

By the Committee on Banking and Insurance; and Senator Burton

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1                                   A bill to be entitled  
2           An act relating to consumer protection; amending s.  
3           68.087, F.S.; prohibiting certain civil actions under  
4           the Florida Disposition of Unclaimed Property Act;  
5           amending s. 212.34, F.S.; defining terms; revising  
6           requirements for payment settlement entities, or their  
7           electronic payment facilitators or contracted third  
8           parties, in submitting information returns to the  
9           Department of Revenue; specifying requirements for  
10          third party settlement organizations that conduct  
11          certain transactions; creating s. 286.312, F.S.;  
12          prohibiting agencies from entering into certain  
13          contracts or agreements; amending s. 319.261, F.S.;  
14          requiring that the title to a mobile home be retired  
15          if the owner of the real property records certain  
16          documents in the official records of the clerk of  
17          court in the county in which the real property is  
18          located; making technical changes; amending s.  
19          489.147, F.S.; requiring contractors to include a  
20          notice in their contracts with residential property  
21          owners under certain circumstances; providing  
22          requirements for notices of contract cancellation;  
23          amending s. 559.9611, F.S.; revising the definition of  
24          the term "depository institution"; amending s.  
25          624.424, F.S.; providing requirements for certain  
26          insurers' accountants; amending s. 626.854, F.S.;  
27          revising applicability of provisions relating to  
28          public adjusters; amending s. 626.8796, F.S.; revising  
29          the content of certain public adjuster contracts;

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30 amending s. 627.6426, F.S.; revising the disclosure  
31 requirements of contracts for short-term health  
32 insurance; amending s. 627.70132, F.S.; requiring a  
33 condominium association to give a notice of claim for  
34 loss assessment coverage to its insurer by a certain  
35 date; amending s. 791.012, F.S.; updating the source  
36 of the code for outdoor display of fireworks; creating  
37 s. 817.153, F.S.; defining the terms "claim" and  
38 "other agreement"; prohibiting grant or contract  
39 fraud; providing criminal penalties; creating s.  
40 817.4112, F.S.; prohibiting falsely representing that  
41 an advertisement or communication originated from a  
42 bank or lending institution; amending s. 817.45, F.S.;  
43 providing criminal penalties for violations of  
44 specified provisions; providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Present subsections (3) through (6) of section  
49 68.087, Florida Statutes, are redesignated as subsections (4)  
50 through (7), respectively, and a new subsection (3) is added to  
51 that section, to read:

52 68.087 Exemptions to civil actions.—

53 (3) In no event may a person bring an action under s.  
54 68.083(2) based upon allegations or transactions arising from,  
55 or to otherwise enforce, the provisions of the Florida  
56 Disposition of Unclaimed Property Act under chapter 717.

57 Section 2. Section 212.134, Florida Statutes, is amended  
58 to read:

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59 212.134 Information returns relating to payment-card and  
60 third-party network transactions.-

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

62 (a) "Participating payee" has the same meaning as in s.  
63 6050W of the Internal Revenue Code.

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

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

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

70 (2) For each year in which a payment settlement entity, an  
71 electronic payment facilitator, or other third party contracted  
72 with the payment settlement entity to make payments to settle  
73 reportable payment transactions on behalf of the payment  
74 settlement entity must file a return pursuant to s. 6050W of the  
75 Internal Revenue Code, for participating payees with an address  
76 in this state, the entity, the facilitator, or the third party  
77 must submit the information in the return to the department by  
78 the 30th day after filing the federal return. The format of the  
79 information returns required must be either a copy of such  
80 information returns or a copy of such information returns  
81 related to participating payees with an address in the state.  
82 For purposes of this subsection, the term "payment settlement  
83 entity" has the same meaning as provided in s. 6050W of the  
84 Internal Revenue Code.

85 (3)~~(2)~~ All reports of returns submitted to the department  
86 under this section must be in an electronic format.

87 (4)~~(3)~~ Any payment settlement entity, facilitator, or third

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88 party failing to file the information return required, filing an  
89 incomplete information return, or not filing an information  
90 return within the time prescribed is subject to a penalty of  
91 \$1,000 for each failure, if the failure is for not more than 30  
92 days, with an additional \$1,000 for each month or fraction of a  
93 month during which each failure continues. The total amount of  
94 penalty imposed on a reporting entity may not exceed \$10,000  
95 annually.

