

By the Committees on Judiciary; and Banking and Insurance; and  
Senator Burton

590-02911-24

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1                                   A bill to be entitled  
2       An act relating to consumer protection; amending s.  
3       45.032, F.S.; defining the term "nonprofit  
4       organization"; requiring certain persons to disclose  
5       to the court certain fees to be paid to himself or  
6       herself; prohibiting such persons from charging the  
7       owner of record more than a specified amount;  
8       requiring the court to hold certain claims invalid;  
9       providing that any nonprofit organization has  
10      unconditional standing in certain matters; providing  
11      that a nonprofit organization is entitled to certain  
12      fees and costs under certain circumstances; making a  
13      technical change; amending s. 45.033, F.S.; revising  
14      the circumstances in which a transferee or assignee is  
15      entitled to surplus funds or a portion or percentage  
16      of surplus funds; providing that certain voluntary  
17      transfers or assignments are invalid and void;  
18      amending s. 197.582, F.S.; requiring the clerk, within  
19      a specified timeframe, to file an interpleader action  
20      under certain circumstances; revising the  
21      circumstances when the clerk may file an interpleader  
22      action; prohibiting a property owner from transferring  
23      or assigning its interest in surplus funds to any  
24      party; providing an exception; providing that certain  
25      transfers or assignments are invalid; requiring  
26      certain persons to disclose to the court certain fees  
27      to be paid to himself or herself; prohibiting such  
28      persons from charging the owner of record more than a  
29      specified amount; providing that a nonprofit

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30 organization has unconditional standing in certain  
31 matters; providing that a nonprofit organization is  
32 entitled to certain fees and costs under certain  
33 circumstances; making a technical change; amending s.  
34 212.134, F.S.; defining terms; revising requirements  
35 for payment settlement entities, or their electronic  
36 payment facilitators or contracted third parties, in  
37 submitting information returns to the Department of  
38 Revenue; specifying requirements for third party  
39 settlement organizations that conduct certain  
40 transactions; providing applicability; creating s.  
41 286.312, F.S.; prohibiting agencies from entering into  
42 certain contracts or agreements; amending s. 489.147,  
43 F.S.; authorizing an insured or claimant to cancel a  
44 contract to replace or repair a rook without penalty  
45 or obligation under certain circumstances; defining  
46 the term "official start date"; requiring certain  
47 contractors to include certain language in contracts  
48 executed at a specified time; requiring an insured or  
49 claimant to send a notice of cancellation under  
50 certain circumstances; amending s. 559.9611, F.S.;  
51 revising the definition of the term "depository  
52 institution"; amending s. 624.424, F.S.; providing  
53 requirements for certain insurers' accountants;  
54 amending s. 626.854, F.S.; revising applicability of  
55 provisions relating to public adjusters; amending s.  
56 626.8796, F.S.; revising the content of certain public  
57 adjuster contracts; amending s. 627.43141, F.S.;  
58 specifying requirements, after a specified date, for

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59 certain notices regarding a change in policy terms;  
60 amending s. 627.6426, F.S.; revising the disclosure  
61 requirements of contracts for short-term health  
62 insurance; amending s. 627.70132, F.S.; requiring a  
63 condominium association to give a notice of claim for  
64 loss assessment coverage to its insurer by a certain  
65 date; amending s. 791.012, F.S.; updating the source  
66 of the code for outdoor display of fireworks;  
67 providing an effective date.

68  
69 Be It Enacted by the Legislature of the State of Florida:

70  
71 Section 1. Present paragraphs (a), (b), and (c) of  
72 subsection (1) and present subsection (4) of section 45.032,  
73 Florida Statutes, are redesignated as paragraphs (b), (c), and  
74 (d) of subsection (1) and subsection (5), respectively, a new  
75 paragraph (a) is added to subsection (1) and a new subsection  
76 (4) is added to that section, and paragraphs (a) and (b) of  
77 subsection (3) of that section are amended, to read:

78 45.032 Disbursement of surplus funds after judicial sale.-

79 (1) For purposes of ss. 45.031-45.035, the term:

80 (a) "Nonprofit organization" means a charitable  
81 organization that:

82 1. Is exempt from federal income tax pursuant to s.  
83 501(c)(3) of the Internal Revenue Code; and

84 2. Is a Florida entity formed under chapter 605, chapter  
85 607, or chapter 617 and whose principal office is located in  
86 this state.

