

1 A bill to be entitled
2 An act relating to public adjusters; providing an
3 effective date.

4 Be It Enacted by the Legislature of the State of
5 Florida:

6 Section 1. Subsection (5) of section 624.501, Florida
7 Statutes, is amended to read:

8 624.501 Filing, license, appointment, and
9 miscellaneous fees.--The department, commission, or office,
10 as appropriate, shall collect in advance, and persons so
11 served shall pay to it in advance, fees, licenses, and
12 miscellaneous charges as follows:

13 (5) All insurance representatives, application for
14 license, application for reinstatement of suspended
15 license, each filing, filing fee \$50.00

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

18 626.015 Definitions.--As used in this part:

19 (1) "Adjuster" means a public adjuster as defined in
20 s. 626.854, public adjuster apprentice as defined in s.
21 626.8541, independent adjuster as defined in s. 626.855, or
22 company employee adjuster as defined in s. 626.856.

23 Section 3. Paragraphs (c), (e) and (f) of subsection
24 (2) of section 626.221, Florida Statutes, are amended to
25 read:

26 626.221 Examination requirement; exemptions.--

27 (2) However, no such examination shall be necessary
28 in any of the following cases:

1 (c) In the discretion of the department, an applicant
2 for reinstatement of license or appointment as an agent,
3 customer representative, company employee adjuster or
4 independent adjuster whose license has been suspended
5 within 4 years prior to the date of application or written
6 request for reinstatement.

7 (e) A person who has been licensed and appointed as
8 ~~an public adjuster,~~ independent adjuster, or company
9 employee adjuster as to all property, casualty, and surety
10 insurances, may be licensed and appointed as a company
11 employee or, independent, ~~or public~~ adjuster, as to these
12 kinds of insurance, without additional written examination
13 if an application for licensure is filed with the
14 department within 48 months following the date of
15 cancellation or expiration of the prior appointment;

16 (f) A person who has been licensed as a company
17 employee or independent ~~an~~ adjuster for motor vehicle,
18 property and casualty, workers' compensation, and health
19 insurance may be licensed as such an adjuster without
20 additional written examination if his or her application
21 for licensure is filed with the department within 48 months
22 after cancellation or expiration of the prior license.

23 Section 4. Subsection (6) of section 626.241, Florida
24 Statutes, is amended to read:

25 626.241 Scope of examination.—

26 (6) In order to reflect the differences between
27 adjusting claims for an insurer and adjusting claims for an
28 insured, the department shall create an examination for
29 applicants for a public adjuster license and an examination
30 for a company employee or independent adjuster license.

31 Examinations given applicants for license as an all-lines
32 adjuster shall cover adjusting in all lines of insurance,

1 other than life and annuity; or, in accordance with the
2 application for the license, the examination may be limited
3 to adjusting in:

- 4 (a) Automobile physical damage insurance;
- 5 (b) Property and casualty insurance;
- 6 (c) Workers' compensation insurance; or
- 7 (d) Health insurance.

8 Section (5). Subsection (1) of section 626.641,
9 Florida Statutes, is amended to read:

10 626.641 Duration of suspension or revocation.--

11 (1) The department shall, in its order
12 suspending a license or appointment or in its order
13 suspending the eligibility of a person to hold or apply for
14 such license or appointment, specify the period during
15 which the suspension is to be in effect; but such period
16 shall not exceed 2 years. The license, appointment, or
17 eligibility shall remain suspended during the period so
18 specified, subject, however, to any rescission or
19 modification of the order by the department, or
20 modification or reversal thereof by the court, prior to
21 expiration of the suspension period. A license,
22 appointment, or eligibility which has been suspended shall
23 not be reinstated except upon the filing and approval of an
24 application for ~~request for such~~ reinstatement and, in the
25 case of a second suspension, completion of continuing
26 education courses prescribed and approved by the
27 department; but the department shall not approve an
28 application for ~~grant such~~ reinstatement if it finds that
29 the circumstance or circumstances for which the license,
30 appointment, or eligibility was suspended still exist or
31 are likely to recur. In addition, an application ~~a request~~
32 for reinstatement is subject to denial and subject to a

1 waiting period prior to approval on the same grounds that
2 apply to applications for licensure pursuant to ss.
3 626.207, 626.611, ~~and~~ 626.621 and 626.8698.