96 (5)~~(4)~~ The executive director or his or her designee may  
97 waive the penalty if he or she determines that the failure to  
98 timely file an information return was due to reasonable cause  
99 and not due to willful negligence, willful neglect, or fraud.

100 (6) All third party settlement organizations that conduct  
101 transactions involving a participating payee with an address in  
102 this state shall create a mechanism for participating payees to  
103 identify whether a participating payee's transaction is for  
104 goods and services or is personal. The mechanism must clearly  
105 indicate the participating payee's requirement to indicate the  
106 appropriate transaction type. The participating payee is  
107 responsible for indicating the appropriate transaction type. All  
108 third party settlement organizations shall maintain records that  
109 clearly identify whether a transaction, as designated by the  
110 participating payee, is a transaction for goods and services or  
111 is personal. The information in the return submitted to the  
112 department under subsection (2) for such entities must be  
113 limited to transactions for goods and services.

114 Section 3. Section 286.312, Florida Statutes, is created to  
115 read:

116 286.312 Prohibited use of state funds; censorship or

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117 blacklisting of news sources.—An agency may not enter into a  
118 contract or other agreement with an entity whose function is to  
119 advise the censorship or blacklisting of news sources based on  
120 subjective criteria or political biases under the stated goal of  
121 fact-checking or removing misinformation.

122 Section 4. Subsection (2) of section 319.261, Florida  
123 Statutes, is amended to read:

124 319.261 Real property transactions; retiring title to  
125 mobile home.—

126 (2) The title to the mobile home must ~~may~~ be retired by the  
127 department if the owner of the real property records the  
128 following documents in the official records of the clerk of  
129 court in the county in which the real property is located:

130 (a) 1. The original title to the mobile home which includes  
131 ~~shall include~~ a description of the mobile home, including model  
132 year, make, width, length, and vehicle identification number,  
133 and a statement by any recorded lienholder on the title that the  
134 security interest in the home has been released, ~~or that such~~  
135 security interest will be released upon retirement of the title  
136 as set forth in this section; ~~—~~

137 2. ~~(b)~~ The legal description of the real property, and in  
138 the case of a leasehold interest, a copy of the lease agreement;  
139 ~~and—~~

140 3. ~~(e)~~ A sworn statement by the owner of the real property,  
141 as shown on the real property deed or lease, that he or she is  
142 the owner of the mobile home and that the home is permanently  
143 affixed to the real property in accordance with state law; or

144 (b) A mortgage against the owner's mobile home and real  
145 property.

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146 Section 5. Subsection (6) is added to section 489.147,  
147 Florida Statutes, to read:

148 489.147 Prohibited property insurance practices.—

149 (6) (a) During a declared state of emergency, a contractor  
150 executing a contract to replace or repair a roof of a  
151 residential property must include in the contract the following  
152 language in bold type of not less than 18 points immediately  
153 before the space reserved for the signature of the residential  
154 property owner:

155  
156 "You, the residential property owner, may cancel this  
157 contract without penalty or obligation up until the 10  
158 day after the execution of the contract or until the  
159 official start date, whichever comes first, because  
160 this contract was entered into during a declaration of  
161 a state of emergency by the Governor. It is the  
162 responsibility of your contractor to include an  
163 official start date clause in your contract. This  
164 clause must state the official start date and the work  
165 that will be commenced on that date. If there is no  
166 official start date clause in the contract, the  
167 contract may be voided within 10 days after the  
168 execution of the contract."

169  
170 (b) The residential property owner must send the notice of  
171 cancellation by certified mail, return receipt requested, or by  
172 another form of mailing that provides proof thereof, to the  
173 address specified in the contract.

