

By the Committee on Rules; and Senator Wright

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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-

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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; requiring that certain  
40 public adjuster's contracts include a specified  
41 disclosure; specifying requirements for written  
42 estimates of loss provided by public adjusters to  
43 claimants or insureds; providing construction relating  
44 to the failure to provide the required estimate;  
45 amending s. 626.916, F.S.; revising the classes of  
46 insurance subject to a disclosure requirement before  
47 being eligible for export under the Surplus Lines Law;  
48 amending s. 626.9541, F.S.; adding certain acts or  
49 practices to the definition of sliding; amending s.  
50 626.9741, F.S.; requiring an insurer to include  
51 certain additional information when providing an  
52 applicant or insured with certain credit report or  
53 score information; amending ss. 626.9957 and 627.062,  
54 F.S.; conforming cross-references; amending s.  
55 627.421, F.S.; requiring personal lines residential  
56 property insurers to annually deliver a certain  
57 notification to certain policyholders within a  
58 specified timeframe; amending s. 627.502, F.S.;

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59 prohibiting life insurers from writing new policies of  
60 industrial life insurance beginning on a certain date;  
61 amending s. 627.7011, F.S.; providing that an insurer  
62 issuing a homeowner's policy with certain coverage may  
63 provide the insured a list of recommended or preferred  
64 vendors for repairs to the dwelling only if requested  
65 by the insured; amending s. 627.70131, F.S.; providing  
66 that communication made to or by an insurer's  
67 representative, rather than to or by an insurer's  
68 agent, constitutes communication to or by the insurer;  
69 requiring an insurer-assigned licensed adjuster to  
70 provide the policyholder with certain information in  
71 certain investigations; specifying requirements for  
72 insurers in notifying policyholders for certain  
73 changes in assigned adjusters; requiring an insurer to  
74 establish a process to provide the agent of record  
75 access to claim status information for a certain  
76 purpose; defining the term "agent of record";  
77 requiring insurers to include specified notices when  
78 providing preliminary or partial damage estimates or  
79 claim payments; specifying the timeframe in which an  
80 insurer must pay or deny property insurance claims  
81 under certain circumstances; providing applicability;  
82 conforming provisions to changes made by the act;  
83 creating s. 627.7031, F.S.; prohibiting foreign venue  
84 clauses in property insurance policies; providing  
85 applicability; amending s. 627.7142, F.S.; revising  
86 information contained in the Homeowner Claims Bill of  
87 Rights; conforming provisions to changes made by the

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88 act; amending s. 631.57, F.S.; deleting a deductible  
89 on the Florida Insurance Guaranty Association,  
90 Incorporated's obligation as to certain covered  
91 claims; amending s. 648.30, F.S.; prohibiting the  
92 aiding or abetting of unlicensed activity of a bail  
93 bond agent or temporary bail bond agent; amending ss.  
94 717.124, 717.12404, 717.1315, and 717.1322, F.S.;  
95 conforming provisions to changes made by the act;  
96 amending s. 717.135, F.S.; replacing provisions  
97 relating to powers of attorney to recover unclaimed  
98 property with provisions relating to uniform forms for  
99 unclaimed property recovery agreements and purchase  
100 agreements; requiring the department to adopt the  
101 uniform forms by rule; specifying required information  
102 and disclosures in the forms; requiring that, for the  
103 purchase agreement form, proof the seller received  
104 payment be filed with the department along with the  
105 claim; requiring registered claimant's representatives  
106 to use the forms as the exclusive means of engaging  
107 with a claimant or seller to file claims and  
108 prohibiting them from using or distributing other  
109 agreements; specifying a limitation on fees and costs  
110 owed or paid; prohibiting certain language in the  
111 forms; authorizing the department to pay additional  
112 accounts owned by the claimant under certain  
113 circumstances; providing construction; repealing s.  
114 717.1351, F.S., relating to the acquisition of  
115 unclaimed property; providing effective dates.  
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117 Be It Enacted by the Legislature of the State of Florida:

118  
119 Section 1. Paragraph (b) of subsection (9) of section  
120 501.0051, Florida Statutes, is amended to read:

121 501.0051 Protected consumer report security freeze.—

122 (9)

123 (b) A consumer reporting agency may not charge to a  
124 ~~reasonable fee, not to exceed \$10, if the representative fails~~  
125 ~~to retain the original unique personal identifier provided by~~  
126 ~~the consumer reporting agency and the agency must~~ reissue the  
127 unique personal identifier or provide a new unique personal  
128 identifier to the consumer representative.

129 Section 2. Paragraph (b) of subsection (10) of section  
130 624.307, Florida Statutes, is amended to read:

131 624.307 General powers; duties.—

132 (10)

133 (b) Any entity ~~person~~ licensed or issued a certificate of  
134 authority by the department or the office shall respond, in  
135 writing, to the division within 20 days after receipt of a  
136 written request for documents and information from the division  
137 concerning a consumer complaint. The response must address the  
138 issues and allegations raised in the complaint and include any  
139 requested documents concerning the consumer complaint not  
140 subject to attorney-client or work-product privilege. The  
141 division may impose an administrative penalty for failure to  
142 comply with this paragraph of up to \$2,500 per violation upon  
143 any entity licensed by the department or the office ~~and \$250 for~~  
144 ~~the first violation, \$500 for the second violation, and up to~~  
145 ~~\$1,000 for the third or subsequent violation upon any individual~~

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146 ~~licensed by the department or the office.~~

147 Section 3. Present subsection (9) of section 626.112,  
148 Florida Statutes, is redesignated as subsection (10), a new  
149 subsection (9) is added to that section, and paragraph (d) of  
150 subsection (7) and present subsection (9) of that section are  
151 amended, to read:

152 626.112 License and appointment required; agents, customer  
153 representatives, adjusters, insurance agencies, service  
154 representatives, managing general agents, insurance adjusting  
155 firms.-

156 (7)

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

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

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

174 1. It transacts business under the same name and federal

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175 tax identification number as the licensed adjusting firm;

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

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

182 (c) If an adjusting firm is required to be licensed but  
183 fails to file an application for licensure in accordance with  
184 this section, the department shall impose on the firm an  
185 administrative penalty of up to \$10,000.

