

By Senator Wright

14-00928B-20

20201492\_\_

1                                   A bill to be entitled  
2       An act relating to consumer protection; amending s.  
3       501.0051, F.S.; prohibiting consumer reporting  
4       agencies from charging to reissue or provide a new  
5       unique personal identifier to a consumer for the  
6       removal of a security freeze; amending s. 624.307,  
7       F.S.; revising a requirement for entities licensed or  
8       authorized by the Department of Financial Services or  
9       the Office of Insurance Regulation to respond to the  
10      department's Division of Consumer Services regarding  
11      consumer complaints; revising administrative penalties  
12      the division may impose for failure to comply;  
13      amending s. 626.112, F.S.; prohibiting unlicensed  
14      activity by an adjusting firm; providing an exemption;  
15      providing an exemption from licensure for branch firms  
16      that meet certain criteria; providing an  
17      administrative penalty for failing to apply for  
18      certain licensure; providing a criminal penalty for  
19      aiding or abetting unlicensed activity; deleting an  
20      obsolete provision; amending s. 626.602, F.S.;  
21      authorizing the department to disapprove the use of  
22      insurance agency names containing the words "Medicare"  
23      or "Medicaid"; providing an exception for certain  
24      insurance agencies; amending s. 626.621, F.S.; adding  
25      grounds on which the department may take certain  
26      actions against a license, appointment, or application  
27      of certain insurance representatives; amending ss.  
28      626.782 and 626.783, F.S.; revising the definitions of  
29      the terms "industrial class insurer" and "ordinary-

14-00928B-20

20201492\_\_

30 combination class insurer," respectively, to conform  
31 to changes made by the act; repealing s. 626.796,  
32 F.S., relating to the representation of multiple  
33 insurers in the same industrial debit territory;  
34 amending s. 626.8443, F.S.; increasing the maximum  
35 period of suspension of a title insurance agent's or  
36 agency's license; amending s. 626.854, F.S.; revising  
37 the timeframes in which an insured or claimant may  
38 cancel a public adjuster's contract to adjust a claim  
39 without penalty or obligation; amending s. 626.916,  
40 F.S.; revising the classes of insurance subject to a  
41 disclosure requirement before being eligible for  
42 export under the Surplus Lines Law; amending s.  
43 626.9541, F.S.; adding certain acts or practices to  
44 the definition of sliding; amending s. 626.9741, F.S.;  
45 requiring an insurer to include certain additional  
46 information when providing an applicant or insured  
47 with certain credit report or score information;  
48 amending ss. 626.9957 and 627.062, F.S.; conforming  
49 cross-references; amending s. 627.421, F.S.; requiring  
50 personal lines residential property insurers to  
51 annually deliver a certain notification to  
52 policyholders within a specified timeframe; amending  
53 s. 627.502, F.S.; prohibiting life insurers from  
54 writing new policies of industrial life insurance  
55 beginning on a certain date; amending s. 627.70131,  
56 F.S.; providing that communication made to or by an  
57 insurer's representative, rather than to or by an  
58 insurer's agent, constitutes communication to or by

14-00928B-20

20201492\_\_

59 the insurer; requiring an insurer-assigned licensed  
60 adjuster to provide the policyholder with certain  
61 information in certain investigations; requiring that  
62 certain adjuster reports be provided to policyholders  
63 within a certain timeframe; specifying requirements  
64 for insurers in notifying policyholders for certain  
65 changes in assigned adjusters; requiring an insurer to  
66 establish a process to provide the agent of record  
67 access to claim status information for a certain  
68 purpose; defining the term "agent of record";  
69 requiring insurers to include specified notices when  
70 providing preliminary or partial damage estimates or  
71 claim payments; specifying the timeframe in which an  
72 insurer must pay or deny property insurance claims  
73 under certain circumstances; providing applicability;  
74 conforming provisions to changes made by the act;  
75 creating s. 627.7031, F.S.; prohibiting foreign venue  
76 clauses in property insurance policies; providing  
77 applicability; amending s. 627.7142, F.S.; revising  
78 information contained in the Homeowner Claims Bill of  
79 Rights; conforming provisions to changes made by the  
80 act; amending s. 631.57, F.S.; deleting a deductible  
81 on the Florida Insurance Guaranty Association,  
82 Incorporated's obligation as to certain covered  
83 claims; amending s. 648.30, F.S.; prohibiting the  
84 aiding or abetting of unlicensed activity of a bail  
85 bond agent or temporary bail bond agent; amending ss.  
86 717.124, 717.12404, 717.1315, and 717.1322, F.S.;  
87 conforming provisions to changes made by the act;

14-00928B-20

20201492\_\_

88 amending s. 717.135, F.S.; replacing provisions  
89 relating to powers of attorney to recover unclaimed  
90 property with provisions relating to uniform forms for  
91 unclaimed property recovery agreements and purchase  
92 agreements; requiring the department to adopt the  
93 uniform forms by rule; specifying required information  
94 and disclosures in the forms; requiring that, for the  
95 purchase agreement form, proof the seller received  
96 payment be filed with the department along with the  
97 claim; requiring registered claimant's representatives  
98 to use the forms as the exclusive means of engaging  
99 with a claimant or seller to file claims and  
100 prohibiting them from using or distributing other  
101 agreements; specifying a limitation on fees and costs  
102 owed or paid; prohibiting certain language in the  
103 forms; authorizing the department to pay additional  
104 accounts owned by the claimant under certain  
105 circumstances; providing construction; repealing s.  
106 717.1351, F.S., relating to the acquisition of  
107 unclaimed property; providing an effective date.

108  
109 Be It Enacted by the Legislature of the State of Florida:

110  
111 Section 1. Paragraph (b) of subsection (9) of section  
112 501.0051, Florida Statutes, is amended to read:

113 501.0051 Protected consumer report security freeze.—

114 (9)

115 (b) A consumer reporting agency may not charge to a  
116 ~~reasonable fee, not to exceed \$10, if the representative fails~~

14-00928B-20

20201492\_\_

117 ~~to retain the original unique personal identifier provided by~~  
118 ~~the consumer reporting agency and the agency must~~ reissue the  
119 unique personal identifier or provide a new unique personal  
120 identifier to the consumer ~~representative~~.

