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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2024	.	
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The Committee on Rules (Burton) recommended the following:

1 **Senate Substitute for Amendment (590610) (with title**
2 **amendment)**

3
4 Delete lines 71 - 898

5 and insert:

6 Section 1. Section 212.134, Florida Statutes, is amended to
7 read:

8 212.134 Information returns relating to payment-card and
9 third party ~~third-party~~ network transactions.-

10 (1) For purposes of this section, the term:

11 (a) "Participating payee" has the same meaning as in s.



12 6050W of the Internal Revenue Code.

13 (b) "Return" or "information return" means IRS Form 1099-K
14 required under s. 6050W of the Internal Revenue Code.

15 (c) "Third party network transaction" has the same meaning
16 as in s. 6050W of the Internal Revenue Code.

17 (d) "Third party settlement organization" has the same
18 meaning as in s. 6050W of the Internal Revenue Code.

19 (2) For each year in which a payment settlement entity, an
20 electronic payment facilitator, or other third party contracted
21 with the payment settlement entity to make payments to settle
22 reportable payment transactions on behalf of the payment
23 settlement entity must file a return pursuant to s. 6050W of the
24 Internal Revenue Code, for participating payees with an address
25 in this state, the entity, the facilitator, or the third party
26 must submit the information in the return to the department by
27 the 30th day after filing the federal return. The format of the
28 information returns required must be either a copy of such
29 information returns or a copy of such information returns
30 related to participating payees with an address in the state.
31 For purposes of this subsection, the term "payment settlement
32 entity" has the same meaning as provided in s. 6050W of the
33 Internal Revenue Code.

34 (3)~~(2)~~ All reports of returns submitted to the department
35 under this section must be in an electronic format.

36 (4)~~(3)~~ Any payment settlement entity, facilitator, or third
37 party failing to file the information return required, filing an
38 incomplete information return, or not filing an information
39 return within the time prescribed is subject to a penalty of
40 \$1,000 for each failure, if the failure is for not more than 30



41 days, with an additional \$1,000 for each month or fraction of a
42 month during which each failure continues. The total amount of
43 penalty imposed on a reporting entity may not exceed \$10,000
44 annually.

45 (5)(4) The executive director or his or her designee may
46 waive the penalty if he or she determines that the failure to
47 timely file an information return was due to reasonable cause
48 and not due to willful negligence, willful neglect, or fraud.

49 (6) All third party settlement organizations that conduct
50 transactions involving a participating payee with an address in
51 this state and that have a contractual obligation with such
52 participating payee to make payment to them shall create a
53 mechanism for senders of payments to identify whether a payment
54 to a payee is for goods and services or is personal. The
55 mechanism must clearly indicate the sender's requirement to
56 indicate the appropriate transaction type. The sender of the
57 payment is responsible for indicating the appropriate
58 transaction type. All third party settlement organizations shall
59 maintain records that clearly identify whether a transaction, as
60 designated by the sender of the payment, is a transaction for
61 goods and services or is personal. The information in the return
62 submitted to the department under subsection (2) for such
63 entities must be limited to transactions for goods and services.

64 (7) Notwithstanding this section, subsection (6) does not
65 apply to a third party settlement organization if a contractual
66 agreement or arrangement to provide a third party payment
67 network to a participating payee requires the third party
68 settlement organization solely to settle third party network
69 transactions for the provision of goods and services.



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70 Section 2. Section 489.147, Florida Statutes, is amended to
71 read:

72 489.147 Prohibited property insurance practices; contract
73 requirements.—

74 (1) As used in this section, the term:

75 (a) "Prohibited advertisement" means any written or
76 electronic communication by a contractor which encourages,
77 instructs, or induces a consumer to contact a contractor or
78 public adjuster for the purpose of making an insurance claim for
79 roof damage, if such communication does not state in a font size
80 of at least 12 points and at least half as large as the largest
81 font size used in the communication that:

82 1. The consumer is responsible for payment of any insurance
83 deductible;

84 2. It is insurance fraud punishable as a felony of the
85 third degree for a contractor to knowingly or willfully, and
86 with intent to injure, defraud, or deceive, pay, waive, or
87 rebate all or part of an insurance deductible applicable to
88 payment to the contractor for repairs to a property covered by a
89 property insurance policy; and

90 3. It is insurance fraud punishable as a felony of the
91 third degree to intentionally file an insurance claim containing
92 any false, incomplete, or misleading information.

93
94 The term includes, but is not limited to, door hangers, business
95 cards, magnets, flyers, pamphlets, and e-mails.