4 Section 6. Subsections (5), (6), (7), (8), (9),
5 (10)and (11) are added to section 626.854, Florida
6 Statutes, to read:

7 626.854 "Public adjuster" defined; prohibitions.--The
8 Legislature finds that it is necessary for the protection
9 of the public to regulate public insurance adjusters and to
10 prevent the unauthorized practice of law.

11 (5) A public adjuster shall not directly or
12 indirectly through any other person or entity solicit or
13 enter into a contract with any insured or claimant under an
14 insurance policy until at least 72 hours after occurrence
15 of an event that may be the subject of a claim under the
16 insurance policy unless contact is initiated by the insured
17 or claimant.

18 (6) A public adjuster's contract to adjust a claim
19 shall be cancelable by the client, without penalty or
20 obligation, for 3 business days after the contract is
21 executed or for 3 business days after the client has
22 notified the insurer of the claim, either by phone or in
23 writing, whichever is later. The public adjuster shall
24 disclose to the client their right to cancel the contract
25 and advise the client that notice of cancellation must be
26 submitted in writing and sent by certified mail, return
27 receipt requested, or other form of mailing which provides
28 proof of mailing, to the public adjuster at the address
29 specified in the contract.

30 (7) Neither a public adjuster nor public adjuster
31 apprentice nor any other person or entity on its or his

1 behalf shall give or offer to give a monetary loan or
2 advance to a client or prospective client.

3 (8) Neither a public adjuster nor public adjuster
4 apprentice nor any other person or entity on its or his
5 behalf shall give or offer to give, directly or indirectly,
6 any article of merchandise with a value in excess of \$25 to
7 any person for the purpose of advertising or as an
8 inducement to entering into a contract with a public
9 adjuster.

10 (9) A public adjuster shall not charge, agree to, or
11 accept any compensation, payment, commission, fee, or other
12 thing of value based on any settlement, regardless of
13 whether payment has been made to the insured or claimant,
14 full or partial payment under a settlement, other claim
15 payments, or any portion of any payment by the insurer,
16 unless:

17 (a) The public adjuster entered into a written
18 contract with the insured or claimant to provide services
19 as a public adjuster for the claim on which the insurer has
20 made a payment;

21 (b) The contract was executed prior to settlement,
22 prior to the time of payment and prior to date that the
23 insurer communicated to the insured or claimant that
24 insurer agreed to make a payment; and

25 (c) The public adjuster performed the services
26 required under the contract with respect to the claim for
27 which the insurer has made a payment.

28 (10) If a public adjuster enters into a contract with
29 an insured or claimant to re-open a claim or to file a
30 supplemental claim that seeks additional payments for a
31 claim that has been previously paid or settled, the public
32 adjuster shall not base any charge, compensation, payment,

1 commission, or fee on the previous settlement or previous
2 claim payments.

3 (11) A public adjuster shall not charge, agree to, or
4 accept any compensation, payment, commission, fee, or other
5 thing of value based on any full or partial insurance
6 settlement or insurance claim payment by the insurer, or
7 any portion of any payment by the insurer:

8 (a) Equal to more than fifteen percent of the amount
9 of any full or partial insurance settlement or claim
10 payment by the insurer. However, this paragraph does not
11 apply to claims that arise out of a storm declared to be a
12 hurricane by the National Hurricane Center.

13 (b) With regard to claims arising out of a storm
14 declared to be a hurricane by the National Hurricane
15 Center:

16 1. Equal to more than ten percent of the amount of
17 any full or partial insurance settlement or insurance claim
18 payment by the insurer on the initial claim;

19 2. Equal to more than fifteen percent of the amount
20 of any full or partial insurance settlement or insurance
21 claim payment by the insurer if a public adjuster re-opens
22 the initial claim or files a supplemental claim that seeks
23 additional payments on behalf of an insured or claimant for
24 a claim that has been previously paid or settled.