121 Section 2. Paragraph (b) of subsection (10) of section  
122 624.307, Florida Statutes, is amended to read:

123 624.307 General powers; duties.-

124 (10)

125 (b) Any entity ~~person~~ licensed or issued a certificate of  
126 authority by the department or the office shall respond, in  
127 writing, to the division within 20 days after receipt of a  
128 written request for documents and information from the division  
129 concerning a consumer complaint. The response must address the  
130 issues and allegations raised in the complaint and include any  
131 requested documents. The division may impose an administrative  
132 penalty for failure to comply with this paragraph of up to  
133 \$2,500 per violation upon any entity licensed by the department  
134 or the office and ~~\$250 for the first violation, \$500 for the~~  
135 ~~second violation, and up to \$1,000 for the third or subsequent~~  
136 ~~violation upon any individual licensed by the department or the~~  
137 ~~office~~.

138 Section 3. Present subsection (9) of section 626.112,  
139 Florida Statutes, is redesignated as subsection (10), a new  
140 subsection (9) is added to that section, and paragraph (d) of  
141 subsection (7) and present subsection (9) of that section are  
142 amended, to read:

143 626.112 License and appointment required; agents, customer  
144 representatives, adjusters, insurance agencies, service  
145 representatives, managing general agents, insurance adjusting

14-00928B-20

20201492\_\_

146 firms.—

147 (7)

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

151 (9) (a) An individual, firm, partnership, corporation,  
152 association, or other entity may not act in its own name or  
153 under a trade name, directly or indirectly, as an adjusting firm  
154 unless it complies with s. 626.8696 with respect to possessing  
155 an adjusting firm license for each place of business at which it  
156 engages in an activity that may be performed only by a licensed  
157 insurance adjuster. However, an adjusting firm that is owned and  
158 operated by a single licensed adjuster conducting business in  
159 his or her individual name and not employing or otherwise using  
160 the services of or appointing other licensees is exempt from the  
161 adjusting firm licensing requirements of this subsection.

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

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

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

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

173 (c) If an adjusting firm is required to be licensed, but  
174 fails to file an application for licensure in accordance with

14-00928B-20

20201492\_\_

175 this section, the department shall impose on the firm an  
176 administrative penalty of up to \$10,000.

177 (10)~~(9)~~ Any person who knowingly transacts insurance or  
178 otherwise engages in insurance activities in this state without  
179 a license in violation of this section or who knowingly aids or  
180 abets an unlicensed person in transacting insurance or otherwise  
181 engaging in insurance activities in this state without a license  
182 commits a felony of the third degree, punishable as provided in  
183 s. 775.082, s. 775.083, or s. 775.084.

184 Section 4. Subsection (4) is added to section 626.602,  
185 Florida Statutes, to read:

186 626.602 Insurance agency names; disapproval.—The department  
187 may disapprove the use of any true or fictitious name, other  
188 than the bona fide natural name of an individual, by any  
189 insurance agency on any of the following grounds:

190 (4) The name contains the word "Medicare" or "Medicaid." An  
191 insurance agency whose name contains the word "Medicare" or  
192 "Medicaid" but which is licensed as of July 1, 2020, may  
193 continue to use that name as long as the agency's license is  
194 valid. If the agency's license expires or is suspended or  
195 revoked, the agency may not be relicensed using that name.

196 Section 5. Subsections (16) and (17) are added to section  
197 626.621, Florida Statutes, to read:

198 626.621 Grounds for discretionary refusal, suspension, or  
199 revocation of agent's, adjuster's, customer representative's,  
200 service representative's, or managing general agent's license or  
201 appointment.—The department may, in its discretion, deny an  
202 application for, suspend, revoke, or refuse to renew or continue  
203 the license or appointment of any applicant, agent, adjuster,

14-00928B-20

20201492\_\_

204 customer representative, service representative, or managing  
205 general agent, and it may suspend or revoke the eligibility to  
206 hold a license or appointment of any such person, if it finds  
207 that as to the applicant, licensee, or appointee any one or more  
208 of the following applicable grounds exist under circumstances  
209 for which such denial, suspension, revocation, or refusal is not  
210 mandatory under s. 626.611:

211 (16) Allowing the personal financial or medical information  
212 of a consumer or customer to be made available or accessible to  
213 the general public, regardless of the format in which the record  
214 is stored.

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

218 Section 6. Section 626.782, Florida Statutes, is amended to  
219 read:

220 626.782 "Industrial class insurer" defined.—An "industrial  
221 class insurer" is an insurer collecting premiums on policies of  
222 ~~writing~~ industrial life insurance, as defined in s. 627.502,  
223 written before July 1, 2020, and as to such insurance, operates  
224 under a system of collecting a debit by its agent.

225 Section 7. Section 626.783, Florida Statutes, is amended to  
226 read:

227 626.783 "Ordinary-combination class insurer" defined.—An  
228 "ordinary-combination class insurer" is an insurer writing ~~both~~  
229 ordinary class insurance and collecting premiums on existing  
230 industrial life ~~class~~ insurance under s. 626.782.

231 Section 8. Section 626.796, Florida Statutes, is repealed.

232 Section 9. Subsection (1) of section 626.8443, Florida



14-00928B-20

20201492\_\_

233 Statutes, is amended to read:

234 626.8443 Duration of suspension or revocation.—

235 (1) The department shall, in its order suspending a title  
236 insurance agent's or agency's license or appointment or in its  
237 order suspending the eligibility of a person to hold or apply  
238 for such license or appointment, specify the period during which  
239 the suspension is to be in effect, but such period shall not  
240 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or  
241 eligibility shall remain suspended during the period so  
242 specified, subject, however, to any rescission or modification  
243 of the order by the department, or modification or reversal  
244 thereof by the court, prior to expiration of the suspension  
245 period. A license, appointment, or eligibility that ~~which~~ has  
246 been suspended may not be reinstated except upon request for  
247 such reinstatement, but the department shall not grant such  
248 reinstatement if it finds that the circumstance or circumstances  
249 for which the license, appointment, and eligibility was  
250 suspended still exist or are likely to recur.

