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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 99 - 271

and insert:

(d) A seller who enters into or renews any service contract with a consumer which includes an automatic renewal provision must allow the consumer to cancel the service contract in the same manner, and by the same means, as the consumer manifested his or her acceptance of the service contract.

(e) This subsection does not apply to:



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11 1. A financial institution as defined in s. 655.005 or any
12 depository institution as defined in 12 U.S.C. s. 1813(c)(2).

13 2. A foreign bank maintaining a branch or agency licensed
14 under the laws of any state of the United States.

15 3. Any subsidiary or affiliate of an entity described in
16 subparagraph 1. or subparagraph 2.

17 4. A health studio as defined in s. 501.0125.

18 5. Any entity licensed under chapter 624, chapter 627,
19 chapter 634, chapter 636, or chapter 641.

20 6. Any electric utility as defined in s. 366.02.

21 7. Any private company as defined in s. 180.05 providing
22 services described in chapter 180 which is competing against a
23 governmental entity or has a governmental entity providing
24 billing services on its behalf.

25 ~~(f)(e)~~ A violation of this subsection renders the automatic
26 renewal provision void and unenforceable.

27 Section 3. Paragraphs (b) and (c) of subsection (22) of
28 section 626.854, Florida Statutes, are amended, and paragraph
29 (a) of that subsection is republished, to read:

30 626.854 "Public adjuster" defined; prohibitions.—The
31 Legislature finds that it is necessary for the protection of the
32 public to regulate public insurance adjusters and to prevent the
33 unauthorized practice of law.

34 (22) (a) Any following act by a public adjuster, a public
35 adjuster apprentice, or a person acting on behalf of a public
36 adjuster or public adjuster apprentice is prohibited and shall
37 result in discipline as applicable under this part:

38 1. Offering to a residential property owner a rebate, gift,
39 gift card, cash, coupon, waiver of any insurance deductible, or



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40 any other thing of value in exchange for:

41 a. Allowing a contractor, a public adjuster, a public
42 adjuster apprentice, or a person acting on behalf of a public
43 adjuster or public adjuster apprentice to conduct an inspection
44 of the residential property owner's roof; or

45 b. Making an insurance claim for damage to the residential
46 property owner's roof.

47 2. Offering, delivering, receiving, or accepting any
48 compensation, inducement, or reward for the referral of any
49 services for which property insurance proceeds would be used for
50 roofing repairs or replacement.

51 (b) Notwithstanding the fine set forth in s. 626.8698, a
52 public adjuster or public adjuster apprentice may be subject to
53 a fine not to exceed \$10,000 per act for a violation of this
54 subsection and a fine not to exceed \$20,000 per act for a
55 violation of this subsection that occurs during a state of
56 emergency declared by executive order or proclamation of the
57 Governor pursuant to s. 252.36.

58 (c) A person who engages in an act prohibited by this
59 subsection and who is not a public adjuster or a public adjuster
60 apprentice, or is not otherwise exempt from licensure, is guilty
61 of the unlicensed practice of public adjusting and may be:

62 1. Subject to all applicable penalties set forth in this
63 part.

64 2. Notwithstanding subparagraph 1., subject to a fine not
65 to exceed \$10,000 per act for a violation of this subsection and
66 a fine not to exceed \$20,000 per act for a violation of this
67 subsection that occurs during a state of emergency declared by
68 executive order or proclamation of the Governor pursuant to s.



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69 252.36.

70 Section 4. Subsection (9) of section 633.126, Florida
71 Statutes, is amended, subsection (10) is added to that section,
72 and subsection (2) of that section is republished, to read:

73 633.126 Investigation of fraudulent insurance claims and
74 crimes; immunity of insurance companies supplying information.—

75 (2) If an insurance company has reason to suspect that a
76 fire or explosion loss to its insured's real or personal
77 property was caused by intentional means, the company shall
78 notify the State Fire Marshal and shall furnish her or him with
79 all material acquired by the company during its investigation.
80 The State Fire Marshal may adopt rules to implement this
81 subsection.

82 (9) If an insurance company fails or otherwise refuses to
83 comply with this section, the department may impose an
84 administrative fine of not more than \$2,000 per day for such
85 failure until the department deems the insurance company to be
86 in compliance ~~A person who willfully violates this section~~
87 ~~commits a misdemeanor of the first degree, punishable as~~
88 ~~provided in s. 775.082 or s. 775.083.~~

89 (10) The Division of Investigative and Forensic Services
90 may adopt reasonable rules as are necessary to administer this
91 section. Such rules must meet all of the following requirements:

92 (a) They may not enlarge upon or extend the provisions of
93 this section.

94 (b) They must identify specific factors that determine the
95 grades of penalty.

96 (c) They must specify mitigating and aggravating factors
97 for a violation of this section.



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98 Section 5. Effective March 1, 2023, present paragraphs (b),
99 (c), and (d) of subsection (3) of section 634.095, Florida
100 Statutes, are redesignated as paragraphs (d), (e), and (f),
101 respectively, new paragraphs (b) and (c) are added to that
102 subsection, and paragraph (a) of that subsection is amended, to
103 read:

104 634.095 Prohibited acts.—Any service agreement company or
105 salesperson that engages in one or more of the following acts
106 is, in addition to any applicable denial, suspension,
107 revocation, or refusal to renew or continue any appointment or
108 license, guilty of a misdemeanor of the second degree,
109 punishable as provided in s. 775.082 or s. 775.083:

110 (3) Issuing or causing to be issued any advertisement
111 which:

112 (a) Does not fully disclose in a written advertisement, in
113 at least 12-point, boldface ~~boldfaced~~ type, the name, address,
114 and Florida Company Code ~~license number~~ of the service agreement
115 company. As used in this paragraph, the term "written
116 advertisement" does not include materials provided in
117 conjunction with the sale of goods or services.

118
119 ===== T I T L E A M E N D M E N T =====

120 And the title is amended as follows:

121 Delete lines 19 - 30

122 and insert:

123 633.126, F.S.; authorizing the Department of Financial
124 Services to impose an administrative fine on insurance
125 companies under certain circumstances; deleting
126 criminal penalties; authorizing the Division of



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127 Investigative and Forensic Services to adopt certain
128 rules; amending s. 634.095, F.S.; revising
129 requirements for advertisements issued or caused to be
130 issued by service agreement companies or salespersons;
131 specifying that certain materials are not included in
132 the definition of the term "written advertisement";
133 amending s. 775.15, F.S.; revising