

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Clemons offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (d) of subsection (3) of section
7 319.30, Florida Statutes, is amended to read:

8 319.30 Definitions; dismantling, destruction, change of
9 identity of motor vehicle or mobile home; salvage.—

10 (3)

11 (d) An electronic signature that is consistent with
12 chapter 668 satisfies any signature required under this
13 subsection, except that an electronic signature on an odometer
14 disclosure submitted through an insurance company must be
15 executed using an electronic signature, as defined in s.
16 668.003(4), that uses a system providing an Identity Assurance

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17 Level, Authenticator Assurance Level, and Federation Assurance
18 Level, as described in the National Institute of Standards and
19 Technology Special Publication 800-63-3, as of December 1, 2017,
20 that are equivalent to or greater than:

21 ~~1. Level 2, for each level, for a certificate of~~
22 ~~destruction or.~~

23 ~~2. Level 3, for each level, for a salvage certificate of~~
24 ~~title.~~

25 Section 2. Paragraph (b) of subsection (9) of section
26 501.0051, Florida Statutes, is amended to read:

27 501.0051 Protected consumer report security freeze.-

28 (9)

29 (b) A consumer reporting agency may not charge to a
30 ~~reasonable fee, not to exceed \$10, if the representative fails~~
31 ~~to retain the original unique personal identifier provided by~~
32 ~~the consumer reporting agency and the agency must~~ reissue the
33 unique personal identifier or provide a new unique personal
34 identifier to the consumer representative.

35 Section 3. Paragraph (b) of subsection (10) of section
36 624.307, Florida Statutes, is amended to read:

37 624.307 General powers; duties.-

38 (10)

39 (b) Any entity ~~person~~ licensed or issued a certificate of
40 authority by the department or the office shall respond, in
41 writing, to the division within 20 days after receipt of a

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42 written request for documents and information from the division
43 concerning a consumer complaint. The response must address the
44 issues and allegations raised in the complaint and include any
45 requested documents and information concerning the consumer
46 complaint not subject to attorney-client or work-product
47 privilege. The division may impose an administrative penalty for
48 failure to comply with this paragraph of up to \$2,500 per
49 violation upon any entity licensed by the department or the
50 office ~~and \$250 for the first violation, \$500 for the second~~
51 ~~violation, and up to \$1,000 for the third or subsequent~~
52 ~~violation upon any individual licensed by the department or the~~
53 ~~office.~~

54 Section 4. Present subsection (9) of section 626.112,
55 Florida Statutes, is redesignated as subsection (10), a new
56 subsection (9) is added to that section, and paragraph (d) of
57 subsection (7) and present subsection (9) of that section are
58 amended, to read:

59 626.112 License and appointment required; agents, customer
60 representatives, adjusters, insurance agencies, service
61 representatives, managing general agents, insurance adjusting
62 firms.-

63 (7)

64 ~~(d) Effective October 1, 2015, the department must~~
65 ~~automatically convert the registration of an approved registered~~
66 ~~insurance agency to an insurance agency license.~~

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67 (9) (a) An individual, firm, partnership, corporation,
68 association, or other entity may not act in its own name or
69 under a trade name, directly or indirectly, as an adjusting firm
70 unless it complies with s. 626.8696 with respect to possessing
71 an adjusting firm license for each place of business at which it
72 engages in an activity that may be performed only by a licensed
73 insurance adjuster. However, an adjusting firm that is owned and
74 operated by a single licensed adjuster conducting business in
75 his or her individual name and not employing or otherwise using
76 the services of or appointing other licensees is exempt from the
77 adjusting firm licensing requirements of this subsection.

78 (b) A branch place of business that is established by a
79 licensed adjusting firm is considered a branch firm and is not
80 required to be licensed if:

81 1. It transacts business under the same name and federal
82 tax identification number as the licensed adjusting firm;

83 2. It has designated with the department a primary
84 adjuster operating the location as required by s. 626.8695; and

85 3. The address and telephone number of the branch location
86 have been submitted to the department for inclusion in the
87 licensing record of the licensed adjusting firm within 30 days
88 after insurance transactions begin at the branch location.

89 (c) If an adjusting firm is required to be licensed, but
90 fails to file an application for licensure in accordance with
91 this section, the department shall impose on the firm an

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92 administrative penalty of up to \$10,000.

93 (10)(9) Any person who knowingly transacts insurance or
94 otherwise engages in insurance activities in this state without
95 a license in violation of this section or who knowingly aids or
96 abets an unlicensed person in transacting insurance or otherwise
97 engaging in insurance activities in this state without a license
98 commits a felony of the third degree, punishable as provided in
99 s. 775.082, s. 775.083, or s. 775.084.

100 Section 5. Subsection (4) is added to section 626.602,
101 Florida Statutes, to read:

102 626.602 Insurance agency names; disapproval.—The
103 department may disapprove the use of any true or fictitious
104 name, other than the bona fide natural name of an individual, by
105 any insurance agency on any of the following grounds:

106 (4) The name contains the word "Medicare" or "Medicaid."
107 An insurance agency whose name contains the word "Medicare" or
108 "Medicaid" but which is licensed as of July 1, 2020, may
109 continue to use that name as long as the agency's license is
110 valid. If the agency's license expires or is suspended or
111 revoked, the agency may not be relicensed using that name.

112 Section 6. Subsections (16) and (17) are added to section
113 626.621, Florida Statutes, to read:

114 626.621 Grounds for discretionary refusal, suspension, or
115 revocation of agent's, adjuster's, customer representative's,
116 service representative's, or managing general agent's license or

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117 appointment.—The department may, in its discretion, deny an
118 application for, suspend, revoke, or refuse to renew or continue
119 the license or appointment of any applicant, agent, adjuster,
120 customer representative, service representative, or managing
121 general agent, and it may suspend or revoke the eligibility to
122 hold a license or appointment of any such person, if it finds
123 that as to the applicant, licensee, or appointee any one or more
124 of the following applicable grounds exist under circumstances
125 for which such denial, suspension, revocation, or refusal is not
126 mandatory under s. 626.611:

127 (16) Taking action that allows the personal financial or
128 medical information of a consumer or customer to be made
129 available or accessible to the general public, regardless of the
130 format in which the record is stored.

131 (17) Initiating in-person or telephone solicitation after
132 9 p.m. or before 8 a.m. local time of the prospective customer
133 unless requested by the prospective customer.

134 Section 7. Section 626.782, Florida Statutes, is amended
135 to read:

136 626.782 "Industrial class insurer" defined.—An "industrial
137 class insurer" is an insurer collecting premiums on policies of
138 ~~writing~~ industrial life insurance, as defined in s. 627.502,
139 written before July 1, 2020, and as to such insurance, operates
140 under a system of collecting a debit by its agent.

141 Section 8. Section 626.783, Florida Statutes, is amended

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142 to read:

143 626.783 "Ordinary-combination class insurer" defined.—An
144 "ordinary-combination class insurer" is an insurer writing ~~both~~
145 ordinary class insurance and collecting premiums on existing
146 industrial life ~~class~~ insurance under s. 626.782.