251 Section 10. Subsection (6) of section 626.854, Florida  
252 Statutes, is amended to read:

253 626.854 "Public adjuster" defined; prohibitions.—The  
254 Legislature finds that it is necessary for the protection of the  
255 public to regulate public insurance adjusters and to prevent the  
256 unauthorized practice of law.

257 (6) Except during a state of emergency declared by the  
258 Governor and except during the 1-year period after the date of  
259 loss, an insured or claimant may cancel a public adjuster's  
260 contract to adjust a claim without penalty or obligation within  
261 7 calendar ~~3 business~~ days after the date on which the contract

14-00928B-20

20201492\_\_

262 is executed or within 7 calendar ~~3 business~~ days after the date  
263 on which the insured or claimant has notified the insurer of the  
264 claim, whichever is later. During a state of emergency declared  
265 by the Governor or during the 1-year period after the date of  
266 loss, an insured or claimant may cancel a public adjuster's  
267 contract to adjust a claim without penalty or obligation within  
268 30 calendar days after the date on which the contract is  
269 executed or within 30 calendar days after the date on which the  
270 insured or claimant has notified the insurer of the claim,  
271 whichever is later. The public adjuster's contract must disclose  
272 to the insured or claimant his or her right to cancel the  
273 contract and advise the insured or claimant that notice of  
274 cancellation must be submitted in writing and sent by certified  
275 mail, return receipt requested, or other form of mailing that  
276 provides proof thereof, to the public adjuster at the address  
277 specified in the contract; ~~provided, during any state of~~  
278 ~~emergency as declared by the Governor and for 1 year after the~~  
279 ~~date of loss, the insured or claimant has 5 business days after~~  
280 ~~the date on which the contract is executed to cancel a public~~  
281 ~~adjuster's contract.~~

282 Section 11. Subsection (3) of section 626.916, Florida  
283 Statutes, is amended, and paragraph (f) is added to subsection  
284 (1) of that section, to read:

285 626.916 Eligibility for export.—

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

288 (f) The insured has signed a disclosure in substantially  
289 the following form: "You are agreeing to place coverage in the  
290 surplus lines market. Superior coverage may be available in the

14-00928B-20

20201492\_\_

291 admitted market and at a lesser cost. Persons insured by surplus  
292 lines carriers are not protected under the Florida Insurance  
293 Guaranty Act with respect to any right of recovery for the  
294 obligation of an insolvent unlicensed insurer."

295 (3) (a) Subsection (1) does not apply to wet marine and  
296 transportation or aviation risks that ~~which~~ are subject to s.  
297 626.917.

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

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

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

304 3. The insured has signed ~~must sign~~ a disclosure as  
305 required under paragraph (1) (f) ~~that substantially provides the~~  
306 ~~following: "You are agreeing to place coverage in the surplus~~  
307 ~~lines market. Superior coverage may be available in the admitted~~  
308 ~~market and at a lesser cost. Persons insured by surplus lines~~  
309 ~~carriers are not protected under the Florida Insurance Guaranty~~  
310 ~~Act with respect to any right of recovery for the obligation of~~  
311 ~~an insolvent unlicensed insurer."~~ If the disclosure ~~notice~~ is  
312 signed by the insured, the insured is presumed to have been  
313 informed and to know that other coverage may be available, and,  
314 with respect to the diligent-effort requirement under subsection  
315 (1), there is no liability on the part of, and no cause of  
316 action arises against, the retail agent presenting the form.

317 Section 12. Paragraph (z) of subsection (1) of section  
318 626.9541, Florida Statutes, is amended to read:

319 626.9541 Unfair methods of competition and unfair or

14-00928B-20

20201492\_\_

320 deceptive acts or practices defined.—

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

324 (z) *Sliding*.—Sliding is the act or practice of any of the  
325 following:

326 1. Representing to the applicant that a specific ancillary  
327 coverage or product is required by law in conjunction with the  
328 purchase of insurance when such coverage or product is not  
329 required.~~†~~

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

333 3. Charging an applicant for a specific ancillary coverage  
334 or product, in addition to the cost of the insurance coverage  
335 applied for, without the informed consent of the applicant.

336 4. Initiating, effectuating, binding, or otherwise issuing  
337 a policy of insurance without the prior informed consent of the  
338 owner of the property to be insured.

339 5. Mailing, transmitting, or otherwise submitting by any  
340 means an invoice for premium payment to a mortgagee or escrow  
341 agent, for the purpose of effectuating an insurance policy,  
342 without the prior informed consent of the owner of the property  
343 to be insured.

344 Section 13. Subsection (3) of section 626.9741, Florida  
345 Statutes, is amended to read:

346 626.9741 Use of credit reports and credit scores by  
347 insurers.—

348 (3) An insurer must inform an applicant or insured, in the

14-00928B-20

20201492\_\_

349 same medium as the application is taken, that a credit report or  
350 score is being requested for underwriting or rating purposes.  
351 The notification to the consumer must include the following  
352 language: "The Department of Financial Services offers free  
353 financial literacy programs to assist you in understanding how  
354 credit scores are calculated, what factors are considered, and  
355 how credit works. The Department's toll-free Insurance Consumer  
356 Helpline is available to assist you with insurance-related  
357 questions and inquiries. To learn more about the free financial  
358 literacy programs or for help with insurance, call 1-877-693-  
359 5236 or visit [www.MyFloridaCFO.com](http://www.MyFloridaCFO.com)." An insurer that makes an  
360 adverse decision based, in whole or in part, upon a credit  
361 report must provide at no charge, ~~a copy of the credit report to~~  
362 ~~the applicant or insured or provide the applicant or insured~~  
363 ~~with the name, address, and telephone number of the consumer~~  
364 ~~reporting agency from which the insured or applicant may obtain~~  
365 ~~the credit report. The insurer must provide notification to the~~  
366 ~~consumer explaining the reasons for the adverse decision. The~~  
367 ~~reasons must be provided in sufficiently clear and specific~~  
368 ~~language so that a person can identify the basis for the~~  
369 ~~insurer's adverse decision. Such notification shall include a~~  
370 ~~description of the four primary reasons, or such fewer number as~~  
371 ~~existed, which were the primary influences of the adverse~~  
372 ~~decision. The use of generalized terms such as "poor credit~~  
373 ~~history," "poor credit rating," or "poor insurance score" does~~  
374 ~~not meet the explanation requirements of this subsection. A~~  
375 ~~credit score may not be used in underwriting or rating insurance~~  
376 ~~unless the scoring process produces information in sufficient~~  
377 ~~detail to permit compliance with the requirements of this~~

14-00928B-20

20201492\_\_

378 subsection. It shall not be deemed an adverse decision if, due  
379 to the insured's credit report or credit score, the insured  
380 continues to receive a less favorable rate or placement in a  
381 less favorable tier or company at the time of renewal except for  
382 renewals or reunderwriting required by this section.