96 (b) "Residential property owner" means the person who holds
97 the legal title to the residential real property that is subject
98 of and directly impacted by the action of a governmental entity.



99 The term does not include a governmental entity.

100 (c) "Soliciting" means contacting:

101 1. In person;

102 2. By electronic means, including, but not limited to, e-
103 mail, telephone, and any other real-time communication directed
104 to a specific person; or

105 3. By delivery to a specific person.

106 (2) A contractor may not directly or indirectly engage in
107 any of the following practices:

108 (a) Soliciting a residential property owner by means of a
109 prohibited advertisement.

110 (b) Offering to a residential property owner a rebate,
111 gift, gift card, cash, coupon, waiver of any insurance
112 deductible, or any other thing of value in exchange for:

113 1. Allowing the contractor to conduct an inspection of the
114 residential property owner's roof; or

115 2. Making an insurance claim for damage to the residential
116 property owner's roof.

117 (c) Offering, delivering, receiving, or accepting any
118 compensation, inducement, or reward, for the referral of any
119 services for which property insurance proceeds are payable.
120 Payment by the residential property owner or insurance company
121 to a contractor for roofing services rendered does not
122 constitute compensation for a referral.

123 (d) Interpreting policy provisions or advising an insured
124 regarding coverages or duties under the insured's property
125 insurance policy or adjusting a property insurance claim on
126 behalf of the insured, unless the contractor holds a license as
127 a public adjuster pursuant to part VI of chapter 626.



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128 (e) Providing an insured with an agreement authorizing
129 repairs without providing a good faith estimate of the itemized
130 and detailed cost of services and materials for repairs
131 undertaken pursuant to a property insurance claim. A contractor
132 does not violate this paragraph if, as a result of the process
133 of the insurer adjusting a claim, the actual cost of repairs
134 differs from the initial estimate.

135 (3) A contractor who violates this section is subject to
136 disciplinary proceedings as set forth in s. 489.129. A
137 contractor may receive up to a \$10,000 fine for each violation
138 of this section.

139 (4) For the purposes of this section:

140 (a) The acts of any person on behalf of a contractor,
141 including, but not limited to, the acts of a compensated
142 employee or a nonemployee who is compensated for soliciting,
143 shall be considered the actions of the contractor.

144 (b) An unlicensed person who engages in an act prohibited
145 by this section is guilty of unlicensed contracting and is
146 subject to the penalties set forth in s. 489.13. Notwithstanding
147 s. 489.13(3), an unlicensed person who violates this section may
148 be fined up to \$10,000 for each violation.

149 (5) A contractor may not execute a contract with a
150 residential property owner to repair or replace a roof without
151 including a notice that the contractor may not engage in the
152 practices set forth in paragraph (2) (b). If the contractor fails
153 to include such notice, the residential property owner may void
154 the contract within 10 days after executing it.

155 (6) (a) A residential property owner may cancel a contract
156 to replace or repair a roof without penalty or obligation within



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157 10 days after the execution of the contract or by the official
158 start date, whichever comes first, if the contract was entered
159 into based on events that are the subject of a declaration of a
160 state of emergency by the Governor. For the purposes of this
161 subsection, the term "official start date" means the date on
162 which work that includes the installation of materials that will
163 be included in the final work on the roof commences, a final
164 permit has been issued, or a temporary repair to the roof
165 covering or roof has been made in compliance with the Florida
166 Building Code.

167 (b) A contractor executing a contract during a declaration
168 of a state of emergency to replace or repair a roof of a
169 residential property must include or add as an attachment to the
170 contract the following language, in bold type of not less than
171 18 points, immediately before a space reserved for the signature
172 of the residential property owner:

173
174 You, the residential property owner, may cancel this
175 contract without penalty or obligation within 10 days
176 after the execution of the contract or by the official
177 start date, whichever comes first, because this
178 contract was entered into during a declaration of a
179 state of emergency by the Governor. The official start
180 date is the date on which work that includes the
181 installation of materials that will be included in the
182 final work on the roof commences, a final permit has
183 been issued, or a temporary repair to the roof
184 covering or roof system has been made in compliance
185 with the Florida Building Code.



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(c) The residential property owner must send the notice of cancellation by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address specified in the contract.

