

69B-220.051 Conduct of Public Adjusters and Public Adjuster Apprentices.

(1) Purpose and Scope. This rule sets forth Department policy as to certain matters generally affecting public adjusters and public adjuster apprentices. Emergency adjuster license procedures are contained in Rule 69B-220.001, F.A.C. Ethical requirements for all types of adjusters are contained in Rule 69B-220.201, F.A.C.

(2) Definitions.

(a) "Compensation" or "remuneration" means anything of value, whether received directly or indirectly, in payment for adjusting services performed.

(b) "Department" means the Florida Department of Financial Services.

(c) "Public adjuster" means those persons currently licensed and appointed in good standing by the Department as a public adjuster. The phrase does not include persons licensed as public adjusters by other states but not by the State of Florida.

(d) "Public adjuster apprentice" means those persons currently licensed and appointed in good standing by the Department as a public adjuster apprentice.

(e) "Unlicensed persons," means those persons who are not currently licensed by the Department as a public adjuster or public adjuster apprentice.

(f) "Person" includes natural persons and legal entities.

(g) "Adjusting services" means the preparation, completion or filing of an insurance claim with the respective insurer for compensation or remuneration on behalf of an insured or third party claimant.

(3) Communications Concerning Public Adjuster Services.

(a) Solicitation. The solicitation of public adjusting business for compensation is deemed to be a material part of the business of public adjusting and, therefore, requires licensure under the laws of Florida and the rules of the Department, and shall be engaged in only by persons licensed by the Department as a public adjuster or as a public adjuster apprentice under the direct supervision and guidance of the supervisory public adjuster. Unlicensed persons shall not engage in such activity even under the supervision of a licensed public adjuster. The phrase "solicitation of public adjusting business" means initiating contact with any person, whether in person, by mail, by telephone, or otherwise, and thereby seeking, causing, urging, advising, or attempting to have any person enter into any agreement engaging the services of a public adjuster for adjusting services.

(b) Answering Telephone Calls. The answering of incoming telephone calls by unlicensed persons, at the place of business of a public adjuster, is not considered solicitation or unlicensed adjusting and is not violative of this rule so long as the unlicensed persons engage in purely administrative matters and do not interpret, analyze or explain insurance, an insurance contract, or a public adjuster contract, or cause, urge, advise or attempt to enter into a contract for adjusting services.

(4) Advertising.

(a) As with all forms of advertising concerning the business of insurance, public adjusters shall not falsely inform or advertise as set forth in Section 626.9541(1)(b), F.S., as well as any other section within Parts I, VI and IX of Chapter 626, F.S., that relates to advertising.

(b) Advertisements to Include Licensee's Full Name and License Number. Any advertisement, in whatever format, by a public adjuster shall include the full name and license number, as specified in Department records, of the public adjuster who has caused the advertisement to appear. Where a firm containing multiple licensed public adjusters is causing the advertisement to appear, the full name and license number of the designated primary adjuster as specified in Department records shall appear in the advertisement.

(c) Responsibility of Advertising Licensee. The licensed adjuster whose name appears in the advertisement is responsible for personally reviewing the content of the advertisement and assuring that the advertisement complies with the Rules 69B-220.051 and 69B-220.201, F.A.C., and Parts I, VI and IX of Chapter 626, F.S., and is in all regards fair, accurate, and in no way untruthful, deceptive or misleading.

(d) Use of a Spokesperson. Nothing in this rule shall prohibit the use of an unlicensed spokesperson as part of a written or electronic advertisement. However, such advertisements shall disclose that the party is a paid or unpaid spokesperson, is not licensed and is endorsing the services of a licensed public adjuster.

(5) Required Contract Terms. Public adjusters shall ensure that all contracts for their adjusting services contain the terms required by Sections 626.854 and 626.8796, F.S., and the following information:

(a) The insured's phone number, if available.

(b) The address of loss if different from the insured's current street address.

- (c) A brief description of the loss.
- (d) The insured's insurance company name and policy number, if available.
- (e) All methods of compensation and all fees or other amounts required to be paid by the insured to the public adjuster shall be stated in the contract.
- (f) Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified in either the contract or an addendum to the contract, which shall be signed and dated by the parties.
- (6) The contract must be signed by the public adjuster who solicited the contract. A copy of the contract and any addendum thereto, signed by all parties, shall be provided to the insured or claimant at the time he or she signs the contract.

(7) Upon entering into a contract for public adjusting services, the public adjuster must ensure that prompt notice is given of the claim to the insurer. For the purposes of this section, the term "prompt notice" shall be presumed when notice is given within 5 business days after the date on which the contract for services is executed.

~~(7)~~ (8) A public adjuster shall not accept a settlement of a claim unless the terms and conditions of the settlement are approved by the insured or claimant.

Rulemaking Authority 624.308(1), 626.878, 626.9611(1) FS. Law Implemented 624.307(1), 626.112(1)(a), (3), 626.611, 626.852(2), 626.854, 626.8541, 626.8651, 626.8695(4), 626.878, 626.8795, 626.8796, 626.9541(1)(b), (i) FS. History—New 4-26-94, Amended 12-18-01, Formerly 4-220.051, Amended 3-27-05, 9-3-06, 1-5-15.