383 Section 14. Subsection (1) of section 626.9957, Florida  
384 Statutes, is amended to read:

385 626.9957 Conduct prohibited; denial, revocation, or  
386 suspension of registration.—

387 (1) As provided in s. 626.112, only a person licensed as an  
388 insurance agent or customer representative may engage in the  
389 solicitation of insurance. A person who engages in the  
390 solicitation of insurance as described in s. 626.112(1) without  
391 such license is subject to the penalties provided under s.  
392 626.112(10) ~~s. 626.112(9)~~.

393 Section 15. Subsection (10) of section 627.062, Florida  
394 Statutes, is amended to read:

395 627.062 Rate standards.—

396 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~  
397 ~~627.70131(5)~~ may not be included in the insurer's rate base and  
398 may not be used to justify a rate or rate change.

399 Section 16. Subsection (6) is added to section 627.421,  
400 Florida Statutes, to read:

401 627.421 Delivery of policy.—

402 (6) For personal lines residential property insurance  
403 policies, the insurer shall, between March 3 and April 2 of each  
404 year, inclusive, deliver a notification to all policyholders via  
405 mail or e-mail which includes the Homeowner Claims Bill of  
406 Rights and outlines the hurricane coverage included in the

14-00928B-20

20201492\_\_

407 policy, including the hurricane deductible and the coverages and  
408 exclusions.

409 Section 17. Section 627.502, Florida Statutes, is amended  
410 to read:

411 627.502 "Industrial life insurance" defined; reporting;  
412 prohibition on new policies after a certain date.—

413 (1) For the purposes of this code, "industrial life  
414 insurance" is that form of life insurance written under policies  
415 under which premiums are payable monthly or more often, bearing  
416 the words "industrial policy" or "weekly premium policy" or  
417 words of similar import imprinted upon the policies as part of  
418 the descriptive matter, and issued by an insurer that ~~which~~, as  
419 to such industrial life insurance, is operating under a system  
420 of collecting a debit by its agent.

421 (2) Every life insurer servicing existing ~~transacting~~  
422 industrial life insurance shall report to the office all annual  
423 statement data regarding the exhibit of life insurance,  
424 including relevant information for industrial life insurance.

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

427 Section 18. Section 627.70131, Florida Statutes, is amended  
428 to read:

429 627.70131 Insurer's duty to acknowledge communications  
430 regarding claims; investigation.—

431 (1) (a) Upon an insurer's receiving a communication with  
432 respect to a claim, the insurer shall, within 14 calendar days,  
433 review and acknowledge receipt of such communication unless  
434 payment is made within that period of time or unless the failure  
435 to acknowledge is caused by factors beyond the control of the

14-00928B-20

20201492\_\_

436 insurer which reasonably prevent such acknowledgment. If the  
437 acknowledgment is not in writing, a notification indicating  
438 acknowledgment shall be made in the insurer's claim file and  
439 dated. A communication made to or by a representative ~~an agent~~  
440 of an insurer with respect to a claim shall constitute  
441 communication to or by the insurer.

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

446 (c) This subsection shall not apply to claimants  
447 represented by counsel beyond those communications necessary to  
448 provide forms and instructions.

449 (2) Such acknowledgment shall be responsive to the  
450 communication. If the communication constitutes a notification  
451 of a claim, unless the acknowledgment reasonably advises the  
452 claimant that the claim appears not to be covered by the  
453 insurer, the acknowledgment shall provide necessary claim forms,  
454 and instructions, including an appropriate telephone number.

455 (3) (a) Unless otherwise provided by the policy of insurance  
456 or by law, within 10 business ~~working~~ days after an insurer  
457 receives proof of loss statements, the insurer shall begin such  
458 investigation as is reasonably necessary unless the failure to  
459 begin such investigation is caused by factors beyond the control  
460 of the insurer which reasonably prevent the commencement of such  
461 investigation.

462 (b) If such investigation involves a physical inspection of  
463 the property, the licensed adjuster assigned by the insurer must  
464 provide the policyholder with his or her name, license number,



14-00928B-20

20201492\_\_

465 and contact information.

466 (c) An unedited copy of any report received by the insurer,  
467 which was produced by the licensed adjuster based upon the  
468 physical inspection of the property, must be provided to the  
469 policyholder electronically or as a physical copy within 7 days  
470 after receipt by the insurer.

471 (d) If an insurer assigns the claim to a different licensed  
472 adjuster after receipt of a report from the adjuster who  
473 performed the physical inspection, the insurer must, within 7  
474 days after changing the licensed insurance adjuster assigned to  
475 a claim, provide the name, license number, and contact  
476 information of the new adjuster to the policyholder. The  
477 notification may be sent electronically or via mail. If the  
478 notification is a physical letter, it must be postmarked within  
479 7 days after the change in adjuster. Any subsequent change to  
480 the assigned adjuster must be handled in accordance with this  
481 paragraph.

482 (4) An insurer shall establish a process by which the agent  
483 of record for an insurance policy is provided access to  
484 information provided to the policyholder under subsection (3) in  
485 order to assist the agent of record in answering the  
486 policyholder's questions regarding claims. As used in this  
487 subsection, the term "agent of record" means the agent named on  
488 the declarations page of the insurance policy.