186 (10)~~(9)~~ Any person who knowingly transacts insurance or  
187 otherwise engages in insurance activities in this state without  
188 a license in violation of this section or who knowingly aids or  
189 abets an unlicensed person in transacting insurance or otherwise  
190 engaging in insurance activities in this state without a license  
191 commits a felony of the third degree, punishable as provided in  
192 s. 775.082, s. 775.083, or s. 775.084.

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

195 626.602 Insurance agency names; disapproval.—The department  
196 may disapprove the use of any true or fictitious name, other  
197 than the bona fide natural name of an individual, by any  
198 insurance agency on any of the following grounds:

199 (4) The name contains the word "Medicare" or "Medicaid." An  
200 insurance agency whose name contains the word "Medicare" or  
201 "Medicaid" but which is licensed as of July 1, 2020, may  
202 continue to use that name as long as the agency's license is  
203 valid. If the agency's license expires or is suspended or

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204 revoked, the agency may not be relicensed using that name.

205 Section 5. Subsections (16) and (17) are added to section  
206 626.621, Florida Statutes, to read:

207 626.621 Grounds for discretionary refusal, suspension, or  
208 revocation of agent's, adjuster's, customer representative's,  
209 service representative's, or managing general agent's license or  
210 appointment.—The department may, in its discretion, deny an  
211 application for, suspend, revoke, or refuse to renew or continue  
212 the license or appointment of any applicant, agent, adjuster,  
213 customer representative, service representative, or managing  
214 general agent, and it may suspend or revoke the eligibility to  
215 hold a license or appointment of any such person, if it finds  
216 that as to the applicant, licensee, or appointee any one or more  
217 of the following applicable grounds exist under circumstances  
218 for which such denial, suspension, revocation, or refusal is not  
219 mandatory under s. 626.611:

220 (16) Taking an action that allows the personal financial or  
221 medical information of a consumer or customer to be made  
222 available or accessible to the general public, regardless of the  
223 format in which the record is stored.

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

227 Section 6. Section 626.782, Florida Statutes, is amended to  
228 read:

229 626.782 "Industrial class insurer" defined.—An "industrial  
230 class insurer" is an insurer collecting premiums on policies of  
231 ~~writing~~ industrial life insurance, as defined in s. 627.502,  
232 written before July 1, 2020, and as to such insurance, operates



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233 under a system of collecting a debit by its agent.

234 Section 7. Section 626.783, Florida Statutes, is amended to  
235 read:

236 626.783 "Ordinary-combination class insurer" defined.—An  
237 "ordinary-combination class insurer" is an insurer writing ~~both~~  
238 ordinary class insurance and collecting premiums on existing  
239 industrial life ~~class~~ insurance under s. 626.782.

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

241 Section 9. Subsection (1) of section 626.8443, Florida  
242 Statutes, is amended to read:

243 626.8443 Duration of suspension or revocation.—

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

260 Section 10. Subsections (6) and (11) of section 626.854,  
261 Florida Statutes, are amended to read:

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262           626.854 "Public adjuster" defined; prohibitions.—The  
263 Legislature finds that it is necessary for the protection of the  
264 public to regulate public insurance adjusters and to prevent the  
265 unauthorized practice of law.

266           (6) Except during a state of emergency declared by the  
267 Governor and except during the 1-year period after the date of  
268 loss, an insured or claimant may cancel a public adjuster's  
269 contract to adjust a claim without penalty or obligation within  
270 7 calendar ~~3 business~~ days after the date on which the contract  
271 is executed ~~or within 3 business days after the date on which~~  
272 the insured or claimant has notified the insurer of the claim,  
273 whichever is later. During a state of emergency declared by the  
274 Governor or during the 1-year period after the date of loss, an  
275 insured or a claimant may cancel a public adjuster's contract to  
276 adjust a claim without penalty or obligation within 14 calendar  
277 days after the date on which the contract is executed. The  
278 public adjuster's contract must disclose to the insured or  
279 claimant his or her right to cancel the contract and advise the  
280 insured or claimant that notice of cancellation must be  
281 submitted in writing and sent by certified mail, return receipt  
282 requested, or other form of mailing that provides proof thereof,  
283 to the public adjuster at the address specified in the contract.  
284 Any public adjuster's contract entered into pursuant to a state  
285 of emergency or during the 1-year period after the date of a  
286 loss caused by the state of emergency must contain the following  
287 language in minimum 18-point bold type: "You, the insured, may  
288 cancel this contract for any reason without penalty or  
289 obligation to you within 14 days after the date of this contract  
290 by providing notice to ... (name of public adjuster) ... ,

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291 submitted in writing and sent by certified mail, return receipt  
292 requested, or other form of mailing that provides proof thereof,  
293 at the address specified in the contract. In addition, if  
294 ...(name of public adjuster)... fails to provide you with a  
295 written estimate (which must include an itemized, per-unit  
296 estimate of the repairs, including itemized information on  
297 equipment, materials, labor, and supplies, in accordance with  
298 accepted industry standards) within 45 days after the date of  
299 this contract, you, the insured, may cancel this contract with  
300 ...(name of public adjuster)... without penalty or obligation by  
301 providing notice as set forth above. This right to cancel the  
302 contract without penalty or obligation shall continue until such  
303 time as ...(name of public adjuster)... submits the required  
304 estimate to you.”; ~~provided, during any state of emergency as~~  
305 ~~declared by the Governor and for 1 year after the date of loss,~~  
306 ~~the insured or claimant has 5 business days after the date on~~  
307 ~~which the contract is executed to cancel a public adjuster's~~  
308 ~~contract.~~

309 (11) Each public adjuster must provide to the claimant or  
310 insured a written estimate of the loss to assist in the  
311 submission of a proof of loss or any other claim for payment of  
312 insurance proceeds. The written estimate must include an  
313 itemized, per-unit estimate of the repairs, including itemized  
314 information on equipment, materials, labor, and supplies, in  
315 accordance with accepted industry standards. The public adjuster  
316 shall retain such written estimate for at least 5 years and  
317 shall make the estimate available to the claimant or insured,  
318 the insurer, and the department upon request. Failure to provide  
319 the required estimate within 45 calendar days after the date on

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320 which the contract is executed shall restore the insured's right  
321 to cancel the public adjuster's contract without penalty or  
322 obligation. The insured retains such right until such time as  
323 the public adjuster submits the required estimate.

