

By the Committee on Banking and Insurance; and Senator Garcia

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1                                   A bill to be entitled  
2           An act relating to insurance adjusters; amending s.  
3           624.501, F.S.; deleting a fee for an original or  
4           renewal license for an adjusting firm; amending s.  
5           626.015, F.S.; conforming a cross-reference; amending  
6           s. 626.022, F.S.; revising applicability of the  
7           Licensing Procedures Law to include adjusting firms;  
8           amending s. 626.112, F.S.; prohibiting certain  
9           entities from acting as insurance adjusting firms  
10          without specified licenses; providing an exemption;  
11          providing construction; specifying that an unlicensed  
12          firm is subject to a certain administrative penalty;  
13          deleting a requirement for the Department of Financial  
14          Services to automatically convert a certain  
15          registration to an insurance agency license as of a  
16          certain date; amending s. 626.854, F.S.; redefining  
17          the term "public adjuster"; deleting a certain  
18          prohibited act of a public adjuster; deleting a  
19          provision specifying the method for an insured or  
20          claimant to provide certain notice to an insurer;  
21          providing construction relating to certain limitations  
22          on insurance claim payments and public adjuster  
23          compensation; revising a prohibition against certain  
24          entities relating to a contract or power of attorney  
25          that vests certain authority in a property insurance  
26          claim; conforming a cross-reference; prohibiting  
27          persons from conducting certain activities relating to  
28          insurance claims; providing an exception for attorneys  
29          and public adjusters; repealing s. 626.8541, F.S.,

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30 relating to public adjuster apprentices; amending s.  
31 626.8548, F.S.; redefining the term "all-lines  
32 adjuster"; creating s. 626.8561, F.S.; defining the  
33 term "public adjuster apprentice"; amending s.  
34 626.8584, F.S.; redefining the term "nonresident all-  
35 lines adjuster"; amending s. 626.861, F.S.; revising  
36 construction relating to employees of an insurer;  
37 amending s. 626.864, F.S.; revising the permissible  
38 appointments of all-lines adjusters; amending s.  
39 626.865, F.S.; revising the qualifications for  
40 licensure for public adjusters; amending s. 626.8651,  
41 F.S.; requiring public adjuster apprentices to be  
42 appointed, rather than licensed, by the department;  
43 specifying qualifications for such appointments;  
44 revising requirements and limitations for public  
45 adjusting firms and public adjusters who supervise  
46 public adjuster apprentices; revising certain  
47 prohibited acts and exceptions to such acts of public  
48 adjuster apprentices; conforming provisions to changes  
49 made by the act; amending s. 626.8695, F.S.; revising  
50 requirements for designating primary adjusters;  
51 redefining the term "primary adjuster"; revising the  
52 accountability of a primary adjuster for persons under  
53 his or her supervision; revising a prohibition against  
54 an adjusting firm location conducting insurance  
55 business under certain circumstances; revising  
56 procedures for an adjusting firm to determine a  
57 person's current licensure status; amending s.  
58 626.8696, F.S.; revising conditions for the issuance

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

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

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

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

87 ~~(20) Adjusting firm, original or renewal 3-year license~~

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88 ~~\_\_\_\_\_ \$60.00~~

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

91 626.015 Definitions.—As used in this part:

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

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

97 626.022 Scope of part.—

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

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

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

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

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

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

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

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

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

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

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146 the licensing record of the licensed agency within 30 days after  
147 insurance transactions begin at the branch location.

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

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

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

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

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

173 (e)~~(e)~~ If an agency or firm is required to be licensed but  
174 fails to file an application for licensure in accordance with

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175 this section, the department must ~~shall~~ impose on the agency or  
176 firm an administrative penalty of up to \$2,500 for a first  
177 violation and up to \$10,000 for any subsequent violation.

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

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

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

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

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204 under another professional license.

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

212 (6)~~(7)~~ An insured or claimant may cancel a public  
213 adjuster's contract to adjust a claim without penalty or  
214 obligation within 3 business days after the date on which the  
215 contract is executed or within 3 business days after the date on  
216 which the insured or claimant has notified the insurer of the  
217 claim, ~~by phone or in writing,~~ whichever is later. The public  
218 adjuster's contract must disclose to the insured or claimant his  
219 or her right to cancel the contract and advise the insured or  
220 claimant that notice of cancellation must be submitted in  
221 writing and sent by certified mail, return receipt requested, or  
222 other form of mailing that provides proof thereof, to the public  
223 adjuster at the address specified in the contract; provided,  
224 during any state of emergency as declared by the Governor and  
225 for 1 year after the date of loss, the insured or claimant has 5  
226 business days after the date on which the contract is executed  
227 to cancel a public adjuster's contract.

