



These rules were adopted on January 5, 2015 and distributed to all licensees via email by the Department of Financial Services, Government Analyst, Matthew Guy.

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,

Brought to you by: The Florida Association of Public Insurance Adjusters
Promoting ~ Preserving ~ Protecting Since 1993
Members Advocate For Policyholders and The Public Adjusting Profession



These rules were adopted on January 5, 2015 and distributed to all licensees via email by the Department of Financial Services, Government Analyst, Matthew Guy.

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) 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.

69B-220.201 Ethical Requirements for All Adjusters and Public Adjuster Apprentices.

(1) Definitions.

(a) “Adjuster,” when used without further specification, includes all types and classes of insurance adjusters, (company employee, independent, and public), subject to Chapter 626, F.S., regardless of whether permanent, temporary, apprentice, or emergency licenses.

(b) “Department” means the Florida Department of Financial Services.

(c) “Person” includes natural persons and legal entities.

(2) Violation.

(a) Violation of any provision of this rule shall constitute grounds for administrative action against the licensee.

(b) A breach of any provision of this rule constitutes an unfair claims settlement practice.

(3) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall put the duty for fair and honest treatment of the claimant above the adjuster’s own interests in every instance. The following are standards of conduct that define ethical behavior, and shall constitute a code of ethics that shall be binding on all adjusters:

(a) An adjuster shall not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest, or who will

Brought to you by: The Florida Association of Public Insurance Adjusters

Promoting ~ Preserving ~ Protecting Since 1993

Members Advocate For Policyholders and The Public Adjusting Profession



These rules were adopted on January 5, 2015 and distributed to all licensees via email by the Department of Financial Services, Government Analyst, Matthew Guy.

or is reasonably anticipated to provide the adjuster any direct or indirect compensation for the referral or for any resulting business.

(b) An adjuster shall treat all claimants equally.

1. An adjuster shall not provide favored treatment to any claimant.

2. An adjuster shall adjust all claims strictly in accordance with the insurance contract.

(c) An adjuster shall not approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

(d) An adjuster shall make truthful and unbiased reports of the facts after making a complete investigation.

(e) An adjuster shall handle every adjustment and settlement with honesty and integrity, and allow a fair adjustment or settlement to all parties without any compensation or remuneration to himself or herself except that to which he or she is legally entitled.

(f) An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim.

(g) An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the consent of the attorney. For purposes of this subsection, the term “third-party claimant” does not include the insured or the insured’s resident relatives.

(h) An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel or the employment of a public adjuster to protect the claimant’s interest.

(i) An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss. The adjuster shall not conclude a settlement when the settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above.

(j) An adjuster shall not knowingly fail to advise a claimant of the claimant’s claim options in accordance with the terms and conditions of the insurance contract.

(k) An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster’s current expertise.

(l) No person shall, as a company employee adjuster or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(4) Public Adjusters, Other Ethical Constraints. In addition to the ethical requirements found in Part VI of Chapter 626, F.S., and those set out above in subsection (3) for all adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:

(a) A public adjuster shall not prevent, or attempt to dissuade or prevent, an insured or claimant from speaking privately with the insurer, company employee adjuster, independent adjuster, attorney, or any other person, regarding the settlement of the claim.

(b) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(c) A public adjuster shall ensure that all contracts for the public adjuster’s services are in writing and set forth all terms and conditions of the engagement, including the terms required by Rule 69B-220.051, F.A.C. and

Brought to you by: The Florida Association of Public Insurance Adjusters

Promoting ~ Preserving ~ Protecting Since 1993

Members Advocate For Policyholders and The Public Adjusting Profession



These rules were adopted on January 5, 2015 and distributed to all licensees via email by the Department of Financial Services, Government Analyst, Matthew Guy.

Sections 626.854 and 626.8796, F.S.

(d) No public adjuster who represents a claimant with regard to a particular claim shall enter into any contract, agreement or other arrangement with any person, which would allow the public adjuster to accept an amount that would exceed the limitation of the public adjuster's compensation imposed by Section 626.854(11), F.S.

(e) No public adjuster, while so licensed in the Department's records, shall represent or act as or be appointed as a company employee adjuster or independent adjuster. A public adjuster may hold a general lines agent license. However, no public adjuster, while so licensed in the Department's records, shall represent or act as both a public adjuster and a general lines agent for the same insurance claim.

(f) No public adjuster shall represent any person or entity on a claim if he or she previously adjusted that claim as an adjuster representing any insurer or independent adjusting firm.

(g) A public adjuster shall respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within thirty (30) days from the date of the request and shall document the file accordingly.

Rulemaking Authority 624.308, 626.878, 626.9611(1) FS. Law Implemented 624.307(1), 626.015(1), 626.611, 626.621, 626.852(2), 626.854, 626.8541, 626.859, 626.864, 626.8651, 626.8695, 626.8698, 626.877, 626.878, 626.8795, 626.9521, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, Formerly 4-220.201, Amended 3-27-05, 9-3-06, 8-14-11, 1-5-15.