.S.; revising the qualifications for
37 licensure for public adjusters; amending s. 626.8651,
38 F.S.; replacing public adjuster apprentice licensing
39 provisions with public adjuster apprentice appointment
40 provisions; specifying qualifications for such
41 appointments; revising requirements and limitations
42 for public adjusting firms and public adjusters that
43 supervise public adjuster apprentices; revising
44 certain prohibited acts and exceptions to such acts of
45 a public adjuster apprentice; conforming provisions to
46 changes made by the act; amending s. 626.8695, F.S.;
47 revising requirements for certain entities in
48 designating primary adjusters; redefining the term
49 "primary adjuster"; revising the accountability of a
50 primary adjuster for persons under his or her
51 supervision; revising a prohibition against an
52 adjusting firm location conducting insurance business
53 under certain circumstances; providing for
54 construction relating to expiration of a firm license
55 under certain circumstances; revising procedures for
56 an adjusting firm to determine a person's current
57 licensure status; conforming a provision to changes
58 made by the act; amending s. 626.8696, F.S.; revising

36-01171A-17

2017922__

59 conditions for an adjusting firm license; revising
60 application requirements for such license; providing
61 rulemaking authority of the department; prohibiting
62 the department from requiring certain information on
63 an application; providing construction; repealing s.
64 626.872, F.S., relating to temporary licenses;
65 amending s. 626.874, F.S.; revising conditions for the
66 department to issue licenses for catastrophe or
67 emergency adjusters; amending s. 626.875, F.S.;
68 revising the minimum time period in a records
69 retention requirement for adjusters; amending s.
70 626.876, F.S.; revising certain prohibitions relating
71 to exclusive employment of public adjusters and
72 certain all-lines adjusters; repealing s. 626.879,
73 F.S., relating to pools of insurance adjusters;
74 amending s. 626.9953, F.S.; conforming a cross-
75 reference; providing an effective date.

76
77 Be It Enacted by the Legislature of the State of Florida:

78
79 Section 1. Subsection (20) of section 624.501, Florida
80 Statutes, is amended to read:

81 624.501 Filing, license, appointment, and miscellaneous
82 fees.—The department, commission, or office, as appropriate,
83 shall collect in advance, and persons so served shall pay to it
84 in advance, fees, licenses, and miscellaneous charges as
85 follows:

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

36-01171A-17

2017922__

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

90 626.015 Definitions.—As used in this part:

91 (1) "Adjuster" means a public adjuster as defined in s.
92 626.854, an independent adjuster as defined in s. 626.855, a
93 company employee adjuster as defined in s. 626.856, or a public
94 adjuster apprentice as defined in s. 626.8561 ~~s. 626.8541, or an~~
95 ~~all-lines adjuster as defined in s. 626.8548.~~

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

98 626.022 Scope of part.—

99 (1) This part applies as to insurance agents, service
100 representatives, adjusters, adjusting firms, and insurance
101 agencies; as to any and all kinds of insurance; and as to stock
102 insurers, mutual insurers, reciprocal insurers, and all other
103 types of insurers, except that:

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

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

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

113 (d) This part does not apply to a certified public
114 accountant licensed under chapter 473 who is acting within the
115 scope of the practice of public accounting, as defined in s.
116 473.302, provided that the activities of the certified public

36-01171A-17

2017922__

117 accountant are limited to advising a client of the necessity of
118 obtaining insurance, the amount of insurance needed, or the line
119 of coverage needed, and provided that the certified public
120 accountant does not directly or indirectly receive or share in
121 any commission or referral fee.

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

124 626.112 License and appointment required; agents, customer
125 representatives, adjusters, insurance agencies, service
126 representatives, managing general agents.-

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

139 (b) A branch place of business that is established by a
140 licensed agency is considered a branch agency and is not
141 required to be licensed so long as it transacts business under
142 the same name and federal tax identification number as the
143 licensed agency and has designated with the department a
144 licensed agent in charge of the branch location as required by
145 s. 626.0428 and the address and telephone number of the branch

36-01171A-17

2017922__

146 location have been submitted to the department for inclusion in
147 the licensing record of the licensed agency within 30 days after
148 insurance transactions begin at the branch location.

