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A bill to be entitled

An act relating to public adjusters; providing an effective date.

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

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

626.015 Definitions.--As used in this part:

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

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

626.221 Examination requirement; exemptions.--

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

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

(e) A person who has been licensed and appointed as an public adjuster, independent adjuster, or company

1 employee adjuster as to all property, casualty, and surety  
2 insurances, may be licensed and appointed as a company  
3 employee or ~~independent, or public~~ adjuster, as to these  
4 kinds of insurance, without additional written examination  
5 if an application for licensure is filed with the  
6 department within 48 months following the date of  
7 cancellation or expiration of the prior appointment;

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

15 Section 3. Subsection (6) of section 626.241, Florida  
16 Statutes, is amended to read:

17 626.241 Scope of examination.—

18 (6) In order to reflect the differences between  
19 adjusting claims for an insurer and adjusting claims for an  
20 insured, the department shall create an examination for  
21 applicants for a public adjuster license and an examination  
22 for a company employee or independent adjuster license.

23 Examinations given applicants for license as an all-lines  
24 adjuster shall cover adjusting in all lines of insurance,  
25 other than life and annuity; or, in accordance with the  
26 application for the license, the examination may be limited  
27 to adjusting in:

28 (a) Automobile physical damage insurance;

- 1 (b) Property and casualty insurance;
- 2 (c) Workers' compensation insurance; or
- 3 (d) Health insurance.

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

6 626.854 "Public adjuster" defined; prohibitions.--The  
7 Legislature finds that it is necessary for the protection  
8 of the public to regulate public insurance adjusters and to  
9 prevent the unauthorized practice of law.

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

16 (6) Neither a public adjuster nor public adjuster  
17 apprentice nor any other person or entity on its or his  
18 behalf shall give or offer to give a monetary loan or  
19 advance to a client or prospective client.

20 (7) Neither a public adjuster nor public adjuster  
21 apprentice nor any other person or entity on its or his  
22 behalf shall give or offer to give, directly or indirectly,  
23 any article of merchandise with a value in excess of \$25 to  
24 any person for the purpose of advertising or as an  
25 inducement to entering into a contract with a public  
26 adjuster.

1           (8) A public adjuster shall not charge, agree to, or  
2 accept any compensation, payment, commission, fee, or other  
3 thing of value based on any settlement, regardless of  
4 whether payment has been made to the insured or claimant,  
5 full or partial payment under a settlement, other claim  
6 payments, or any portion of any payment by the insurer,  
7 unless:

8           (a) The public adjuster entered into a written  
9 contract with the insured or claimant to provide services  
10 as a public adjuster for the claim on which the insurer has  
11 made a payment;

12           (b) The contract was executed prior to settlement,  
13 prior to the time of payment and prior to date that the  
14 insurer communicated to the insured or claimant that  
15 insurer agreed to make a payment; and

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

19           (9) If a public adjuster enters into a contract with  
20 an insured or claimant to re-open a claim or to file a  
21 supplemental claim that seeks additional payments for a  
22 claim that has been previously paid or settled, the public  
23 adjuster shall not base any charge, compensation, payment,  
24 commission, or fee on the previous settlement or previous  
25 claim payments.

26           (10) A public adjuster shall not charge, agree to, or  
27 accept any compensation, payment, commission, fee, or other  
28 thing of value based on any full or partial insurance  
29 settlement or insurance claim payment by the insurer, or  
30 any portion of any payment by the insurer:

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

6           (b) With regard to claims arising out of a storm  
7 declared to be a hurricane by the National Hurricane  
8 Center:

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

12           2. Equal to more than fifteen percent of the amount  
13 of any full or partial insurance settlement or insurance  
14 claim payment by the insurer if a public adjuster re-opens  
15 the initial claim or files a supplemental claim that seeks  
16 additional payments on behalf of an insured or claimant for  
17 a claim that has been previously paid or settled.

18           Section 5. Section 626.8541, Florida Statutes, is  
19 created to read:

20           626.8541 "Public adjuster apprentice" defined. - A  
21 "public adjuster apprentice" is any person who is employed  
22 by a licensed and appointed public adjuster in good  
23 standing with the department or a public adjusting firm  
24 that employs at least one licensed and appointed public  
25 adjuster in good standing with the department to assist a  
26 public adjuster in conducting business under the license  
27 and who satisfies the requirements of s. 626.8651.

1 Section 6. Subsection (1) is amended and subsection  
2 (3) is added in section 626.865, Florida Statutes, is  
3 amended to read:

4 626.865 Public adjuster's qualifications, bond.--

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

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

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

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

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

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

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

13           (f)(e) Has passed the any required written  
14 examination.

