

SUMMARY OF PROPOSED PUBLIC ADJUSTER LEGISLATION

Public Adjuster Fees

- Prohibits charging a fee unless a written contract was executed prior to payment of the claim and the adjuster provided adjusting services on the claim.
- Prohibits charging more than:
 - 15% on non-hurricane claims
 - 10% on initial hurricane claims
 - 15% on re-opened/supplemental hurricane claims
- Prohibits basing a fee for work on a supplemental hurricane claim on the amount paid to the policyholder on the initial claim.

Prohibited Practices

- Soliciting or entering into a contract until at least 72 hours after occurrence of the loss.
- Giving or offering to give a monetary loan or advance to a client or prospective client.
- Giving or offering to give anything with a value in excess of \$25 for advertising or as an inducement to enter into a contract with a public adjuster.

Qualifications for Licensure

- Resident applicants must have 2 years of experience in adjusting claims as a licensed insurance agent, independent adjuster or company employee adjuster; **or** 12 semester hours or 18 quarter hours of college level credits in property/casualty insurance courses.
- Resident applicants must have completed 12 months of employment as a public adjuster apprentice.
- All applicants must pass the public adjuster exam.
- Nonresident applicants must have been continuously licensed in their home state for the past three years.

Examination for Licensure

- Requires the Department to create a specific examination for public adjusters.
- Requires passage of the examination before reinstatement of a suspended license or issuance of a new license to a person whose previous license was terminated for any reason.
- Requires non-resident adjusters to pass Florida's exam.

Public Adjuster Apprenticeship License

- Applicant must have experience, training, or instruction concerning the adjusting of damages or losses.
- Applicant must be employed by a public adjuster or a public adjusting firm and supervised by a public adjuster.
- Applicant must file a surety bond in the amount of \$50,000 with the department.
- Supervisor is responsible and accountable for the acts of the apprentice related to claims adjusting.
- Apprentice must complete at least 12 months of employment as a public adjuster apprentice.

Continuing Education Requirements

- Public adjusters must take courses that are specifically designed for public adjusters, not company adjusters.
- Courses for public adjusters must include information on duties and responsibilities under law and rules of the department as well as on standard policy forms.
- Non-resident adjusters can comply by meeting their own state's continuing education requirements.

Contracts

- Contract must contain a statement that notifies consumers that it is a felony to knowingly and with intent to injure, defraud, or deceive any insurer, file a statement of claim or proof of loss containing any false, incomplete, or misleading information.

Proof of Loss Certification

- Requires public adjusters to sign a statement certifying that estimates in proof of loss are reasonable and that the proof of loss does not contain any false, incomplete, or misleading information.