Section 3. Subsection (9) of section 559.9611, Florida Statutes, is amended to read:

559.9611 Definitions.—As used in this part, the term:

(9) “Depository institution” means a bank, a credit union, a savings bank, a savings and loan association, a savings or thrift association, or an industrial loan company doing business under the authority of a charter issued by the United States, this state, or any other state, district, territory, or commonwealth of the United States which is authorized to transact business in this state and whose deposits or share accounts are insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund
~~Florida state-chartered bank, savings bank, credit union, or trust company, or a federal savings or thrift association, bank, credit union, savings bank, or thrift.~~

Section 4. Paragraph (d) of subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)

(d) Upon creation of continuing education required under this paragraph, the certified public accountant who prepares the audit must be licensed to practice pursuant to chapter 473 and must have completed at least 4 hours of insurance-related continuing education during each 2-year continuing education



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215 cycle. An insurer may not use the same accountant or partner of
216 an accounting firm responsible for preparing the report required
217 by this subsection for more than 5 consecutive years. Following
218 this period, the insurer may not use such accountant or partner
219 for a period of 5 years, but may use another accountant or
220 partner of the same firm. An insurer may request the office to
221 waive this prohibition based upon an unusual hardship to the
222 insurer and a determination that the accountant is exercising
223 independent judgment that is not unduly influenced by the
224 insurer considering such factors as the number of partners,
225 expertise of the partners or the number of insurance clients of
226 the accounting firm; the premium volume of the insurer; and the
227 number of jurisdictions in which the insurer transacts business.

228 Section 5. Subsection (2) of section 626.8796, Florida
229 Statutes, is amended to read:

230 626.8796 Public adjuster contracts; disclosure statement;
231 fraud statement.—

232 (2) A public adjuster contract relating to a property and
233 casualty claim must contain the full name, permanent business
234 address, phone number, e-mail address, and license number of the
235 public adjuster; the full name and license number of the public
236 adjusting firm; and the insured's full name, street address,
237 phone number, and e-mail address, together with a brief
238 description of the loss. The contract must state the percentage
239 of compensation for the public adjuster's services in minimum
240 18-point bold type before the space reserved in the contract for
241 the signature of the insured; the type of claim, including an
242 emergency claim, nonemergency claim, or supplemental claim; the
243 initials of the named insured on each page that does not contain



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244 the insured's signature; the signatures of the public adjuster
245 and all named insureds; and the signature date. If all of the
246 named insureds' signatures are not available, the public
247 adjuster must submit an affidavit signed by the available named
248 insureds attesting that they have authority to enter into the
249 contract and settle all claim issues on behalf of the named
250 insureds. An unaltered copy of the executed contract must be
251 remitted to the insured at the time of execution and to the
252 insurer, or the insurer's representative within 7 days after
253 execution. A public adjusting firm that adjusts claims primarily
254 for commercial entities with operations in more than one state
255 and that does not directly or indirectly perform adjusting
256 services for insurers or individual homeowners is deemed to
257 comply with the requirements of this subsection if, at the time
258 a proof of loss is submitted, the public adjusting firm remits
259 to the insurer an affidavit signed by the public adjuster or
260 public adjuster apprentice that identifies:

261 (a) The full name, permanent business address, phone
262 number, e-mail address, and license number of the public
263 adjuster or public adjuster apprentice.

264 (b) The full name of the public adjusting firm.

265 (c) The insured's full name, street address, phone number,
266 and e-mail address, together with a brief description of the
267 loss.

268 (d) An attestation that the compensation for public
269 adjusting services will not exceed the limitations provided by
270 law.

271 (e) The type of claim, including an emergency claim,
272 nonemergency claim, or supplemental claim.



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273 Section 6. Subsection (2) of section 627.43141, Florida
274 Statutes, is amended to read:

275 627.43141 Notice of change in policy terms.—

276 (2) A renewal policy may contain a change in policy terms.
277 If such change occurs, the insurer shall give the named insured
278 advance written notice summarizing the change, which may be
279 enclosed along with the written notice of renewal premium
280 required under ss. 627.4133 and 627.728 or sent separately
281 within the timeframe required under the Florida Insurance Code
282 for the provision of a notice of nonrenewal to the named insured
283 for that line of insurance. The insurer must also provide a
284 sample copy of the notice to the named insured's insurance agent
285 before or at the same time that notice is provided to the named
286 insured. Such notice shall be entitled "Notice of Change in
287 Policy Terms." Beginning January 1, 2025, the notice shall be in
288 bold type of not less than 14 points and included as a single
289 page or consecutive pages, as necessary, within the written
290 notice.

291 Section 7. Section 627.6426, Florida Statutes, is amended
292 to read:

293 627.6426 Short-term health insurance.—

294 (1) For purposes of this part, the term "short-term health
295 insurance" means health insurance coverage provided by an issuer
296 with an expiration date specified in the contract that is less
297 than 12 months after the original effective date of the contract
298 and, taking into account renewals or extensions, has a duration
299 not to exceed 36 months in total.

