



917526

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 98 - 799

and insert:

Section 1. Subsection (9) of section 501.0051, Florida
Statutes, is amended to read:

501.0051 Protected consumer report security freeze.-

(9) ~~(a)~~ A consumer reporting agency may not charge any fee
to place or remove a security freeze.

~~(b) A consumer reporting agency may charge a reasonable~~



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11 ~~fee, not to exceed \$10, if the representative fails to retain~~
12 ~~the original unique personal identifier provided by the consumer~~
13 ~~reporting agency and the agency must reissue the unique personal~~
14 ~~identifier or provide a new unique personal identifier to the~~
15 ~~representative.~~

16 Section 2. Paragraph (b) of subsection (10) of section
17 624.307, Florida Statutes, is amended to read:

18 624.307 General powers; duties.—

19 (10)

20 (b) Any person licensed or issued a certificate of
21 authority by the department or the office shall respond, in
22 writing, to the division within 20 days after receipt of a
23 written request for documents and information from the division
24 concerning a consumer complaint. The response must address the
25 issues and allegations raised in the complaint and include any
26 requested documents concerning the consumer complaint not
27 subject to attorney-client or work-product privilege. The
28 division may impose an administrative penalty for failure to
29 comply with this paragraph of up to \$2,500 per violation upon
30 any entity licensed by the department or the office and \$250 for
31 the first violation, \$500 for the second violation, and up to
32 \$1,000 for the third or subsequent violation upon any individual
33 licensed by the department or the office.

34 Section 3. Subsection (20) of section 624.501, Florida
35 Statutes, is amended to read:

36 624.501 Filing, license, appointment, and miscellaneous
37 fees.—The department, commission, or office, as appropriate,
38 shall collect in advance, and persons so served shall pay to it
39 in advance, fees, licenses, and miscellaneous charges as



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40 follows:

41 ~~(20) Adjusting firm, original or renewal 3-year~~
42 ~~license.....\$60.00~~

43 Section 4. Present subsection (9) of section 626.112,
44 Florida Statutes, is redesignated as subsection (10) and
45 amended, a new subsection (9) is added to that section, and
46 paragraph (d) of subsection (7) of that section is amended, to
47 read:

48 626.112 License and appointment required; agents, customer
49 representatives, adjusters, insurance agencies, service
50 representatives, managing general agents, insurance adjusting
51 firms.-

52 (7)

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

56 (9) (a) An individual, a firm, a partnership, a corporation,
57 an association, or any other entity may not act in its own name
58 or under a trade name, directly or indirectly, as an adjusting
59 firm unless it complies with s. 626.8696 with respect to
60 possessing an adjusting firm license for each place of business
61 at which it engages in an activity that may be performed only by
62 a licensed insurance adjuster. However, an adjusting firm that
63 is owned and operated by a single licensed adjuster conducting
64 business in his or her individual name and not employing or
65 otherwise using the services of or appointing other licensees is
66 exempt from the adjusting firm licensing requirements of this
67 subsection.

68 (b) A branch place of business that is established by a



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69 licensed adjusting firm is considered a branch firm and is not
70 required to be licensed if:

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

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

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

79 (c) If an adjusting firm is required to be licensed but
80 fails to apply for licensure in accordance with this subsection,
81 the department must impose an administrative penalty of up to
82 \$10,000 on the firm.

83 (10)~~(9)~~ Any person who knowingly transacts insurance or
84 otherwise engages in insurance activities in this state without
85 a license in violation of this section or who knowingly aids or
86 abets an unlicensed person in transacting insurance or otherwise
87 engaging in insurance activities in this state without a license
88 commits a felony of the third degree, punishable as provided in
89 s. 775.082, s. 775.083, or s. 775.084.