324 Section 11. Effective January 1, 2021, subsection (3) of  
325 section 626.916, Florida Statutes, is amended, and paragraph (f)  
326 is added to subsection (1) of that section, to read:

327 626.916 Eligibility for export.—

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

330 (f) The insured has signed or otherwise provided documented  
331 acknowledgment of a disclosure in substantially the following  
332 form: "You are agreeing to place coverage in the surplus lines  
333 market. Coverage may be available in the admitted market.  
334 Persons insured by surplus lines carriers are not protected  
335 under the Florida Insurance Guaranty Act with respect to any  
336 right of recovery for the obligation of an insolvent unlicensed  
337 insurer."

338 (3) (a) Subsection (1) does not apply to wet marine and  
339 transportation or aviation risks that ~~which~~ are subject to s.  
340 626.917.

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

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

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

347 3. The insured has complied with paragraph (1) (f) ~~must sign~~  
348 ~~a disclosure that substantially provides the following: "You are~~

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349 ~~agreeing to place coverage in the surplus lines market. Superior~~  
350 ~~coverage may be available in the admitted market and at a lesser~~  
351 ~~cost. Persons insured by surplus lines carriers are not~~  
352 ~~protected under the Florida Insurance Guaranty Act with respect~~  
353 ~~to any right of recovery for the obligation of an insolvent~~  
354 ~~unlicensed insurer.” If the disclosure notice is signed by the~~  
355 insured, the insured is presumed to have been informed and to  
356 know that other coverage may be available, and, with respect to  
357 the diligent-effort requirement under subsection (1), there is  
358 no liability on the part of, and no cause of action arises  
359 against, the retail agent presenting the form.

360 Section 12. Paragraph (z) of subsection (1) of section  
361 626.9541, Florida Statutes, is amended to read:

362 626.9541 Unfair methods of competition and unfair or  
363 deceptive acts or practices defined.—

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

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

369 1. Representing to the applicant that a specific ancillary  
370 coverage or product is required by law in conjunction with the  
371 purchase of insurance when such coverage or product is not  
372 required.~~†~~

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

376 3. Charging an applicant for a specific ancillary coverage  
377 or product, in addition to the cost of the insurance coverage

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378 applied for, without the informed consent of the applicant.

379 4. Initiating, effectuating, binding, or otherwise issuing  
380 a policy of insurance without the prior informed consent of the  
381 owner of the property to be insured.

382 5. Mailing, transmitting, or otherwise submitting by any  
383 means an invoice for premium payment to a mortgagee or escrow  
384 agent, for the purpose of effectuating an insurance policy,  
385 without the prior informed consent of the owner of the property  
386 to be insured. However, this subparagraph does not apply in  
387 cases where the mortgagee or escrow agent is renewing insurance  
388 or issuing collateral protection insurance, as defined in s.  
389 624.6085, pursuant to the mortgage or other pertinent loan  
390 documents or communications regarding the property.

391 Section 13. Effective January 1, 2021, subsection (3) of  
392 section 626.9741, Florida Statutes, is amended to read:

393 626.9741 Use of credit reports and credit scores by  
394 insurers.—

395 (3) An insurer must inform an applicant or insured, in the  
396 same medium as the application is taken, that a credit report or  
397 score is being requested for underwriting or rating purposes.  
398 The notification to the consumer must include the following  
399 language: "The Department of Financial Services offers free  
400 financial literacy programs to assist you with insurance-related  
401 questions, including how credit works and how credit scores are  
402 calculated. To learn more, call 1-877-693-5236 or visit  
403 www.MyFloridaCFO.com." An insurer that makes an adverse decision  
404 based, in whole or in part, upon a credit report must provide at  
405 no charge, a copy of the credit report to the applicant or  
406 insured or provide the applicant or insured with the name,

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407 address, and telephone number of the consumer reporting agency  
408 from which the insured or applicant may obtain the credit  
409 report. The insurer must provide notification to the consumer  
410 explaining the reasons for the adverse decision. The reasons  
411 must be provided in sufficiently clear and specific language so  
412 that a person can identify the basis for the insurer's adverse  
413 decision. Such notification shall include a description of the  
414 four primary reasons, or such fewer number as existed, which  
415 were the primary influences of the adverse decision. The use of  
416 generalized terms such as "poor credit history," "poor credit  
417 rating," or "poor insurance score" does not meet the explanation  
418 requirements of this subsection. A credit score may not be used  
419 in underwriting or rating insurance unless the scoring process  
420 produces information in sufficient detail to permit compliance  
421 with the requirements of this subsection. It shall not be deemed  
422 an adverse decision if, due to the insured's credit report or  
423 credit score, the insured continues to receive a less favorable  
424 rate or placement in a less favorable tier or company at the  
425 time of renewal except for renewals or reunderwriting required  
426 by this section.

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

429 626.9957 Conduct prohibited; denial, revocation, or  
430 suspension of registration.—

431 (1) As provided in s. 626.112, only a person licensed as an  
432 insurance agent or customer representative may engage in the  
433 solicitation of insurance. A person who engages in the  
434 solicitation of insurance as described in s. 626.112(1) without  
435 such license is subject to the penalties provided under s.