147 Section 9. Section 626.796, Florida Statutes, is repealed.

148 Section 10. Subsection (1) of section 626.8443, Florida
149 Statutes, is amended to read:

150 626.8443 Duration of suspension or revocation.—

151 (1) The department shall, in its order suspending a title
152 insurance agent's or agency's license or appointment or in its
153 order suspending the eligibility of a person to hold or apply
154 for such license or appointment, specify the period during which
155 the suspension is to be in effect, but such period shall not
156 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or
157 eligibility shall remain suspended during the period so
158 specified, subject, however, to any rescission or modification
159 of the order by the department, or modification or reversal
160 thereof by the court, prior to expiration of the suspension
161 period. A license, appointment, or eligibility that ~~which~~ has
162 been suspended may not be reinstated except upon request for
163 such reinstatement, but the department shall not grant such
164 reinstatement if it finds that the circumstance or circumstances
165 for which the license, appointment, and eligibility was
166 suspended still exist or are likely to recur.

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167 Section 11. Subsections (6) and (11) of section 626.854,
168 Florida Statutes, are amended to read:

169 626.854 "Public adjuster" defined; prohibitions.—The
170 Legislature finds that it is necessary for the protection of the
171 public to regulate public insurance adjusters and to prevent the
172 unauthorized practice of law.

173 (6) Except during a state of emergency declared by the
174 Governor and except during the 1-year period after the date of
175 loss, an insured or claimant may cancel a public adjuster's
176 contract to adjust a claim without penalty or obligation within
177 7 calendar ~~3-business~~ days after the date on which the contract
178 is executed or within 7 calendar ~~3-business~~ days after the date
179 on which the insured or claimant has notified the insurer of the
180 claim, whichever is later. During a state of emergency declared
181 by the Governor or during the 1-year period after the date of
182 loss, an insured or claimant may cancel a public adjuster's
183 contract to adjust a claim without penalty or obligation within
184 14 calendar days after the date on which the contract is
185 executed or within 14 calendar days after the date on which the
186 insured or claimant has notified the insurer of the claim,
187 whichever is later. The public adjuster's contract must disclose
188 to the insured or claimant his or her right to cancel the
189 contract and advise the insured or claimant that notice of
190 cancellation must be submitted in writing and sent by certified
191 mail, return receipt requested, or other form of mailing that

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192 provides proof thereof, to the public adjuster at the address
193 specified in the contract; ~~provided, during any state of~~
194 ~~emergency as declared by the Governor and for 1 year after the~~
195 ~~date of loss, the insured or claimant has 5 business days after~~
196 ~~the date on which the contract is executed to cancel a public~~
197 ~~adjuster's contract.~~

198 (11) Each public adjuster must provide to the claimant or
199 insured a written estimate of the loss to assist in the
200 submission of a proof of loss or any other claim for payment of
201 insurance proceeds. The written estimate shall include a written
202 itemization per unit estimate of the repairs, including itemized
203 information on equipment, materials, labor, and supplies, in
204 accordance with accepted industry standards. The public adjuster
205 shall retain such written estimate for at least 5 years and
206 shall make the estimate available to the claimant or insured,
207 the insurer, and the department upon request. Failure to provide
208 the required estimate within 45 calendar days after the date on
209 which the contract is executed shall restore the insured's right
210 to cancel the public adjuster's contract without penalty or
211 obligation. The insured retains such right until such time as
212 the public adjuster submits the required estimate or the
213 contract becomes void. If the public adjuster fails to submit
214 the required estimate within 50 calendar days after the date on
215 which the contract is executed, the contract is deemed void.

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216 Section 12. Section 626.856, Florida Statutes, is amended
217 to read:

218 626.856 "Company employee adjuster" defined.—A "company
219 employee adjuster" means a person licensed as an all-lines
220 adjuster who is appointed and employed on an insurer's staff of
221 adjusters or an affiliate or a wholly owned subsidiary of the
222 insurer, and who undertakes on behalf of such insurer or other
223 insurers under common control or ownership to ascertain and
224 determine the amount of any claim, loss, or damage payable under
225 a contract of insurance, or undertakes to effect settlement of
226 such claim, loss, or damage.

227 Section 13. Effective January 1, 2021, subsection (3) of
228 section 626.916, Florida Statutes, is amended, and paragraph (f)
229 is added to subsection (1) of that section, to read:

230 626.916 Eligibility for export.—

231 (1) No insurance coverage shall be eligible for export
232 unless it meets all of the following conditions:

233 (f) The insured has signed or otherwise provided
234 documented acknowledgement of a disclosure in substantially the
235 following form: "You are agreeing to place coverage in the
236 surplus lines market. Coverage may be available in the admitted
237 market. Persons insured by surplus lines carriers are not
238 protected under the Florida Insurance Guaranty Act with respect
239 to any right of recovery for the obligation of an insolvent
240 unlicensed insurer."

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241 (3) (a) Subsection (1) does not apply to wet marine and
242 transportation or aviation risks that ~~which~~ are subject to s.
243 626.917.

244 (b) Paragraphs (1) (a)-(d) do not apply to classes of
245 insurance which are subject to s. 627.062(3) (d)1. These classes
246 may be exportable under the following conditions:

247 1. The insurance must be placed only by or through a
248 surplus lines agent licensed in this state;

249 2. The insurer must be made eligible under s. 626.918; and

250 3. The insured has complied with paragraph (1) (f) ~~must~~
251 ~~sign a disclosure that substantially provides the following:~~
252 ~~"You are agreeing to place coverage in the surplus lines market.~~
253 ~~Superior coverage may be available in the admitted market and at~~
254 ~~a lesser cost. Persons insured by surplus lines carriers are not~~
255 ~~protected under the Florida Insurance Guaranty Act with respect~~
256 ~~to any right of recovery for the obligation of an insolvent~~
257 ~~unlicensed insurer."~~ If the disclosure notice is signed by the
258 insured, the insured is presumed to have been informed and to
259 know that other coverage may be available, and, with respect to
260 the diligent-effort requirement under subsection (1), there is
261 no liability on the part of, and no cause of action arises
262 against, the retail agent presenting the form.

263 Section 14. Paragraph (z) of subsection (1) of section
264 626.9541, Florida Statutes, is amended to read:

265 626.9541 Unfair methods of competition and unfair or

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266 | deceptive acts or practices defined.—

267 | (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
268 | ACTS.—The following are defined as unfair methods of competition
269 | and unfair or deceptive acts or practices:

270 | (z) *Sliding*.—Sliding is the act or practice of any of the
271 | following:

272 | 1. Representing to the applicant that a specific ancillary
273 | coverage or product is required by law in conjunction with the
274 | purchase of insurance when such coverage or product is not
275 | required.~~†~~

276 | 2. Representing to the applicant that a specific ancillary
277 | coverage or product is included in the policy applied for
278 | without an additional charge when such charge is required.~~†~~ ~~or~~

279 | 3. Charging an applicant for a specific ancillary coverage
280 | or product, in addition to the cost of the insurance coverage
281 | applied for, without the informed consent of the applicant.

282 | 4. Initiating, effectuating, binding, or otherwise issuing
283 | a policy of insurance without the prior informed consent of the
284 | owner of the property to be insured.