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

92 626.602 Insurance agency names; disapproval.—The department
93 may disapprove the use of any true or fictitious name, other
94 than the bona fide natural name of an individual, by any
95 insurance agency on any of the following grounds:

96 (4) The name contains the word "Medicare" or "Medicaid." An
97 insurance agency whose name contains the word "Medicare" or



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98 "Medicaid" but which is licensed as of July 1, 2021, may
99 continue to use that name until June 30, 2023, provided that the
100 agency's license remains valid. If the agency's license expires
101 or is suspended or revoked, the agency may not be relicensed
102 using that name. Licenses for agencies with names containing
103 either of these words automatically expire on July 1, 2023,
104 unless these words are removed from the name.

105 Section 6. Subsections (16) and (17) are added to section
106 626.621, Florida Statutes, to read:

107 626.621 Grounds for discretionary refusal, suspension, or
108 revocation of agent's, adjuster's, customer representative's,
109 service representative's, or managing general agent's license or
110 appointment.—The department may, in its discretion, deny an
111 application for, suspend, revoke, or refuse to renew or continue
112 the license or appointment of any applicant, agent, adjuster,
113 customer representative, service representative, or managing
114 general agent, and it may suspend or revoke the eligibility to
115 hold a license or appointment of any such person, if it finds
116 that as to the applicant, licensee, or appointee any one or more
117 of the following applicable grounds exist under circumstances
118 for which such denial, suspension, revocation, or refusal is not
119 mandatory under s. 626.611:

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

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



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127 Section 7. Section 626.782, Florida Statutes, is amended to
128 read:

129 626.782 "Industrial class insurer" defined.—An "industrial
130 class insurer" is an insurer collecting premiums on policies of
131 ~~writing~~ industrial life insurance, as defined in s. 627.502,
132 written before July 1, 2021, and as to such insurance, operates
133 under a system of collecting a debit by its agent.

134 Section 8. Section 626.783, Florida Statutes, is amended to
135 read:

136 626.783 "Ordinary-combination class insurer" defined.—An
137 "ordinary-combination class insurer" is an insurer writing ~~both~~
138 ordinary class insurance and collecting premiums on existing
139 industrial life ~~class~~ insurance as defined by s. 627.502.

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

141 Section 10. Subsections (6), (11), (15), and (19) of
142 section 626.854, Florida Statutes, are amended, and subsection
143 (20) is added to that section, to read:

144 626.854 "Public adjuster" defined; prohibitions.—The
145 Legislature finds that it is necessary for the protection of the
146 public to regulate public insurance adjusters and to prevent the
147 unauthorized practice of law.

148 (6) An insured or claimant may cancel a public adjuster's
149 contract to adjust a claim without penalty or obligation within
150 10 calendar ~~3-business~~ days after the date on which the contract
151 ~~is executed or within 3 business days after the date on which~~
152 ~~the insured or claimant has notified the insurer of the claim,~~
153 ~~whichever is later.~~ The public adjuster's contract must contain
154 the following language in minimum 18-point bold type: "You, the
155 insured, may cancel this contract for any reason without penalty



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156 or obligation to you within 10 days after the date of this
157 contract by providing notice to ...(name of public adjuster)...,
158 submitted in writing and sent by certified mail, return receipt
159 requested, or other form of mailing that provides proof thereof,
160 at the address specified in the contract ~~disclose to the insured~~
161 ~~or claimant his or her right to cancel the contract and advise~~
162 ~~the insured or claimant that notice of cancellation must be~~
163 ~~submitted in writing and sent by certified mail, return receipt~~
164 ~~requested, or other form of mailing that provides proof thereof,~~
165 ~~to the public adjuster at the address specified in the contract;~~
166 ~~provided, during any state of emergency as declared by the~~
167 ~~Governor and for 1 year after the date of loss, the insured or~~
168 ~~claimant has 5 business days after the date on which the~~
169 ~~contract is executed to cancel a public adjuster's contract.~~

170 (11) Each public adjuster must provide to the claimant or
171 insured a written estimate of the loss to assist in the
172 submission of a proof of loss or any other claim for payment of
173 insurance proceeds within 60 days after the date of the
174 contract. The written estimate must include an itemized, per-
175 unit estimate of the repairs, including itemized information on
176 equipment, materials, labor, and supplies, in accordance with
177 accepted industry standards. The public adjuster shall retain
178 such written estimate for at least 5 years and shall make the
179 estimate available to the claimant or insured, the insurer, and
180 the department upon request.