228 (10) (a)~~(11) (a)~~ If a public adjuster enters into a contract  
229 with an insured or claimant to reopen a claim or file a  
230 supplemental claim that seeks additional payments for a claim  
231 that has been previously paid in part or in full or settled by  
232 the insurer, the public adjuster may not charge, agree to, or



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233 accept from any source compensation, payment, commission, fee,  
234 or any other thing of value based on a previous settlement or  
235 previous claim payments by the insurer for the same cause of  
236 loss. The charge, compensation, payment, commission, fee, or any  
237 other thing of value must be based only on the claim payments or  
238 settlement obtained through the work of the public adjuster  
239 after entering into the contract with the insured or claimant.  
240 Compensation for the reopened or supplemental claim may not  
241 exceed 20 percent of the reopened or supplemental claim payment.  
242 In no event shall the contracts described in this paragraph  
243 exceed the limitations in paragraph (b).

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

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

253 2. Twenty percent of the amount of insurance claim payments  
254 made by the insurer for claims that are not based on events that  
255 are the subject of a declaration of a state of emergency by the  
256 Governor.

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

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

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262 is a violation of this chapter punishable as provided under s.  
263 626.8698.

264 (17)~~(18)~~ A public adjuster, a public adjuster apprentice,  
265 or a person acting on behalf of an adjuster or apprentice may  
266 not enter into a contract or accept a power of attorney that  
267 vests in the public adjuster, the public adjuster apprentice, or  
268 the person acting on behalf of the adjuster or apprentice the  
269 effective authority to choose the persons or entities that will  
270 perform salvage, repair, or any other work in a property  
271 insurance claim.

272 (18)~~(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to  
273 residential property insurance policies and condominium unit  
274 owner policies as described in s. 718.111(11).

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

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

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

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

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

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

288 Section 7. Section 626.8548, Florida Statutes, is amended  
289 to read:

290 626.8548 "All-lines adjuster" defined.—An "all-lines

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291 adjuster" is a person who, for money, commission, or any other  
292 thing of value, directly or indirectly ~~is self-employed or~~  
293 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~  
294 ~~or an independent adjusting firm or other independent adjuster,~~  
295 ~~and who~~ undertakes on behalf of a public adjuster or an insurer  
296 ~~or other insurers under common control or ownership~~ to ascertain  
297 and determine the amount of any claim, loss, or damage payable  
298 under an insurance contract or undertakes to effect settlement  
299 of such claim, loss, or damage. The term also includes any  
300 person who, for money, commission, or any other thing of value,  
301 directly or indirectly solicits claims on behalf of a public  
302 adjuster, but does not include paid spokespersons used as part  
303 of a written or an electronic advertisement. The term does not  
304 apply to life insurance or annuity contracts.

305 Section 8. Section 626.8561, Florida Statutes, is created  
306 to read:

307 626.8561 "Public adjuster apprentice" defined.—The term  
308 "public adjuster apprentice" means a person licensed as an all-  
309 lines adjuster who:

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

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

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

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

319 626.8584 "Nonresident all-lines adjuster" defined.—A

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

321 (3) Is licensed as an all-lines adjuster and self-appointed  
322 or appointed and employed or contracted by an independent  
323 adjusting firm or other independent adjuster, by an insurer  
324 admitted to do business in this state or a wholly owned  
325 subsidiary of an insurer admitted to do business in this state,  
326 or by a public adjuster or a public adjusting firm ~~other~~  
327 ~~insurers under the common control or ownership of such insurer.~~

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

330 626.861 Insurer's officers, insurer's employees, reciprocal  
331 insurer's representatives; adjustments by.—

332 (1) ~~Nothing in~~ This part may not ~~shall~~ be construed to  
333 prevent an executive officer of any insurer, an ~~or a~~ regularly  
334 ~~salaried~~ employee of an insurer handling claims with respect to  
335 health insurance, an employee of an insurer handling claims with  
336 respect to residential property insurance in which the amount of  
337 coverage for the applicable type of loss is contractually  
338 limited to \$500 or less, or the duly designated attorney or  
339 agent authorized and acting for subscribers to reciprocal  
340 insurers, ~~from~~ adjusting any claim loss or damage under any  
341 insurance contract of such insurer.