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

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

1 Section 7. Section 626.8651, Florida Statutes, is  
2 created to read:

3 626.8651 Public adjuster apprentice license;  
4 qualifications.--

5 (1) If, upon the basis of a completed application for  
6 license as a public adjuster apprentice and such further  
7 inquiry or investigation as the department may make  
8 concerning an applicant, the department is satisfied that  
9 the applicant is qualified and that all pertinent fees have  
10 been paid, it shall approve the application.

11 (2) If, upon the basis of the completed application  
12 and such further inquiry or investigation, the department  
13 finds the applicant to be lacking in any one or more of the  
14 required qualifications for licensure as a public adjuster  
15 apprentice, the department shall deny the application and  
16 notify the applicant, stating the grounds for denial.

17 (3) The department shall issue a license as a public  
18 adjuster apprentice if the applicant meets the following  
19 qualifications:

20 (a) The applicant is a natural person at least 18  
21 years of age.

22 (b) The applicant is a United States citizen or legal  
23 alien who possesses work authorization from the United  
24 States Bureau of Citizenship and Immigration Services and  
25 is a resident of this state.

26 (c) The applicant is trustworthy and has such  
27 business reputation as would reasonably assure that the

1 applicant will conduct business as a public adjuster  
2 apprentice fairly and in good faith and without detriment  
3 to the public.

4 (d) The applicant has had sufficient experience,  
5 training, or instruction concerning the adjusting of  
6 damages or losses under insurance contracts, other than  
7 life and annuity contracts, is sufficiently informed as to  
8 the terms and effects of the provisions of those types of  
9 insurance contracts, and possesses adequate knowledge of  
10 the laws of this state relating to such contracts as to  
11 enable and qualify him or her to engage in business as a  
12 public adjuster apprentice fairly and without injury to the  
13 public or any member thereof with whom the applicant may  
14 have business as a public adjuster apprentice. The  
15 department may adopt rules that establish standards for the  
16 experience, training, or instruction requirements.

17 (e) The application must be accompanied by an  
18 affidavit verifying proposed employment and the applicant's  
19 trustworthiness and qualifications on a form prescribed by  
20 the department and executed by the proposed employer. The  
21 proposed employer must be a licensed and appointed public  
22 adjuster in good standing with the department or a public  
23 adjuster firm that employs at least one licensed and  
24 appointed public adjuster in good standing with the  
25 department.

26 (4) All applicable license fees, as prescribed in s.  
27 624.501, must be paid before issuance of the license.

28 (5) At the time of application for license as a  
29 public adjuster apprentice, the applicant shall file with

1 the department a bond executed and issued by a surety  
2 insurer authorized to transact such business in this state,  
3 in the amount of \$50,000, conditioned for the faithful  
4 performance of his or her duties as a public adjuster  
5 apprentice under the license for which the applicant has  
6 applied, and thereafter maintain the bond unimpaired  
7 throughout the existence of the license and for at least 1  
8 year after termination of the license. The bond shall be in  
9 favor of the department and shall specifically authorize  
10 recovery by the department of the damages sustained in case  
11 the licensee is guilty of fraud or unfair practices in  
12 connection with his or her business as public adjuster  
13 apprentice. The aggregate liability of the surety for all  
14 such damages shall in no event exceed the amount of the  
15 bond. Such bond shall not be terminated by the issuing  
16 insurer unless at least 30 days' written notice is given to  
17 the licensee and filed with the department.

18 (6) The department shall not issue a license to any  
19 applicant as a public adjuster apprentice who is not  
20 employed by a licensed and appointed public adjuster who is  
21 in good standing with the department or a public adjusting  
22 firm that employs or contracts with at least one licensed  
23 and appointed public adjuster who is in good standing with  
24 the department. If the employer is a public adjuster, this  
25 public adjuster shall supervise the work of the apprentice  
26 and is responsible for the licensee's conduct in the  
27 business of insurance. If the employer is a public  
28 adjusting firm, one licensed and appointed public adjuster  
29 who is in good standing with the department and employed or  
30 under contract with the public adjusting firm shall  
31 supervise the work of the apprentice and is responsible for

1 the licensee's conduct in the business of insurance. The  
2 department may adopt rules that establish standards for the  
3 employment requirements.

4 (7) The supervising public adjuster is responsible  
5 and accountable for the acts of a public adjuster  
6 apprentice that are related to transacting business as a  
7 public adjuster apprentice.

8 (8) The apprentice license shall be effective for 18  
9 months unless surrendered by the licensee, terminated,  
10 suspended or revoked by the department or cancelled by the  
11 department upon issuance of a public adjuster license. The  
12 department shall terminate a license upon being notified by  
13 the employer that the licensee's employment has been  
14 terminated, whether voluntarily or involuntarily.