285 | 5. Mailing, transmitting, or otherwise submitting by any
286 | means an invoice for premium payment to a mortgagee or escrow
287 | agent for the purpose of effectuating an insurance policy
288 | without the prior informed consent of the owner of the property
289 | to be insured. However, this subparagraph does not apply in
290 | cases where the mortgagee or escrow agent is renewing insurance

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291 or issuing collateral protection insurance as defined in s.
292 624.6085 pursuant to the mortgage or other pertinent loan
293 documents or communications regarding the property.

294 Section 15. Effective January 1, 2021, subsection (3) of
295 section 626.9741, Florida Statutes, is amended to read:

296 626.9741 Use of credit reports and credit scores by
297 insurers.—

298 (3) An insurer must inform an applicant or insured, in the
299 same medium as the application is taken, that a credit report or
300 score is being requested for underwriting or rating purposes.
301 The notification to the consumer must include the following
302 language: "The Department of Financial Services offers free
303 financial literacy programs to assist you with insurance-related
304 questions, including how credit works and how credit scores are
305 calculated. To learn more, call 1-877-693-5236 or visit
306 www.MyFloridaCFO.com." An insurer that makes an adverse decision
307 based, in whole or in part, upon a credit report must provide at
308 no charge, a copy of the credit report to the applicant or
309 insured or provide the applicant or insured with the name,
310 address, and telephone number of the consumer reporting agency
311 from which the insured or applicant may obtain the credit
312 report. The insurer must provide notification to the consumer
313 explaining the reasons for the adverse decision. The reasons
314 must be provided in sufficiently clear and specific language so
315 that a person can identify the basis for the insurer's adverse

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316 decision. Such notification shall include a description of the
317 four primary reasons, or such fewer number as existed, which
318 were the primary influences of the adverse decision. The use of
319 generalized terms such as "poor credit history," "poor credit
320 rating," or "poor insurance score" does not meet the explanation
321 requirements of this subsection. A credit score may not be used
322 in underwriting or rating insurance unless the scoring process
323 produces information in sufficient detail to permit compliance
324 with the requirements of this subsection. It shall not be deemed
325 an adverse decision if, due to the insured's credit report or
326 credit score, the insured continues to receive a less favorable
327 rate or placement in a less favorable tier or company at the
328 time of renewal except for renewals or reunderwriting required
329 by this section.

330 Section 16. Subsection (1) of section 626.9957, Florida
331 Statutes, is amended to read:

332 626.9957 Conduct prohibited; denial, revocation, or
333 suspension of registration.—

334 (1) As provided in s. 626.112, only a person licensed as
335 an insurance agent or customer representative may engage in the
336 solicitation of insurance. A person who engages in the
337 solicitation of insurance as described in s. 626.112(1) without
338 such license is subject to the penalties provided under s.
339 626.112(10) ~~s. 626.112(9)~~.

340 Section 17. Subsection (10) of section 627.062, Florida

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341 Statutes, is amended to read:

342 627.062 Rate standards.—

343 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~
344 ~~627.70131(5)~~ may not be included in the insurer's rate base and
345 may not be used to justify a rate or rate change.

346 Section 18. Effective January 1, 2021, subsection (6) is
347 added to section 627.421, Florida Statutes, to read:

348 627.421 Delivery of policy.—

349 (6) For personal lines residential property insurance
350 policies, the insurer shall, between March 1 and June 1 of each
351 year, inclusive, deliver an outline of the hurricane coverage as
352 specified in s. 627.4143(3), along with a current policy
353 declarations page. This requirement applies only for those
354 insureds that have provided the insurer with a valid e-mail
355 address. This information must be delivered directly to the
356 policyholder via e-mail or by an e-mail notice of information
357 being posted to a secure web-based policy information page.

358 Section 19. Section 627.502, Florida Statutes, is amended
359 to read:

360 627.502 "Industrial life insurance" defined; reporting;
361 prohibition on new policies after a certain date.—

362 (1) For the purposes of this code, "industrial life
363 insurance" is that form of life insurance written under policies
364 under which premiums are payable monthly or more often, bearing
365 the words "industrial policy" or "weekly premium policy" or

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366 words of similar import imprinted upon the policies as part of
367 the descriptive matter, and issued by an insurer that ~~which~~, as
368 to such industrial life insurance, is operating under a system
369 of collecting a debit by its agent.

370 (2) Every life insurer servicing existing ~~transacting~~
371 industrial life insurance shall report to the office all annual
372 statement data regarding the exhibit of life insurance,
373 including relevant information for industrial life insurance.

374 (3) Beginning July 1, 2020, a life insurer may not write a
375 new policy of industrial life insurance.

376 Section 20. Effective January 1, 2021, section 627.70131,
377 Florida Statutes, is amended to read:

378 627.70131 Insurer's duty to acknowledge communications
379 regarding claims; investigation.-

380 (1)(a) Upon an insurer's receiving a communication with
381 respect to a claim, the insurer shall, within 14 calendar days,
382 review and acknowledge receipt of such communication unless
383 payment is made within that period of time or unless the failure
384 to acknowledge is caused by factors beyond the control of the
385 insurer which reasonably prevent such acknowledgment. If the
386 acknowledgment is not in writing, a notification indicating
387 acknowledgment shall be made in the insurer's claim file and
388 dated. A communication made to or by a representative ~~an agent~~
389 of an insurer with respect to a claim shall constitute
390 communication to or by the insurer.

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391 (b) As used in this subsection, the term "representative"
392 "agent" means any person to whom an insurer has granted
393 authority or responsibility to receive or make such
394 communications with respect to claims on behalf of the insurer.

395 (c) This subsection shall not apply to claimants
396 represented by counsel beyond those communications necessary to
397 provide forms and instructions.

398 (2) Such acknowledgment shall be responsive to the
399 communication. If the communication constitutes a notification
400 of a claim, unless the acknowledgment reasonably advises the
401 claimant that the claim appears not to be covered by the
402 insurer, the acknowledgment shall provide necessary claim forms,
403 and instructions, including an appropriate telephone number.

404 (3) (a) Unless otherwise provided by the policy of
405 insurance or by law, within 10 business ~~working~~ days after an
406 insurer receives proof of loss statements, the insurer shall
407 begin such investigation as is reasonably necessary unless the
408 failure to begin such investigation is caused by factors beyond
409 the control of the insurer which reasonably prevent the
410 commencement of such investigation.

411 (b) If such investigation involves a physical inspection
412 of the property, the licensed adjuster assigned by the insurer
413 must provide the policyholder with his or her name, license
414 number, and contact information.

415 (c) If an insurer assigns the claim to a different

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416 licensed adjuster from the adjuster who performed the physical
417 inspection, the insurer must, within 14 days after changing the
418 licensed insurance adjuster assigned to a claim, provide the
419 name, license number, and contact information of the new
420 adjuster to the policyholder. The notification may be made
421 electronically or via mail. If the notification is a physical
422 letter, it must be postmarked within 14 days after the date of
423 the change in adjuster. The policyholder must be provided notice
424 of any subsequent change to the assigned adjuster as set forth
425 by this paragraph.