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

344 626.864 Adjuster license types.—

345 (3) An all-lines adjuster may be appointed as an  
346 independent adjuster, public adjuster apprentice, or company  
347 employee adjuster, but not more than one of these ~~both~~  
348 concurrently.

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

351 626.865 Public adjuster's qualifications, bond.-

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

356 (d) Has had sufficient experience, training, or instruction  
357 concerning the adjusting of damages or losses under insurance  
358 contracts, other than life and annuity contracts, is  
359 sufficiently informed as to the terms and effects of the  
360 provisions of those types of insurance contracts, and possesses  
361 adequate knowledge of the laws of this state relating to such  
362 contracts as to enable and qualify him or her to engage in the  
363 business of insurance adjuster fairly and without injury to the  
364 public or any member thereof with whom the applicant may have  
365 business as a public adjuster, ~~or has been licensed and employed~~  
366 ~~as a resident insurance company adjuster or independent adjuster~~  
367 ~~in this state on a continual basis for the past year.~~

368 (e) Has been licensed in this state as an all-lines  
369 adjuster, and has been appointed on a continual basis for the  
370 previous 6 months ~~Is licensed~~ as a public adjuster apprentice  
371 under s. 626.8561, as an independent adjuster under s. 626.855,  
372 or as a company employee adjuster under s. 626.856 ~~under s.~~  
373 ~~626.8651 and complies with the requirements of that license~~  
374 ~~throughout the licensure period.~~

375 Section 13. Section 626.8651, Florida Statutes, is amended  
376 to read:

377 626.8651 Public adjuster apprentice appointment license;

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378 qualifications.-

379 (1) (a) The department shall issue an appointment ~~a license~~  
380 as a public adjuster apprentice to a licensee ~~an applicant~~ who  
381 ~~is~~:

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

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

388 3. Maintains such bond unimpaired throughout the existence  
389 of the appointment and for at least 1 year after termination of  
390 the appointment.

391 (b) The bond must be in favor of the department and must  
392 specifically authorize recovery by the department of the damages  
393 sustained in case the licensee commits fraud or unfair practices  
394 in connection with his or her business as a public adjuster  
395 apprentice. The aggregate liability of the surety for all such  
396 damages may not exceed the amount of the bond, and the bond may  
397 not be terminated by the issuing insurer unless written notice  
398 of at least 30 days is given to the licensee and filed with the  
399 department.

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

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

404 ~~(c) Trustworthy and has such business reputation as would~~  
405 ~~reasonably ensure that the applicant will conduct business as a~~  
406 ~~public adjuster apprentice fairly and in good faith and without~~

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407 ~~detriment to the public.~~

408 ~~(2) All applicable license fees, as prescribed in s.~~  
409 ~~624.501, must be paid in full before issuance of the license.~~

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

412 ~~(4) An applicant must have received designation as an~~  
413 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~  
414 ~~or as a Certified Claims Adjuster (CCA) after completion of~~  
415 ~~training that qualifies the applicant to engage in the business~~  
416 ~~of a public adjuster apprentice fairly and without injury to the~~  
417 ~~public. Such training and instruction must address adjusting~~  
418 ~~damages and losses under insurance contracts, the terms and~~  
419 ~~effects of insurance contracts, and knowledge of the laws of~~  
420 ~~this state relating to insurance contracts.~~

421 ~~(5) At the time of application for license as a public~~  
422 ~~adjuster apprentice, the applicant shall file with the~~  
423 ~~department a bond executed and issued by a surety insurer~~  
424 ~~authorized to transact such business in this state in the amount~~  
425 ~~of \$50,000, conditioned upon the faithful performance of his or~~  
426 ~~her duties as a public adjuster apprentice under the license for~~  
427 ~~which the applicant has applied, and thereafter maintain the~~  
428 ~~bond unimpaired throughout the existence of the license and for~~  
429 ~~at least 1 year after termination of the license. The bond shall~~  
430 ~~be in favor of the department and shall specifically authorize~~  
431 ~~recovery by the department of the damages sustained in case the~~  
432 ~~licensee commits fraud or unfair practices in connection with~~  
433 ~~his or her business as a public adjuster apprentice. The~~  
434 ~~aggregate liability of the surety for all such damages may not~~  
435 ~~exceed the amount of the bond, and the bond may not be~~