25 Section 7. Section 626.8541, Florida Statutes, is
26 created to read:

27 626.8541 "Public adjuster apprentice" defined. - A
28 "public adjuster apprentice" is any person who is employed
29 by a licensed and appointed public adjuster in good
30 standing with the department or a public adjusting firm
31 that employs at least one licensed and appointed public
32 adjuster in good standing with the department to assist a

1 public adjuster in conducting business under the license
2 and who satisfies the requirements of s. 626.8651.

3 Section 8. Subsection (1) is amended and subsection
4 (3) is added in section 626.865, Florida Statutes, is
5 amended to read:

6 626.865 Public adjuster's qualifications, bond.--

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

11 (a) Is a natural person at least 18 years of age.

12 (b) Is a United States citizen or legal alien who
13 possesses work authorization from the United States Bureau
14 of Citizenship and Immigration Services and a bona fide
15 resident of this state.

16 (c) Is trustworthy and has such business reputation
17 as would reasonably assure that the applicant will conduct
18 his or her business as insurance adjuster fairly and in
19 good faith and without detriment to the public.

20 (d) 1. In the past 4 years, has had 2 years of
21 sufficient experience involving the adjusting of damages or
22 losses under insurance contracts, other than life and
23 annuity contracts, as a licensed and appointed general
24 lines insurance agent or as a licensed and appointed all-
25 lines or property and casualty company employee adjuster or
26 independent adjuster; or, training, or instruction
27 concerning the adjusting of damages or losses under
28 insurance contracts, other than life and annuity contracts,

29 2. Has successfully completed 12 semester hours or 18
30 quarter hours in courses on insurance, other than life and
31 annuity contracts, at an accredited institution of higher
32 learning.

1 (e) Is sufficiently informed as to the terms and
2 effects of the provisions of those types of insurance
3 contracts, and possesses adequate knowledge of the laws of
4 this state relating to such contracts as to enable and
5 qualify him or her to engage in the business of insurance
6 adjuster fairly and without injury to the public or any
7 member thereof with whom the applicant may have business as
8 a public adjuster.

9 (f)~~(e)~~ Has passed the ~~any~~ required written
10 examination.

11 (g) Has completed 12 months of employment as a public
12 adjuster apprentice in accordance with s. 626.8651.

13 (3) The department shall not issue a license as a
14 public adjuster to any person who has not passed the
15 examination for a public adjuster's license. Any person who
16 is applying for reinstatement of a license after completion
17 of a period of suspension and any person who is applying
18 for a new license after termination, cancellation,
19 revocation or expiration of a prior license as a public
20 adjuster must pass the examination for a public adjuster's
21 license after approval of the application for reinstatement
22 or for a new license regardless of whether the applicant
23 passed an examination prior to issuance of the license that
24 was suspended, terminated, cancelled, revoked or expired.

25 Section 9. Section 626.8651, Florida Statutes, is
26 created to read:

27 626.8651 Public adjuster apprentice license;
28 qualifications.--

29 (1) If, upon the basis of a completed application for
30 license as a public adjuster apprentice and such further
31 inquiry or investigation as the department may make
32 concerning an applicant, the department is satisfied that

1 the applicant is qualified and that all pertinent fees have
2 been paid, it shall approve the application.

3 (2) If, upon the basis of the completed application
4 and such further inquiry or investigation, the department
5 finds the applicant to be lacking in any one or more of the
6 required qualifications for licensure as a public adjuster
7 apprentice, the department shall deny the application and
8 notify the applicant, stating the grounds for denial.

9 (3) The department shall issue a license as a public
10 adjuster apprentice if the applicant meets the following
11 qualifications:

12 (a) The applicant is a natural person at least 18
13 years of age.

14 (b) The applicant is a United States citizen or legal
15 alien who possesses work authorization from the United
16 States Bureau of Citizenship and Immigration Services and
17 is a resident of this state.