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

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

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

167 2. It has designated with the department a licensed primary
168 adjuster in charge of the branch location as required by s.
169 626.8695; and

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

174 (e) ~~(e)~~ If an agency or firm is required to be licensed but

36-01171A-17

2017922__

175 fails to file an application for licensure in accordance with
 176 this section, the department must ~~shall~~ impose on the agency or
 177 firm an administrative penalty of up to \$10,000.

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. Present subsections (7) through (19) of section
 182 626.854, Florida Statutes, are redesignated as subsections (6)
 183 through (18), respectively, subsection (1), present subsections
 184 (6) and (7), paragraph (b) of present subsection (8), and
 185 present subsections (18) and (19) of that section are amended,
 186 present paragraph (c) of present subsection (11) of that section
 187 is redesignated as paragraph (d), and a new paragraph (c) is
 188 added to that subsection, to read:

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

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

36-01171A-17

2017922__

204 value, directly or indirectly solicits, investigates, or adjusts
205 such claims on behalf of a public adjuster.

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

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

229 (7)~~(8)~~ It is an unfair and deceptive insurance trade
230 practice pursuant to s. 626.9541 for a public adjuster or any
231 other person to circulate or disseminate any advertisement,
232 announcement, or statement containing any assertion,

36-01171A-17

2017922__

233 representation, or statement with respect to the business of
234 insurance which is untrue, deceptive, or misleading.

235 (b) For purposes of this paragraph, the term "written
236 advertisement" includes only newspapers, magazines, flyers, ~~and~~
237 bulk mailers, and websites. The following disclaimer, which is
238 not required to be printed on standard size business cards, must
239 be added in bold print and capital letters in typeface no
240 smaller than the typeface of the body of the text to all written
241 advertisements by a public adjuster:

242

243 "THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD
244 A CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU
245 ARE SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU
246 MAY DISREGARD THIS ADVERTISEMENT."

247

248 ~~(10)-(11)~~

249 (c) For purposes of paragraph (b), insurance claim payments
250 by the insurer do not include policy deductibles, and public
251 adjuster compensation may not be based on the deductible portion
252 of a claim.

253 ~~(17)-(18)~~ A public adjuster, a public adjuster apprentice,
254 or a person acting on behalf of an adjuster or apprentice may
255 not enter into a contract or accept a power of attorney that
256 vests in the public adjuster, the public adjuster apprentice, or
257 the person acting on behalf of the adjuster or apprentice the
258 effective authority to choose the persons or entities that will
259 perform salvage, repair, or any other work in a property
260 insurance claim.

261 ~~(18)-(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to

36-01171A-17

2017922__

262 residential property insurance policies and condominium unit
263 owner policies as described in s. 718.111(11).

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

265 Section 7. Section 626.8548, Florida Statutes, is amended
266 to read:

267 626.8548 "All-lines adjuster" defined.—An "all-lines
268 adjuster" is a person who, for money, commission, or any other
269 thing of value, directly or indirectly ~~is self-employed or~~
270 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~
271 ~~or an independent adjusting firm or other independent adjuster,~~
272 ~~and who~~ undertakes on behalf of a public adjuster or an insurer
273 ~~or other insurers under common control or ownership~~ to ascertain
274 and determine the amount of any claim, loss, or damage payable
275 under an insurance contract or undertakes to effect settlement
276 of such claim, loss, or damage. The term also includes any
277 person who, for money, commission, or any other thing of value,
278 directly or indirectly solicits claims on behalf of a public
279 adjuster. The term does not apply to life insurance or annuity
280 contracts.