426 (4) An insurer shall establish a process by which an agent
427 of record for an insurance policy receives the same notice as
428 the policyholder as provided in paragraphs (3)(b) and (c) in
429 order to assist the agent of record in answering the
430 policyholder's questions regarding claims. As used in this
431 subsection, the term "agent of record" means the agent named on
432 the declarations page of the insurance policy or, if there is no
433 agent of record, another designated point of contact.

434 (5) For purposes of this section, the term "insurer" means
435 any residential property insurer.

436 (6) (a) When providing a preliminary or partial estimate of
437 damage regarding a claim, an insurer shall include with the
438 estimate the following statement printed in at least 12-point
439 bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT
440 EVALUATION OF THE COVERED DAMAGES TO YOUR INSURED PROPERTY AND

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441 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU
442 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING
443 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US.

444 (b) When providing a payment on a claim that is not the
445 full and final payment for the claim, an insurer shall include
446 with the payment the following statement printed in at least 12-
447 point bold, uppercase type: WE ARE CONTINUING TO EVALUATE YOUR
448 CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL
449 PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL
450 INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT
451 US. IF THE PAYMENT IS MADE BY ELECTRONIC FUNDS TRANSFER, A
452 SIMILAR NOTICE MAY BE DELIVERED DIRECTLY TO THE POLICYHOLDER VIA
453 EMAIL OR BY AN E-MAIL NOTICE OF INFORMATION BEING POSTED TO A
454 SECURE WEB-BASED POLICY INFORMATION PAGE.

455 (7)-(5)(a) Within 90 calendar days after an insurer
456 receives notice of an initial, reopened, or supplemental
457 property insurance claim from a policyholder, the insurer shall
458 pay or deny such claim or a portion of the claim unless the
459 failure to pay is caused by factors beyond the control of the
460 insurer which reasonably prevent such payment. Any payment of an
461 initial or supplemental claim or portion of such claim made 90
462 calendar days after the insurer receives notice of the claim, or
463 made more than 15 calendar days after there are no longer
464 factors beyond the control of the insurer which reasonably
465 prevented such payment, whichever is later, bears interest at

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466 the rate set forth in s. 55.03. Interest begins to accrue from
467 the date the insurer receives notice of the claim. The
468 provisions of this subsection may not be waived, voided, or
469 nullified by the terms of the insurance policy. If there is a
470 right to prejudgment interest, the insured shall select whether
471 to receive prejudgment interest or interest under this
472 subsection. Interest is payable when the claim or portion of the
473 claim is paid. Failure to comply with this subsection
474 constitutes a violation of this code. However, failure to comply
475 with this subsection does not form the sole basis for a private
476 cause of action.

477 (b) Notwithstanding subsection (5) ~~(4)~~, for purposes of
478 this subsection, the term "claim" means any of the following:

479 1. A claim under an insurance policy providing residential
480 coverage as defined in s. 627.4025(1);

481 2. A claim for structural or contents coverage under a
482 commercial property insurance policy if the insured structure is
483 10,000 square feet or less; or

484 3. A claim for contents coverage under a commercial tenant
485 policy if the insured premises is 10,000 square feet or less.

486 (c) This subsection does ~~shall~~ not apply to claims under
487 an insurance policy covering nonresidential commercial
488 structures or contents in more than one state.

489 (8) This section also applies to surplus lines insurers
490 and surplus lines insurance authorized under ss. 626.913-626.937

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491 providing residential coverage.

492 Section 21. Section 627.7031, Florida Statutes, is created
493 to read:

494 627.7031 Foreign venue clauses prohibited.—After July 1,
495 2020, a property insurance policy sold in this state insuring
496 real property located only in this state may not require an
497 insured to pursue dispute resolution through litigation,
498 arbitration, or mediation outside this state. This section also
499 applies to surplus lines insurers and surplus lines insurance
500 authorized under ss. 626.913-626.937.

501 Section 22. Effective January 1, 2021, section 627.7142,
502 Florida Statutes, is amended to read:

503 627.7142 Homeowner Claims Bill of Rights.—An insurer
504 issuing a personal lines residential property insurance policy
505 in this state must provide a Homeowner Claims Bill of Rights to
506 a policyholder within 14 calendar days after receiving an
507 initial communication with respect to a claim, ~~unless the claim~~
508 ~~follows an event that is the subject of a declaration of a state~~
509 ~~of emergency by the Governor.~~ The purpose of the bill of rights
510 is to summarize, in simple, nontechnical terms, existing Florida
511 law regarding the rights of a personal lines residential
512 property insurance policyholder who files a claim of loss. The
513 Homeowner Claims Bill of Rights is specific to the claims
514 process and does not represent all of a policyholder's rights
515 under Florida law regarding the insurance policy. The Homeowner

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516 Claims Bill of Rights does not create a civil cause of action by
517 any individual policyholder or class of policyholders against an
518 insurer or insurers. The failure of an insurer to properly
519 deliver the Homeowner Claims Bill of Rights is subject to
520 administrative enforcement by the office but is not admissible
521 as evidence in a civil action against an insurer. The Homeowner
522 Claims Bill of Rights does not enlarge, modify, or contravene
523 statutory requirements, including, but not limited to, ss.
524 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does
525 not prohibit an insurer from exercising its right to repair
526 damaged property in compliance with the terms of an applicable
527 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
528 Claims Bill of Rights must state:

HOMEOWNER CLAIMS

BILL OF RIGHTS

532 This Bill of Rights is specific to the claims process
533 and does not represent all of your rights under
534 Florida law regarding your policy. There are also
535 exceptions to the stated timelines when conditions are
536 beyond your insurance company's control. This document
537 does not create a civil cause of action by an
538 individual policyholder, or a class of policyholders,
539 against an insurer or insurers and does not prohibit
540 an insurer from exercising its right to repair damaged

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541 property in compliance with the terms of an applicable
542 policy.

543

544 YOU HAVE THE RIGHT TO:

545 1. Receive from your insurance company an
546 acknowledgment of your reported claim within 14
547 calendar days after the time you communicated the
548 claim.

549 2. Upon written request, receive from your insurance
550 company within 30 days after you have submitted a
551 complete proof-of-loss statement to your insurance
552 company, confirmation that your claim is covered in
553 full, partially covered, or denied, or receive a
554 written statement that your claim is being
555 investigated.

556 3. Within 14 calendar days, receive notification from
557 your insurance company if there has been a change in
558 the company adjuster who is assigned to your claim.
559 The notification must include the assigned adjuster's
560 contact information.

561 4. Within 90 calendar days, subject to any dual
562 interest noted in the policy, receive full settlement
563 payment for your claim or payment of the undisputed
564 portion of your claim, or your insurance company's
565 denial of your claim.

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566 5. Receive payment of interest as provided in section
567 627.7031, Florida Statutes, from your insurance
568 company, which begins accruing from the date your
569 initial, reopened, or supplemental claim is filed if
570 your insurance company does not pay full settlement of
571 your claim or the undisputed portion of your claim or
572 does not deny your claim within 90 calendar days after
573 your claim is filed. The interest, if applicable, must
574 be paid when your claim or undisputed portion of your
575 claim is paid.

576 ~~6.4.~~ Free mediation of your disputed claim by the
577 Florida Department of Financial Services, Division of
578 Consumer Services, under most circumstances and
579 subject to certain restrictions.