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

491 (6) (a) When providing a preliminary or partial estimate of  
492 damage regarding a claim, an insurer shall include with the  
493 estimate the following statement printed in at least 12-point

14-00928B-20

20201492\_\_

494 bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT  
495 EVALUATION OF THE LOSS TO YOUR INSURED PROPERTY AND MAY BE  
496 REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU HAVE  
497 QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR  
498 CLAIM, WE ENCOURAGE YOU TO CONTACT US.

499 (b) When providing a preliminary or partial payment on a  
500 claim, an insurer shall include with the payment the following  
501 statement printed in at least 12-point bold, uppercase type: WE  
502 ARE CONTINUING TO EVALUATE YOUR CLAIM INVOLVING YOUR INSURED  
503 PROPERTY AND MAY ISSUE ADDITIONAL PAYMENTS. IF YOU HAVE  
504 QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR  
505 CLAIM, WE ENCOURAGE YOU TO CONTACT US.

506 (7)~~(5)~~(a) Within 90 calendar days after an insurer receives  
507 notice of an initial, reopened, or supplemental property  
508 insurance claim from a policyholder, the insurer shall pay or  
509 deny such claim or a portion of the claim unless the failure to  
510 pay is caused by factors beyond the control of the insurer which  
511 reasonably prevent such payment. Any payment of an initial or  
512 supplemental claim or portion of such claim made 90 calendar  
513 days after the insurer receives notice of the claim, or made  
514 more than 15 days after there are no longer factors beyond the  
515 control of the insurer which reasonably prevented such payment,  
516 whichever is later, bears interest at the rate set forth in s.  
517 55.03. Interest begins to accrue from the date the insurer  
518 receives notice of the claim. The provisions of this subsection  
519 may not be waived, voided, or nullified by the terms of the  
520 insurance policy. If there is a right to prejudgment interest,  
521 the insured shall select whether to receive prejudgment interest  
522 or interest under this subsection. Interest is payable when the

14-00928B-20

20201492\_\_

523 claim or portion of the claim is paid. Failure to comply with  
524 this subsection constitutes a violation of this code. However,  
525 failure to comply with this subsection does not form the sole  
526 basis for a private cause of action.

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

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

531 2. A claim for structural or contents coverage under a  
532 commercial property insurance policy if the insured structure is  
533 10,000 square feet or less; or

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

536 (c) This subsection shall not apply to claims under an  
537 insurance policy covering nonresidential commercial structures  
538 or contents in more than one state.

539 (8) This section applies to surplus lines insurers and  
540 surplus lines insurance authorized under ss. 626.913-626.937.

541 Section 19. Section 627.7031, Florida Statutes, is created  
542 to read:

543 627.7031 Foreign venue clauses prohibited.—A property  
544 insurance policy sold in this state after July 1, 2020, may not  
545 require an insured to pursue dispute resolution through  
546 litigation, arbitration, or mediation outside this state. This  
547 section applies to surplus lines insurers and surplus lines  
548 insurance authorized under ss. 626.913-626.937.

549 Section 20. Section 627.7142, Florida Statutes, is amended  
550 to read:

551 627.7142 Homeowner Claims Bill of Rights.—An insurer

14-00928B-20

20201492\_\_

552 issuing a personal lines residential property insurance policy  
553 in this state must provide a Homeowner Claims Bill of Rights to  
554 a policyholder within 14 days after receiving an initial  
555 communication with respect to a claim, unless the claim follows  
556 an event that is the subject of a declaration of a state of  
557 emergency by the Governor. The purpose of the bill of rights is  
558 to summarize, in simple, nontechnical terms, existing Florida  
559 law regarding the rights of a personal lines residential  
560 property insurance policyholder who files a claim of loss. The  
561 Homeowner Claims Bill of Rights is specific to the claims  
562 process and does not represent all of a policyholder's rights  
563 under Florida law regarding the insurance policy. The Homeowner  
564 Claims Bill of Rights does not create a civil cause of action by  
565 any individual policyholder or class of policyholders against an  
566 insurer or insurers. The failure of an insurer to properly  
567 deliver the Homeowner Claims Bill of Rights is subject to  
568 administrative enforcement by the office but is not admissible  
569 as evidence in a civil action against an insurer. The Homeowner  
570 Claims Bill of Rights does not enlarge, modify, or contravene  
571 statutory requirements, including, but not limited to, ss.  
572 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does  
573 not prohibit an insurer from exercising its right to repair  
574 damaged property in compliance with the terms of an applicable  
575 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner  
576 Claims Bill of Rights must state:

577

578

## HOMEOWNER CLAIMS

579

## BILL OF RIGHTS

580

This Bill of Rights is specific to the claims process

14-00928B-20

20201492\_\_

581 and does not represent all of your rights under  
582 Florida law regarding your policy. There are also  
583 exceptions to the stated timelines when conditions are  
584 beyond your insurance company's control. This document  
585 does not create a civil cause of action by an  
586 individual policyholder, or a class of policyholders,  
587 against an insurer or insurers and does not prohibit  
588 an insurer from exercising its right to repair damaged  
589 property in compliance with the terms of an applicable  
590 policy.

591  
592 YOU HAVE THE RIGHT TO:

593 1. Receive from your insurance company an  
594 acknowledgment of your reported claim within 14  
595 calendar days after the time you communicated the  
596 claim.

597 2. Upon written request, receive from your  
598 insurance company within 30 days after you have  
599 submitted a complete proof-of-loss statement to your  
600 insurance company, confirmation that your claim is  
601 covered in full, partially covered, or denied, or  
602 receive a written statement that your claim is being  
603 investigated.

604 3. Within 7 calendar days, receive notification  
605 from your insurance company if there has been a change  
606 in the company adjuster who is assigned to your claim.  
607 The notification must include the assigned adjuster's  
608 contact information.

609 4. Within 90 calendar days, subject to any dual

14-00928B-20

20201492\_\_

610 interest noted in the policy, receive full settlement  
611 payment for your claim or payment of the undisputed  
612 portion of your claim, or your insurance company's  
613 denial of your claim.

614 5. Receive payment of interest from your  
615 insurance company, which begins accruing from the date  
616 your claim is filed if your insurance company does not  
617 pay full settlement of your claim or the undisputed  
618 portion of your claim or does not deny your claim  
619 within 90 calendar days after your claim is filed. The  
620 interest must be paid when your claim or undisputed  
621 portion of your claim is paid.