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436 ~~terminated by the issuing insurer unless written notice of at~~  
437 ~~least 30 days is given to the licensee and filed with the~~  
438 ~~department.~~

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

445 ~~(2)(7)~~ An appointing public adjusting firm may not maintain  
446 more than four ~~12~~ public adjuster apprentices simultaneously.  
447 However, a supervising public adjuster may not be responsible  
448 for more than one ~~three~~ public adjuster apprentice ~~apprentices~~  
449 simultaneously and shall be accountable for the acts of the ~~all~~  
450 public adjuster apprentice ~~apprentices~~ which are related to  
451 transacting business as a public adjuster apprentice. This  
452 subsection does not apply to a public adjusting firm that  
453 adjusts claims primarily for commercial entities with operations  
454 in more than one state and that does not directly or indirectly  
455 perform adjusting services for insurers or individual  
456 homeowners.

457 ~~(8) An apprentice license is effective for 18 months unless~~  
458 ~~the license expires due to lack of maintaining an appointment;~~  
459 ~~is surrendered by the licensee; is terminated, suspended, or~~  
460 ~~revoked by the department; or is canceled by the department upon~~  
461 ~~issuance of a public adjuster license. The department may not~~  
462 ~~issue a public adjuster apprentice license to any individual who~~  
463 ~~has held such a license in this state within 2 years after~~  
464 ~~expiration, surrender, termination, revocation, or cancellation~~



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465 ~~of the license.~~

466 ~~(9) After completing the requirements for employment as a~~  
467 ~~public adjuster apprentice, the licensee may file an application~~  
468 ~~for a public adjuster license. The applicant and supervising~~  
469 ~~public adjuster or public adjusting firm must each file a sworn~~  
470 ~~affidavit, on a form prescribed by the department, verifying~~  
471 ~~that the employment of the public adjuster apprentice meets the~~  
472 ~~requirements of this section.~~

473 ~~(10) In no event shall A public adjuster apprentice~~  
474 ~~licensed under this section perform any of the functions for~~  
475 ~~which a public adjuster's license is required after expiration~~  
476 ~~of the public adjuster apprentice license without having~~  
477 ~~obtained a public adjuster license.~~

478 ~~(3)~~(11) A public adjuster apprentice has the same authority  
479 as the licensed public adjuster or public adjusting firm that  
480 employs the apprentice except that an apprentice may not execute  
481 contracts for the services of a public adjuster or public  
482 adjusting firm and ~~may not solicit contracts for the services~~  
483 ~~except under the direct supervision and guidance of the~~  
484 ~~supervisory public adjuster.~~ An individual may not be, act as,  
485 or hold himself or herself out to be a public adjuster  
486 apprentice unless the individual is licensed as an all-lines  
487 adjuster and holds a current appointment by a licensed public  
488 all-lines adjuster or a public adjusting firm that employs a  
489 licensed ~~all-lines~~ public adjuster.

490 Section 14. Section 626.8695, Florida Statutes, is amended  
491 to read:

492 626.8695 Primary adjuster.—

493 (1) Each business location established by an adjuster,

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494 ~~person operating an adjusting firm, a corporation, or an~~  
495 ~~association and each location of a multiple location adjusting~~  
496 ~~firm must designate with the department a primary adjuster who~~  
497 ~~is licensed and appointed to adjust the insurance claims~~  
498 ~~adjusted by the business location.~~

499 (2) An adjusting firm and each of its branch firms shall  
500 designate a primary adjuster for each such firm or location and  
501 must file with the department, at the department's designated  
502 website, the name and license number of such primary adjuster  
503 and the physical address of the adjusting firm or branch firm  
504 location where he or she is the primary adjuster, on a form  
505 approved by the department. The designation of the primary  
506 adjuster may be changed at the option of the adjusting firm. Any  
507 such change is effective upon notification to the department.  
508 Notice of change must be provided ~~sent~~ to the department within  
509 30 days after such change.