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436 626.112(10) ~~s. 626.112(9)~~.

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

439 627.062 Rate standards.—

440 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~  
441 ~~627.70131(5)~~ may not be included in the insurer's rate base and  
442 may not be used to justify a rate or rate change.

443 Section 16. Effective January 1, 2021, subsection (6) is  
444 added to section 627.421, Florida Statutes, to read:

445 627.421 Delivery of policy.—

446 (6) For personal lines residential property insurance  
447 policies, the insurer shall, between March 1 and June 1 of each  
448 year, inclusive, deliver an outline of the hurricane coverage as  
449 specified in s. 627.4143(3), along with a current policy  
450 declarations page. This requirement shall apply only for those  
451 insureds who have provided the insurer with a valid e-mail  
452 address. This information shall be delivered directly to the  
453 policyholder via e-mail or by an e-mail notice of information  
454 being posted to a secure web-based policy information page.

455 Section 17. Section 627.502, Florida Statutes, is amended  
456 to read:

457 627.502 "Industrial life insurance" defined; reporting;  
458 prohibition on new policies after a certain date.—

459 (1) For the purposes of this code, "industrial life  
460 insurance" is that form of life insurance written under policies  
461 under which premiums are payable monthly or more often, bearing  
462 the words "industrial policy" or "weekly premium policy" or  
463 words of similar import imprinted upon the policies as part of  
464 the descriptive matter, and issued by an insurer that ~~which~~, as



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465 to such industrial life insurance, is operating under a system  
466 of collecting a debit by its agent.

467 (2) Every life insurer servicing existing ~~transacting~~  
468 industrial life insurance shall report to the office all annual  
469 statement data regarding the exhibit of life insurance,  
470 including relevant information for industrial life insurance.

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

473 Section 18. Paragraph (a) of subsection (3) of section  
474 627.7011, Florida Statutes, is amended to read:

475 627.7011 Homeowners' policies; offer of replacement cost  
476 coverage and law and ordinance coverage.—

477 (3) In the event of a loss for which a dwelling or personal  
478 property is insured on the basis of replacement costs:

479 (a) For a dwelling, the insurer must initially pay at least  
480 the actual cash value of the insured loss, less any applicable  
481 deductible. The insurer shall pay any remaining amounts  
482 necessary to perform such repairs as work is performed and  
483 expenses are incurred. If a total loss of a dwelling occurs, the  
484 insurer shall pay the replacement cost coverage without  
485 reservation or holdback of any depreciation in value, pursuant  
486 to s. 627.702. A list of recommended or preferred vendors may be  
487 provided to the insured for repairs to the dwelling only if  
488 requested by the insured.

489 Section 19. Effective January 1, 2021, section 627.70131,  
490 Florida Statutes, is amended to read:

491 627.70131 Insurer's duty to acknowledge communications  
492 regarding claims; investigation.—

493 (1) (a) Upon an insurer's receiving a communication with

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494 respect to a claim, the insurer shall, within 14 calendar days,  
495 review and acknowledge receipt of such communication unless  
496 payment is made within that period of time or unless the failure  
497 to acknowledge is caused by factors beyond the control of the  
498 insurer which reasonably prevent such acknowledgment. If the  
499 acknowledgment is not in writing, a notification indicating  
500 acknowledgment shall be made in the insurer's claim file and  
501 dated. A communication made to or by a representative ~~an agent~~  
502 of an insurer with respect to a claim shall constitute  
503 communication to or by the insurer.

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

508 (c) This subsection shall not apply to claimants  
509 represented by counsel beyond those communications necessary to  
510 provide forms and instructions.

511 (2) Such acknowledgment shall be responsive to the  
512 communication. If the communication constitutes a notification  
513 of a claim, unless the acknowledgment reasonably advises the  
514 claimant that the claim appears not to be covered by the  
515 insurer, the acknowledgment shall provide necessary claim forms,  
516 and instructions, including an appropriate telephone number.

517 (3) (a) Unless otherwise provided by the policy of insurance  
518 or by law, within 10 business ~~working~~ days after an insurer  
519 receives proof of loss statements, the insurer shall begin such  
520 investigation as is reasonably necessary unless the failure to  
521 begin such investigation is caused by factors beyond the control  
522 of the insurer which reasonably prevent the commencement of such

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523 investigation.

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

528 (c) If an insurer assigns the claim to a different licensed  
529 adjuster from the adjuster who performed the physical  
530 inspection, the insurer must, within 14 days after changing the  
531 licensed insurance adjuster assigned to a claim, provide the  
532 name, license number, and contact information of the new  
533 adjuster to the policyholder. The notification may be made  
534 electronically or via mail. If the notification is a physical  
535 letter, it must be postmarked within 14 days after the change in  
536 adjuster. The policyholder must be provided notice of any  
537 subsequent change to the assigned adjuster as set forth by this  
538 paragraph.

539 (4) An insurer shall establish a process by which an agent  
540 of record for an insurance policy receives the same notice as  
541 the policyholder as provided in paragraphs (3) (b) and (3) (c) in  
542 order to assist the agent of record in answering the  
543 policyholder's questions regarding claims. As used in this  
544 subsection, the term "agent of record" means the agent named on  
545 the declarations page of the insurance policy or, if there is no  
546 agent of record, another designated point of contact.

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

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

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552 bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT  
553 EVALUATION OF THE COVERED DAMAGES TO YOUR INSURED PROPERTY AND  
554 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU  
555 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING  
556 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US.

557 (b) When providing a payment on a claim which is not the  
558 full and final payment for the claim, an insurer shall include  
559 with the payment the following statement printed in at least 12-  
560 point bold, uppercase type: WE ARE CONTINUING TO EVALUATE YOUR  
561 CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL  
562 PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL  
563 INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT  
564 US.