622 ~~6.4.~~ Free mediation of your disputed claim by the  
623 Florida Department of Financial Services, Division of  
624 Consumer Services, under most circumstances and  
625 subject to certain restrictions.

626 ~~7.5.~~ Neutral evaluation of your disputed claim,  
627 if your claim is for damage caused by a sinkhole and  
628 is covered by your policy.

629 ~~8.6.~~ Contact the Florida Department of Financial  
630 Services, Division of Consumer Services' toll-free  
631 helpline for assistance with any insurance claim or  
632 questions pertaining to the handling of your claim.  
633 You can reach the Helpline by phone at...(toll-free  
634 phone number)..., or you can seek assistance online at  
635 the Florida Department of Financial Services, Division  
636 of Consumer Services' website at...(website  
637 address)....

638

14-00928B-20

20201492\_\_

639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667

YOU ARE ADVISED TO:

1. Contact your insurance company before entering into any contract for repairs to confirm any managed repair policy provisions or optional preferred vendors.
2. Make and document emergency repairs that are necessary to prevent further damage. Keep the damaged property, if feasible, keep all receipts, and take photographs or video of damage before and after any repairs.
3. Carefully read any contract that requires you to pay out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property.
4. Confirm that the contractor you choose is licensed to do business in Florida. You can verify a contractor's license and check to see if there are any complaints against him or her by calling the Florida Department of Business and Professional Regulation. You should also ask the contractor for references from previous work.
5. Require all contractors to provide proof of insurance before beginning repairs.
6. Take precautions if the damage requires you to leave your home, including securing your property and turning off your gas, water, and electricity, and contacting your insurance company and provide a phone number where you can be reached.

Section 21. Paragraph (a) of subsection (1) and subsection

14-00928B-20

20201492\_\_

668 (6) of section 631.57, Florida Statutes, are amended to read:

669 631.57 Powers and duties of the association.—

670 (1) The association shall:

671 (a)1. Be obligated to the extent of the covered claims  
672 existing:

673 a. Prior to adjudication of insolvency and arising within  
674 30 days after the determination of insolvency;

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

677 c. Before the insured replaces the policy or causes its  
678 cancellation, if she or he does so within 30 days of the  
679 determination.

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

686 3.a. Notwithstanding subparagraph 2., the obligation under  
687 subparagraph 1. for policies covering condominium associations  
688 or homeowners' associations, which associations have a  
689 responsibility to provide insurance coverage on residential  
690 units within the association, shall include that amount of each  
691 covered property insurance claim which is less than \$100,000  
692 multiplied by the number of condominium units or other  
693 residential units; however, as to homeowners' associations, this  
694 sub-subparagraph applies only to claims for damage or loss to  
695 residential units and structures attached to residential units.

696 b. Notwithstanding sub-subparagraph a., the association has



14-00928B-20

20201492\_\_

697 no obligation to pay covered claims that are to be paid from the  
698 proceeds of bonds issued under s. 631.695. However, the  
699 association shall assign and pledge the first available moneys  
700 from all or part of the assessments to be made under paragraph  
701 (3) (a) to or on behalf of the issuer of such bonds for the  
702 benefit of the holders of such bonds. The association shall  
703 administer any such covered claims and present valid covered  
704 claims for payment in accordance with the provisions of the  
705 assistance program in connection with which such bonds have been  
706 issued.

707 4. In no event shall the association be obligated to a  
708 policyholder or claimant in an amount in excess of the  
709 obligation of the insolvent insurer under the policy from which  
710 the claim arises.

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

716 Section 22. Section 648.30, Florida Statutes, is amended to  
717 read:

718 648.30 Licensure and appointment required; prohibited acts;  
719 penalties.—

720 (1) A person may not act in the capacity of a bail bond  
721 agent or temporary bail bond agent or perform any of the  
722 functions, duties, or powers prescribed for bail bond agents or  
723 temporary bail bond agents under this chapter unless that person  
724 is qualified, licensed, and appointed as provided in this  
725 chapter.

14-00928B-20

20201492\_\_

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

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

735 (4) Any person who violates this section commits a felony  
736 of the third degree, punishable as provided in s. 775.082, s.  
737 775.083, or s. 775.084.

738 (5) Any licensee under this chapter who knowingly aids or  
739 abets an unlicensed person in violating this section commits a  
740 felony of the third degree, punishable as provided in s.  
741 775.082, s. 775.083, or s. 775.084.

742 Section 23. Paragraphs (b) and (c) of subsection (4) and  
743 subsections (1) and (10) of section 717.124, Florida Statutes,  
744 are amended to read:

745 717.124 Unclaimed property claims.—

746 (1) Any person, excluding another state, claiming an  
747 interest in any property paid or delivered to the department  
748 under this chapter may file with the department a claim on a  
749 form prescribed by the department and verified by the claimant  
750 or the claimant's representative. The claimant's representative  
751 must be an attorney licensed to practice law in this state, a  
752 licensed Florida-certified public accountant, or a private  
753 investigator licensed under chapter 493. The claimant's  
754 representative must be registered with the department under this

14-00928B-20

20201492\_\_

755 chapter. The claimant, or the claimant's representative, shall  
756 provide the department with a legible copy of a valid driver  
757 license of the claimant at the time the original claim form is  
758 filed. If the claimant has not been issued a valid driver  
759 license at the time the original claim form is filed, the  
760 department shall be provided with a legible copy of a  
761 photographic identification of the claimant issued by the United  
762 States, a state or territory of the United States, a foreign  
763 nation, or a political subdivision or agency thereof or other  
764 evidence deemed acceptable by the department by rule. In lieu of  
765 photographic identification, a notarized sworn statement by the  
766 claimant may be provided which affirms the claimant's identity  
767 and states the claimant's full name and address. The claimant  
768 must produce to the notary photographic identification of the  
769 claimant issued by the United States, a state or territory of  
770 the United States, a foreign nation, or a political subdivision  
771 or agency thereof or other evidence deemed acceptable by the  
772 department by rule. The notary shall indicate the notary's full  
773 address on the notarized sworn statement. Any claim filed  
774 without the required identification or the sworn statement with  
775 the original claim form and the original Florida Uniform  
776 Unclaimed Property Recovery Agreement or Florida Uniform  
777 Property Purchase Agreement ~~power of attorney or purchase~~  
778 ~~agreement~~, if applicable, is void.