580 ~~7.5.~~ Neutral evaluation of your disputed claim, if
581 your claim is for damage caused by a sinkhole and is
582 covered by your policy.

583 ~~8.6.~~ Contact the Florida Department of Financial
584 Services, Division of Consumer Services' toll-free
585 helpline for assistance with any insurance claim or
586 questions pertaining to the handling of your claim.
587 You can reach the Helpline by phone at...(toll-free
588 phone number)..., or you can seek assistance online at
589 the Florida Department of Financial Services, Division
590 of Consumer Services' website at...(website

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591 address)....

592

593 YOU ARE ADVISED TO:

594 1. Contact your insurance company before entering
595 into any contract for repairs to confirm any managed
596 repair policy provisions or optional preferred
597 vendors.

598 2. Make and document emergency repairs that are
599 necessary to prevent further damage. Keep the damaged
600 property, if feasible, keep all receipts, and take
601 photographs or video of damage before and after any
602 repairs to provide to your insurer.

603 3. Carefully read any contract that requires you to
604 pay out-of-pocket expenses or a fee that is based on a
605 percentage of the insurance proceeds that you will
606 receive for repairing or replacing your property.

607 4. Confirm that the contractor you choose is licensed
608 to do business in Florida. You can verify a
609 contractor's license and check to see if there are any
610 complaints against him or her by calling the Florida
611 Department of Business and Professional Regulation.
612 You should also ask the contractor for references from
613 previous work.

614 5. Require all contractors to provide proof of
615 insurance before beginning repairs.

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616 6. Take precautions if the damage requires you to leave
617 your home, including securing your property and turning off your
618 gas, water, and electricity, and contacting your insurance
619 company and provide a phone number where you can be reached.

620 Section 23. Notwithstanding the expiration of subsection
621 (4) of section 627.715, Florida Statutes, which occurred on July
622 1, 2019, that subsection is revived, reenacted, and amended to
623 read:

624 627.715 Flood insurance.—An authorized insurer may issue
625 an insurance policy, contract, or endorsement providing personal
626 lines residential coverage for the peril of flood or excess
627 coverage for the peril of flood on any structure or the contents
628 of personal property contained therein, subject to this section.
629 This section does not apply to commercial lines residential or
630 commercial lines nonresidential coverage for the peril of flood.
631 An insurer may issue flood insurance policies, contracts,
632 endorsements, or excess coverage on a standard, preferred,
633 customized, flexible, or supplemental basis.

634 (4) A surplus lines agent may export a contract or
635 endorsement providing flood coverage to an eligible surplus
636 lines insurer without making a diligent effort to seek such
637 coverage from three or more authorized insurers under s.
638 626.916(1)(a). This subsection expires July 1, 2025 ~~2019~~, or on
639 the date on which the Commissioner of Insurance Regulation
640 determines in writing that there is an adequate admitted market

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641 to provide coverage for the peril of flood consistent with this
642 section, whichever date occurs first. If there are fewer than
643 three admitted insurers on the date this subsection expires, the
644 number of declinations necessary to meet the diligent-effort
645 requirement shall be no fewer than the number of authorized
646 insurers providing flood coverage.

647 Section 24. Paragraph (a) of subsection (1) and subsection
648 (6) of section 631.57, Florida Statutes, are amended to read:

649 631.57 Powers and duties of the association.—

650 (1) The association shall:

651 (a)1. Be obligated to the extent of the covered claims
652 existing:

653 a. Prior to adjudication of insolvency and arising within
654 30 days after the determination of insolvency;

655 b. Before the policy expiration date if less than 30 days
656 after the determination; or

657 c. Before the insured replaces the policy or causes its
658 cancellation, if she or he does so within 30 days of the
659 determination.

660 2. The obligation under subparagraph 1. includes ~~only~~ the
661 amount of each covered claim which is ~~in excess of \$100 and is~~
662 less than \$300,000, except that policies providing coverage for
663 homeowner's insurance shall provide for an additional \$200,000
664 for the portion of a covered claim which relates only to the
665 damage to the structure and contents.

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666 3.a. Notwithstanding subparagraph 2., the obligation under
667 subparagraph 1. for policies covering condominium associations
668 or homeowners' associations, which associations have a
669 responsibility to provide insurance coverage on residential
670 units within the association, shall include that amount of each
671 covered property insurance claim which is less than \$100,000
672 multiplied by the number of condominium units or other
673 residential units; however, as to homeowners' associations, this
674 sub-subparagraph applies only to claims for damage or loss to
675 residential units and structures attached to residential units.

676 b. Notwithstanding sub-subparagraph a., the association
677 has no obligation to pay covered claims that are to be paid from
678 the proceeds of bonds issued under s. 631.695. However, the
679 association shall assign and pledge the first available moneys
680 from all or part of the assessments to be made under paragraph
681 (3) (a) to or on behalf of the issuer of such bonds for the
682 benefit of the holders of such bonds. The association shall
683 administer any such covered claims and present valid covered
684 claims for payment in accordance with the provisions of the
685 assistance program in connection with which such bonds have been
686 issued.

687 4. In no event shall the association be obligated to a
688 policyholder or claimant in an amount in excess of the
689 obligation of the insolvent insurer under the policy from which
690 the claim arises.

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691 (6) The association may extend the time limits specified
692 in paragraph (1)(a) by up to an additional 60 days ~~or waive the~~
693 ~~applicability of the \$100 deductible specified in paragraph~~
694 ~~(1)(a)~~ if the board determines that either or both such actions
695 are necessary to facilitate the bulk assumption of obligations.

696 Section 25. Section 648.30, Florida Statutes, is amended
697 to read:

698 648.30 Licensure and appointment required; prohibited
699 acts; penalties.-

700 (1) A person may not act in the capacity of a bail bond
701 agent or temporary bail bond agent or perform any of the
702 functions, duties, or powers prescribed for bail bond agents or
703 temporary bail bond agents under this chapter unless that person
704 is qualified, licensed, and appointed as provided in this
705 chapter.

706 (2) A person may not represent himself or herself to be a
707 bail enforcement agent, bounty hunter, or other similar title in
708 this state.

709 (3) A person, other than a certified law enforcement
710 officer, may not apprehend, detain, or arrest a principal on a
711 bond, wherever issued, unless that person is qualified,
712 licensed, and appointed as provided in this chapter or licensed
713 as a bail bond agent or bail bond enforcement agent, or holds an
714 equivalent license by the state where the bond was written.

715 (4) Any person who violates this section commits a felony

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716 of the third degree, punishable as provided in s. 775.082, s.
717 775.083, or s. 775.084.

718 (5) Any licensee under this chapter who knowingly aids or
719 abets an unlicensed person in violating this section commits a
720 felony of the third degree, punishable as provided in s.
721 775.082, s. 775.083, or s. 775.084.