565 (7)(5)(a) Within 90 calendar days after an insurer receives  
566 notice of an initial, reopened, or supplemental property  
567 insurance claim from a policyholder, the insurer shall pay or  
568 deny such claim or a portion of the claim unless the failure to  
569 pay is caused by factors beyond the control of the insurer which  
570 reasonably prevent such payment. Any payment of an initial or  
571 supplemental claim or portion of such claim made 90 calendar  
572 days after the insurer receives notice of the claim, or made  
573 more than 15 days after there are no longer factors beyond the  
574 control of the insurer which reasonably prevented such payment,  
575 whichever is later, bears interest at the rate set forth in s.  
576 55.03. Interest begins to accrue from the date the insurer  
577 receives notice of the claim. The provisions of this subsection  
578 may not be waived, voided, or nullified by the terms of the  
579 insurance policy. If there is a right to prejudgment interest,  
580 the insured shall select whether to receive prejudgment interest

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581 or interest under this subsection. Interest is payable when the  
582 claim or portion of the claim is paid. Failure to comply with  
583 this subsection constitutes a violation of this code. However,  
584 failure to comply with this subsection does not form the sole  
585 basis for a private cause of action.

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

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

590 2. A claim for structural or contents coverage under a  
591 commercial property insurance policy if the insured structure is  
592 10,000 square feet or less; or

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

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

598 (8) This section also applies to surplus lines insurers and  
599 surplus lines insurance authorized under ss. 626.913-626.937  
600 providing residential coverage, where coverage on the primary  
601 insured structure is less than \$700,000.

602 Section 20. Section 627.7031, Florida Statutes, is created  
603 to read:

604 627.7031 Foreign venue clauses prohibited.—After July 1,  
605 2020, a personal residential property insurance policy sold in  
606 this state, insuring only real property located in this state,  
607 may not require an insured to pursue dispute resolution through  
608 litigation, arbitration, or mediation outside this state. This  
609 section also applies to surplus lines insurers and surplus lines

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610 insurance authorized under ss. 626.913-626.937.

611 Section 21. Effective January 1, 2021, section 627.7142,  
612 Florida Statutes, is amended to read:

613 627.7142 Homeowner Claims Bill of Rights.—An insurer  
614 issuing a personal lines residential property insurance policy  
615 in this state must provide a Homeowner Claims Bill of Rights to  
616 a policyholder within 14 days after receiving an initial  
617 communication with respect to a claim, ~~unless the claim follows~~  
618 ~~an event that is the subject of a declaration of a state of~~  
619 ~~emergency by the Governor.~~ The purpose of the bill of rights is  
620 to summarize, in simple, nontechnical terms, existing Florida  
621 law regarding the rights of a personal lines residential  
622 property insurance policyholder who files a claim of loss. The  
623 Homeowner Claims Bill of Rights is specific to the claims  
624 process and does not represent all of a policyholder's rights  
625 under Florida law regarding the insurance policy. The Homeowner  
626 Claims Bill of Rights does not create a civil cause of action by  
627 any individual policyholder or class of policyholders against an  
628 insurer or insurers. The failure of an insurer to properly  
629 deliver the Homeowner Claims Bill of Rights is subject to  
630 administrative enforcement by the office but is not admissible  
631 as evidence in a civil action against an insurer. The Homeowner  
632 Claims Bill of Rights does not enlarge, modify, or contravene  
633 statutory requirements, including, but not limited to, ss.  
634 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does  
635 not prohibit an insurer from exercising its right to repair  
636 damaged property in compliance with the terms of an applicable  
637 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner  
638 Claims Bill of Rights must state:

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## HOMEOWNER CLAIMS

## BILL OF RIGHTS

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

## YOU HAVE THE RIGHT TO:

1. Receive from your insurance company an acknowledgment of your reported claim within 14 calendar days after the time you communicated the claim.
2. Upon written request, receive from your insurance company within 30 days after you have submitted a complete proof-of-loss statement to your insurance company, confirmation that your claim is covered in full, partially covered, or denied, or receive a written statement that your claim is being investigated.
3. Within 14 calendar days, receive notification from your insurance company if there has been a change

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668 in the company adjuster who is assigned to your claim.  
669 The notification must include the assigned adjuster's  
670 contact information.

671 4. Within 90 calendar days, subject to any dual  
672 interest noted in the policy, receive full settlement  
673 payment for your claim or payment of the undisputed  
674 portion of your claim, or your insurance company's  
675 denial of your claim.

676 5. Receive payment of interest, as provided in s.  
677 627.7031, from your insurance company, which begins  
678 accruing from the date your claim is filed if your  
679 insurance company does not pay full settlement of your  
680 initial, reopened, or supplemental claim or the  
681 undisputed portion of your claim or does not deny your  
682 claim within 90 calendar days after your claim is  
683 filed. The interest, if applicable, must be paid when  
684 your claim or undisputed portion of your claim is  
685 paid.

686 ~~6.4.~~ Free mediation of your disputed claim by the  
687 Florida Department of Financial Services, Division of  
688 Consumer Services, under most circumstances and  
689 subject to certain restrictions.

690 ~~7.5.~~ Neutral evaluation of your disputed claim,  
691 if your claim is for damage caused by a sinkhole and  
692 is covered by your policy.

693 ~~8.6.~~ Contact the Florida Department of Financial  
694 Services, Division of Consumer Services' toll-free  
695 helpline for assistance with any insurance claim or  
696 questions pertaining to the handling of your claim.



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697 You can reach the Helpline by phone at...(toll-free  
698 phone number)..., or you can seek assistance online at  
699 the Florida Department of Financial Services, Division  
700 of Consumer Services' website at...(website  
701 address)....

702

703 YOU ARE ADVISED TO:

704 1. Contact your insurance company before entering  
705 into any contract for repairs to confirm any managed  
706 repair policy provisions or optional preferred  
707 vendors.