181 (15) A licensed contractor under part I of chapter 489, or
182 a subcontractor of such licensee, may not advertise, solicit,
183 offer to handle, handle, or perform public adjuster services as
184 provided in s. 626.854(1) ~~adjust a claim on behalf of an insured~~



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185 unless licensed and compliant as a public adjuster under this
186 chapter. The prohibition against solicitation does not preclude
187 a contractor from suggesting or otherwise recommending to a
188 consumer that the consumer consider contacting his or her
189 insurer to determine if the proposed repair is covered under the
190 consumer's insurance policy. In addition ~~However~~, the contractor
191 may discuss or explain a bid for construction or repair of
192 covered property with the residential property owner who has
193 suffered loss or damage covered by a property insurance policy,
194 or the insurer of such property, if the contractor is doing so
195 for the usual and customary fees applicable to the work to be
196 performed as stated in the contract between the contractor and
197 the insured.

198 (19) Except as otherwise provided in this chapter, no
199 person, except an attorney at law or a licensed public adjuster,
200 may for money, commission, or any other thing of value, directly
201 or indirectly:

202 (a) Prepare, complete, or file an insurance claim for an
203 insured or a third-party claimant;

204 (b) Act on behalf of or aid an insured or a third-party
205 claimant in negotiating for or effecting the settlement of a
206 claim for loss or damage covered by an insurance contract;

207 (c) Offer to initiate or negotiate a claim on behalf of an
208 insured;

209 (d) Advertise services that require a license for
210 employment as a public adjuster; or

211 (e) ~~(d)~~ Solicit, investigate, or adjust a claim on behalf of
212 a public adjuster, an insured, or a third-party claimant.

213 (20) The department may take administrative actions and



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214 impose fines against any persons performing claims adjusting as
215 defined in s. 626.015(6) or any other services as described in
216 this section without the licensure required under this section
217 and s. 626.112.

218 Section 11. Effective January 1, 2022, subsection (3) of
219 section 626.916, Florida Statutes, is amended, and paragraph (f)
220 is added to subsection (1) of that section, to read:

221 626.916 Eligibility for export.—

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

224 (f) The insured has signed or otherwise provided documented
225 acknowledgment of a disclosure in substantially the following
226 form: "You are agreeing to place coverage in the surplus lines
227 market. Coverage may be available in the admitted market.
228 Persons insured by surplus lines carriers are not protected
229 under the Florida Insurance Guaranty Act with respect to any
230 right of recovery for the obligation of an insolvent unlicensed
231 insurer."

232 (3) (a) Subsection (1) does not apply to wet marine and
233 transportation or aviation risks that ~~which~~ are subject to s.
234 626.917.

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

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

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

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



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243 ~~agreeing to place coverage in the surplus lines market. Superior~~
244 ~~coverage may be available in the admitted market and at a lesser~~
245 ~~cost. Persons insured by surplus lines carriers are not~~
246 ~~protected under the Florida Insurance Guaranty Act with respect~~
247 ~~to any right of recovery for the obligation of an insolvent~~
248 ~~unlicensed insurer.” If the disclosure notice is signed by the~~
249 ~~insured, the insured is presumed to have been informed and to~~
250 ~~know that other coverage may be available, and, with respect to~~
251 ~~the diligent-effort requirement under subsection (1), there is~~
252 ~~no liability on the part of, and no cause of action arises~~
253 ~~against, the retail agent presenting the form.~~

254 Section 12. Paragraph (z) of subsection (1) of section
255 626.9541, Florida Statutes, is amended to read:

256 626.9541 Unfair methods of competition and unfair or
257 deceptive acts or practices defined.—

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

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

263 1. Representing to the applicant that a specific ancillary
264 coverage or product is required by law in conjunction with the
265 purchase of insurance when such coverage or product is not
266 required.†

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

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



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

273 4. Initiating, effectuating, binding, or otherwise issuing
274 a policy of insurance without the prior informed consent of the
275 owner of the property to be insured.