281 Section 8. Section 626.8561, Florida Statutes, is created
282 to read:

283 626.8561 "Public adjuster apprentice" defined.—A "public
284 adjuster apprentice" is a person licensed as an all-lines
285 adjuster who:

286 (1) Is appointed and employed by a public adjuster or a
287 public adjusting firm;

288 (2) Assists the public adjuster or public adjusting firm in
289 ascertaining and determining the amount of any claim, loss, or
290 damage payable under an insurance contract, or who undertakes to

36-01171A-17

2017922__

291 effect settlement of such claim, loss, or damage; and

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

293 Section 9. Section 626.8584, Florida Statutes, is amended
294 to read:

295 626.8584 "Nonresident all-lines adjuster" defined.—A

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

297 (1) Is not a resident of this state;

298 (2) Is currently licensed as an adjuster in his or her
299 state of residence for all lines of insurance except life and
300 annuities or, if a resident of a state that does not license
301 such adjusters, meets the qualifications prescribed in s.
302 626.8734; and

303 (3) Is licensed as an all-lines adjuster and self-appointed
304 or appointed and employed by an independent adjusting firm or
305 other independent adjuster, by an insurer admitted to do
306 business in this state or a wholly owned subsidiary of an
307 insurer admitted to do business in this state, or by a public
308 adjuster or a public adjusting firm ~~other insurers under the~~
309 ~~common control or ownership of such insurer.~~

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

312 626.861 Insurer's officers, insurer's employees, reciprocal
313 insurer's representatives; adjustments by.—

314 (1) ~~Nothing in~~ This part may not shall be construed to
315 prevent an executive officer of any insurer, ~~or~~ a regularly
316 salaried employee of an insurer handling claims with respect to
317 health insurance, a regularly salaried employee of an insurer
318 handling claims with respect to residential property if the
319 sublimit coverage does not exceed \$500, or the duly designated

36-01171A-17

2017922__

320 attorney or agent authorized and acting for subscribers to
 321 reciprocal insurers, from adjusting any claim loss or damage
 322 under any insurance contract of such insurer.

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

325 626.864 Adjuster license types.—

326 (3) An all-lines adjuster may be appointed as an
 327 independent adjuster, public adjuster apprentice, or company
 328 employee adjuster, but not more than one of these ~~both~~
 329 concurrently.

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

332 626.865 Public adjuster's qualifications, bond.—

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

337 (d) Has had sufficient experience, training, or instruction
 338 concerning the adjusting of damages or losses under insurance
 339 contracts, other than life and annuity contracts, is
 340 sufficiently informed as to the terms and effects of the
 341 provisions of those types of insurance contracts, and possesses
 342 adequate knowledge of the laws of this state relating to such
 343 contracts as to enable and qualify him or her to engage in the
 344 business of insurance adjuster fairly and without injury to the
 345 public or any member thereof with whom the applicant may have
 346 business as a public adjuster, ~~or has been licensed and employed~~
 347 ~~as a resident insurance company adjuster or independent adjuster~~
 348 ~~in this state on a continual basis for the past year.~~

36-01171A-17

2017922__

349 (e) Has been licensed in this state as an all-lines
350 adjuster, and has been appointed on a continual basis for the
351 previous 6 months ~~Is licensed~~ as a public adjuster apprentice
352 under s. 626.8561, as an independent adjuster under s. 626.855,
353 or as a company employee adjuster under s. 626.856 ~~s. 626.8651~~
354 ~~and complies with the requirements of that license throughout~~
355 ~~the licensure period.~~

356 Section 13. Section 626.8651, Florida Statutes, is amended
357 to read:

358 626.8651 Public adjuster apprentice appointment license;
359 qualifications.—

360 (1)(a) The department shall issue an appointment ~~a license~~
361 as a public adjuster apprentice to a licensee who ~~an applicant~~
362 ~~who is:~~

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

369 3. Maintains such bond unimpaired throughout the existence
370 of the appointment and for at least 1 year after termination of
371 the appointment.