722 Section 26. Paragraphs (b) and (c) of subsection (4) and
723 subsections (1) and (10) of section 717.124, Florida Statutes,
724 are amended to read:

725 717.124 Unclaimed property claims.—

726 (1) Any person, excluding another state, claiming an
727 interest in any property paid or delivered to the department
728 under this chapter may file with the department a claim on a
729 form prescribed by the department and verified by the claimant
730 or the claimant's representative. The claimant's representative
731 must be an attorney licensed to practice law in this state, a
732 licensed Florida-certified public accountant, or a private
733 investigator licensed under chapter 493. The claimant's
734 representative must be registered with the department under this
735 chapter. The claimant, or the claimant's representative, shall
736 provide the department with a legible copy of a valid driver
737 license of the claimant at the time the original claim form is
738 filed. If the claimant has not been issued a valid driver
739 license at the time the original claim form is filed, the
740 department shall be provided with a legible copy of a

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741 photographic identification of the claimant issued by the United
742 States, a state or territory of the United States, a foreign
743 nation, or a political subdivision or agency thereof or other
744 evidence deemed acceptable by the department by rule. In lieu of
745 photographic identification, a notarized sworn statement by the
746 claimant may be provided which affirms the claimant's identity
747 and states the claimant's full name and address. The claimant
748 must produce to the notary photographic identification of the
749 claimant issued by the United States, a state or territory of
750 the United States, a foreign nation, or a political subdivision
751 or agency thereof or other evidence deemed acceptable by the
752 department by rule. The notary shall indicate the notary's full
753 address on the notarized sworn statement. Any claim filed
754 without the required identification or the sworn statement with
755 the original claim form and the original Uniform Unclaimed
756 Property Recovery Agreement or Uniform Unclaimed Property
757 Purchase Agreement ~~power of attorney or purchase agreement~~, if
758 applicable, is void.

759 (a) Within 90 days after receipt of a claim, the
760 department may return any claim that provides for the receipt of
761 fees and costs greater than that permitted under this chapter or
762 that contains any apparent errors or omissions. The department
763 may also request that the claimant or the claimant's
764 representative provide additional information. The department
765 shall retain a copy or electronic image of the claim.

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766 (b) A claimant or the claimant's representative shall be
767 deemed to have withdrawn a claim if no response to the
768 department's request for additional information is received by
769 the department within 60 days after the notification of any
770 apparent errors or omissions.

771 (c) Within 90 days after receipt of the claim, or the
772 response of the claimant or the claimant's representative to the
773 department's request for additional information, whichever is
774 later, the department shall determine each claim. Such
775 determination shall contain a notice of rights provided by ss.
776 120.569 and 120.57. The 90-day period shall be extended by 60
777 days if the department has good cause to need additional time or
778 if the unclaimed property:

779 1. Is owned by a person who has been a debtor in
780 bankruptcy;

781 2. Was reported with an address outside of the United
782 States;

783 3. Is being claimed by a person outside of the United
784 States; or

785 4. Contains documents filed in support of the claim that
786 are not in the English language and have not been accompanied by
787 an English language translation.

788 (d) The department shall deny any claim under which the
789 claimant's representative has refused to authorize the
790 department to reduce the fees and costs to the maximum permitted

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791 under this chapter.

792 (4)

793 (b) If an owner authorizes an attorney licensed to
794 practice law in this state, Florida-certified public accountant,
795 or private investigator licensed under chapter 493, and
796 registered with the department under this chapter, to claim the
797 unclaimed property on the owner's behalf, the department is
798 authorized to make distribution of the property or money in
799 accordance with the Uniform Unclaimed Property Recovery
800 Agreement or Uniform Unclaimed Property Purchase Agreement under
801 s. 717.135 ~~such power of attorney~~. The original Uniform
802 Unclaimed Property Recovery Agreement or Uniform Unclaimed
803 Property Purchase Agreement ~~power of attorney~~ must be executed
804 by the claimant or seller ~~owner~~ and must be filed with the
805 department.

806 (c)1. Payments of approved claims for unclaimed cash
807 accounts shall be made to the owner after deducting any fees and
808 costs authorized pursuant to a Uniform Unclaimed Property
809 Recovery Agreement ~~written power of attorney~~. The contents of a
810 safe-deposit box shall be delivered directly to the claimant
811 ~~notwithstanding any power of attorney or agreement to the~~
812 ~~contrary~~.

813 2. Payments of fees and costs authorized pursuant to a
814 Uniform Unclaimed Property Recovery Agreement ~~written power of~~
815 ~~attorney~~ for approved claims must ~~shall~~ be made or issued to the

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816 law firm of the designated attorney licensed to practice law in
817 this state, the public accountancy firm of the licensed Florida-
818 certified public accountant, or the designated employing private
819 investigative agency licensed by this state. Such payments shall
820 be made by electronic funds transfer and may be made on such
821 periodic schedule as the department may define by rule, provided
822 the payment intervals do not exceed 31 days. Payment made to an
823 attorney licensed in this state, a Florida-certified public
824 accountant, or a private investigator licensed under chapter
825 493, operating individually or as a sole practitioner, shall be
826 to the attorney, certified public accountant, or private
827 investigator.

828 (10) Notwithstanding any other provision of this chapter,
829 the department may develop a process by which a registered
830 claimant's representative or a buyer of unclaimed property may
831 electronically submit to the department an electronic image of a
832 completed claim and claims-related documents pursuant to this
833 chapter, including a Uniform Unclaimed Property Recovery
834 Agreement or Uniform Unclaimed Property Purchase Agreement a
835 ~~limited power of attorney or purchase agreement~~ that has been
836 manually signed and dated by a claimant or seller pursuant to s.
837 717.135 ~~or s. 717.1351~~, after the claimant's representative or
838 the buyer of unclaimed property receives the original documents
839 provided by the claimant or the seller for any claim. Each claim
840 filed by a registered claimant's representative or a buyer of

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841 unclaimed property must include a statement by the claimant's
842 representative or the buyer of unclaimed property attesting that
843 all documents are true copies of the original documents and that
844 all original documents are physically in the possession of the
845 claimant's representative or the buyer of unclaimed property.
846 All original documents must be kept in the original form, by
847 claim number, under the secure control of the claimant's
848 representative or the buyer of unclaimed property and must be
849 available for inspection by the department in accordance with s.
850 717.1315. The department may adopt rules to implement this
851 subsection.

852 Section 27. Subsection (2) of section 717.12404, Florida
853 Statutes, is amended to read:

854 717.12404 Claims on behalf of a business entity or trust.—

855 (2) Claims on behalf of a dissolved corporation, a
856 business entity other than an active corporation, or a trust
857 must include a legible copy of a valid driver license of the
858 person acting on behalf of the dissolved corporation, business
859 entity other than an active corporation, or trust. If the person
860 has not been issued a valid driver license, the department shall
861 be provided with a legible copy of a photographic identification
862 of the person issued by the United States, a foreign nation, or
863 a political subdivision or agency thereof. In lieu of
864 photographic identification, a notarized sworn statement by the
865 person may be provided which affirms the person's identity and

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866 states the person's full name and address. The person must
867 produce his or her photographic identification issued by the
868 United States, a state or territory of the United States, a
869 foreign nation, or a political subdivision or agency thereof or
870 other evidence deemed acceptable by the department by rule. The
871 notary shall indicate the notary's full address on the notarized
872 sworn statement. Any claim filed without the required
873 identification or the sworn statement with the original claim
874 form and the original Uniform Unclaimed Property Recovery
875 Agreement or Uniform Unclaimed Property Purchase Agreement ~~power~~
876 ~~of attorney~~, if applicable, is void.