276 5. Mailing, transmitting, or otherwise submitting by any
277 means an invoice for premium payment to a mortgagee or escrow
278 agent, for the purpose of effectuating an insurance policy,
279 without the prior informed consent of the owner of the property
280 to be insured. However, this subparagraph does not apply in
281 cases in which the mortgagee or escrow agent is renewing
282 insurance or issuing collateral protection insurance, as defined
283 in s. 624.6085, pursuant to the mortgage or other pertinent loan
284 documents or communications regarding the property.

285 Section 13. Effective January 1, 2022, subsection (3) of
286 section 626.9741, Florida Statutes, is amended to read:

287 626.9741 Use of credit reports and credit scores by
288 insurers.-

289 (3) An insurer must inform an applicant or insured, in the
290 same medium as the application is taken, that a credit report or
291 score is being requested for underwriting or rating purposes.
292 The notification to the consumer must include the following
293 language: "The Department of Financial Services offers free
294 financial literacy programs to assist you with insurance-related
295 questions, including how credit works and how credit scores are
296 calculated. To learn more, visit www.MyFloridaCFO.com." An
297 insurer that makes an adverse decision based, in whole or in
298 part, upon a credit report must provide at no charge, a copy of
299 the credit report to the applicant or insured or provide the
300 applicant or insured with the name, address, and telephone



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301 number of the consumer reporting agency from which the insured
302 or applicant may obtain the credit report. The insurer must
303 provide notification to the consumer explaining the reasons for
304 the adverse decision. The reasons must be provided in
305 sufficiently clear and specific language so that a person can
306 identify the basis for the insurer's adverse decision. Such
307 notification shall include a description of the four primary
308 reasons, or such fewer number as existed, which were the primary
309 influences of the adverse decision. The use of generalized terms
310 such as "poor credit history," "poor credit rating," or "poor
311 insurance score" does not meet the explanation requirements of
312 this subsection. A credit score may not be used in underwriting
313 or rating insurance unless the scoring process produces
314 information in sufficient detail to permit compliance with the
315 requirements of this subsection. It shall not be deemed an
316 adverse decision if, due to the insured's credit report or
317 credit score, the insured continues to receive a less favorable
318 rate or placement in a less favorable tier or company at the
319 time of renewal except for renewals or reunderwriting required
320 by this section.

321 Section 14. Subsection (5) of section 626.9953, Florida
322 Statutes, is amended to read:

323 626.9953 Qualifications for registration; application
324 required.—

325 (5) An applicant must submit a set of his or her
326 fingerprints to the department and pay the processing fee
327 established under s. 624.501(23) ~~s. 624.501(24)~~. The department
328 shall submit the applicant's fingerprints to the Department of
329 Law Enforcement for processing state criminal history records



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330 checks and local criminal records checks through local law
331 enforcement agencies and for forwarding to the Federal Bureau of
332 Investigation for national criminal history records checks. The
333 fingerprints shall be taken by a law enforcement agency, a
334 designated examination center, or another department-approved
335 entity. The department may not approve an application for
336 registration as a navigator if fingerprints have not been
337 submitted.

338 Section 15. Subsection (1) of section 626.9957, Florida
339 Statutes, is amended to read:

340 626.9957 Conduct prohibited; denial, revocation, or
341 suspension of registration.—

342 (1) As provided in s. 626.112, only a person licensed as an
343 insurance agent or customer representative may engage in the
344 solicitation of insurance. A person who engages in the
345 solicitation of insurance as described in s. 626.112(1) without
346 such license is subject to the penalties provided under s.
347 626.112(10) ~~s. 626.112(9)~~.