174 Section 6. Subsection (9) of section 559.9611, Florida

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175 Statutes, is amended to read:

176 559.9611 Definitions.—As used in this part, the term:

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

189 Section 7. Paragraph (d) of subsection (8) of section  
190 624.424, Florida Statutes, is amended to read:

191 624.424 Annual statement and other information.—

192 (8)

193 (d) Upon creation of the continuing education required  
194 under this paragraph, the certified public accountant who  
195 prepares the audit must be licensed to practice pursuant to  
196 chapter 473 and must have completed at least 4 hours of  
197 continuing education that is insurance related as a condition of  
198 license renewal. The continuing education must be approved by  
199 the Department of Business and Professional Regulation, based on  
200 the recommendations of the Department of Financial Services. An  
201 insurer may not use the same accountant or partner of an  
202 accounting firm responsible for preparing the report required by  
203 this subsection for more than 5 consecutive years. Following

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204 this period, the insurer may not use such accountant or partner  
205 for a period of 5 years, but may use another accountant or  
206 partner of the same firm. An insurer may request the office to  
207 waive this prohibition based upon an unusual hardship to the  
208 insurer and a determination that the accountant is exercising  
209 independent judgment that is not unduly influenced by the  
210 insurer considering such factors as the number of partners,  
211 expertise of the partners or the number of insurance clients of  
212 the accounting firm; the premium volume of the insurer; and the  
213 number of jurisdictions in which the insurer transacts business.

214 Section 8. Subsection (19) of section 626.854, Florida  
215 Statutes, is amended, and subsections (5) through (18) of that  
216 section are republished, to read:

217 626.854 "Public adjuster" defined; prohibitions.—The  
218 Legislature finds that it is necessary for the protection of the  
219 public to regulate public insurance adjusters and to prevent the  
220 unauthorized practice of law.

221 (5) A public adjuster may not directly or indirectly  
222 through any other person or entity solicit an insured or  
223 claimant by any means except on Monday through Saturday of each  
224 week and only between the hours of 8 a.m. and 8 p.m. on those  
225 days.

226 (6) When entering a contract for adjuster services after  
227 July 1, 2023, a public adjuster:

228 (a) May not collect a fee for services on payments made to  
229 a named insured unless they have a written contract with the  
230 named insured, or the named insured's legal representative.

231 (b) May not contract for services to be provided by a third  
232 party on behalf of the named insured or in pursuit of settlement

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233 of the named insured's claim, if the cost of those services is  
234 to be borne by the named insured, unless the named insured  
235 agrees in writing to procure these services and such agreement  
236 is entered into subsequent to the date of the contract for  
237 public adjusting services.

238 (c) If a public adjuster contracts with a third-party  
239 service provider to assist with the settlement of the named  
240 insured's claim, without first obtaining the insured's written  
241 consent, payment of the third party's fees must be made by the  
242 public adjuster and may not be charged back to the named  
243 insured.

244 (d) If a public adjuster represents anyone other than the  
245 named insured in a claim, the public adjuster fees shall be paid  
246 by the third party and may not be charged back to the named  
247 insured.

248 (7) An insured or claimant may cancel a public adjuster's  
249 contract to adjust a claim without penalty or obligation within  
250 10 days after the date on which the contract is executed. If the  
251 contract was entered into based on events that are the subject  
252 of a declaration of a state of emergency by the Governor, an  
253 insured or claimant may cancel the public adjuster's contract to  
254 adjust a claim without penalty or obligation within 30 days  
255 after the date of loss or 10 days after the date on which the  
256 contract is executed, whichever is longer. The public adjuster's  
257 contract must contain the following language in minimum 18-point  
258 bold type immediately before the space reserved in the contract  
259 for the signature of the insured or claimant:

260  
261 "You, the insured, may cancel this contract for any

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262 reason without penalty or obligation to you within 10  
263 days after the date of this contract. If this contract  
264 was entered into based on events that are the subject  
265 of a declaration of a state of emergency by the  
266 Governor, you may cancel this contract for any reason  
267 without penalty or obligation to you within 30 days  
268 after the date of loss or 10 days after the date on  
269 which the contract is executed, whichever is longer.  
270 You may also cancel the contract without penalty or  
271 obligation to you if I, as your public adjuster, fail  
272 to provide you and your insurer a copy of a written  
273 estimate within 60 days of the execution of the  
274 contract, unless the failure to provide the estimate  
275 within 60 days is caused by factors beyond my control,  
276 in accordance with s. 627.70131(5)(a)2., Florida  
277 Statutes. The 60-day cancellation period for failure  
278 to provide a written estimate shall cease on the date  
279 I have provided you with the written estimate.”