87 (3) During the period that the clerk holds the surplus

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88 pending a court order:

89 (a) If the owner of record claims the surplus before the  
90 date that the clerk reports it as unclaimed and there is no  
91 subordinate lienholder, the court must ~~shall~~ order the clerk to  
92 deduct any applicable service charges from the surplus and pay  
93 the remainder to the owner of record. Any person representing an  
94 owner of record in claiming the surplus shall disclose to the  
95 court the total amount of compensation and other fees to be paid  
96 to himself or herself and may not charge the owner of record  
97 more than 5 percent of the surplus or \$1,000, whichever is  
98 greater. The clerk may establish a reasonable requirement that  
99 the owner of record prove his or her identity before receiving  
100 the disbursement. The clerk may assist an owner of record in  
101 making a claim. An owner of record may use the following form in  
102 making a claim:

103  
104 (Caption of Action)

105  
106 OWNER'S CLAIM FOR  
107 MORTGAGE FORECLOSURE SURPLUS  
108

109 State of ....

110 County of ....

111 Under penalty of perjury, I (we) hereby certify that:

112 1. I was (we were) the owner of the following described  
113 real property in .... County, Florida, prior to the foreclosure  
114 sale and as of the date of the filing of the lis pendens:

115  
116 ...(Legal description of real property)...

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2. I (we) do not owe any money on any mortgage on the property that was foreclosed other than the one that was paid off by the foreclosure.

3. I (we) do not owe any money that is the subject of an unpaid judgment, tax warrant, condominium lien, cooperative lien, or homeowners' association.

4. I am (we are) not currently in bankruptcy.

5. I (we) have not sold or assigned my (our) right to the mortgage surplus.

6. My (our) new address is: .....

7. If there is more than one owner entitled to the surplus, we have agreed that the surplus should be paid .... jointly, or to: ....., at the following address: .....

8. I (WE) UNDERSTAND THAT I (WE) AM (ARE) NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND I (WE) DO NOT HAVE TO ASSIGN MY (OUR) RIGHTS TO ANYONE ELSE IN ORDER TO CLAIM ANY MONEY TO WHICH I (WE) MAY BE ENTITLED.

9. I (WE) UNDERSTAND THAT THIS STATEMENT IS GIVEN UNDER OATH, AND IF ANY STATEMENTS ARE UNTRUE THAT I (WE) MAY BE PROSECUTED CRIMINALLY FOR PERJURY.

...(Signatures)...

Sworn to (or affirmed) and subscribed before me this .... day of ....., ...(year)...., by ...(name of person making statement)....

...(Signature of Notary Public - State of Florida)...

...(Print, Type, or Stamp Commissioned Name of Notary

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146 Public)...

147

148 Personally Known .... OR Produced Identification ....

149 Type of Identification Produced.....

150 (b) If any person other than the owner of record claims an  
151 interest in the proceeds prior to the date that the clerk  
152 reports the surplus as unclaimed or if the owner of record files  
153 a claim for the surplus but acknowledges that one or more other  
154 persons may be entitled to part or all of the surplus, the court  
155 shall set an evidentiary hearing to determine entitlement to the  
156 surplus. At the evidentiary hearing, an equity assignee has the  
157 burden of proving that he or she is entitled to some or all of  
158 the surplus funds. The court may grant summary judgment to a  
159 subordinate lienholder prior to or at the evidentiary hearing.  
160 The court shall consider the factors in s. 45.033 when hearing a  
161 claim that any person other than a subordinate lienholder or the  
162 owner of record is entitled to the surplus funds and shall hold  
163 any such claim that fails to qualify under s. 45.033 invalid.

164 (4) Any nonprofit organization has unconditional standing  
165 to appear in any matter to oppose agreements that do not comply  
166 with this section or s. 45.033. If it is the prevailing party,  
167 the nonprofit organization is entitled to fees and costs,  
168 payable from the surplus, equal to the lesser of 5 percent of  
169 the surplus, or the fee stated in the opposed agreement.