877 Section 28. Subsection (1) of section 717.1315, Florida
878 Statutes, is amended to read:

879 717.1315 Retention of records by claimant's
880 representatives and buyers of unclaimed property.—

881 (1) Every claimant's representative and buyer of unclaimed
882 property shall keep and use in his or her business such books,
883 accounts, and records of the business conducted under this
884 chapter to enable the department to determine whether such
885 person is complying with this chapter and the rules adopted by
886 the department under this chapter. Every claimant's
887 representative and buyer of unclaimed property shall preserve
888 such books, accounts, and records, including every Uniform
889 Unclaimed Property Recovery Agreement or Uniform Unclaimed
890 Property Purchase Agreement ~~power of attorney or agreement~~

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891 between the owner and such claimant's representative or buyer,
892 for at least 3 years after the date of the initial ~~power of~~
893 ~~attorney or~~ agreement.

894 Section 29. Paragraph (j) of subsection (1) of section
895 717.1322, Florida Statutes, is amended to read:

896 717.1322 Administrative and civil enforcement.—

897 (1) The following acts are violations of this chapter and
898 constitute grounds for an administrative enforcement action by
899 the department in accordance with the requirements of chapter
900 120 and for civil enforcement by the department in a court of
901 competent jurisdiction:

902 (j) Requesting or receiving compensation for notifying a
903 person of his or her unclaimed property or assisting another
904 person in filing a claim for unclaimed property, unless the
905 person is an attorney licensed to practice law in this state, a
906 Florida-certified public accountant, or a private investigator
907 licensed under chapter 493, or entering into, or making a
908 solicitation to enter into, an agreement ~~a power of attorney~~ to
909 file a claim for unclaimed property owned by another, or a
910 contract or agreement to purchase unclaimed property, unless
911 such person is registered with the department pursuant to this
912 chapter and an attorney licensed to practice law in this state
913 in the regular practice of her or his profession, a Florida-
914 certified public accountant who is acting within the scope of
915 the practice of public accounting as defined in chapter 473, or

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916 a private investigator licensed under chapter 493. This
917 subsection does not apply to a person who has been granted a
918 durable power of attorney to convey and receive all of the real
919 and personal property of the owner, is the court-appointed
920 guardian of the owner, has been employed as an attorney or
921 qualified representative to contest the department's denial of a
922 claim, or has been employed as an attorney to probate the estate
923 of the owner or an heir or legatee of the owner.

924 Section 30. Section 717.135, Florida Statutes, is amended
925 to read:

926 (Substantial rewording of section. See
927 s. 717.135, F.S., for present text.)

928 717.135 Recovery agreements and purchase agreements for
929 claims filed by claimant's representative; fees and costs.-

930 (1) In order to protect the interests of owners of
931 unclaimed property, the department shall adopt by rule a form
932 entitled "Uniform Unclaimed Property Recovery Agreement" and a
933 form entitled "Uniform Unclaimed Property Purchase Agreement."

934 (2) The Uniform Unclaimed Property Recovery Agreement form
935 and the Uniform Unclaimed Property Purchase Agreement form must
936 include and disclose:

937 (a) The total dollar amount of unclaimed property accounts
938 claimed or sold.

939 (b) Either the total percentage of all authorized fees and
940 costs to be paid to the claimant's representative or the

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941 percentage of the value of the property to be paid as net gain
942 to the purchasing registered claimant's representative.

943 (c) Either the total dollar amount to be deducted and
944 received from the claimant as fees and costs by the claimant's
945 representative or the total net dollar amount to be received by
946 the purchasing registered claimant's representative.

947 (d) The net dollar amount to be received by the claimant
948 or seller.

949 (e) For each account claimed, the unclaimed property
950 account number and name of the apparent owner, as listed on the
951 department's database.

952 (f) For the Uniform Unclaimed Property Purchase Agreement,
953 a statement that the purchase price will be remitted to the
954 seller within 30 days after the execution of the form by the
955 seller.

956 (g) The name, address, e-mail address, telephone number,
957 and license number of the registered claimant's representative.

958 (h) The manual signature of the claimant or seller and the
959 date signed.

960 (i) The social security number or taxpayer identification
961 number of the claimant or seller, if available. A social
962 security number or taxpayer identification number is considered
963 available if such number has been issued to the claimant or
964 seller.

965 (j) A limit of total fees and costs, or the total discount

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966 amount in the case of a purchase agreement, of no more than 20
967 percent of the claimed amount.

968 1. Up to the following additional maximum total dollar
969 amounts may be added to and included in the total amounts
970 disclosed to and approved by the claimant under paragraph (b) or
971 paragraph (c) if the apparent owner is deceased with an estate
972 that is required to be probated.

973 a. For total dollar amounts of property having a value of
974 \$40,000 or less: \$1,500.

975 b. For total dollar amounts of property having a value of
976 at least \$40,000 but less than \$70,000: \$2,250.

977 c. For total dollar amounts of property having a value of
978 at least \$70,000 but less than \$100,000: \$3,000.

979 d. For total dollar amounts of property having a value of
980 \$100,000 or greater: \$3,750.

981 2. If probate is required and if the required probate is
982 performed at the expense of the claimant's representative, the
983 amounts in subparagraph 1. may be added to and shall become the
984 total amounts disclosed to and approved by the claimant under
985 paragraph (b) or paragraph (c). Copies of all related court
986 filings and documentation, along with proof that the claimant's
987 representative incurred the fees and costs, must be filed with
988 the original claim when it is submitted to the department.

989 a. The amounts in subparagraph 1. may be added to and
990 included in the total amounts in paragraph (b) or paragraph (c)

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991 only one time for any deceased owner.

992 b. If an estate affidavit pursuant to s. 717.1243 is used
993 in a claim, the amounts in subparagraph 1. may not be added to
994 or included in the total amounts in paragraph (b) or paragraph
995 (c) for the claim.

996 (k) The additional maximum total dollar amounts in
997 subparagraph (j)1. may also be added to and included in the
998 total amounts disclosed to and approved by the claimant under
999 paragraph (b) or paragraph (c) if the claimant resides in, and
1000 has a mailing or delivery address in, a foreign nation outside
1001 of the United States or its territories.

1002 (3) For a Uniform Unclaimed Property Purchase Agreement
1003 form, proof that the seller has received payment must be filed
1004 with the department along with the claim. If proof of payment is
1005 not provided, the claim is void.

1006 (4) A registered claimant's representative shall use the
1007 Uniform Unclaimed Property Recovery Agreement form or the
1008 Uniform Unclaimed Property Purchase Agreement form as the
1009 exclusive means of engaging with a claimant or seller to file a
1010 claim with the department.

1011 (5) Fees and costs may be owed or paid to a registered
1012 claimant's representative only pursuant to the forms authorized
1013 by this section and upon approval of the claim filed thereby.

1014 (6) A claimant's representative may not use or distribute
1015 any other agreement of any type with respect to the claimant or

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1016 seller which relates to unclaimed property accounts held by the
1017 department or the Chief Financial Officer other than the
1018 agreements authorized by this section. Any agreement that is not
1019 authorized by this section is null and void.

