

69B-220.001 Licensure of Emergency Adjusters.

(1) Purpose. This rule sets forth department policy and procedure for licensure of emergency adjusters.

(2) Scope. Each emergency is unique and the terms, conditions, and other provisions of emergency licensure for particular emergencies must often be tailored by emergency rule to the scope and nature of the particular emergency. This rule sets out what are essentially default licensure provisions which are effective for emergency adjuster licensure unless and to the extent the Department issues emergency rules modifying, supplementing, or replacing this rule. Where not expressly modified or replaced by emergency rule regarding a particular emergency, the provisions of this rule shall apply.

(3) Definitions. For purposes of this rule, the following definitions shall apply:

(a) "Department" means the Department of Financial Services.

(b) "Licensed adjuster" means those persons currently licensed in good standing by the Department as a company employee adjuster or independent adjuster, whether the licensure is permanent resident licensure, permanent nonresident licensure or emergency licensure pursuant to this rule, and whether limited licensure or unlimited licensure. The term does not include persons licensed as public adjusters or public adjuster apprentices by the department or persons licensed as any type of adjuster or public adjuster by states other than the State of Florida.

(c) "Emergency" and "Catastrophe." These two terms as used in Section 626.874, F.S., are synonymous, and no separate treatment is afforded catastrophe over emergency adjusters.

(d) "Emergency adjuster" means a person who is not a licensed adjuster with the Department but who has been designated and certified to the Department by an insurer, an independent resident adjuster, or a licensed general lines agent as qualified to adjust claims, losses, or damages under policies or contracts of insurance issued by such insurer in the event of a catastrophe or emergency.

(4) General Provisions Applicable to All Emergency Adjusters.

(a) Determination that Emergency Exists.

1. For purposes of Section 626.874, F.S., an emergency or catastrophe exists when, due to a specific, infrequent, and sudden natural or manmade disaster or phenomenon, that has occurred or is imminent, there are losses or anticipated losses to insured Florida property, and the losses are, or likely will be so numerous and severe that resolution of claims related to such covered property losses may not occur expeditiously without the licensing of emergency adjusters.

2. When the Department determines that an emergency or catastrophe exists or is likely to occur, it shall make available on its website the online emergency adjuster license application.

(b) Online applications for emergency adjuster licensure must be accompanied by a statement from an insurer, an independent adjusting firm, a licensed independent resident adjuster, or a licensed general lines agent certifying that the emergency adjuster applicant is qualified to act as an adjuster.

(5) Procedures for Licensing and Appointment of Emergency Adjusters; Responsibilities of Appointing Entity.

(a) All Florida-licensed insurers, independent adjusting firms, independent adjusters, and general lines agents, shall use the following procedures to utilize emergency adjusters. The entities or persons listed in the preceding sentence may immediately and without advance paperwork to this department, engage and cause commencement of catastrophe adjusting work for themselves, by any persons, whether on their staff, or hired by them, or engaged by them as independent contractors or as employees of a contractor engaged by them, although the person is not currently licensed as an adjuster in Florida, if the Florida-licensed insurer, independent adjusting firm, independent adjuster or general lines agent utilizing these persons as emergency or catastrophe adjusters determines that these persons are qualified to do such adjusting work and provides these persons with proof of authority to represent the insurer. These persons shall present the proof of authority and a photo ID upon demand by the insured or the insured's representative. A person is not qualified to adjust claims for any entity or person who utilizes computer software program(s) in the adjusting process, unless the person has received training in and is capable of correctly utilizing the program(s). Within 7 calendar days after adjusting work has begun, the appropriate official must electronically complete and submit to the Department the Emergency Adjuster Application, Form DFS-H2-495, Rev. 1/2010, which is hereby incorporated by reference. All applications shall be submitted through the Department's website at www.MyFloridaCFO.com/Agents. Applicable fees shall be submitted by electronic payment at the time of submission of an online application.

