

Committee Substitute for
Committee Substitute for Senate Bill No. 2012

An act relating to insurance; amending s. 624.46226, F.S.; revising provisions authorizing public housing authorities to form self-insurance funds; specifying requirements; providing a definition; providing construction relating to self-insurance funds; providing for application of certain provisions of law to premiums, contributions, and assessments of public authority's self-insurance funds; specifying an alternative tax rate; providing for application of certain provisions of law to public authority's self-insurance funds not meeting certain requirements; amending s. 624.501, F.S.; providing for filing fees for an application for reinstatement of a suspended license; amending s. 626.015, F.S.; redefining the term "adjuster" to include a public adjuster apprentice; amending s. 626.221, F.S.; providing that certain company employee adjusters and independent adjusters seeking reinstatement of a suspended license are not required to take an examination; amending s. 626.241, F.S.; requiring that the Department of Financial Services create an examination for applicants seeking licensure as a public adjuster and a separate examination for applicants seeking licensure as a company employee adjuster or independent adjuster; providing that an examination on worker's compensation insurance or health insurance may not be required for public adjusters; amending s. 626.641, F.S.; providing that a suspended license may not be reinstated unless the individual seeking reinstatement files an application for reinstatement which is subsequently approved by the department; prohibiting the department from approving such an application under certain circumstances; amending s. 626.854, F.S.; prohibiting a public adjuster from soliciting or entering into a contract with any insured or claimant under an insurance policy for a specified period after the occurrence of an event that may be the subject of a claim; providing an exception; providing that a public adjuster's contract to adjust a claim may be canceled by the client without penalty within a specified period after the execution of the contract; requiring that a public adjuster disclose to a client his or her right to cancel a contract by specified means; providing an exception during a state of emergency; specifying an unfair and deceptive insurance trade practice; prohibiting a public adjuster, apprentice, or his or her agent from giving or offering a monetary loan or an article in excess of a specified value to a client or prospective client; prohibiting a public adjuster from basing any charge, fee, payment, commission, or compensation relating to a supplemental claim on the corresponding previous settlement or claim payment; prohibiting a public adjuster from charging, agreeing to, or accepting a fee, payment, commission, or any compensation in excess of certain amounts; providing application; requiring public adjusters to provide claimants or insureds a written estimate of certain losses relating to claims for payment of insurance proceeds; requiring adjusters to retain estimates for a specified time

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

No examination on worker's compensation insurance or health insurance shall be required for public adjusters.

Section 9. Effective January 1, 2009, subsection (1) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a license or appointment or in its order suspending the eligibility of a person to hold or apply for such license or appointment, specify the period during which the suspension is to be in effect; but such period shall not exceed 2 years. The license, appointment, or eligibility shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, prior to expiration of the suspension period. A license, appointment, or eligibility that which has been suspended shall not be reinstated except upon the filing and approval of an application for request for such reinstatement and, in the case of a second suspension, completion of continuing education courses prescribed and approved by the department; but the department shall not approve an application for grant such reinstatement if it finds that the circumstance or circumstances for which the license, appointment, or eligibility was suspended still exist or are likely to recur. In addition, an application a request for reinstatement is subject to denial and subject to a waiting period prior to approval on the same grounds that apply to applications for licensure pursuant to ss. 626.207, 626.611, ~~and 626.621, and 626.8698.~~

Section 10. Effective October 1, 2008, subsections (5) through (12) are added to section 626.854, Florida Statutes, to read:

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

(5) A public adjuster may not directly or indirectly through any other person or entity solicit an insured or claimant by any means except on Monday through Saturday of each week and only between the hours of 8 a.m. and 8 p.m. on those days.

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

(7) An insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 3 business days after the