708 2. Make and document emergency repairs that are  
709 necessary to prevent further damage. Keep the damaged  
710 property, if feasible, keep all receipts, and take  
711 photographs or video of damage before and after any  
712 repairs to provide to your insurer.

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

717 4. Confirm that the contractor you choose is  
718 licensed to do business in Florida. You can verify a  
719 contractor's license and check to see if there are any  
720 complaints against him or her by calling the Florida  
721 Department of Business and Professional Regulation.  
722 You should also ask the contractor for references from  
723 previous work.

724 5. Require all contractors to provide proof of  
725 insurance before beginning repairs.

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726           6. Take precautions if the damage requires you to  
727           leave your home, including securing your property and  
728           turning off your gas, water, and electricity, and  
729           contacting your insurance company and provide a phone  
730           number where you can be reached.

731           Section 22. Paragraph (a) of subsection (1) and subsection  
732           (6) of section 631.57, Florida Statutes, are amended to read:

733           631.57 Powers and duties of the association.—

734           (1) The association shall:

735           (a)1. Be obligated to the extent of the covered claims  
736           existing:

737           a. Prior to adjudication of insolvency and arising within  
738           30 days after the determination of insolvency;

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

741           c. Before the insured replaces the policy or causes its  
742           cancellation, if she or he does so within 30 days of the  
743           determination.

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

750           3.a. Notwithstanding subparagraph 2., the obligation under  
751           subparagraph 1. for policies covering condominium associations  
752           or homeowners' associations, which associations have a  
753           responsibility to provide insurance coverage on residential  
754           units within the association, shall include that amount of each

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755 covered property insurance claim which is less than \$100,000  
756 multiplied by the number of condominium units or other  
757 residential units; however, as to homeowners' associations, this  
758 sub-subparagraph applies only to claims for damage or loss to  
759 residential units and structures attached to residential units.

760 b. Notwithstanding sub-subparagraph a., the association has  
761 no obligation to pay covered claims that are to be paid from the  
762 proceeds of bonds issued under s. 631.695. However, the  
763 association shall assign and pledge the first available moneys  
764 from all or part of the assessments to be made under paragraph  
765 (3) (a) to or on behalf of the issuer of such bonds for the  
766 benefit of the holders of such bonds. The association shall  
767 administer any such covered claims and present valid covered  
768 claims for payment in accordance with the provisions of the  
769 assistance program in connection with which such bonds have been  
770 issued.

771 4. In no event shall the association be obligated to a  
772 policyholder or claimant in an amount in excess of the  
773 obligation of the insolvent insurer under the policy from which  
774 the claim arises.

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

780 Section 23. Section 648.30, Florida Statutes, is amended to  
781 read:

782 648.30 Licensure and appointment required; prohibited acts;  
783 penalties.-

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784 (1) A person may not act in the capacity of a bail bond  
785 agent or temporary bail bond agent or perform any of the  
786 functions, duties, or powers prescribed for bail bond agents or  
787 temporary bail bond agents under this chapter unless that person  
788 is qualified, licensed, and appointed as provided in this  
789 chapter.

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

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

799 (4) Any person who violates this section commits a felony  
800 of the third degree, punishable as provided in s. 775.082, s.  
801 775.083, or s. 775.084.

802 (5) Any licensee under this chapter who knowingly aids or  
803 abets an unlicensed person in violating this section commits a  
804 felony of the third degree, punishable as provided in s.  
805 775.082, s. 775.083, or s. 775.084.

806 Section 24. Paragraphs (b) and (c) of subsection (4) and  
807 subsections (1) and (10) of section 717.124, Florida Statutes,  
808 are amended to read:

809 717.124 Unclaimed property claims.—

810 (1) Any person, excluding another state, claiming an  
811 interest in any property paid or delivered to the department  
812 under this chapter may file with the department a claim on a

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813 form prescribed by the department and verified by the claimant  
814 or the claimant's representative. The claimant's representative  
815 must be an attorney licensed to practice law in this state, a  
816 licensed Florida-certified public accountant, or a private  
817 investigator licensed under chapter 493. The claimant's  
818 representative must be registered with the department under this  
819 chapter. The claimant, or the claimant's representative, shall  
820 provide the department with a legible copy of a valid driver  
821 license of the claimant at the time the original claim form is  
822 filed. If the claimant has not been issued a valid driver  
823 license at the time the original claim form is filed, the  
824 department shall be provided with a legible copy of a  
825 photographic identification of the claimant issued by the United  
826 States, a state or territory of the United States, a foreign  
827 nation, or a political subdivision or agency thereof or other  
828 evidence deemed acceptable by the department by rule. In lieu of  
829 photographic identification, a notarized sworn statement by the  
830 claimant may be provided which affirms the claimant's identity  
831 and states the claimant's full name and address. The claimant  
832 must produce to the notary photographic identification of the  
833 claimant issued by the United States, a state or territory of  
834 the United States, a foreign nation, or a political subdivision  
835 or agency thereof or other evidence deemed acceptable by the  
836 department by rule. The notary shall indicate the notary's full  
837 address on the notarized sworn statement. Any claim filed  
838 without the required identification or the sworn statement with  
839 the original claim form and the original Florida Uniform  
840 Unclaimed Property Recovery Agreement or Florida Uniform  
841 Property Purchase Agreement ~~power of attorney or purchase~~

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842 ~~agreement~~, if applicable, is void.

843 (a) Within 90 days after receipt of a claim, the department  
844 may return any claim that provides for the receipt of fees and  
845 costs greater than that permitted under this chapter or that  
846 contains any apparent errors or omissions. The department may  
847 also request that the claimant or the claimant's representative  
848 provide additional information. The department shall retain a  
849 copy or electronic image of the claim.