1. The insurance company, independent adjusting firm, independent adjuster or general lines agent who submits the online application certifies that the emergency adjuster applicant is qualified, thereby appointing the emergency adjuster applicant to represent that company, independent adjusting firm, independent adjuster or general lines agent. The appointing person or entity is bound by the acts of the emergency adjuster applicant as in the case of any regular (non-temporary or non-catastrophic) adjuster

licensed pursuant to Chapter 626, F.S., appointed by that company, independent adjusting firm, independent adjuster or general lines agent. This responsibility continues until the appointing entity, appointing person or emergency adjuster licensee notifies the Department through the online appointment system, or the emergency adjuster licensee notifies the Department through the online application process, that the appointing entity, appointing person or emergency adjuster licensee desires to terminate the appointment.

2. The insurance company, independent adjusting firm, independent adjuster or general lines agent who certifies to the Department that the emergency adjuster applicant is qualified, is responsible for assuring, by due diligence inquiry, that the emergency adjuster applicant is in fact qualified to adjust claims, has received training in and is capable of correctly utilizing any computer software program(s) utilized by the appointing entity or person to adjust claims and is of good and honest character.

(b) There is an affirmative duty on the insurance company, independent adjusting firm, independent adjuster or general lines agent, who certifies to the Department that the emergency adjuster applicant is qualified, to provide continuing and significant supervision of the emergency adjuster applicant after licensure.

(c) Emergency adjuster licenses are valid for 180 days from the date of issuance of the emergency license, unless a shorter period of time is specified in the license as issued. Because emergency licensure is an extraordinary deviation from regular licensing procedures, it is Department policy to specify, as the duration of emergency licensure, the shortest possible time in each particular emergency.

(6) Procedures for Extension of an Emergency Adjuster License. The Department shall grant an extension of emergency adjuster licensure if it determines the conditions set forth in subparagraph (4)(a)1. of this rule still exist. Each extension will last for a period of up to an additional 180 days.

(a) To apply for an extension of licensure as an emergency adjuster, the entity requesting a license extension shall electronically complete and submit to the Department the Emergency Adjuster Extension Application, Form DFS-H2-2022, Eff. 1/2010, which is hereby incorporated by reference. All applications for an extension shall be submitted through the Department's website at www.MyFloridaCFO.com/Agents. Applicable fees shall be submitted by electronic payment at the time of submission of an online application for the extension.

(b) Only the licensure type and class that the licensee holds at the time of application for extension shall be extended.

(c) "Temporary Licenses." The provisions of Section 626.872, F.S., regarding "Temporary Licenses" are not applicable to licensing persons temporarily for catastrophe or emergency situations.

(d) Emergency-Related Losses Only. Licensure as an emergency adjuster shall be used only for adjustment of losses directly resulting from the emergency regarding which the license was issued.

(e) Natural Persons Only. The Department issues emergency adjuster licenses only to natural persons.

(f) Administrative and Civil Jurisdiction. By obtaining a license as an emergency adjuster, the licensee agrees that:

1. The licensee is subject to all the disciplinary provisions and penalties of the Florida Insurance Code and the administrative procedures set forth in the Florida Statutes for the routine processing of such charges;

2. The licensee is subject to the jurisdiction of the courts of Florida concerning civil liability for all acts in any way related to the licensee's activities under licensure in Florida;

3. Jurisdiction for acts committed prior to licensure or while licensed continues after the emergency licensure expires or is terminated;

4. If after the license expires or is terminated, the Department has reason to believe there was a violation of any provision of the Florida Insurance Code or Chapter 69B, F.A.C., by the former licensee while licensed, the Department is not precluded from filing administrative action against the former licensee.

(g) By the act of obtaining licensure as an emergency adjuster, a nonresident licensee irrevocably designates the Chief Financial Officer, and his or her successors in office, as the licensee's attorney to receive service of all process in any way related to the licensee's activities as an emergency adjuster.

Rulemaking Authority 624.308(1) FS. Law Implemented 624.307(1), 624.501(12), 626.015, 626.112, 626.621, 626.855, 626.856, 626.858, 626.8584, 626.859, 626.870, 626.8736, 626.874 FS. History—New 2-25-93, Amended 8-18-94, 1-7-97, 10-20-97, 1-9-03, Formerly 4-220.001, Amended 9-3-06, 11-9-10.