280

281 The notice of cancellation shall be provided to ...(name of  
282 public adjuster)..., submitted in writing and sent by certified  
283 mail, return receipt requested, or other form of mailing that  
284 provides proof thereof, at the address specified in the  
285 contract.

286 (8) It is an unfair and deceptive insurance trade practice  
287 pursuant to s. 626.9541 for a public adjuster or any other  
288 person to circulate or disseminate any advertisement,  
289 announcement, or statement containing any assertion,  
290 representation, or statement with respect to the business of

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291 insurance which is untrue, deceptive, or misleading.

292 (a) The following statements, made in any public adjuster's  
293 advertisement or solicitation, are considered deceptive or  
294 misleading:

295 1. A statement or representation that invites an insured  
296 policyholder to submit a claim when the policyholder does not  
297 have covered damage to insured property.

298 2. A statement or representation that invites an insured  
299 policyholder to submit a claim by offering monetary or other  
300 valuable inducement.

301 3. A statement or representation that invites an insured  
302 policyholder to submit a claim by stating that there is "no  
303 risk" to the policyholder by submitting such claim.

304 4. A statement or representation, or use of a logo or  
305 shield, that implies or could mistakenly be construed to imply  
306 that the solicitation was issued or distributed by a  
307 governmental agency or is sanctioned or endorsed by a  
308 governmental agency.

309 (b) For purposes of this paragraph, the term "written  
310 advertisement" includes only newspapers, magazines, flyers, and  
311 bulk mailers. The following disclaimer, which is not required to  
312 be printed on standard size business cards, must be added in  
313 bold print and capital letters in typeface no smaller than the  
314 typeface of the body of the text to all written advertisements  
315 by a public adjuster:

316  
317 "THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD  
318 A CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU  
319 ARE SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU

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320 MAY DISREGARD THIS ADVERTISEMENT.”

321

322 (9) A public adjuster, a public adjuster apprentice, or any

323 person or entity acting on behalf of a public adjuster or public

324 adjuster apprentice may not give or offer to give a monetary

325 loan or advance to a client or prospective client.

326 (10) A public adjuster, public adjuster apprentice, or any

327 individual or entity acting on behalf of a public adjuster or

328 public adjuster apprentice may not give or offer to give,

329 directly or indirectly, any article of merchandise having a

330 value in excess of \$25 to any individual for the purpose of

331 advertising or as an inducement to entering into a contract with

332 a public adjuster.

333 (11) (a) If a public adjuster enters into a contract with an

334 insured or claimant to reopen a claim or file a supplemental

335 claim that seeks additional payments for a claim that has been

336 previously paid in part or in full or settled by the insurer,

337 the public adjuster may not charge, agree to, or accept from any

338 source compensation, payment, commission, fee, or any other

339 thing of value based on a previous settlement or previous claim

340 payments by the insurer for the same cause of loss. The charge,

341 compensation, payment, commission, fee, or any other thing of

342 value must be based only on the claim payments or settlements

343 paid to the insured, exclusive of attorney fees and costs,

344 obtained through the work of the public adjuster after entering

345 into the contract with the insured or claimant. Compensation for

346 the reopened or supplemental claim may not exceed 20 percent of

347 the reopened or supplemental claim payment. In no event shall

348 the contracts described in this paragraph exceed the limitations

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349 in paragraph (b).

350 (b) A public adjuster may not charge, agree to, or accept  
351 from any source compensation, payment, commission, fee, or any  
352 other thing of value in excess of:

353 1. Ten percent of the amount of insurance claim payments or  
354 settlements, exclusive of attorney fees and costs, paid to the  
355 insured by the insurer for claims based on events that are the  
356 subject of a declaration of a state of emergency by the  
357 Governor. This provision applies to claims made during the year  
358 after the declaration of emergency. After that year, the  
359 limitations in subparagraph 2. apply.