372 (b) The bond must be in favor of the department and must
373 specifically authorize recovery by the department of the damages
374 sustained in case the licensee commits fraud or unfair practices
375 in connection with his or her business as a public adjuster
376 apprentice. The aggregate liability of the surety for all such
377 damages may not exceed the amount of the bond, and the bond may

36-01171A-17

2017922__

378 not be terminated by the issuing insurer unless written notice
379 of at least 30 days is given to the licensee and filed with the
380 department ~~(a) A natural person at least 18 years of age.~~

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

384 ~~(c) Trustworthy and has such business reputation as would~~
385 ~~reasonably ensure that the applicant will conduct business as a~~
386 ~~public adjuster apprentice fairly and in good faith and without~~
387 ~~detriment to the public.~~

388 ~~(2) All applicable license fees, as prescribed in s.~~
389 ~~624.501, must be paid in full before issuance of the license.~~

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

392 ~~(4) An applicant must have received designation as an~~
393 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~
394 ~~or as a Certified Claims Adjuster (CCA) after completion of~~
395 ~~training that qualifies the applicant to engage in the business~~
396 ~~of a public adjuster apprentice fairly and without injury to the~~
397 ~~public. Such training and instruction must address adjusting~~
398 ~~damages and losses under insurance contracts, the terms and~~
399 ~~effects of insurance contracts, and knowledge of the laws of~~
400 ~~this state relating to insurance contracts.~~

401 ~~(5) At the time of application for license as a public~~
402 ~~adjuster apprentice, the applicant shall file with the~~
403 ~~department a bond executed and issued by a surety insurer~~
404 ~~authorized to transact such business in this state in the amount~~
405 ~~of \$50,000, conditioned upon the faithful performance of his or~~
406 ~~her duties as a public adjuster apprentice under the license for~~

36-01171A-17

2017922__

407 ~~which the applicant has applied, and thereafter maintain the~~
408 ~~bond unimpaired throughout the existence of the license and for~~
409 ~~at least 1 year after termination of the license. The bond shall~~
410 ~~be in favor of the department and shall specifically authorize~~
411 ~~recovery by the department of the damages sustained in case the~~
412 ~~licensee commits fraud or unfair practices in connection with~~
413 ~~his or her business as a public adjuster apprentice. The~~
414 ~~aggregate liability of the surety for all such damages may not~~
415 ~~exceed the amount of the bond, and the bond may not be~~
416 ~~terminated by the issuing insurer unless written notice of at~~
417 ~~least 30 days is given to the licensee and filed with the~~
418 ~~department.~~

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

425 ~~(2)(7)~~ (2) An appointing public adjusting firm may not maintain
426 more than four ~~12~~ public adjuster apprentices simultaneously.
427 However, a supervising public adjuster may not be responsible
428 for more than one ~~three~~ public adjuster apprentice ~~apprentices~~
429 simultaneously and shall be accountable for the acts of the ~~all~~
430 public adjuster apprentice ~~apprentices~~ which are related to
431 transacting business as a public adjuster apprentice. This
432 subsection does not apply to a public adjusting firm that
433 adjusts claims primarily for commercial entities with operations
434 in more than one state and that does not directly or indirectly
435 perform adjusting services for insurers or individual

36-01171A-17

2017922__

436 homeowners.

437 ~~(8) An apprentice license is effective for 18 months unless~~
438 ~~the license expires due to lack of maintaining an appointment;~~
439 ~~is surrendered by the licensee; is terminated, suspended, or~~
440 ~~revoked by the department; or is canceled by the department upon~~
441 ~~issuance of a public adjuster license. The department may not~~
442 ~~issue a public adjuster apprentice license to any individual who~~
443 ~~has held such a license in this state within 2 years after~~
444 ~~expiration, surrender, termination, revocation, or cancellation~~
445 ~~of the license.~~

446 ~~(9) After completing the requirements for employment as a~~
447 ~~public adjuster apprentice, the licensee may file an application~~
448 ~~for a public adjuster license. The applicant and supervising~~
449 ~~public adjuster or public adjusting firm must each file a sworn~~
450 ~~affidavit, on a form prescribed by the department, verifying~~
451 ~~that the employment of the public adjuster apprentice meets the~~
452 ~~requirements of this section.~~

453 ~~(3)~~ (10) In no event shall A public adjuster apprentice
454 appointed licensed under this section may not perform any of the
455 functions for which a public adjuster's license is required
456 ~~after expiration of the public adjuster apprentice license~~
457 without having obtained a public adjuster license.

