



**INFORMATIONAL MEMORANDUM  
DFS-04-005M  
ISSUED**

**September 10, 2004**

Department of Financial Services

**Tom Gallagher**

Chief Financial Officer

Office of Insurance Regulation

**Kevin M. McCarty**

Commissioner

**All Licensed Property and Casualty Insurers  
Insurer Access to Adjusters**

It has been brought to the attention of the Department of Financial Services and the Office of Insurance Regulation that in some instances insurers are experiencing difficulty in securing a sufficient number of adjusters necessary to assist in the adjustment of claims resulting from Hurricanes Charley and Frances.

In some instances, the ability of insurers to access the services of independent adjusters necessary to properly address policyholder claims appears to have been caused in part either by adjusters or independent adjusting firms seeking or insurers offering to pay compensation substantially in excess of the amount established in existing contracts between insurers and adjusting firms. Insurers are expected to provide compensation necessary to attract a sufficient number of qualified independent adjusters to meet their obligations to policyholders. However, insurers that offer or adjusters that seek compensation for independent adjusters at levels which interfere with existing contractual obligations, which tend to result in an unreasonable restraint of the business of insurance or which result in injury to the public may, depending on the facts, be subject to disciplinary action pursuant to the Florida Insurance Code.

Insurers are reminded that individuals who have been determined, pursuant to Rule 69B-220.001(5), Florida Administrative Code, by an insurer, independent adjusting firm or general lines agent to be qualified to adjust claims can immediately begin adjusting catastrophe claims. Within 72 hours of the commencement of adjusting work, the insurer, independent adjusting firm or general lines agent must fax to the Bureau of Agent and Agency Licensing at (850) 488-8253 the name and social security number of the adjuster. Within 30 days of the initial notification, an emergency adjuster application with applicable fees must be submitted together with a certification that the applicant is indeed qualified to adjust claims. Emergency adjuster licensing information and applications may be obtained at [www.fldfs.com/Agents/Emer\\_adj\\_Instruct.htm](http://www.fldfs.com/Agents/Emer_adj_Instruct.htm). As of this time, nearly 7,000 such individuals have been identified by insurers adjusting firms and agents.

Insurers are also reminded that a licensed and appointed general lines agent is authorized to adjust claims on behalf of the appointing insurer. Finally, it should be noted that a license as a general lines agent or adjuster is not required in order for an individual to estimate damages on behalf of an insurer.

Insurers are encouraged to utilize emergency adjusters and their appointed general lines agents to adjust claims and to also utilize qualified individuals to estimate claims to the extent necessary to assure the timely adjustment of hurricane-related claims.

Insurers or independent adjusting firms with questions regarding emergency adjuster licensing may contact the Department of Financial Services, Bureau of Licensing at (850) 413-3137, extension 1101.