18 (c) The applicant is trustworthy and has such
19 business reputation as would reasonably assure that the
20 applicant will conduct business as a public adjuster
21 apprentice fairly and in good faith and without detriment
22 to the public.

23 (d) The applicant has had sufficient experience,
24 training, or instruction concerning the adjusting of
25 damages or losses under insurance contracts, other than
26 life and annuity contracts, is sufficiently informed as to
27 the terms and effects of the provisions of those types of
28 insurance contracts, and possesses adequate knowledge of
29 the laws of this state relating to such contracts as to
30 enable and qualify him or her to engage in business as a
31 public adjuster apprentice fairly and without injury to the
32 public or any member thereof with whom the applicant may

1 have business as a public adjuster apprentice. The
2 department may adopt rules that establish standards for the
3 experience, training, or instruction requirements.

4 (e) The application must be accompanied by an
5 affidavit verifying proposed employment and the applicant's
6 trustworthiness and qualifications on a form prescribed by
7 the department and executed by the proposed employer. The
8 proposed employer must be a licensed and appointed public
9 adjuster in good standing with the department or a public
10 adjuster firm that employs at least one licensed and
11 appointed public adjuster in good standing with the
12 department.

13 (4) All applicable license fees, as prescribed in s.
14 624.501, must be paid before issuance of the license.

15 (5) At the time of application for license as a
16 public adjuster apprentice, the applicant shall file with
17 the department a bond executed and issued by a surety
18 insurer authorized to transact such business in this state,
19 in the amount of \$50,000, conditioned for the faithful
20 performance of his or her duties as a public adjuster
21 apprentice under the license for which the applicant has
22 applied, and thereafter maintain the bond unimpaired
23 throughout the existence of the license and for at least 1
24 year after termination of the license. The bond shall be in
25 favor of the department and shall specifically authorize
26 recovery by the department of the damages sustained in case
27 the licensee is guilty of fraud or unfair practices in
28 connection with his or her business as public adjuster
29 apprentice. The aggregate liability of the surety for all
30 such damages shall in no event exceed the amount of the
31 bond. Such bond shall not be terminated by the issuing

1 insurer unless at least 30 days' written notice is given to
2 the licensee and filed with the department.

3 (6) The department shall not issue a license to any
4 applicant as a public adjuster apprentice who is not
5 employed by a licensed and appointed public adjuster who is
6 in good standing with the department or a public adjusting
7 firm that employs or contracts with at least one licensed
8 and appointed public adjuster who is in good standing with
9 the department. If the employer is a public adjuster, this
10 public adjuster shall supervise the work of the apprentice
11 and is responsible for the licensee's conduct in the
12 business of insurance. If the employer is a public
13 adjusting firm, one licensed and appointed public adjuster
14 who is in good standing with the department and employed or
15 under contract with the public adjusting firm shall
16 supervise the work of the apprentice and is responsible for
17 the licensee's conduct in the business of insurance. The
18 department may adopt rules that establish standards for the
19 employment requirements.

20 (7) The supervising public adjuster is responsible
21 and accountable for the acts of a public adjuster
22 apprentice that are related to transacting business as a
23 public adjuster apprentice.

24 (8) The apprentice license shall be effective for 18
25 months unless surrendered by the licensee, terminated,
26 suspended or revoked by the department or cancelled by the
27 department upon issuance of a public adjuster license. The
28 department shall terminate a license upon being notified by
29 the employer that the licensee's employment has been
30 terminated, whether voluntarily or involuntarily.

31 (9) After completing at least 12 months of
32 employment as a public adjuster apprentice, the licensee

1 may file an application for a public adjuster license. The
2 applicant and supervising public adjuster or public
3 adjusting firm must each file an affidavit under oath, on a
4 form prescribed by the department, verifying the required
5 employment of the public adjuster apprentice before
6 issuance of the license.

7 (10) In no event shall a public adjuster apprentice
8 licensed under this section perform any of the functions
9 for which a public adjuster's license is required after
10 expiration of the public adjuster apprentice license
11 without having obtained a public adjuster license.