348 Section 16. Subsection (10) of section 627.062, Florida
349 Statutes, is amended to read:

350 627.062 Rate standards.—

351 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~
352 ~~627.70131(5)~~ may not be included in the insurer's rate base and
353 may not be used to justify a rate or rate change.

354 Section 17. Section 627.502, Florida Statutes, is amended
355 to read:

356 627.502 "Industrial life insurance" defined; reporting;
357 prohibition on new policies after a certain date.—

358 (1) For the purposes of this code, "industrial life



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359 insurance" is that form of life insurance written under policies
360 under which premiums are payable monthly or more often, bearing
361 the words "industrial policy" or "weekly premium policy" or
362 words of similar import imprinted upon the policies as part of
363 the descriptive matter, and issued by an insurer that ~~which~~, as
364 to such industrial life insurance, is operating under a system
365 of collecting a debit by its agent.

366 (2) Every life insurer servicing existing ~~transacting~~
367 industrial life insurance shall report to the office all annual
368 statement data regarding the exhibit of life insurance,
369 including relevant information for industrial life insurance.

370 (3) Beginning July 1, 2021, a life insurer may not write a
371 new policy of industrial life insurance.

372 Section 18. Effective January 1, 2022, section 627.70131,
373 Florida Statutes, is amended to read:

374 627.70131 Insurer's duty to acknowledge communications
375 regarding claims; investigation.-

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

387 (b) As used in this subsection, the term "representative"



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388 ~~"agent"~~ means any person to whom an insurer has granted
389 authority or responsibility to receive or make such
390 communications with respect to claims on behalf of the insurer.

391 (c) This subsection does ~~shall~~ not apply to claimants
392 represented by counsel beyond those communications necessary to
393 provide forms and instructions.

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

401 (3) (a) Unless otherwise provided by the policy of insurance
402 or by law, within 14 ~~10 working~~ days after an insurer receives
403 proof of loss statements, the insurer shall begin such
404 investigation as is reasonably necessary unless the failure to
405 begin such investigation is caused by factors beyond the control
406 of the insurer which reasonably prevent the commencement of such
407 investigation.

408 (b) If such investigation involves a physical inspection of
409 the property, the licensed adjuster assigned by the insurer must
410 provide the policyholder with a printed or electronic document
411 containing his or her name and state adjuster license number.

412 (c) Any subsequent communication with the policyholder
413 regarding the claim must also include the name and license
414 number of the adjuster communicating about the claim.

415 Communication of the adjuster's name and license number may be
416 included with other information provided to the policyholder.



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417 (4) An insurer shall maintain a record or log of each
418 adjuster who communicates with the policyholder as provided in
419 paragraphs (3) (b) and (c) and provide a list of such adjusters
420 to the insured, office, or department upon request.

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

423 (6) (a) When providing a preliminary or partial estimate of
424 damage regarding a claim, an insurer shall include with the
425 estimate the following statement printed in at least 12-point
426 bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT
427 EVALUATION OF THE COVERED DAMAGES TO YOUR INSURED PROPERTY AND
428 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU
429 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING
430 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US.

431 (b) When providing a payment on a claim which is not the
432 full and final payment for the claim, an insurer shall include
433 with the payment the following statement printed in at least 12-
434 point bold, uppercase type: WE ARE CONTINUING TO EVALUATE YOUR
435 CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL
436 PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL
437 INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT
438 US.