360 2. Twenty percent of the amount of insurance claim payments  
361 or settlements, exclusive of attorney fees and costs, paid to  
362 the insured by the insurer for claims that are not based on  
363 events that are the subject of a declaration of a state of  
364 emergency by the Governor.

365 3. One percent of the amount of insurance claim payments or  
366 settlements, paid to the insured by the insurer for any coverage  
367 part of the policy where the claim payment or written agreement  
368 by the insurer to pay is equal to or greater than the policy  
369 limit for that part of the policy, if the payment or written  
370 commitment to pay is provided within 14 days after the date of  
371 loss or within 10 days after the date on which the public  
372 adjusting contract is executed, whichever is later.

373 4. Zero percent of the amount of insurance claim payments  
374 or settlements, paid to the insured by the insurer for any  
375 coverage part of the policy where the claim payment or written  
376 agreement by the insurer to pay occurs before the date on which  
377 the public adjusting contract is executed.

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378 (c) Insurance claim payments made by the insurer do not  
379 include policy deductibles, and public adjuster compensation may  
380 not be based on the deductible portion of a claim.

381 (d) Public adjuster compensation may not be based on  
382 amounts attributable to additional living expenses, unless such  
383 compensation is affirmatively agreed to in a separate agreement  
384 that includes a disclosure in substantially the following form:  
385

386 "I agree to retain and compensate the public adjuster  
387 for adjusting my additional living expenses and  
388 securing payment from my insurer for amounts  
389 attributable to additional living expenses payable  
390 under the policy issued on my (home/mobile  
391 home/condominium unit)."

392  
393 (e) Public adjuster rate of compensation may not be  
394 increased based solely on the fact that the claim is litigated.

395 (f) Any maneuver, shift, or device through which the limits  
396 on compensation set forth in this subsection are exceeded is a  
397 violation of this chapter punishable as provided under s.  
398 626.8698.

399 (12) (a) Each public adjuster must provide to the claimant  
400 or insured a written estimate of the loss to assist in the  
401 submission of a proof of loss or any other claim for payment of  
402 insurance proceeds within 60 days after the date of the  
403 contract. The written estimate must include an itemized, per-  
404 unit estimate of the repairs, including itemized information on  
405 equipment, materials, labor, and supplies, in accordance with  
406 accepted industry standards. The public adjuster shall retain

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407 such written estimate for at least 5 years and shall make the  
408 estimate available to the claimant or insured, the insurer, and  
409 the department upon request.

410 (b) An insured may cancel the contract with no additional  
411 penalties or fees charged by the public adjuster if such an  
412 estimate is not provided within 60 days after executing the  
413 contract, subject to the cancellation notice requirement in this  
414 section, unless the failure to provide the estimate within 60  
415 days is caused by factors beyond the control of the public  
416 adjuster. The cancellation period shall cease on the date the  
417 public adjuster provides the written estimate to the insured.

418 (13) A public adjuster, public adjuster apprentice, or any  
419 person acting on behalf of a public adjuster or apprentice may  
420 not accept referrals of business from any person with whom the  
421 public adjuster conducts business if there is any form or manner  
422 of agreement to compensate the person, directly or indirectly,  
423 for referring business to the public adjuster. A public adjuster  
424 may not compensate any person, except for another public  
425 adjuster, directly or indirectly, for the principal purpose of  
426 referring business to the public adjuster.

427 (14) A company employee adjuster, independent adjuster,  
428 attorney, investigator, or other persons acting on behalf of an  
429 insurer that needs access to an insured or claimant or to the  
430 insured property that is the subject of a claim must provide at  
431 least 48 hours' notice to the insured or claimant, public  
432 adjuster, or legal representative before scheduling a meeting  
433 with the claimant or an onsite inspection of the insured  
434 property. The insured or claimant may deny access to the  
435 property if the notice has not been provided. The insured or

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436 claimant may waive the 48-hour notice.

437 (15) The public adjuster must ensure that prompt notice is  
438 given of the claim to the insurer, the public adjuster's  
439 contract is provided to the insurer, the property is available  
440 for inspection of the loss or damage by the insurer, and the  
441 insurer is given an opportunity to interview the insured  
442 directly about the loss and claim. The insurer must be allowed  
443 to obtain necessary information to investigate and respond to  
444 the claim.