15 (9) After completing at least 12 months of  
16 employment as a public adjuster apprentice, the licensee  
17 may file an application for a public adjuster license. The  
18 applicant and supervising public adjuster or public  
19 adjusting firm must each file an affidavit under oath, on a  
20 form prescribed by the department, verifying the required  
21 employment of the public adjuster apprentice before  
22 issuance of the license.

23 (10) In no event shall a public adjuster apprentice  
24 licensed under this section perform any of the functions  
25 for which a public adjuster's license is required after  
26 expiration of the public adjuster apprentice license  
27 without having obtained a public adjuster license.

1           (11) A public adjuster apprentice has the same  
2 authority as the licensed public adjuster or public  
3 adjusting firm that employs the apprentice except that an  
4 apprentice may not execute contracts for the services of a  
5 public adjuster or public adjusting firm and may not  
6 solicit contracts for the services except under direct  
7 supervision and guidance of the supervisory public  
8 adjuster.

9           Section 8. Subsection (4) of section 626.869, Florida  
10 Statutes, is amended to read:

11           626.869 License, adjusters; continuing education.--

12           (4)(a) Any individual holding a company employee or  
13 independent adjuster license for 24 consecutive months or  
14 longer must, beginning in his or her birth month and every  
15 2 years thereafter, have completed 24 hours of courses, 2  
16 hours of which relate to ethics, in subjects designed to  
17 inform the licensee regarding the current insurance laws of  
18 this state, so as to enable him or her to engage in  
19 business as an insurance adjuster fairly and without injury  
20 to the public and to adjust all claims in accordance with  
21 the policy or contract and the laws of this state.

22           (b) Any individual holding a license as a public  
23 adjuster for 24 consecutive months or longer, beginning in  
24 their birth month and every 2 years thereafter, must have  
25 completed 24 hours of courses, 2 hours of which relate to  
26 ethics, in subjects designed to inform the licensee  
27 regarding the current laws of this state pertaining to all  
28 lines of insurance other than life and annuities, the  
29 current laws of this state pertaining to the duties and

1 responsibilities of public adjusters as set forth in this  
2 part, the current rules of the department that are  
3 applicable to public adjusters and standard or  
4 representative policy forms used by insurers, other than  
5 forms for life insurance and annuities, so as to enable him  
6 or her to engage in business as an adjuster fairly and  
7 without injury to the public and to adjust all claims in  
8 accordance with the policy or contract and laws of this  
9 state. In order to receive credit for continuing education  
10 courses, public adjusters must take courses that are  
11 specifically designed for and approved by the department  
12 for public adjusters.

13 (c) The department shall adopt rules necessary to  
14 implement and administer the continuing education  
15 requirements of this subsection. For good cause shown, the  
16 department may grant an extension of time during which the  
17 requirements imposed by this section may be completed, but  
18 such extension of time may not exceed 1 year.

19 (d) A nonresident adjuster who must complete  
20 continuing education requirements in his or her home state  
21 may use the home state requirements to meet this state's  
22 continuing education requirements as well, if the  
23 resident's state recognizes reciprocity with this state's  
24 continuing education requirements. A nonresident whose home  
25 state does not have a continuing education requirement but  
26 is licensed for the same type and class of adjuster license  
27 in another state which does have a continuing education  
28 requirement may comply with this section by furnishing  
29 proof of compliance with the other state's requirement if  
30 that state has a reciprocal agreement with this state

1 relative to continuing education. A nonresident whose home  
2 state does not have such continuing education requirements  
3 for adjusters, and who is not licensed as a nonresident  
4 adjuster in a state that has continuing education  
5 requirements and reciprocates with this state, must meet  
6 the continuing education requirements of this state.

7 Section 9. Section 626.8698, Florida Statutes, is  
8 amended to read:

9 626.8698 Disciplinary guidelines for public adjusters  
10 and public adjuster apprentices.--The department may deny,  
11 suspend, or revoke the license of a public adjuster or  
12 public adjuster apprentice, and administer a fine not to  
13 exceed \$5,000 per act, for any of the following:

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

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

18 (3) Receiving or accepting any fee, kickback, or  
19 other thing of value pursuant to any agreement or  
20 understanding, oral or otherwise; entering into a split-fee  
21 arrangement with another person who is not a public  
22 adjuster; or being otherwise paid or accepting payment for  
23 services that have not been performed;

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

25 (5) Soliciting or otherwise taking advantage of a  
26 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 10. 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) An application for reinstatement of a public  
9 adjuster license after termination of a period of  
10 suspension shall be accompanied by an application for  
11 examination in accordance with s. 626.231 and the  
12 applicable examination fee. Successful completion of the  
13 examination does not entitle the applicant to have a  
14 license reinstated. The application is subject to denial  
15 pursuant to ss. 626.611, 626.621 and 626.8698. If the  
16 department approves an application for reinstatement, the  
17 applicant will be notified that the license will be  
18 reinstated upon payment by the applicant of the  
19 reinstatement fee contained in s. 626.501(15).

