

### **69B-220.001 Licensure of Emergency Adjusters.**

(1) 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 all lines 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 a Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm 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.

(2) 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 a Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm certifying that the emergency adjuster applicant is qualified to act as an adjuster.

(3) Procedures for Licensing and Appointment of Emergency Adjusters; Responsibilities of Florida Authorized Insurers, Eligible Surplus Lines Insurers, and Licensed Independent Adjusting Firms.

(a) All Florida authorized insurers, eligible surplus lines insurers, and licensed independent adjusting firms, must use the following procedures to utilize emergency adjusters. Florida authorized insurers, eligible surplus lines insurers, or licensed independent adjusting firms may utilize emergency adjusters, whether on their staff, engaged by them as independent contractors, or as employees of a contractor engaged by them, to engage and cause commencement of emergency adjusting work, although the person is not currently licensed as an adjuster in Florida, if the Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm utilizing these persons as emergency adjusters determines that these persons are qualified to do such adjusting work and provides these persons with proof of authority to represent the insurer. Any person engaged as an emergency adjuster under this rule must present the proof of authority and a photo ID upon demand by the insured, the insured’s representative, law enforcement officer, or other government personnel engaged in emergency management for the condition giving rise to the emergency adjuster’s engagement. The Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm must electronically complete and submit to the Department the Emergency Adjuster License Initial and Extension Application, Form DFS-H2-495, effective 05/23, which is hereby incorporated by reference, and is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15265>. All applications shall be submitted via the Florida authorized insurer’s, eligible surplus lines insurer’s, or licensed independent adjusting firm’s Appointing Entity MyProfile account on the Department’s website at <https://dice.fldfs.com/>. Applicable fees shall be submitted by electronic payment at the time of submission of an online application. Adjusting work shall not begin until an emergency adjuster license has been issued.

1. The Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm that submits the online application certifies that the emergency adjuster applicant is qualified, thereby appointing the emergency adjuster applicant to represent that Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm. The appointing 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 Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm. This responsibility continues until the Florida authorized insurer, eligible surplus lines insurer, licensed

independent adjusting firm, 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 or emergency adjuster licensee desires to terminate the appointment.

2. The Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm that 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 to adjust claims, and is of good and honest character.

3. If the emergency adjuster application is incomplete, the Department will notify the emergency adjuster applicant of his or her deficiencies through his or her individual online account. The emergency adjuster applicant will have six months from the date of the notification to respond.

a. If the applicant fails to respond within six (6) months, the emergency adjuster application will be closed.

b. If the emergency adjuster applicant responds within six (6) months, and the Department determines the applicant is ineligible, the Department will issue a denial.

(b) There is an affirmative duty on the Florida authorized insurer, eligible surplus lines insurer, or licensed independent adjusting firm that 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 six (6) months 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.

(4) Procedures for Extension of an Emergency Adjuster License. The Department shall grant an extension of emergency adjuster licensure if it determines the emergency or catastrophe conditions still exist. Each extension will last for a period of up to an additional six (6) months.

(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 License Initial and Extension Application, Form DFS-H2-495. All applications for an extension shall be submitted through the Department's website at <https://dice.fldfs.com/>. Applicable fees shall be submitted by electronic payment at the time of submission of an online application for the extension.

(b) 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.

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

(d) 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 Division 69B, F.A.C., by the former licensee while licensed, the Department is not precluded from filing administrative action against the former licensee.

(e) 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 FS. Law Implemented 624.307, 624.501, 626.015, 626.112, 626.207, 626.611, 626.621, 626.681, 626.691, 626.855, 626.856, 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, 5-21-23.*