445 (a) The insurer may not exclude the public adjuster from  
446 its in-person meetings with the insured. The insurer shall meet  
447 or communicate with the public adjuster in an effort to reach  
448 agreement as to the scope of the covered loss under the  
449 insurance policy. The public adjuster shall meet or communicate  
450 with the insurer in an effort to reach agreement as to the scope  
451 of the covered loss under the insurance policy. This section  
452 does not impair the terms and conditions of the insurance policy  
453 in effect at the time the claim is filed.

454 (b) A public adjuster may not restrict or prevent an  
455 insurer, company employee adjuster, independent adjuster,  
456 attorney, investigator, or other person acting on behalf of the  
457 insurer from having reasonable access at reasonable times to any  
458 insured or claimant or to the insured property that is the  
459 subject of a claim.

460 (c) A public adjuster may not act or fail to reasonably act  
461 in any manner that obstructs or prevents an insurer or insurer's  
462 adjuster from timely conducting an inspection of any part of the  
463 insured property for which there is a claim for loss or damage.  
464 The public adjuster representing the insureds may be present for

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465 the insurer's inspection, but if the unavailability of the  
466 public adjuster otherwise delays the insurer's timely inspection  
467 of the property, the public adjuster or the insureds must allow  
468 the insurer to have access to the property without the  
469 participation or presence of the public adjuster or insureds in  
470 order to facilitate the insurer's prompt inspection of the loss  
471 or damage.

472 (16) A licensed contractor under part I of chapter 489, or  
473 a subcontractor of such licensee, may not advertise, solicit,  
474 offer to handle, handle, or perform public adjuster services as  
475 provided in subsection (1) unless licensed and compliant as a  
476 public adjuster under this chapter. The prohibition against  
477 solicitation does not preclude a contractor from suggesting or  
478 otherwise recommending to a consumer that the consumer consider  
479 contacting his or her insurer to determine if the proposed  
480 repair is covered under the consumer's insurance policy, except  
481 as it relates to solicitation prohibited in s. 489.147. In  
482 addition, the contractor may discuss or explain a bid for  
483 construction or repair of covered property with the residential  
484 property owner who has suffered loss or damage covered by a  
485 property insurance policy, or the insurer of such property, if  
486 the contractor is doing so for the usual and customary fees  
487 applicable to the work to be performed as stated in the contract  
488 between the contractor and the insured.

489 (17) A public adjuster shall not acquire any interest in  
490 salvaged property, except with the written consent and  
491 permission of the insured through a signed affidavit.

492 (18) A public adjuster, a public adjuster apprentice, or a  
493 person acting on behalf of an adjuster or apprentice may not

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494 enter into a contract or accept a power of attorney that vests  
495 in the public adjuster, the public adjuster apprentice, or the  
496 person acting on behalf of the adjuster or apprentice the  
497 effective authority to choose the persons or entities that will  
498 perform repair work in a property insurance claim or provide  
499 goods or services that will require the insured or third-party  
500 claimant to expend funds in excess of those payable to the  
501 public adjuster under the terms of the contract for adjusting  
502 services.

503 (19) Subsections (5)-(18) apply only to residential  
504 property insurance policies and condominium unit owner policies  
505 as described in s. 718.111(11), except that subsection (11) also  
506 applies to coverages provided by condominium association,  
507 cooperative association, apartment building, and similar  
508 policies, including policies covering the common elements of a  
509 homeowners' association.