20 Section 11. Subsections (1) and (2) of section  
21 626.8732, Florida Statutes, are amended and subsection (6)  
22 is added to read:

23 626.8732 Nonresident public adjuster's  
24 qualifications, bond.--

25 (1) The department shall, upon application therefor,  
26 issue a license to an applicant for a nonresident public  
27 adjuster's license upon determining that the applicant has

1 paid the applicable license fees required under s. 624.501  
2 and:

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

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

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

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

21 (c) Is self-employed as a public adjuster or  
22 associated with or employed by a public adjusting firm or  
23 other public adjuster. Applicants licensed as nonresident  
24 public adjusters under this section must be appointed as  
25 such in accordance with the provisions of ss. 626.112 and  
26 626.451. Appointment fees in the amount specified in s.  
27 624.501 must be paid to the department in advance. The  
28 appointment of a nonresident public adjuster shall continue

1 in force until suspended, revoked, or otherwise terminated,  
2 but subject to biennial renewal or continuation by the  
3 licensee in accordance with procedures prescribed in s.  
4 626.381 for licensees in general.

5 (d) Is trustworthy and has such business reputation  
6 as would reasonably assure that he or she will conduct his  
7 or her business as a nonresident public adjuster fairly and  
8 in good faith and without detriment to the public.

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

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

3           (a) A complete set of his or her fingerprints. The  
4 applicant's fingerprints must be certified by an authorized  
5 law enforcement officer. The department may not authorize  
6 an applicant to take the required examination or issue a  
7 nonresident public adjuster's license to the applicant  
8 until the department has received a report from the Florida  
9 Department of Law Enforcement and the Federal Bureau of  
10 Investigation relative to the existence or nonexistence of  
11 a criminal history report based on the applicant's  
12 fingerprints.

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

28           (c) If the applicant's state of residence does not  
29 require licensure as a public adjuster and the applicant  
30 has been licensed as a resident insurance adjuster, agent,

1 broker, or other insurance representative in his or her  
2 state of residence or any other state ~~within the past 3~~  
3 ~~years~~, a certificate or letter of authorization from the  
4 licensing authority stating that the applicant holds ~~or has~~  
5 ~~held~~ a license to act as such an insurance adjuster, agent,  
6 or other insurance representative and has held the license  
7 continuously for the past 3 years. The certificate or  
8 letter of authorization must be signed by the insurance  
9 commissioner or his or her deputy or the appropriate  
10 licensing official and must disclose whether or not the  
11 adjuster, agent, or other insurance representative has ever  
12 had any license or eligibility to hold any license  
13 declined, denied, suspended, revoked, or placed on  
14 probation or whether an administrative fine or penalty has  
15 been levied against the adjuster and, if so, the reason for  
16 the action.

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

21 Section 12. Section 626.8796, Florida Statutes, is  
22 created to read:

23 626.8796 Public adjuster contracts; fraud

24 statement.-- All contracts for public adjuster  
25 services must be in writing and must prominently display  
26 the following statement on the first page of the contract:  
27 "Any person who knowingly and with intent to injure,  
28 defraud, or deceive any insurer files a statement of claim  
29 or proof of loss containing any false, incomplete, or

1 misleading information is guilty of a felony of the third  
2 degree."

3 Section 13. Section 626.8797, Florida Statutes, is  
4 created to read:

5 626.8797 Public adjusters; proof of loss  
6 certification.—If an insurance policy requires an insured  
7 or claimant to file a written proof of loss containing an  
8 estimate of the costs to repair or replace damaged  
9 property, a public adjuster under contract to adjust the  
10 claim for the insured or claimant must certify the proof of  
11 loss by signing the following statement: "I certify that I  
12 have reviewed the estimate of the cost of repair or  
13 replacement of damaged property as set forth in this proof  
14 of loss and that in my best judgment the estimated costs  
15 are reasonable and the proof of loss does not contain any  
16 false, incomplete, or misleading information." If this  
17 statement is not printed on the proof of loss form, the  
18 adjuster shall add the statement to the form or attach a  
19 separate page containing the signed statement to the form.

20 Section 14. This act shall take effect on July 1,  
21 2008.

22

23 DRAFT (10/02/07)

24