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

855 (c) Within 90 days after receipt of the claim, or the  
856 response of the claimant or the claimant's representative to the  
857 department's request for additional information, whichever is  
858 later, the department shall determine each claim. Such  
859 determination shall contain a notice of rights provided by ss.  
860 120.569 and 120.57. The 90-day period shall be extended by 60  
861 days if the department has good cause to need additional time or  
862 if the unclaimed property:

863 1. Is owned by a person who has been a debtor in  
864 bankruptcy;

865 2. Was reported with an address outside of the United  
866 States;

867 3. Is being claimed by a person outside of the United  
868 States; or

869 4. Contains documents filed in support of the claim that  
870 are not in the English language and have not been accompanied by

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871 an English language translation.

872 (d) The department shall deny any claim under which the  
873 claimant's representative has refused to authorize the  
874 department to reduce the fees and costs to the maximum permitted  
875 under this chapter.

876 (4)

877 (b) If an owner authorizes an attorney licensed to practice  
878 law in this state, Florida-certified public accountant, or  
879 private investigator licensed under chapter 493, and registered  
880 with the department under this chapter, to claim the unclaimed  
881 property on the owner's behalf, the department is authorized to  
882 make distribution of the property or money in accordance with  
883 the Florida Uniform Unclaimed Property Recovery Agreement or  
884 Florida Uniform Property Purchase Agreement under s. 717.135  
885 ~~such power of attorney~~. The original Florida Uniform Unclaimed  
886 Property Recovery Agreement or Florida Uniform Property Purchase  
887 Agreement ~~power of attorney~~ must be executed by the claimant or  
888 seller ~~owner~~ and must be filed with the department.

889 (c)1. Payments of approved claims for unclaimed cash  
890 accounts shall be made to the owner after deducting any fees and  
891 costs authorized pursuant to a Florida Uniform Unclaimed  
892 Property Recovery Agreement ~~written power of attorney~~. The  
893 contents of a safe-deposit box shall be delivered directly to  
894 the claimant ~~notwithstanding any power of attorney or agreement~~  
895 ~~to the contrary~~.

896 2. Payments of fees and costs authorized pursuant to a  
897 Florida Uniform Unclaimed Property Recovery Agreement ~~written~~  
898 ~~power of attorney~~ for approved claims must ~~shall~~ be made or  
899 issued to the law firm of the designated attorney licensed to

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900 practice law in this state, the public accountancy firm of the  
901 licensed Florida-certified public accountant, or the designated  
902 employing private investigative agency licensed by this state.  
903 Such payments shall be made by electronic funds transfer and may  
904 be made on such periodic schedule as the department may define  
905 by rule, provided the payment intervals do not exceed 31 days.  
906 Payment made to an attorney licensed in this state, a Florida-  
907 certified public accountant, or a private investigator licensed  
908 under chapter 493, operating individually or as a sole  
909 practitioner, shall be to the attorney, certified public  
910 accountant, or private investigator.

911 (10) Notwithstanding any other provision of this chapter,  
912 the department may develop a process by which a registered  
913 claimant's representative or a buyer of unclaimed property may  
914 electronically submit to the department an electronic image of a  
915 completed claim and claims-related documents pursuant to this  
916 chapter, including a Florida Uniform Unclaimed Property Recovery  
917 Agreement or Florida Uniform Property Purchase Agreement ~~a~~  
918 ~~limited power of attorney or purchase agreement~~ that has been  
919 manually signed and dated by a claimant or seller pursuant to s.  
920 717.135 ~~or s. 717.1351~~, after the claimant's representative or  
921 the buyer of unclaimed property receives the original documents  
922 provided by the claimant or the seller for any claim. Each claim  
923 filed by a registered claimant's representative or a buyer of  
924 unclaimed property must include a statement by the claimant's  
925 representative or the buyer of unclaimed property attesting that  
926 all documents are true copies of the original documents and that  
927 all original documents are physically in the possession of the  
928 claimant's representative or the buyer of unclaimed property.



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929 All original documents must be kept in the original form, by  
930 claim number, under the secure control of the claimant's  
931 representative or the buyer of unclaimed property and must be  
932 available for inspection by the department in accordance with s.  
933 717.1315. The department may adopt rules to implement this  
934 subsection.

935 Section 25. Subsection (2) of section 717.12404, Florida  
936 Statutes, is amended to read:

937 717.12404 Claims on behalf of a business entity or trust.—

938 (2) Claims on behalf of a dissolved corporation, a business  
939 entity other than an active corporation, or a trust must include  
940 a legible copy of a valid driver license of the person acting on  
941 behalf of the dissolved corporation, business entity other than  
942 an active corporation, or trust. If the person has not been  
943 issued a valid driver license, the department shall be provided  
944 with a legible copy of a photographic identification of the  
945 person issued by the United States, a foreign nation, or a  
946 political subdivision or agency thereof. In lieu of photographic  
947 identification, a notarized sworn statement by the person may be  
948 provided which affirms the person's identity and states the  
949 person's full name and address. The person must produce his or  
950 her photographic identification issued by the United States, a  
951 state or territory of the United States, a foreign nation, or a  
952 political subdivision or agency thereof or other evidence deemed  
953 acceptable by the department by rule. The notary shall indicate  
954 the notary's full address on the notarized sworn statement. Any  
955 claim filed without the required identification or the sworn  
956 statement with the original claim form and the original Florida  
957 Uniform Unclaimed Property Recovery Agreement or Florida Uniform

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958 Property Purchase Agreement ~~power of attorney~~, if applicable, is  
959 void.

960 Section 26. Subsection (1) of section 717.1315, Florida  
961 Statutes, is amended to read:

962 717.1315 Retention of records by claimant's representatives  
963 and buyers of unclaimed property.—

964 (1) Every claimant's representative and buyer of unclaimed  
965 property shall keep and use in his or her business such books,  
966 accounts, and records of the business conducted under this  
967 chapter to enable the department to determine whether such  
968 person is complying with this chapter and the rules adopted by  
969 the department under this chapter. Every claimant's  
970 representative and buyer of unclaimed property shall preserve  
971 such books, accounts, and records, including every Florida  
972 Uniform Unclaimed Property Recovery Agreement or Florida Uniform  
973 Property Purchase Agreement ~~power of attorney or agreement~~  
974 between the owner and such claimant's representative or buyer,  
975 for at least 3 years after the date of the initial ~~power of~~  
976 ~~attorney or~~ agreement.