12 (11) A public adjuster apprentice has the same
13 authority as the licensed public adjuster or public
14 adjusting firm that employs the apprentice except that an
15 apprentice may not execute contracts for the services of a
16 public adjuster or public adjusting firm and may not
17 solicit contracts for the services except under direct
18 supervision and guidance of the supervisory public
19 adjuster.

20 Section 10. Subsection (4) of section 626.869, Florida
21 Statutes, is amended to read:

22 626.869 License, adjusters; continuing education.--

23 (4)(a) Any individual holding a company employee or
24 independent adjuster license for 24 consecutive months or
25 longer must, beginning in his or her birth month and every
26 2 years thereafter, have completed 24 hours of courses, 2
27 hours of which relate to ethics, in subjects designed to
28 inform the licensee regarding the current insurance laws of
29 this state, so as to enable him or her to engage in
30 business as an insurance adjuster fairly and without injury
31 to the public and to adjust all claims in accordance with
32 the policy or contract and the laws of this state.

1 (b) Any individual holding a license as a public
2 adjuster for 24 consecutive months or longer, beginning in
3 their birth month and every 2 years thereafter, must have
4 completed 24 hours of courses, 2 hours of which relate to
5 ethics, in subjects designed to inform the licensee
6 regarding the current laws of this state pertaining to all
7 lines of insurance other than life and annuities, the
8 current laws of this state pertaining to the duties and
9 responsibilities of public adjusters as set forth in this
10 part, the current rules of the department that are
11 applicable to public adjusters and standard or
12 representative policy forms used by insurers, other than
13 forms for life insurance and annuities, so as to enable him
14 or her to engage in business as an adjuster fairly and
15 without injury to the public and to adjust all claims in
16 accordance with the policy or contract and laws of this
17 state. In order to receive credit for continuing education
18 courses, public adjusters must take courses that are
19 specifically designed for and approved by the department
20 for public adjusters.

21 (c) The department shall adopt rules necessary to
22 implement and administer the continuing education
23 requirements of this subsection. For good cause shown, the
24 department may grant an extension of time during which the
25 requirements imposed by this section may be completed, but
26 such extension of time may not exceed 1 year.

27 (d) A nonresident adjuster who must complete
28 continuing education requirements in his or her home state
29 may use the home state requirements to meet this state's
30 continuing education requirements as well, if the
31 resident's state recognizes reciprocity with this state's
32 continuing education requirements. A nonresident whose home

1 state does not have a continuing education requirement but
2 is licensed for the same type and class of adjuster license
3 in another state which does have a continuing education
4 requirement may comply with this section by furnishing
5 proof of compliance with the other state's requirement if
6 that state has a reciprocal agreement with this state
7 relative to continuing education. A nonresident whose home
8 state does not have such continuing education requirements
9 for adjusters, and who is not licensed as a nonresident
10 adjuster in a state that has continuing education
11 requirements and reciprocates with this state, must meet
12 the continuing education requirements of this state.

13 Section 11. Section 626.8698, Florida Statutes, is
14 amended to read:

15 626.8698 Disciplinary guidelines for public adjusters
16 and public adjuster apprentices.--The department may deny,
17 suspend, or revoke the license of a public adjuster or
18 public adjuster apprentice, and administer a fine not to
19 exceed \$5,000 per act, for any of the following:

20 (1) Violating any provision of this chapter or a rule
21 or order of the department;

22 (2) Receiving payment or anything of value as a
23 result of an unfair or deceptive practice;

24 (3) Receiving or accepting any fee, kickback, or
25 other thing of value pursuant to any agreement or
26 understanding, oral or otherwise; entering into a split-fee
27 arrangement with another person who is not a public
28 adjuster; or being otherwise paid or accepting payment for
29 services that have not been performed;

30 (4) Violating s. 316.066 or s. 817.234;

31 (5) Soliciting or otherwise taking advantage of a
32 person who is vulnerable, emotional, or otherwise upset as

1 the result of a trauma, accident, or other similar
2 occurrence; or

3 (6) Violating any ethical rule of the department.