510 Section 9. Subsection (2) of section 626.8796, Florida  
511 Statutes, is amended to read:

512 626.8796 Public adjuster contracts; disclosure statement;  
513 fraud statement.—

514 (2) A public adjuster contract relating to a property and  
515 casualty claim must contain the full name, permanent business  
516 address, phone number, e-mail address, and license number of the  
517 public adjuster; the full name and license number of the public  
518 adjusting firm; and the insured's full name, street address,  
519 phone number, and e-mail address, together with a brief  
520 description of the loss. The contract must state the percentage  
521 of compensation for the public adjuster's services in minimum  
522 18-point bold type before the space reserved in the contract for

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523 the signature of the insured; the type of claim, including an  
524 emergency claim, nonemergency claim, or supplemental claim; the  
525 initials of the named insured on each page that does not contain  
526 the insured's signature; the signatures of the public adjuster  
527 and all named insureds; and the signature date. If all of the  
528 named insureds' signatures are not available, the public  
529 adjuster must submit an affidavit signed by the available named  
530 insureds attesting that they have authority to enter into the  
531 contract and settle all claim issues on behalf of the named  
532 insureds. An unaltered copy of the executed contract must be  
533 remitted to the insured at the time of execution and to the  
534 insurer, or the insurer's representative within 7 days after  
535 execution. A public adjusting firm that adjusts claims primarily  
536 for commercial entities with operations in more than one state  
537 and that does not directly or indirectly perform adjusting  
538 services for insurers or individual homeowners is deemed to  
539 comply with the requirements of this subsection if, at the time  
540 a proof of loss is submitted, the public adjusting firm remits  
541 to the insurer an affidavit signed by the public adjuster or  
542 public adjuster apprentice that identifies:

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

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

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

550 (d) An attestation that the compensation for public  
551 adjusting services will not exceed the limitations provided by

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552 law.

553 (e) The type of claim, including an emergency claim,  
554 nonemergency claim, or supplemental claim.

555 Section 10. Section 627.6426, Florida Statutes, is amended  
556 to read:

557 627.6426 Short-term health insurance.—

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

564 (2) All contracts for short-term health insurance entered  
565 into by an issuer and an individual seeking coverage must ~~shall~~  
566 include the following written disclosures signed by the  
567 purchaser at the time of purchase ~~disclosure~~:

568 (a) The following statement:

569  
570 "This coverage is not required to comply with certain  
571 federal market requirements for health insurance,  
572 principally those contained in the Patient Protection  
573 and Affordable Care Act. Be sure to check your policy  
574 carefully to make sure you are aware of any exclusions  
575 or limitations regarding coverage of preexisting  
576 conditions or health benefits (such as  
577 hospitalization, emergency services, maternity care,  
578 preventive care, prescription drugs, and mental health  
579 and substance use disorder services). Your policy  
580 might also have lifetime and/or annual dollar limits

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581 on health benefits. If this coverage expires or you  
582 lose eligibility for this coverage, you might have to  
583 wait until an open enrollment period to get other  
584 health insurance coverage.”

585  
586 (b) The following information:

587 1. The duration of the contract, including any waiting  
588 period.

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

591 3. The content of coverage.

592 4. Any exclusion of preexisting conditions.

593 (3) The disclosures must be printed in no less than 12-  
594 point type and in a color that is easily readable. A copy of the  
595 signed disclosures must be maintained by the issuer for a period  
596 of 5 years after the date of purchase.

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

599 Section 11. Present subsection (4) of section 627.70132,  
600 Florida Statutes, is redesignated as subsection (5), and a new  
601 subsection (4) is added to that section, to read:

602 627.70132 Notice of property insurance claim.—

603 (4) A notice of claim for loss assessment coverage under s.  
604 627.714 must be given to the insurer within 90 days after the  
605 date on which the condominium association or its governing board  
606 votes to levy an assessment to cover a shortfall in reserves due  
607 to a covered loss. Such vote by the association or its governing  
608 board must have occurred within 33 months after the date of the  
609 loss that created the need for the assessment.

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610 Section 12. Section 791.012, Florida Statutes, is amended  
611 to read:

612 791.012 Minimum fireworks safety standards.—The outdoor  
613 display of fireworks in this state shall be governed by the  
614 National Fire Protection Association (NFPA) 1123, Code for  
615 Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~  
616 ~~National Standards Institute~~. Any state, county, or municipal  
617 law, rule, or ordinance may provide for more stringent  
618 regulations for the outdoor display of fireworks, but in no  
619 event may any such law, rule, or ordinance provide for less  
620 stringent regulations for the outdoor display of fireworks. The  
621 division shall promulgate rules to carry out the provisions of  
622 this section. The Code for Fireworks Display shall not govern  
623 the display of any fireworks on private, residential property  
624 and shall not govern the display of those items included under  
625 s. 791.01(4)(b) and (c) and authorized for sale thereunder.