439 (7) (a) ~~(5) (a)~~ Within 90 days after an insurer receives
440 notice of an initial, reopened, or supplemental property
441 insurance claim from a policyholder, the insurer shall pay or
442 deny such claim or a portion of the claim unless the failure to
443 pay is caused by factors beyond the control of the insurer which
444 reasonably prevent such payment. Any payment of an initial or
445 supplemental claim or portion of such claim made 90 days after



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446 the insurer receives notice of the claim, or made more than 15
447 days after there are no longer factors beyond the control of the
448 insurer which reasonably prevented such payment, whichever is
449 later, bears interest at the rate set forth in s. 55.03.
450 Interest begins to accrue from the date the insurer receives
451 notice of the claim. The provisions of this subsection may not
452 be waived, voided, or nullified by the terms of the insurance
453 policy. If there is a right to prejudgment interest, the insured
454 shall select whether to receive prejudgment interest or interest
455 under this subsection. Interest is payable when the claim or
456 portion of the claim is paid. Failure to comply with this
457 subsection constitutes a violation of this code. However,
458 failure to comply with this subsection does not form the sole
459 basis for a private cause of action.

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

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

464 2. A claim for structural or contents coverage under a
465 commercial property insurance policy if the insured structure is
466 10,000 square feet or less; or

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

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

472 (8) This section also applies to surplus lines insurers and
473 surplus lines insurance authorized under ss. 626.913-626.937
474 providing personal residential coverage.



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475 Section 19. Section 627.7031, Florida Statutes, is created
476 to read:

477 627.7031 Foreign venue clauses prohibited.—After July 1,
478 2021, a personal residential property insurance policy sold in
479 this state, insuring only real property located in this state,
480 may not require an insured to pursue dispute resolution through
481 litigation, arbitration, or mediation outside this state. This
482 section also applies to surplus lines insurers and surplus lines
483 insurance authorized under ss. 626.913-626.937.

484 Section 20. Effective January 1, 2022, section 627.7142,
485 Florida Statutes, is amended to read:

486 627.7142 Homeowner Claims Bill of Rights.—An insurer
487 issuing a personal lines residential property insurance policy
488 in this state must provide a Homeowner Claims Bill of Rights to
489 a policyholder within 14 days after receiving an initial
490 communication with respect to a claim, ~~unless the claim follows~~
491 ~~an event that is the subject of a declaration of a state of~~
492 ~~emergency by the Governor.~~ The purpose of the bill of rights is
493 to summarize, in simple, nontechnical terms, existing Florida
494 law regarding the rights of a personal lines residential
495 property insurance policyholder who files a claim of loss. The
496 Homeowner Claims Bill of Rights is specific to the claims
497 process and does not represent all of a policyholder's rights
498 under Florida law regarding the insurance policy. The Homeowner
499 Claims Bill of Rights does not create a civil cause of action by
500 any individual policyholder or class of policyholders against an
501 insurer or insurers. The failure of an insurer to properly
502 deliver the Homeowner Claims Bill of Rights is subject to
503 administrative enforcement by the office but is not admissible



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504 as evidence in a civil action against an insurer. The Homeowner
505 Claims Bill of Rights does not enlarge, modify, or contravene
506 statutory requirements, including, but not limited to, ss.
507 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does
508 not prohibit an insurer from exercising its right to repair
509 damaged property in compliance with the terms of an applicable
510 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
511 Claims Bill of Rights must state:

512

513

HOMEOWNER CLAIMS

514

BILL OF RIGHTS

515

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

526

527

YOU HAVE THE RIGHT TO:

528

1. Receive from your insurance company an
529 acknowledgment of your reported claim within 14 days
530 after the time you communicated the claim.

531

2. Upon written request, receive from your
532 insurance company within 30 days after you have



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533 submitted a complete proof-of-loss statement to your
534 insurance company, confirmation that your claim is
535 covered in full, partially covered, or denied, or
536 receive a written statement that your claim is being
537 investigated.

538 3. Within 90 days, subject to any dual interest
539 noted in the policy, receive full settlement payment
540 for your claim or payment of the undisputed portion of
541 your claim, or your insurance company's denial of your
542 claim.

543 4. Receive payment of interest, as provided in s.
544 627.70131, Florida Statutes, from your insurance
545 company, which begins accruing from the date your
546 claim is filed if your insurance company does not pay
547 full settlement of your initial, reopened, or
548 supplemental claim or the undisputed portion of your
549 claim or does not deny your claim within 90 days after
550 your claim is filed. The interest, if applicable, must
551 be paid when your claim or the undisputed portion of
552 your claim is paid.