510 (3)-(2)-(a) For purposes of this section, a "primary  
511 adjuster" is the licensed adjuster who is responsible for the  
512 ~~hiring and~~ supervision of all individuals within an adjusting  
513 firm location who act ~~deal with the public and who acts in the~~  
514 ~~capacity of a public adjuster as defined in s. 626.854, or an~~  
515 ~~independent~~ adjuster as defined in this chapter s. 626.855. An  
516 adjuster may be designated as a primary adjuster for more than  
517 only one adjusting firm location provided no person engages in  
518 activity requiring licensure as an adjuster at any location when  
519 an adjuster is not physically present.

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

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523        (5)~~(3)~~ The department may suspend or revoke the license of  
524 the primary adjuster if the adjusting firm employs or contracts  
525 any person who has had a license denied or any person whose  
526 license is currently suspended or revoked. However, if a person  
527 has been denied a license for failure to pass a required  
528 examination, he or she may be employed or contracted to perform  
529 clerical or administrative functions for which licensure is not  
530 required.

531        (6)~~(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting  
532 firm, ~~or the primary adjuster in an incorporated adjusting firm~~  
533 ~~in which no officer, director, or stockholder is an adjuster,~~ is  
534 ~~responsible and~~ accountable for misconduct or violations of this  
535 code committed by the primary adjuster or by any other person  
536 ~~the acts of salaried employees~~ under his or her direct  
537 supervision ~~and control~~ while acting on behalf of the adjusting  
538 firm. This section does not render a primary adjuster ~~Nothing in~~  
539 ~~this section renders any person~~ criminally liable for an ~~or~~  
540 ~~subject to any disciplinary proceedings for any act unless the~~  
541 primary adjuster ~~person~~ personally committed the act or knew or  
542 should have known of the act and of the facts constituting a  
543 violation of this code.

544        (7)~~(5)~~ The department may suspend or revoke the license of  
545 any adjuster who is employed or contracted by a person whose  
546 license is currently suspended or revoked.

547        (8)~~(6)~~ An adjusting firm location may not conduct the  
548 business of insurance unless a primary adjuster is designated  
549 and provides services to the firm at all times. If the Failure  
550 ~~of the person operating the adjusting firm to designate a~~  
551 primary adjuster designated with the department ends his or her

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552 affiliation with the firm for any reason and if the firm fails  
553 to designate another primary adjuster, as required in subsection  
554 (2), within 90 days, the firm license automatically expires on  
555 the 91st day after the date the designated primary adjuster  
556 ended his or her affiliation with for the firm, or for each  
557 location, as applicable, on a form prescribed by the department  
558 within 30 days after inception of the firm or change of primary  
559 adjuster designation, constitutes grounds for requiring the  
560 adjusting firm to obtain an adjusting firm license pursuant to  
561 s. 626.8696.

562 (9)(7) Any adjusting firm may determine a request, on a  
563 form prescribed by the department, verification from the  
564 department of any person's current licensure status by  
565 submitting an appointment request. If a request is mailed to the  
566 office within 5 working days after the date an adjuster is  
567 hired. If, and the department subsequently notifies the  
568 adjusting firm that its appointee's an employee's license is  
569 currently suspended, revoked, or has been denied, the license of  
570 the primary adjuster may shall not be revoked or suspended if  
571 the unlicensed person is immediately dismissed from employment  
572 as an adjuster with the firm.

573 Section 15. Section 626.8696, Florida Statutes, is amended  
574 to read:

575 626.8696 Application for adjusting firm license.—

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

579 (2) An application for an adjusting firm license must be  
580 signed by an individual required to be listed in the application

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581 under paragraph (a). An adjusting firm may authorize a third  
582 party to complete, submit, and sign an application on the firm's  
583 behalf. However, the firm must ensure that the information on  
584 the application is true and correct, and the firm is accountable  
585 for any misstatement or misrepresentation. The application for  
586 an adjusting firm license must include:

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

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

593 (c) The name, of the adjusting firm and its principal  
594 business street address, and valid e-mail address of the  
595 adjusting firm, and the name, street address, and valid e-mail  
596 address of the firm's registered agent, person, or company  
597 authorized to accept service on behalf of the firm.

598 (d) The physical address location of each branch adjusting  
599 firm, including its name, valid e-mail address, and telephone  
600 number, and the date that the branch firm began transacting  
601 insurance business office and the name under which each office  
602 conducts or will conduct business.