977 Section 27. Paragraph (j) of subsection (1) of section  
978 717.1322, Florida Statutes, is amended to read:

979 717.1322 Administrative and civil enforcement.—

980 (1) The following acts are violations of this chapter and  
981 constitute grounds for an administrative enforcement action by  
982 the department in accordance with the requirements of chapter  
983 120 and for civil enforcement by the department in a court of  
984 competent jurisdiction:

985 (j) Requesting or receiving compensation for notifying a  
986 person of his or her unclaimed property or assisting another

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987 person in filing a claim for unclaimed property, unless the  
988 person is an attorney licensed to practice law in this state, a  
989 Florida-certified public accountant, or a private investigator  
990 licensed under chapter 493, or entering into, or making a  
991 solicitation to enter into, an agreement ~~a power of attorney~~ to  
992 file a claim for unclaimed property owned by another, or a  
993 contract or agreement to purchase unclaimed property, unless  
994 such person is registered with the department pursuant to this  
995 chapter and an attorney licensed to practice law in this state  
996 in the regular practice of her or his profession, a Florida-  
997 certified public accountant who is acting within the scope of  
998 the practice of public accounting as defined in chapter 473, or  
999 a private investigator licensed under chapter 493. This  
1000 subsection does not apply to a person who has been granted a  
1001 durable power of attorney to convey and receive all of the real  
1002 and personal property of the owner, is the court-appointed  
1003 guardian of the owner, has been employed as an attorney or  
1004 qualified representative to contest the department's denial of a  
1005 claim, or has been employed as an attorney to probate the estate  
1006 of the owner or an heir or legatee of the owner.

1007 Section 28. Section 717.135, Florida Statutes, is amended  
1008 to read:

1009 (Substantial rewording of section. See  
1010 s. 717.135, F.S., for present text.)

1011 717.135 Recovery agreements and purchase agreements for  
1012 claims filed by claimant's representative; fees and costs.-

1013 (1) In order to protect the interests of owners of  
1014 unclaimed property, the department shall adopt by rule a form  
1015 entitled "Florida Uniform Unclaimed Property Recovery Agreement"

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1016 and a form entitled "Florida Uniform Property Purchase  
1017 Agreement."

1018 (2) The Florida Uniform Unclaimed Property Recovery  
1019 Agreement form and the Florida Uniform Property Purchase  
1020 Agreement form must include and disclose:

1021 (a) The total dollar amount of unclaimed property accounts  
1022 claimed or sold.

1023 (b) Either the total percentage of all authorized fees and  
1024 costs to be paid to the claimant's representative or the  
1025 percentage of the value of the property to be paid as net gain  
1026 to the purchasing registered claimant's representative.

1027 (c) Either the total dollar amount to be deducted and  
1028 received from the claimant as fees and costs by the claimant's  
1029 representative or the total net dollar amount to be received by  
1030 the purchasing registered claimant's representative.

1031 (d) The net dollar amount to be received by the claimant or  
1032 seller.

1033 (e) For each account claimed, the unclaimed property  
1034 account number and name of the apparent owner, as listed on the  
1035 department's database.

1036 (f) For the Florida Uniform Property Purchase Agreement, a  
1037 statement that the purchase price will be remitted to the seller  
1038 within 30 days after the execution of the form by the seller.

1039 (g) The name, address, e-mail address, phone number, and  
1040 license number of the registered claimant's representative.

1041 (h) The manual signature of the claimant or seller and the  
1042 date signed.

1043 (i) The social security number or taxpayer identification  
1044 number of the claimant or seller, if available. A number is

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1045 available if one has been issued to the claimant or seller.

1046 (j) A limit of total fees and costs, or the total discount  
1047 amount in the case of a purchase agreement, to no more than 20  
1048 percent of the claimed amount.

1049 (3) For a Florida Uniform Property Purchase Agreement form,  
1050 proof that the seller has received payment must be filed with  
1051 the department along with the claim. If proof of payment is not  
1052 provided, the claim is void.

1053 (4) A registered claimant's representative shall use the  
1054 Florida Uniform Unclaimed Property Recovery Agreement form or  
1055 the Florida Uniform Property Purchase Agreement form as the  
1056 exclusive means of engaging with a claimant or seller to file a  
1057 claim with the department.

1058 (5) Fees and costs may be owed or paid to a registered  
1059 claimant's representative only pursuant to the forms authorized  
1060 by this section and upon approval of the claim filed thereby.

1061 (6) A claimant's representative may not use or distribute  
1062 any other agreement of any type with respect to the claimant or  
1063 seller which relates to unclaimed property accounts held by the  
1064 department or the Chief Financial Officer other than the  
1065 agreements authorized by this section. Any agreement that is not  
1066 authorized by this section is null and void.

1067 (7) The forms under subsection (1):

1068 (a) May not contain language that makes the agreement  
1069 irrevocable; and

1070 (b) May not contain language that creates an assignment of  
1071 any unclaimed property held by the department.

1072 (8) This section does not supersede the conflicting claims  
1073 provisions of s. 717.1241.

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1074       (9) At the time a claim is approved, the department may pay  
1075 any additional account that is owned by the claimant but has not  
1076 been claimed at the time of approval, provided that no  
1077 subsequent claim has been filed and is pending for the claimant  
1078 at the time of approval.

1079       Section 29. Section 717.1351, Florida Statutes, is  
1080 repealed.

1081       Section 30. Except as otherwise expressly provided in this  
1082 act, this act shall take effect upon becoming a law.