553 5. Free mediation of your disputed claim by the
554 Florida Department of Financial Services, Division of
555 Consumer Services, under most circumstances and
556 subject to certain restrictions.

557 ~~6.5.~~ Neutral evaluation of your disputed claim,
558 if your claim is for damage caused by a sinkhole and
559 is covered by your policy.

560 ~~7.6.~~ Contact the Florida Department of Financial
561 Services, Division of Consumer Services' toll-free



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562 helpline for assistance with any insurance claim or
563 questions pertaining to the handling of your claim.
564 You can reach the Helpline by phone at...(toll-free
565 phone number)..., or you can seek assistance online at
566 the Florida Department of Financial Services, Division
567 of Consumer Services' website at...(website
568 address)....

569

570 YOU ARE ADVISED TO:

571 1. Contact your insurance company before entering
572 into any contract for repairs to confirm any managed
573 repair policy provisions or optional preferred
574 vendors.

575 2. Make and document emergency repairs that are
576 necessary to prevent further damage. Keep the damaged
577 property, if feasible, keep all receipts, and take
578 photographs or video of damage before and after any
579 repairs to provide to your insurer.

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

584 4. Confirm that the contractor you choose is
585 licensed to do business in Florida. You can verify a
586 contractor's license and check to see if there are any
587 complaints against him or her by calling the Florida
588 Department of Business and Professional Regulation.
589 You should also ask the contractor for references from
590 previous work.



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- 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.
- 7. File all claims directly with your insurance company and be aware of contractors or repair vendors that offer incentives for free inspections or promise to coordinate with your insurance company to repair your home with no out-of-pocket expenses to you.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 3 - 54

and insert:

501.0051, F.S.; deleting authorization for consumer reporting agencies to charge a fee for reissuing or providing a new unique personal identifier to a consumer; amending s. 624.307, F.S.; revising a requirement for persons licensed or authorized by the Department of Financial Services or the Office of Insurance Regulation to respond to the department's Division of Consumer Services regarding consumer complaints; amending s. 624.501, F.S.; deleting a fee for adjusting firm licenses; amending s. 626.112, F.S.; deleting an obsolete provision; prohibiting unlicensed activity by an adjusting firm; providing an



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620 exemption; providing an exemption from licensure for
621 branch firms that meet certain criteria; providing an
622 administrative penalty for failing to apply for
623 certain licensure; providing a criminal penalty for
624 aiding or abetting unlicensed activity; amending s.
625 626.602, F.S.; authorizing the department to
626 disapprove the use of insurance agency names
627 containing the words "Medicare" or "Medicaid";
628 providing an exception for certain insurance agencies
629 for a certain period; providing for expiration of
630 certain licenses on a certain date; amending s.
631 626.621, F.S.; adding grounds on which the department
632 may take certain actions against a license,
633 appointment, or application of certain insurance
634 representatives; amending ss. 626.782 and 626.783,
635 F.S.; revising the definitions of the terms
636 "industrial class insurer" and "ordinary-combination
637 class insurer," respectively, to conform to changes
638 made by the act; repealing s. 626.796, F.S., relating
639 to the representation of multiple insurers in the same
640 industrial debit territory; amending s. 626.854, F.S.;
641 revising the timeframes in which an insured or a
642 claimant may cancel a public adjuster's contract to
643 adjust a claim without penalty or obligation;
644 requiring that a public adjuster's contract include a
645 specified disclosure; specifying requirements for
646 written estimates of loss provided by public adjusters
647 to claimants or insureds; revising a prohibition
648 against certain contractors or subcontractors



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649 providing insureds with specified services; providing
650 an exception; revising services a person is prohibited
651 from performing unless the person meets specified
652 requirements; authorizing the department to take
653 administrative actions and impose fines against
654 persons performing specified activities without
655 licensure; amending s. 626.916, F.S.; revising