458 ~~(4)~~ (11) A public adjuster apprentice has the same authority
459 as the licensed public adjuster or public adjusting firm that
460 employs the apprentice except that an apprentice may not execute
461 contracts for the services of a public adjuster or public
462 adjusting firm and ~~may not solicit contracts for the services~~
463 ~~except under the direct supervision and guidance of the~~
464 ~~supervisory public adjuster.~~ An individual may not be, act as,

36-01171A-17

2017922__

465 or hold himself or herself out to be a public adjuster
466 apprentice unless the individual is licensed as an all-lines
467 adjuster and holds a current appointment by a licensed public
468 all-lines adjuster or a public adjusting firm that employs a
469 licensed all-lines public adjuster.

470 Section 14. Section 626.8695, Florida Statutes, is amended
471 to read:

472 626.8695 Primary adjuster.—

473 (1) Each business location established by an adjuster,
474 ~~person operating an adjusting firm and each location of a~~
475 ~~multiple location~~ adjusting firm, a corporation, or an
476 association must designate with the department a primary
477 adjuster who is licensed and appointed to adjust the insurance
478 claims adjusted by the business location.

479 (2) An adjusting firm and each branch business location of
480 an adjusting firm shall designate a primary adjuster for each
481 ~~such~~ firm or location and ~~must~~ file with the department, at the
482 department's designated website, the name and license number of
483 such primary adjuster and the physical address of the firm ~~or~~
484 location where he or she is the primary adjuster, ~~on a form~~
485 ~~approved by the department.~~ The designation of the primary
486 adjuster may be changed at the option of the adjusting firm. Any
487 such change is effective upon notification to the department.
488 Notice of change must be provided ~~sent~~ to the department within
489 30 days after such change.

490 (3) ~~(2)(a)~~ For purposes of this section, a "primary
491 adjuster" is the licensed adjuster who is responsible for the
492 ~~hiring and~~ supervision of all individuals within an adjusting
493 firm location who deal with the public and who acts in the

36-01171A-17

2017922__

494 capacity of a public adjuster as defined in s. 626.854, a public
495 adjuster apprentice as defined in s. 626.8561, or an independent
496 adjuster as defined in s. 626.855. An adjuster may be designated
497 as a primary adjuster for only one adjusting firm location.

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

501 (5)~~(3)~~ The department may suspend or revoke the license of
502 the primary adjuster if the adjusting firm employs any person
503 who has had a license denied or any person whose license is
504 currently suspended or revoked. However, if a person has been
505 denied a license for failure to pass a required examination, he
506 or she may be employed to perform clerical or administrative
507 functions for which licensure is not required.

508 (6)~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting
509 firm, ~~or the primary adjuster in an incorporated adjusting firm~~
510 ~~in which no officer, director, or stockholder is an adjuster,~~ is
511 ~~responsible and~~ accountable for misconduct or violations of this
512 code committed by the primary adjuster or by any other person
513 ~~the acts of salaried employees~~ under his or her direct
514 supervision ~~and control~~ while acting on behalf of the adjusting
515 firm. This section does not render a primary adjuster ~~Nothing in~~
516 ~~this section renders any person~~ criminally liable for an ~~or~~
517 ~~subject to any disciplinary proceedings for any act~~ unless the
518 primary adjuster ~~person~~ personally committed the act or knew or
519 should have known of the act and of the facts constituting a
520 violation of this code.

521 (7)~~(5)~~ The department may suspend or revoke the license of
522 any adjuster who is employed by a person whose license is

36-01171A-17

2017922__

523 currently suspended or revoked.