779 (a) Within 90 days after receipt of a claim, the department  
780 may return any claim that provides for the receipt of fees and  
781 costs greater than that permitted under this chapter or that  
782 contains any apparent errors or omissions. The department may  
783 also request that the claimant or the claimant's representative

14-00928B-20

20201492\_\_

784 provide additional information. The department shall retain a  
785 copy or electronic image of the claim.

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

791 (c) Within 90 days after receipt of the claim, or the  
792 response of the claimant or the claimant's representative to the  
793 department's request for additional information, whichever is  
794 later, the department shall determine each claim. Such  
795 determination shall contain a notice of rights provided by ss.  
796 120.569 and 120.57. The 90-day period shall be extended by 60  
797 days if the department has good cause to need additional time or  
798 if the unclaimed property:

799 1. Is owned by a person who has been a debtor in  
800 bankruptcy;

801 2. Was reported with an address outside of the United  
802 States;

803 3. Is being claimed by a person outside of the United  
804 States; or

805 4. Contains documents filed in support of the claim that  
806 are not in the English language and have not been accompanied by  
807 an English language translation.

808 (d) The department shall deny any claim under which the  
809 claimant's representative has refused to authorize the  
810 department to reduce the fees and costs to the maximum permitted  
811 under this chapter.

812 (4)

14-00928B-20

20201492\_\_

813 (b) If an owner authorizes an attorney licensed to practice  
814 law in this state, Florida-certified public accountant, or  
815 private investigator licensed under chapter 493, and registered  
816 with the department under this chapter, to claim the unclaimed  
817 property on the owner's behalf, the department is authorized to  
818 make distribution of the property or money in accordance with  
819 the Florida Uniform Unclaimed Property Recovery Agreement or  
820 Florida Uniform Property Purchase Agreement under s. 717.135  
821 ~~such power of attorney~~. The original Florida Uniform Unclaimed  
822 Property Recovery Agreement or Florida Uniform Property Purchase  
823 Agreement ~~power of attorney~~ must be executed by the claimant or  
824 seller ~~owner~~ and must be filed with the department.

825 (c)1. Payments of approved claims for unclaimed cash  
826 accounts shall be made to the owner after deducting any fees and  
827 costs authorized pursuant to a Florida Uniform Unclaimed  
828 Property Recovery Agreement ~~written power of attorney~~. The  
829 contents of a safe-deposit box shall be delivered directly to  
830 the claimant ~~notwithstanding any power of attorney or agreement~~  
831 ~~to the contrary~~.

832 2. Payments of fees and costs authorized pursuant to a  
833 Florida Uniform Unclaimed Property Recovery Agreement ~~written~~  
834 ~~power of attorney~~ for approved claims must ~~shall~~ be made or  
835 issued to the law firm of the designated attorney licensed to  
836 practice law in this state, the public accountancy firm of the  
837 licensed Florida-certified public accountant, or the designated  
838 employing private investigative agency licensed by this state.  
839 Such payments shall be made by electronic funds transfer and may  
840 be made on such periodic schedule as the department may define  
841 by rule, provided the payment intervals do not exceed 31 days.

14-00928B-20

20201492\_\_

842 Payment made to an attorney licensed in this state, a Florida-  
843 certified public accountant, or a private investigator licensed  
844 under chapter 493, operating individually or as a sole  
845 practitioner, shall be to the attorney, certified public  
846 accountant, or private investigator.

847 (10) Notwithstanding any other provision of this chapter,  
848 the department may develop a process by which a registered  
849 claimant's representative or a buyer of unclaimed property may  
850 electronically submit to the department an electronic image of a  
851 completed claim and claims-related documents pursuant to this  
852 chapter, including a Florida Uniform Unclaimed Property Recovery  
853 Agreement or Florida Uniform Property Purchase Agreement ~~a~~  
854 ~~limited power of attorney or purchase agreement~~ that has been  
855 manually signed and dated by a claimant or seller pursuant to s.  
856 717.135 ~~or s. 717.1351~~, after the claimant's representative or  
857 the buyer of unclaimed property receives the original documents  
858 provided by the claimant or the seller for any claim. Each claim  
859 filed by a registered claimant's representative or a buyer of  
860 unclaimed property must include a statement by the claimant's  
861 representative or the buyer of unclaimed property attesting that  
862 all documents are true copies of the original documents and that  
863 all original documents are physically in the possession of the  
864 claimant's representative or the buyer of unclaimed property.  
865 All original documents must be kept in the original form, by  
866 claim number, under the secure control of the claimant's  
867 representative or the buyer of unclaimed property and must be  
868 available for inspection by the department in accordance with s.  
869 717.1315. The department may adopt rules to implement this  
870 subsection.

14-00928B-20

20201492\_\_

871 Section 24. Subsection (2) of section 717.12404, Florida  
872 Statutes, is amended to read:

873 717.12404 Claims on behalf of a business entity or trust.—

874 (2) Claims on behalf of a dissolved corporation, a business  
875 entity other than an active corporation, or a trust must include  
876 a legible copy of a valid driver license of the person acting on  
877 behalf of the dissolved corporation, business entity other than  
878 an active corporation, or trust. If the person has not been  
879 issued a valid driver license, the department shall be provided  
880 with a legible copy of a photographic identification of the  
881 person issued by the United States, a foreign nation, or a  
882 political subdivision or agency thereof. In lieu of photographic  
883 identification, a notarized sworn statement by the person may be  
884 provided which affirms the person's identity and states the  
885 person's full name and address. The person must produce his or  
886 her photographic identification issued by the United States, a  
887 state or territory of the United States, a foreign nation, or a  
888 political subdivision or agency thereof or other evidence deemed  
889 acceptable by the department by rule. The notary shall indicate  
890 the notary's full address on the notarized sworn statement. Any  
891 claim filed without the required identification or the sworn  
892 statement with the original claim form and the original Florida  
893 Uniform Unclaimed Property Recovery Agreement or Florida Uniform  
894 Property Purchase Agreement ~~power of attorney~~, if applicable, is  
895 void.