170 Section 2. Paragraphs (a), (b), and (d) of subsection (3)  
171 and subsections (5) and (6) of section 45.033, Florida Statutes,  
172 are amended, to read:

173 45.033 Sale or assignment of rights to surplus funds in a  
174 property subject to foreclosure.-

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175 (3) A voluntary transfer or assignment shall be a transfer  
176 or assignment qualified under this subsection, thereby entitling  
177 the transferee or assignee to the surplus funds or a portion or  
178 percentage of the surplus funds, if:

179 (a) The transfer or assignment is in writing and the  
180 instrument:

181 1. Is executed after the foreclosure sale ~~If executed prior~~  
182 ~~to the foreclosure sale, includes a financial disclosure that~~  
183 ~~specifies the assessed value of the property, a statement that~~  
184 ~~the assessed value may be lower than the actual value of the~~  
185 ~~property, the approximate amount of any debt encumbering the~~  
186 ~~property, and the approximate amount of any equity in the~~  
187 ~~property. If the instrument was executed after the foreclosure~~  
188 ~~sale, the instrument must also specify the foreclosure sale~~  
189 ~~price and the amount of the surplus.~~

190 2. Includes a statement that the owner does not need an  
191 attorney or other representative to recover surplus funds in a  
192 foreclosure.

193 3. Specifies all forms of consideration paid for the rights  
194 to the property or the assignment of the rights to any surplus  
195 funds.

196 (b) The transferee or assignee is a nonprofit organization  
197 ~~transfer or assignment is filed with the court on or before 60~~  
198 ~~days after the filing of the certificate of disbursements.~~

199 (d) The total compensation paid or payable, or earned or  
200 expected to be earned, by the transferee or assignee does not  
201 exceed 5 percent of the surplus or \$1,000, whichever is greater  
202 ~~12 percent of the surplus.~~

203 (5) ~~If the court finds that~~ A voluntary transfer or

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204 assignment that does not qualify under subsection (3) is invalid  
205 and void ~~but that the transfer or assignment was procured in~~  
206 ~~good faith and with no intent to defraud the transferor or~~  
207 ~~assignor, the court may order the clerk to pay the claim of the~~  
208 ~~transferee or assignee after payment of timely filed claims of~~  
209 ~~subordinate lienholders.~~

210 ~~(6) If a voluntary transfer or assignment of the surplus is~~  
211 ~~set aside, the owner of record shall be entitled to payment of~~  
212 ~~the surplus after payment of timely filed claims of subordinate~~  
213 ~~lienholders, but the transferee or assignee may seek in a~~  
214 ~~separate proceeding repayment of any consideration paid for the~~  
215 ~~transfer or assignment.~~

216 Section 3. Subsection (6) of section 197.582, Florida  
217 Statutes, is amended, and a new subsection (10) is added to that  
218 section, to read:

219 197.582 Disbursement of proceeds of sale.—

220 (6) Within 90 days after the claim period expires, the  
221 clerk must file an interpleader action in the circuit court if a  
222 claim is made by the property owner, an alleged assignee or  
223 transferee of the property owner, or any party purporting to  
224 represent the property owner. If any other person described in  
225 s. 197.502(7) files a claim, and no claim is filed by the  
226 property owner, the clerk may either file an interpleader action  
227 in circuit court, if potentially conflicting claims to the funds  
228 exist, or pay the surplus funds according to the clerk's  
229 determination of the priority of claims using the information  
230 provided by the claimants under subsection (3). Fees and costs  
231 incurred by the clerk in determining whether an interpleader  
232 action should be filed shall be paid from the surplus funds. If



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233 the clerk files an interpleader action, the court must ~~shall~~  
234 determine the distribution of funds based upon the priority of  
235 liens filed. The clerk may move the court to award reasonable  
236 fees and costs from the interpleaded funds. An action to require  
237 payment of surplus funds is not ripe until the claim and review  
238 periods expire. The failure of a person described in s.  
239 197.502(4), other than the property owner, to file a claim for  
240 surplus funds within the 120 days constitutes a waiver of all  
241 interest in the surplus funds, and all claims for them are  
242 forever barred.

243 (10) (a) A property owner may not transfer or assign its  
244 interest in surplus funds to any party, except a nonprofit  
245 organization that is exempt from federal income tax pursuant to  
246 s. 501(c) (3) of the Internal Revenue Code, and is a Florida  
247 entity formed under chapter 605, chapter 607, or chapter 617 and  
248 whose principal office is located in this state. Any assignment  
249 or transfer that does not conform with this paragraph is deemed  
250 invalid.