626 Section 13. Section 817.153, Florida Statutes, is created  
627 to read:

628 817.153 Grant and contract fraud.—

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

630 (a) "Claim" means an application, request, or demand for  
631 money or property under a state grant agreement, state contract,  
632 or other agreement with the state for money or property, whether  
633 or not the United States or a specified state agency has title  
634 to the money or property, presented or caused to be presented to  
635 any officer, employee, or agent of a state agency, as well as  
636 any request for a drawdown or other payment that is made to a  
637 computerized payment administration system.

638 (b) "Other agreement" includes a loan, subsidy, and payment

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639 for a specified use; an award; and subaward, regardless of  
640 whether one or more persons entering into the agreement is a  
641 contractor or subcontractor.

642 (2) A person commits grant or contract fraud if he or she:

643 (a) Knowingly presents or causes to be presented a claim  
644 related to a grant agreement, contract, or other agreement with  
645 the state, or any agency thereof, that a person knows or should  
646 know is false or fraudulent.

647 (b) Knowingly makes, uses, or causes to be made or used any  
648 false statement, omission, or misrepresentation of a material  
649 fact in any application, proposal, bid, progress report, budget,  
650 financial statement, audit, or other document that is required  
651 to be submitted in order to directly or indirectly receive or  
652 retain funds provided in whole or in part pursuant to a state  
653 grant agreement, state contract, or other agreement with the  
654 state.

655 (c) Knowingly makes, uses, or causes to be made or used  
656 false records or statements material to false or fraudulent  
657 claims under a grant agreement, state contract, or other  
658 agreement with the state.

659 (d) Knowingly conceals, avoids, or decreases an obligation  
660 to pay or transmit funds or property with respect to a state  
661 grant agreement, state contract, or other agreement with the  
662 state, or knowingly makes, uses, or causes to be made or used a  
663 false record or statement material to such an obligation.

664  
665 Proof of specific intent to defraud is not required. Innocent  
666 mistake is a defense to an action under this section.

667 (3) If the value of the property involved in a violation of

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668 this section is:

669 (a) Less than \$20,000, the offender commits a felony of the  
670 third degree, punishable as provided in s. 775.082, s. 775.083,  
671 or s. 775.084.

672 (b) At least \$20,000, but less than \$100,000, the offender  
673 commits a felony of the second degree, punishable as provided in  
674 s. 775.082, s. 775.083, or s. 775.084.

675 (c) At least \$100,000, the offender commits a felony of the  
676 first degree, punishable as provided in s. 775.082, s. 775.083,  
677 or s. 775.084.

678 (4) This section applies to all grant agreements, state  
679 contracts, or other agreements with the state, regardless of  
680 whether the funds being provided pursuant to those grant  
681 agreements, state contracts, or other agreements with the state  
682 are state funds or federal pass-through funds.

683 Section 14. Section 817.4112, Florida Statutes, is created  
684 to read:

685 817.4112 Falsely representing origin of advertisement or  
686 communication.—A person or business entity may not knowingly  
687 make statements, or disseminate, in oral, written, electronic,  
688 or printed form or otherwise, any advertisement or communication  
689 that has the intent or purpose of falsely representing that such  
690 advertisement or communication originated from a bank or lending  
691 institution.

692 Section 15. Section 817.45, Florida Statutes, is amended to  
693 read:

694 817.45 Penalty.—Any person convicted of violating any of  
695 the provisions of s. 817.41, s. 817.411, s. 817.4112, or s.  
696 817.44 is guilty of a misdemeanor of the first degree,

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697 punishable as provided in s. 775.082 or s. 775.083. Upon a  
698 second or subsequent conviction for violation of s. 817.41, s.  
699 817.411, s. 817.4112, or s. 817.44, such person is guilty of a  
700 misdemeanor of the first degree, punishable as provided in s.  
701 775.082 or by a fine not exceeding \$10,000, or by both.

702 Section 16. This act shall take effect July 1, 2024.