524 (8)~~(6)~~ An adjusting firm location may not conduct the
525 business of insurance unless a primary adjuster is designated
526 and provides services to the firm at all times. If the Failure
527 of the person operating the adjusting firm to designate a
528 primary adjuster designated with the department ends his or her
529 affiliation with the firm for any reason and if the firm fails
530 to designate another primary adjuster, as required in subsection
531 (2), for 90 days, the firm license automatically expires on the
532 91st day after the date the designated primary adjuster ended
533 his or her affiliation with ~~for the firm, or for each location,~~
534 ~~as applicable, on a form prescribed by the department within 30~~
535 ~~days after inception of the firm or change of primary adjuster~~
536 ~~designation, constitutes grounds for requiring the adjusting~~
537 ~~firm to obtain an adjusting firm license pursuant to s.~~
538 ~~626.8696.~~

539 (9)~~(7)~~ Any adjusting firm may determine a request, on a
540 ~~form prescribed by the department, verification from the~~
541 ~~department of any person's current licensure status by~~
542 submitting an appointment request. If a request is mailed to the
543 ~~office~~ within 5 working days after the date an adjuster is
544 hired. If, ~~and~~ the department subsequently notifies the
545 adjusting firm that its appointee's ~~an employee's~~ license is
546 currently suspended, revoked, or has been denied, the license of
547 the primary adjuster may ~~shall~~ not be revoked or suspended if
548 the unlicensed person is immediately dismissed from employment
549 as an adjuster with the firm.

550 Section 15. Section 626.8696, Florida Statutes, is amended
551 to read:

36-01171A-17

2017922__

552 626.8696 Application for adjusting firm license.-

553 (1) The department may issue an insurance adjusting firm
554 license to a person only after the person files a written
555 application with the department and qualifies for such license.

556 (2)~~(1)~~ An application for an adjusting firm license must be
557 signed by an individual required to be listed in the application
558 under paragraph (a). An adjusting firm may authorize a third
559 party to complete, submit, and sign an application on the firm's
560 behalf. However, the firm must ensure that the information on
561 the application is true and correct, and the firm is accountable
562 for any misstatement or misrepresentation. The application for
563 an adjusting firm license must include:

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

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

570 (c) The name, ~~of the adjusting firm and its~~ principal
571 business ~~street~~ address, and valid e-mail address of the
572 adjusting firm, and the name, address, and e-mail address of the
573 firm's registered agent, person, or company authorized to accept
574 service on behalf of the firm.

575 (d) The ~~physical address location~~ of each ~~branch adjusting~~
576 firm, including its name, e-mail address, and telephone number,
577 and the date that the branch location began transacting
578 insurance business ~~office and the name under which each office~~
579 ~~conducts or will conduct business.~~

580 (e) The name of the primary adjuster in full-time charge of

36-01171A-17

2017922__

581 the firm office, including branch firms, and his or her
582 corresponding location.

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

584 1. A sole proprietor, if the applicant is a sole
585 proprietor;

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

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

591
592 Fingerprints must be taken by a law enforcement agency or other
593 entity approved by the department, must be accompanied by the
594 fingerprint processing fee specified in s. 624.501, and must be
595 processed in accordance with s. 624.34. However, fingerprints
596 need not be filed for an individual who is currently licensed
597 and appointed under this chapter. This paragraph does not apply
598 to corporations whose voting shares are traded on a securities
599 exchange.

600 (g)(e) Such Any additional information that the department
601 requires by rule to ascertain the trustworthiness and competence
602 of persons required to be listed on the application and to
603 ascertain that such persons meet the requirements of this code.
604 However, the department may not require that credit or character
605 reports be submitted for such persons.