251 (b) Any person representing a property owner in claiming  
252 the surplus funds shall disclose to the court the total amount  
253 of compensation and other fees to be paid to himself or herself  
254 and may not charge the property owner more than 5 percent of the  
255 surplus or \$1,000, whichever is greater.

256 (c) Any nonprofit organization shall have unconditional  
257 standing to appear in any matter to oppose agreements that do  
258 not comply with this section. If it is the prevailing party, the  
259 nonprofit organization is entitled to fees and costs, payable  
260 from the surplus, equal to the lesser of 5 percent of the  
261 surplus, or the fee stated in the opposed agreement.

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262 Section 4. Section 212.134, Florida Statutes, is amended to  
263 read:

264 212.134 Information returns relating to payment-card and  
265 third-party network transactions.—

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

267 (a) "Participating payee" has the same meaning as in s.  
268 6050W of the Internal Revenue Code.

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

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

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

275 (2) For each year in which a payment settlement entity, an  
276 electronic payment facilitator, or other third party contracted  
277 with the payment settlement entity to make payments to settle  
278 reportable payment transactions on behalf of the payment  
279 settlement entity must file a return pursuant to s. 6050W of the  
280 Internal Revenue Code, for participating payees with an address  
281 in this state, the entity, the facilitator, or the third party  
282 must submit the information in the return to the department by  
283 the 30th day after filing the federal return. The format of the  
284 information returns required must be either a copy of such  
285 information returns or a copy of such information returns  
286 related to participating payees with an address in the state.  
287 For purposes of this subsection, the term "payment settlement  
288 entity" has the same meaning as provided in s. 6050W of the  
289 Internal Revenue Code.

290 (3) ~~(2)~~ All reports of returns submitted to the department

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291 under this section must be in an electronic format.

292 ~~(4)(3)~~ Any payment settlement entity, facilitator, or third  
293 party failing to file the information return required, filing an  
294 incomplete information return, or not filing an information  
295 return within the time prescribed is subject to a penalty of  
296 \$1,000 for each failure, if the failure is for not more than 30  
297 days, with an additional \$1,000 for each month or fraction of a  
298 month during which each failure continues. The total amount of  
299 penalty imposed on a reporting entity may not exceed \$10,000  
300 annually.

301 ~~(5)(4)~~ The executive director or his or her designee may  
302 waive the penalty if he or she determines that the failure to  
303 timely file an information return was due to reasonable cause  
304 and not due to willful negligence, willful neglect, or fraud.

305 (6) All third party settlement organizations that conduct  
306 transactions involving a participating payee with an address in  
307 this state shall create a mechanism for senders of payments to  
308 identify whether a payment to a payee is for goods and services  
309 or is personal. The mechanism must clearly indicate the sender's  
310 requirement to indicate the appropriate transaction type. The  
311 sender of the payment is responsible for indicating the  
312 appropriate transaction type. All third party settlement  
313 organizations shall maintain records that clearly identify  
314 whether a transaction, as designated by the sender of the  
315 payment, is a transaction for goods and services or is personal.  
316 The information in the return submitted to the department under  
317 subsection (2) for such entities must be limited to transactions  
318 for goods and services.

319 (7) Notwithstanding this section, subsection (6) does not

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320 apply to a third party settlement organization if a contractual  
321 agreement or arrangement to provide a third party payment  
322 network to a participating payee requires the third party  
323 settlement organization solely to settle third party network  
324 transactions for the provision of goods and services.

325 Section 5. Section 286.312, Florida Statutes, is created to  
326 read:

327 286.312 Prohibited use of state funds; censorship or  
328 blacklisting of news sources.—An agency may not enter into a  
329 contract or other agreement with an entity whose function is to  
330 advise the censorship or blacklisting of news sources based on  
331 subjective criteria or political biases under the stated goal of  
332 fact-checking or removing misinformation.