300 (2) All contracts for short-term health insurance entered
301 into by an issuer and an individual seeking coverage must ~~shall~~



302 include the following written disclosures signed by the
303 purchaser at the time of purchase disclosure:

304 (a) The following statement:

305
306 "This coverage is not required to comply with certain
307 federal market requirements for health insurance,
308 principally those contained in the Patient Protection
309 and Affordable Care Act. Be sure to check your policy
310 carefully to make sure you are aware of any exclusions
311 or limitations regarding coverage of preexisting
312 conditions or health benefits (such as
313 hospitalization, emergency services, maternity care,
314 preventive care, prescription drugs, and mental health
315 and substance use disorder services). Your policy
316 might also have lifetime and/or annual dollar limits
317 on health benefits. If this coverage expires or you
318 lose eligibility for this coverage, you might have to
319 wait until an open enrollment period to get other
320 health insurance coverage."

321
322 (b) The following information:

323 1. The duration of the contract, including any waiting
324 period.

325 2. Any essential health benefit under 42 U.S.C. s. 18022(b)
326 that the contract does not provide.

327 3. The content of coverage.

328 4. Any exclusion of preexisting conditions.

329 (3) The disclosures must be printed in no less than 12-
330 point type and in a color that is easily readable. A copy of the



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331 signed disclosures must be maintained by the issuer for a period
332 of 5 years after the date of purchase.

333 (4) Disclosures provided by electronic means must meet the
334 requirements of subsection (2).

335 Section 8. Present subsection (4) of section 627.70132,
336 Florida Statutes, is redesignated as subsection (5), and a new
337 subsection (4) is added to that section, to read:

338 627.70132 Notice of property insurance claim.—

339 (4) (a) A notice of claim for loss assessment coverage under
340 s. 627.714 may not occur later than 3 years after the date of
341 loss and must be provided to the insurer the later of:

342 1. Within 1 year after the date of loss; or

343 2. Within 90 days after the date on which the condominium
344 association or its governing board votes to levy an assessment
345 resulting from a covered loss.

346 (b) For purposes of this subsection, the date of loss is
347 the date of the covered loss event that created the need for an
348 assessment.

349 Section 9. Paragraph (a) of subsection (4) of section
350 791.01, Florida Statutes, is amended to read:

351 791.01 Definitions.—As used in this chapter, the term:

352 (4) (a) "Fireworks" means and includes any combustible or
353 explosive composition or substance or combination of substances
354 or, except as hereinafter provided, any article prepared for the
355 purpose of producing a visible or audible effect by combustion,
356 explosion, deflagration, or detonation. The term includes blank
357 cartridges and toy cannons in which explosives are used, the
358 type of balloons which require fire underneath to propel them,
359 firecrackers, torpedoes, skyrockets, roman candles, ~~day bombs,~~



360 and any fireworks containing any explosives or flammable
361 compound or any tablets or other device containing any explosive
362 substance.

363
364 ===== T I T L E A M E N D M E N T =====

365 And the title is amended as follows:

366 Delete lines 3 - 65

367 and insert:

368 212.134, F.S.; defining terms; revising requirements
369 for payment settlement entities, or their electronic
370 payment facilitators or contracted third parties, in
371 submitting information returns to the Department of
372 Revenue; specifying requirements for third party
373 settlement organizations that conduct certain
374 transactions; providing applicability; amending s.
375 489.147, F.S.; defining the term "residential property
376 owner"; authorizing a residential property owner to
377 cancel a contract to replace or repair a roof without
378 penalty or obligation under certain circumstances;
379 defining the term "official start date"; requiring
380 certain contractors to include certain language in
381 contracts executed at a specified time; requiring the
382 residential property owner to send a notice of
383 cancellation in a certain manner; amending s.
384 559.9611, F.S.; revising the definition of the term
385 "depository institution"; amending s. 624.424, F.S.;
386 providing requirements for certain insurers'
387 accountants; amending s. 626.8796, F.S.; revising the
388 content of certain public adjuster contracts; amending



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389 s. 627.43141, F.S.; specifying requirements, which
390 apply as of a specified date, for certain notices
391 regarding a change in policy terms; amending s.
392 627.6426, F.S.; revising the disclosure requirements
393 of contracts for short-term health insurance; amending
394 s. 627.70132, F.S.; prohibiting a notice of claim for
395 loss assessment coverage from occurring later than a
396 specified date; requiring that such notice be provided
397 to an insurer no later than a specified date; amending
398 s. 791.01, F.S.; revising the definition of the term
399 "fireworks"; amending s. 791.012, F.S.; updating the
400 source