4 Section 12. Subsection (4) is added to section
5 626.870, to read:

6 626.870 Application for license and reinstatement of
7 suspended license.--

8 (4) A license, appointment, or eligibility which has
9 been suspended shall not be reinstated except upon the
10 filing and approval of an application for reinstatement in
11 accordance with s. 626.641 and passing of the public
12 adjuster licensing examination. An application for
13 reinstatement shall be accompanied by an application for
14 examination in accordance with s. 626.231 and the
15 applicable examination fee. Successful completion of the
16 examination does not entitle the applicant to have a
17 license reinstated. The application is subject to denial
18 pursuant to ss. 626.207, 626.611, 626.621 and 626.8698. If
19 the department approves an application for reinstatement,
20 the applicant will be notified that the license will be
21 reinstated upon payment by the applicant of the
22 reinstatement fee contained in s. 626.501(15).

23 Section 13. Subsections (1) and (2) of section
24 626.8732, Florida Statutes, are amended and subsection (6)
25 is added to read:

26 626.8732 Nonresident public adjuster's
27 qualifications, bond.--

28 (1) The department shall, upon application therefor,
29 issue a license to an applicant for a nonresident public
30 adjuster's license upon determining that the applicant has
31 paid the applicable license fees required under s. 624.501
32 and:

1 (a) Is a natural person at least 18 years of age.

2 (b) Has passed to the satisfaction of the department
3 a written Florida public adjuster's examination of the
4 scope prescribed in s. 626.241(6); ~~however, the requirement~~
5 ~~for such an examination does not apply to any of the~~
6 ~~following:~~

7 1. ~~An applicant who is licensed as a resident public~~
8 ~~adjuster in his or her state of residence, when that state~~
9 ~~requires the passing of a written examination in order to~~
10 ~~obtain the license and a reciprocal agreement with the~~
11 ~~appropriate official of that state has been entered into by~~
12 ~~the department; or~~

13 2. ~~An applicant who is licensed as a nonresident~~
14 ~~public adjuster in a state other than his or her state of~~
15 ~~residence when the state of licensure requires the passing~~
16 ~~of a written examination in order to obtain the license and~~
17 ~~a reciprocal agreement with the appropriate official of the~~
18 ~~state of licensure has been entered into by the department.~~

19 (c) Is self-employed as a public adjuster or
20 associated with or employed by a public adjusting firm or
21 other public adjuster. Applicants licensed as nonresident
22 public adjusters under this section must be appointed as
23 such in accordance with the provisions of ss. 626.112 and
24 626.451. Appointment fees in the amount specified in s.
25 624.501 must be paid to the department in advance. The
26 appointment of a nonresident public adjuster shall continue
27 in force until suspended, revoked, or otherwise terminated,
28 but subject to biennial renewal or continuation by the
29 licensee in accordance with procedures prescribed in s.
30 626.381 for licensees in general.

31 (d) Is trustworthy and has such business reputation
32 as would reasonably assure that he or she will conduct his

1 or her business as a nonresident public adjuster fairly and
2 in good faith and without detriment to the public.

3 (e) Has been licensed and employed as a public
4 adjuster in the applicant's resident state on a continual
5 basis for the past 3 years. If the applicant's state of
6 residence does not issue licenses to persons who act as
7 public adjusters, has been licensed and employed as a
8 resident insurance company or independent adjuster,
9 insurance agent, insurance broker, or other insurance
10 representative in his or her state of residence or any
11 other state on a continual basis for the past 3 years. This
12 provision does not apply to persons who are only licensed
13 to transact life insurance and annuity business. Has had
14 ~~sufficient experience, training, or instruction concerning~~
15 ~~the adjusting of damages or losses under insurance~~
16 ~~contracts, other than life and annuity contracts; is~~
17 ~~sufficiently informed as to the terms and effects of the~~
18 ~~provisions of those types of insurance contracts; and~~
19 ~~possesses adequate knowledge of the laws of this state~~
20 ~~relating to such contracts as to enable and qualify him or~~
21 ~~her to engage in the business of insurance adjuster fairly~~
22 ~~and without injury to the public or any member thereof with~~
23 ~~whom he or she may have business as a public adjuster.~~