333 Section 6. Section 489.147, Florida Statutes, is amended to  
334 read:

335 489.147 Prohibited property insurance practices; contract  
336 requirements.—

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

338 (a) "Prohibited advertisement" means any written or  
339 electronic communication by a contractor which encourages,  
340 instructs, or induces a consumer to contact a contractor or  
341 public adjuster for the purpose of making an insurance claim for  
342 roof damage, if such communication does not state in a font size  
343 of at least 12 points and at least half as large as the largest  
344 font size used in the communication that:

345 1. The consumer is responsible for payment of any insurance  
346 deductible;

347 2. It is insurance fraud punishable as a felony of the  
348 third degree for a contractor to knowingly or willfully, and

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349 with intent to injure, defraud, or deceive, pay, waive, or  
350 rebate all or part of an insurance deductible applicable to  
351 payment to the contractor for repairs to a property covered by a  
352 property insurance policy; and

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

356

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

359 (b) "Soliciting" means contacting:

360 1. In person;

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

364 3. By delivery to a specific person.

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

367 (a) Soliciting a residential property owner by means of a  
368 prohibited advertisement.

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

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

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

376 (c) Offering, delivering, receiving, or accepting any  
377 compensation, inducement, or reward, for the referral of any

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378 services for which property insurance proceeds are payable.  
379 Payment by the residential property owner or insurance company  
380 to a contractor for roofing services rendered does not  
381 constitute compensation for a referral.

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

387 (e) Providing an insured with an agreement authorizing  
388 repairs without providing a good faith estimate of the itemized  
389 and detailed cost of services and materials for repairs  
390 undertaken pursuant to a property insurance claim. A contractor  
391 does not violate this paragraph if, as a result of the process  
392 of the insurer adjusting a claim, the actual cost of repairs  
393 differs from the initial estimate.

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

398 (4) For the purposes of this section:

399 (a) The acts of any person on behalf of a contractor,  
400 including, but not limited to, the acts of a compensated  
401 employee or a nonemployee who is compensated for soliciting,  
402 shall be considered the actions of the contractor.

403 (b) An unlicensed person who engages in an act prohibited  
404 by this section is guilty of unlicensed contracting and is  
405 subject to the penalties set forth in s. 489.13. Notwithstanding  
406 s. 489.13(3), an unlicensed person who violates this section may

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407 be fined up to \$10,000 for each violation.

408 (5) A contractor may not execute a contract with a  
409 residential property owner to repair or replace a roof without  
410 including a notice that the contractor may not engage in the  
411 practices set forth in paragraph (2)(b). If the contractor fails  
412 to include such notice, the residential property owner may void  
413 the contract within 10 days after executing it.

414 (6)(a) An insured or a claimant may cancel a contract to  
415 replace or repair a roof without penalty or obligation until 10  
416 days following the execution of the contract or until the  
417 official start date, whichever comes first, if the contract was  
418 entered into based on events that are the subject of a  
419 declaration of a state of emergency by the Governor. For the  
420 purposes of this subsection, the term "official start date" is  
421 the date on which the work on the roof commences.

422 (b) A contractor who executes a contract to replace or  
423 repair a roof of a residential property during a declaration of  
424 a state of emergency must include in the contract the following  
425 language, in bold type of not less than 18 points, immediately  
426 before the space reserved for the signature of the residential  
427 property owner:

428  
429 You, the residential property owner, may cancel this  
430 contract without penalty or obligation until 10 days  
431 following the execution of the contract or until the  
432 official start date, whichever comes first, because  
433 this contract was entered into during a declaration of  
434 a state of emergency by the Governor. It is the  
435 responsibility of your contractor to include an

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436 official start date clause in your contract. This  
437 clause must state the official start date and the work  
438 that will be commenced on that date. If there is no  
439 official start date clause in the contract, the  
440 contract may be voided within 10 days following the  
441 execution of the contract.

442  
443 (c) If the insured or claimant desires to cancel the  
444 contract under this subsection, such person must send a notice  
445 of cancellation by certified mail, return receipt requested, or  
446 other form of mailing that provides proof thereof, at the  
447 address specified in the contract.