606 ~~(2) An application for an adjusting firm license must be~~
607 ~~signed by each owner of the firm. If the firm is incorporated,~~
608 ~~the application must be signed by the president and secretary of~~
609 ~~the corporation.~~

36-01171A-17

2017922__

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

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

613 ~~(3)-(5) The license of an adjusting firm continues in force~~
614 ~~until it is canceled, required to be licensed pursuant to s.~~
615 ~~626.8695 must remain so licensed for a period of 3 years from~~
616 ~~the date of licensure, unless the license is suspended, or~~
617 ~~revoked or until it is otherwise terminated or expires by~~
618 ~~operation of law.~~ The department may suspend or revoke the
619 adjusting firm's authority to do business for activities
620 occurring during the time the firm is licensed, regardless of
621 whether the licensing period has terminated.

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

623 Section 17. Section 626.874, Florida Statutes, is amended
624 to read:

625 626.874 Catastrophe or emergency adjusters.—

626 (1) In the event of a catastrophe or emergency, the
627 department may issue a license, for the purposes and under the
628 conditions and for the period of emergency as it shall
629 determine, to persons who are residents or nonresidents of this
630 state, who are at least 18 years of age, who are United States
631 citizens or legal aliens who possess work authorization from the
632 United States Bureau of Citizenship and Immigration Services,
633 and who are not licensed adjusters under this part but who have
634 been designated and certified to it as qualified to act as
635 adjusters by ~~all-lines resident adjusters,~~ by an authorized
636 insurer, ~~or by a licensed general-lines agent~~ to adjust claims,
637 losses, or damages under policies or contracts of insurance
638 issued by such insurer, or by the primary adjuster of an

36-01171A-17

2017922__

639 independent adjusting firm contracted with an authorized insurer
640 to adjust claims on behalf of the insurer ~~insurers~~. The fee for
641 the license is as provided in s. 624.501(12)(c).

642 (2) If any person not a licensed adjuster who has been
643 permitted to adjust such losses, claims, or damages under the
644 conditions and circumstances set forth in subsection (1),
645 engages in any of the misconduct described in or contemplated by
646 ss. 626.611 and 626.621, the department, without notice and
647 hearing, shall be authorized to issue its order denying such
648 person the privileges granted under this section; and thereafter
649 it shall be unlawful for any such person to adjust any such
650 losses, claims, or damages in this state.

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

653 626.875 Office and records.—

654 (2) The records of the adjuster relating to a particular
655 claim or loss shall be so retained in the adjuster's place of
656 business for a period of not less than 5 ~~3~~ years after
657 completion of the adjustment. This provision shall not be deemed
658 to prohibit return or delivery to the insurer or insured of
659 documents furnished to or prepared by the adjuster and required
660 by the insurer or insured to be returned or delivered thereto.

661 Section 19. Section 626.876, Florida Statutes, is amended
662 to read:

663 626.876 Exclusive employment; public adjusters, all-lines
664 ~~independent~~ adjusters.—

665 (1) An individual licensed ~~and appointed~~ as a public
666 adjuster may not be simultaneously licensed as an all-lines
667 adjuster ~~employed during the same period by more than one public~~

36-01171A-17

2017922__

668 ~~adjuster or public adjuster firm or corporation.~~

669 (2) An individual licensed as an all-lines adjuster and
670 appointed as an independent adjuster, a company adjuster, or a
671 public adjuster apprentice may not be simultaneously appointed
672 or employed in a different adjuster capacity that would require
673 an additional adjuster appointment type during the same period
674 ~~by more than one independent adjuster or independent adjuster~~
675 ~~firm or corporation.~~

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

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

679 626.9953 Qualifications for registration; application
680 required.—

681 (5) An applicant must submit a set of his or her
682 fingerprints to the department and pay the processing fee
683 established under s. 624.501(23) ~~s. 624.501(24)~~. The department
684 shall submit the applicant's fingerprints to the Department of
685 Law Enforcement for processing state criminal history records
686 checks and local criminal records checks through local law
687 enforcement agencies and for forwarding to the Federal Bureau of
688 Investigation for national criminal history records checks. The
689 fingerprints shall be taken by a law enforcement agency, a
690 designated examination center, or another department-approved
691 entity. The department may not approve an application for
692 registration as a navigator if fingerprints have not been
693 submitted.

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