896 Section 25. Subsection (1) of section 717.1315, Florida  
897 Statutes, is amended to read:

898 717.1315 Retention of records by claimant's representatives  
899 and buyers of unclaimed property.—

14-00928B-20

20201492\_\_

900 (1) Every claimant's representative and buyer of unclaimed  
901 property shall keep and use in his or her business such books,  
902 accounts, and records of the business conducted under this  
903 chapter to enable the department to determine whether such  
904 person is complying with this chapter and the rules adopted by  
905 the department under this chapter. Every claimant's  
906 representative and buyer of unclaimed property shall preserve  
907 such books, accounts, and records, including every Florida  
908 Uniform Unclaimed Property Recovery Agreement or Florida Uniform  
909 Property Purchase Agreement ~~power of attorney or agreement~~  
910 between the owner and such claimant's representative or buyer,  
911 for at least 3 years after the date of the initial ~~power of~~  
912 ~~attorney or~~ agreement.

913 Section 26. Paragraph (j) of subsection (1) of section  
914 717.1322, Florida Statutes, is amended to read:

915 717.1322 Administrative and civil enforcement.—

916 (1) The following acts are violations of this chapter and  
917 constitute grounds for an administrative enforcement action by  
918 the department in accordance with the requirements of chapter  
919 120 and for civil enforcement by the department in a court of  
920 competent jurisdiction:

921 (j) Requesting or receiving compensation for notifying a  
922 person of his or her unclaimed property or assisting another  
923 person in filing a claim for unclaimed property, unless the  
924 person is an attorney licensed to practice law in this state, a  
925 Florida-certified public accountant, or a private investigator  
926 licensed under chapter 493, or entering into, or making a  
927 solicitation to enter into, an agreement ~~a power of attorney~~ to  
928 file a claim for unclaimed property owned by another, or a



14-00928B-20

20201492\_\_

929 contract or agreement to purchase unclaimed property, unless  
930 such person is registered with the department pursuant to this  
931 chapter and an attorney licensed to practice law in this state  
932 in the regular practice of her or his profession, a Florida-  
933 certified public accountant who is acting within the scope of  
934 the practice of public accounting as defined in chapter 473, or  
935 a private investigator licensed under chapter 493. This  
936 subsection does not apply to a person who has been granted a  
937 durable power of attorney to convey and receive all of the real  
938 and personal property of the owner, is the court-appointed  
939 guardian of the owner, has been employed as an attorney or  
940 qualified representative to contest the department's denial of a  
941 claim, or has been employed as an attorney to probate the estate  
942 of the owner or an heir or legatee of the owner.

943 Section 27. Section 717.135, Florida Statutes, is amended  
944 to read:

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

947 717.135 Recovery agreements and purchase agreements for  
948 claims filed by claimant's representative; fees and costs.-

949 (1) In order to protect the interests of owners of  
950 unclaimed property, the department shall adopt by rule a form  
951 entitled "Florida Uniform Unclaimed Property Recovery Agreement"  
952 and a form entitled "Florida Uniform Property Purchase  
953 Agreement."

954 (2) The Florida Uniform Unclaimed Property Recovery  
955 Agreement form and the Florida Uniform Property Purchase  
956 Agreement form must include and disclose:

957 (a) The total dollar amount of unclaimed property accounts

14-00928B-20

20201492\_\_

958 claimed or sold.

959 (b) Either the total percentage of all authorized fees and  
960 costs to be paid to the claimant's representative or the  
961 percentage of the value of the property to be paid as net gain  
962 to the purchasing registered claimant's representative.

963 (c) Either the total dollar amount to be deducted and  
964 received from the claimant as fees and costs by the claimant's  
965 representative or the total net dollar amount to be received by  
966 the purchasing registered claimant's representative.

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

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

972 (f) For the Florida Uniform Property Purchase Agreement, a  
973 statement that the purchase price will be remitted to the seller  
974 within 30 days after the execution of the form by the seller.

975 (g) The name, address, e-mail address, phone number, and  
976 license number of the registered claimant's representative.

977 (h) The manual signature of the claimant or seller and the  
978 date signed.

979 (i) The social security number or taxpayer identification  
980 number of the claimant or seller, if available. A number is  
981 available if one has been issued to the claimant or seller.

982 (j) A limit of total fees and costs, or the total discount  
983 amount in the case of a purchase agreement, to no more than 20  
984 percent of the claimed amount.

985 (3) For a Florida Uniform Property Purchase Agreement form,  
986 proof that the seller has received payment must be filed with

14-00928B-20

20201492\_\_

987 the department along with the claim. If proof of payment is not  
988 provided, the claim is void.

989 (4) A registered claimant's representative shall use the  
990 Florida Uniform Unclaimed Property Recovery Agreement form or  
991 the Florida Uniform Property Purchase Agreement form as the  
992 exclusive means of engaging with a claimant or seller to file a  
993 claim with the department.

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

997 (6) A claimant's representative may not use or distribute  
998 any other agreement of any type with respect to the claimant or  
999 seller which relates to unclaimed property accounts held by the  
1000 department or the Chief Financial Officer other than the  
1001 agreements authorized by this section. Any agreement that is not  
1002 authorized by this section is null and void.

1003 (7) The forms under subsection (1):

1004 (a) May not contain language that makes the agreement  
1005 irrevocable; and

1006 (b) May not contain language that creates an assignment of  
1007 any unclaimed property held by the department.

1008 (8) This section does not supersede the conflicting claims  
1009 provisions of s. 717.1241.

1010 (9) At the time a claim is approved, the department may pay  
1011 any additional account that is owned by the claimant but has not  
1012 been claimed at the time of approval, provided that no  
1013 subsequent claim has been filed and is pending for the claimant  
1014 at the time of approval.

1015 Section 28. Section 717.1351, Florida Statutes, is

14-00928B-20

20201492\_\_

1016 repealed.

1017 Section 29. This act shall take effect upon becoming a law.