1020 (7) The forms under subsection (1):

1021 (a) May not contain language that makes the agreement
1022 irrevocable; and

1023 (b) May not contain language that creates an assignment of
1024 any unclaimed property held by the department.

1025 (8) This section does not supersede the conflicting claims
1026 provisions of s. 717.1241.

1027 (9) At the time a claim is approved, the department may
1028 pay any additional account that is owned by the claimant but has
1029 not been claimed at the time of approval, provided that no
1030 subsequent claim has been filed and is pending for the claimant
1031 at the time of approval.

1032 Section 31. Section 717.1351, Florida Statutes, is
1033 repealed.

1034 Section 32. Except as otherwise provided in this act, this
1035 act shall take effect upon becoming a law.

1036 -----
1037

1038 **T I T L E A M E N D M E N T**

1039 Remove everything before the enacting clause and insert:

1040 A bill to be entitled

Amendment No. 1.

1041 An act relating to consumer protection; amending s.
1042 319.30, F.S.; revising provisions for systems used to
1043 execute electronic signatures for salvage certificates
1044 of title; amending s. 501.0051, F.S.; prohibiting
1045 consumer reporting agencies from charging to reissue
1046 or provide a new unique personal identifier to a
1047 consumer for the removal of a security freeze;
1048 amending s. 624.307, F.S.; revising a requirement for
1049 entities licensed or authorized by the Department of
1050 Financial Services or the Office of Insurance
1051 Regulation to respond to the department's Division of
1052 Consumer Services regarding consumer complaints;
1053 revising administrative penalties the division may
1054 impose for failure to comply; amending s. 626.112,
1055 F.S.; prohibiting unlicensed activity by an adjusting
1056 firm; providing an exemption; providing an exemption
1057 from licensure for branch firms that meet certain
1058 criteria; providing an administrative penalty for
1059 failing to apply for certain licensure; providing a
1060 criminal penalty for aiding or abetting unlicensed
1061 activity; deleting an obsolete provision; amending s.
1062 626.602, F.S.; authorizing the department to
1063 disapprove the use of insurance agency names
1064 containing the words "Medicare" or "Medicaid";
1065 providing an exception for certain insurance agencies;

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Amendment No. 1.

1066 amending s. 626.621, F.S.; adding grounds on which the
1067 department may take certain actions against a license,
1068 appointment, or application of certain insurance
1069 representatives; amending ss. 626.782 and 626.783,
1070 F.S.; revising the definitions of the terms
1071 "industrial class insurer" and "ordinary-combination
1072 class insurer," respectively, to conform to changes
1073 made by the act; repealing s. 626.796, F.S., relating
1074 to the representation of multiple insurers in the same
1075 industrial debit territory; amending s. 626.8443,
1076 F.S.; increasing the maximum period of suspension of a
1077 title insurance agent's or agency's license; amending
1078 s. 626.854, F.S.; revising the timeframes in which an
1079 insured or claimant may cancel a public adjuster's
1080 contract to adjust a claim without penalty or
1081 obligation; requiring public adjusters to include
1082 itemized information in loss estimates; providing that
1083 failure by the public adjuster to provide such
1084 information restores the insured's right to cancel the
1085 contract without penalty or obligation; amending s.
1086 626.856, F.S.; revising definition of company employee
1087 adjuster; amending s. 626.916, F.S.; revising the
1088 classes of insurance subject to a disclosure
1089 requirement before being eligible for export under the
1090 Surplus Lines Law; amending s. 626.9541, F.S.; adding

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Amendment No. 1.

1091 certain acts or practices to the definition of the
1092 term "sliding"; amending s. 626.9741, F.S.; requiring
1093 an insurer to include certain additional information
1094 when providing an applicant or insured with certain
1095 credit report or score information; amending ss.
1096 626.9957 and 627.062, F.S.; conforming cross-
1097 references; amending s. 627.421, F.S.; requiring
1098 personal lines residential property insurers to
1099 annually deliver certain notifications to certain
1100 policyholders within a specified timeframe; amending
1101 s. 627.502, F.S.; prohibiting life insurers from
1102 writing new policies of industrial life insurance
1103 beginning on a certain date; amending s. 627.70131,
1104 F.S.; providing that communication made to or by an
1105 insurer's representative, rather than to or by an
1106 insurer's agent, constitutes communication to or by
1107 the insurer; requiring an insurer-assigned licensed
1108 adjuster to provide the policyholder with certain
1109 information in certain investigations; specifying
1110 requirements for insurers in notifying policyholders
1111 of certain changes in assigned adjusters; requiring an
1112 insurer to establish a process to provide the agent of
1113 record access to claim status information for a
1114 certain purpose; defining the term "agent of record";
1115 requiring insurers to include specified notices when

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Amendment No. 1.

1116 providing preliminary or partial damage estimates or
1117 certain claim payments; specifying the timeframe in
1118 which an insurer must pay or deny property insurance
1119 claims under certain circumstances; providing
1120 applicability; conforming provisions to changes made
1121 by the act; creating s. 627.7031, F.S.; prohibiting
1122 foreign venue clauses in certain property insurance
1123 policies; providing applicability; amending s.
1124 627.7142, F.S.; revising information contained in the
1125 Homeowner Claims Bill of Rights; conforming provisions
1126 to changes made by the act; reviving, reenacting, and
1127 amending s. 627.715, F.S.; extending the expiration
1128 date for provisions authorizing surplus lines agents
1129 to export flood coverage contracts or endorsements to
1130 insurers without seeking such coverage from specified
1131 entities; amending s. 631.57, F.S.; deleting a
1132 deductible on the Florida Insurance Guaranty
1133 Association's obligation relating to certain covered
1134 claims; amending s. 648.30, F.S.; prohibiting the
1135 aiding or abetting of unlicensed activity of a bail
1136 bond agent or temporary bail bond agent; amending ss.
1137 717.124, 717.12404, 717.1315, and 717.1322, F.S.;
1138 conforming provisions to changes made by the act;
1139 amending s. 717.135, F.S.; replacing provisions
1140 relating to powers of attorney to recover unclaimed

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Amendment No. 1.

1141 property with provisions relating to uniform forms for
1142 unclaimed property recovery agreements and purchase
1143 agreements; requiring the department to adopt the
1144 uniform forms by rule; specifying required information
1145 and disclosures in the forms; requiring that, for the
1146 purchase agreement form, proof the seller received
1147 payment be filed with the department along with the
1148 claim; requiring registered claimant's representatives
1149 to use the forms as the exclusive means of engaging
1150 with a claimant or seller to file claims and
1151 prohibiting them from using or distributing other
1152 agreements; specifying a limitation on fees and costs
1153 owed or paid; authorizing additional maximum total
1154 dollar fee and cost amounts for probated estate
1155 claimants; prohibiting certain language in the forms;
1156 authorizing the department to pay additional accounts
1157 owned by the claimant under certain circumstances;
1158 providing construction; repealing s. 717.1351, F.S.,
1159 relating to the acquisition of unclaimed property;
1160 providing effective dates.