24 (2) The applicant shall furnish the following with
25 his or her application:

26 (a) A complete set of his or her fingerprints. The
27 applicant's fingerprints must be certified by an authorized
28 law enforcement officer. The department may not authorize
29 an applicant to take the required examination or issue a
30 nonresident public adjuster's license to the applicant
31 until the department has received a report from the Florida
32 Department of Law Enforcement and the Federal Bureau of

1 Investigation relative to the existence or nonexistence of
2 a criminal history report based on the applicant's
3 fingerprints.

4 (b) If currently licensed as a resident public
5 adjuster in the applicant's state of residence, a
6 certificate or letter of authorization from the licensing
7 authority of the applicant's state of residence, stating
8 that the applicant holds a current or comparable license to
9 act as a public adjuster and has held the license
10 continuously for the past 3 years. The certificate or
11 letter of authorization must be signed by the insurance
12 commissioner or his or her deputy or the appropriate
13 licensing official and must disclose whether the adjuster
14 has ever had any license or eligibility to hold any license
15 declined, denied, suspended, revoked, or placed on
16 probation or whether an administrative fine or penalty has
17 been levied against the adjuster and, if so, the reason for
18 the action.

19 (c) If the applicant's state of residence does not
20 require licensure as a public adjuster and the applicant
21 has been licensed as a resident insurance adjuster, agent,
22 broker, or other insurance representative in his or her
23 state of residence or any other state ~~within the past 3~~
24 ~~years~~, a certificate or letter of authorization from the
25 licensing authority stating that the applicant holds ~~or has~~
26 ~~held~~ a license to act as such an insurance adjuster, agent,
27 or other insurance representative and has held the license
28 continuously for the past 3 years. The certificate or
29 letter of authorization must be signed by the insurance
30 commissioner or his or her deputy or the appropriate
31 licensing official and must disclose whether or not the
32 adjuster, agent, or other insurance representative has ever

1 had any license or eligibility to hold any license
2 declined, denied, suspended, revoked, or placed on
3 probation or whether an administrative fine or penalty has
4 been levied against the adjuster and, if so, the reason for
5 the action.

6 (6) If available, the department shall verify the
7 nonresident applicant's licensing status through the
8 Producer Database maintained by the National Association of
9 Insurance Commissioners, its affiliates or subsidiaries.

10 Section 14. Section 626.8796, Florida Statutes, is
11 created to read:

12 626.8796 Public adjuster contracts; fraud
13 statement.-- All contracts for public adjuster
14 services must be in writing and must prominently display
15 the following statement on the first page of the contract:
16 "Any person who knowingly and with intent to injure,
17 defraud, or deceive any insurer files a statement of claim
18 or proof of loss containing any false, incomplete, or
19 misleading information is guilty of a felony of the third
20 degree."

21 Section 15. Section 626.8797, Florida Statutes, is
22 created to read:

23 626.8797 Public adjusters; proof of loss
24 certification.--If an insurance policy requires an insured
25 or claimant to file a written proof of loss containing an
26 estimate of the costs to repair or replace damaged
27 property, a public adjuster under contract to adjust the
28 claim for the insured or claimant must certify the proof of
29 loss by signing the following statement: "I certify that I
30 have reviewed the estimate of the cost of repair or
31 replacement of damaged property as set forth in this proof
32 of loss and that in my best judgment the estimated costs

1 are reasonable and, to the best of my knowledge, the proof
2 of loss does not contain any false, incomplete, or
3 misleading information." If this statement is not printed
4 on the proof of loss form, the adjuster shall add the
5 statement to the form or attach a separate page containing
6 the signed statement to the form.

7 Section 16. This act shall take effect on October 1,
8 2008.

9

10 DRAFT (10/09/07)

11