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

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

607 1. A sole proprietor, if the applicant is a sole  
608 proprietor;

609 2. Each individual required to be listed in the application

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610 under paragraph (a); and

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

614

615 Fingerprints must be taken by a law enforcement agency or other  
616 entity approved by the department, must be accompanied by the  
617 fingerprint processing fee specified in s. 624.501, and must be  
618 processed in accordance with s. 624.34. However, fingerprints  
619 need not be filed for an individual who is currently licensed  
620 and appointed under this chapter. This paragraph does not apply  
621 to corporations whose voting shares are traded on a securities  
622 exchange.

623 (g)(e) Such Any additional information that the department  
624 requires by rule to ascertain the trustworthiness and competence  
625 of persons required to be listed on the application and to  
626 ascertain that such persons meet the requirements of this code.  
627 However, the department may not require that credit or character  
628 reports be submitted for such persons.

629 ~~(2) An application for an adjusting firm license must be~~  
630 ~~signed by each owner of the firm. If the firm is incorporated,~~  
631 ~~the application must be signed by the president and secretary of~~  
632 ~~the corporation.~~

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

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

636 ~~(3)(5) The license of an adjusting firm continues in force~~  
637 ~~until it is canceled, required to be licensed pursuant to s.~~  
638 ~~626.8695 must remain so licensed for a period of 3 years from~~

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639 ~~the date of licensure, unless the license is~~ suspended, or  
640 revoked or until it is otherwise terminated or expires by  
641 operation of law. The department may suspend or revoke the  
642 adjusting firm's authority to do business for activities  
643 occurring during the time the firm is licensed, regardless of  
644 whether the licensing period has terminated.

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

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

648 626.874 Catastrophe or emergency adjusters.—

649 (1) In the event of a catastrophe or emergency, the  
650 department may issue a license, for the purposes and under the  
651 conditions and for the period of emergency as it shall  
652 determine, to persons who are residents or nonresidents of this  
653 state, who are at least 18 years of age, who are United States  
654 citizens or legal aliens who possess work authorization from the  
655 United States Bureau of Citizenship and Immigration Services,  
656 and who are not licensed adjusters under this part but who have  
657 been designated and certified to it as qualified to act as  
658 ~~adjusters by all-lines resident adjusters,~~ by an authorized  
659 ~~insurer, or by a licensed general-lines agent~~ to adjust claims,  
660 losses, or damages under policies or contracts of insurance  
661 issued by such insurers, or by the primary adjuster of an  
662 independent adjusting firm contracted with an authorized insurer  
663 to adjust claims on behalf of the insurer. The fee for the  
664 license is as provided in s. 624.501(12)(c).

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

667 626.875 Office and records.—

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668 (2) The records of the adjuster relating to a particular  
669 claim or loss shall be so retained in the adjuster's place of  
670 business for a period of not less than 5 ~~3~~ years after  
671 completion of the adjustment. This provision shall not be deemed  
672 to prohibit return or delivery to the insurer or insured of  
673 documents furnished to or prepared by the adjuster and required  
674 by the insurer or insured to be returned or delivered thereto.

675 Section 19. Section 626.876, Florida Statutes, is amended  
676 to read:

677 626.876 Exclusive employment; public adjusters, all-lines  
678 ~~independent~~ adjusters.—

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

683 (2) An individual licensed as an all-lines adjuster and  
684 appointed as an independent adjuster, a company employee  
685 adjuster, or a public adjuster apprentice may not be  
686 simultaneously appointed, contracted, or employed as an adjuster  
687 that requires a different appointment type during the same  
688 period by more than one independent adjuster or independent  
689 adjuster firm or corporation.

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

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

693 626.9953 Qualifications for registration; application  
694 required.—

695 (5) An applicant must submit a set of his or her  
696 fingerprints to the department and pay the processing fee



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697 established under s. 624.501(23) ~~s. 624.501(24)~~. The department  
698 shall submit the applicant's fingerprints to the Department of  
699 Law Enforcement for processing state criminal history records  
700 checks and local criminal records checks through local law  
701 enforcement agencies and for forwarding to the Federal Bureau of  
702 Investigation for national criminal history records checks. The  
703 fingerprints shall be taken by a law enforcement agency, a  
704 designated examination center, or another department-approved  
705 entity. The department may not approve an application for  
706 registration as a navigator if fingerprints have not been  
707 submitted.

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