448 Section 7. Subsection (9) of section 559.9611, Florida  
449 Statutes, is amended to read:

450 559.9611 Definitions.—As used in this part, the term:

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

463 Section 8. Paragraph (d) of subsection (8) of section  
464 624.424, Florida Statutes, is amended to read:



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465           624.424 Annual statement and other information.—  
466           (8)  
467           (d) Upon creation of continuing education required under  
468 this paragraph, the certified public accountant who prepares the  
469 audit must be licensed to practice pursuant to chapter 473 and  
470 must have completed at least 4 hours of insurance-related  
471 continuing education during each 2-year continuing education  
472 cycle. An insurer may not use the same accountant or partner of  
473 an accounting firm responsible for preparing the report required  
474 by this subsection for more than 5 consecutive years. Following  
475 this period, the insurer may not use such accountant or partner  
476 for a period of 5 years, but may use another accountant or  
477 partner of the same firm. An insurer may request the office to  
478 waive this prohibition based upon an unusual hardship to the  
479 insurer and a determination that the accountant is exercising  
480 independent judgment that is not unduly influenced by the  
481 insurer considering such factors as the number of partners,  
482 expertise of the partners or the number of insurance clients of  
483 the accounting firm; the premium volume of the insurer; and the  
484 number of jurisdictions in which the insurer transacts business.

485           Section 9. Subsection (19) of section 626.854, Florida  
486 Statutes, is amended, and subsections (5) through (18) of that  
487 section are republished, to read:

488           626.854 "Public adjuster" defined; prohibitions.—The  
489 Legislature finds that it is necessary for the protection of the  
490 public to regulate public insurance adjusters and to prevent the  
491 unauthorized practice of law.

492           (5) A public adjuster may not directly or indirectly  
493 through any other person or entity solicit an insured or

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494 claimant by any means except on Monday through Saturday of each  
495 week and only between the hours of 8 a.m. and 8 p.m. on those  
496 days.

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

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

502 (b) May not contract for services to be provided by a third  
503 party on behalf of the named insured or in pursuit of settlement  
504 of the named insured's claim, if the cost of those services is  
505 to be borne by the named insured, unless the named insured  
506 agrees in writing to procure these services and such agreement  
507 is entered into subsequent to the date of the contract for  
508 public adjusting services.

509 (c) If a public adjuster contracts with a third-party  
510 service provider to assist with the settlement of the named  
511 insured's claim, without first obtaining the insured's written  
512 consent, payment of the third party's fees must be made by the  
513 public adjuster and may not be charged back to the named  
514 insured.

515 (d) If a public adjuster represents anyone other than the  
516 named insured in a claim, the public adjuster fees shall be paid  
517 by the third party and may not be charged back to the named  
518 insured.

519 (7) An insured or claimant may cancel a public adjuster's  
520 contract to adjust a claim without penalty or obligation within  
521 10 days after the date on which the contract is executed. If the  
522 contract was entered into based on events that are the subject

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523 of a declaration of a state of emergency by the Governor, an  
524 insured or claimant may cancel the public adjuster's contract to  
525 adjust a claim without penalty or obligation within 30 days  
526 after the date of loss or 10 days after the date on which the  
527 contract is executed, whichever is longer. The public adjuster's  
528 contract must contain the following language in minimum 18-point  
529 bold type immediately before the space reserved in the contract  
530 for the signature of the insured or claimant:

531  
532        “You, the insured, may cancel this contract for any  
533 reason without penalty or obligation to you within 10  
534 days after the date of this contract. If this contract  
535 was entered into based on events that are the subject  
536 of a declaration of a state of emergency by the  
537 Governor, you may cancel this contract for any reason  
538 without penalty or obligation to you within 30 days  
539 after the date of loss or 10 days after the date on  
540 which the contract is executed, whichever is longer.  
541 You may also cancel the contract without penalty or  
542 obligation to you if I, as your public adjuster, fail  
543 to provide you and your insurer a copy of a written  
544 estimate within 60 days of the execution of the  
545 contract, unless the failure to provide the estimate  
546 within 60 days is caused by factors beyond my control,  
547 in accordance with s. 627.70131(5)(a)2., Florida  
548 Statutes. The 60-day cancellation period for failure  
549 to provide a written estimate shall cease on the date  
550 I have provided you with the written estimate.”  
551

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552 The notice of cancellation shall be provided to ...(name of  
553 public adjuster)..., submitted in writing and sent by certified  
554 mail, return receipt requested, or other form of mailing that  
555 provides proof thereof, at the address specified in the  
556 contract.

557 (8) It is an unfair and deceptive insurance trade practice  
558 pursuant to s. 626.9541 for a public adjuster or any other  
559 person to circulate or disseminate any advertisement,  
560 announcement, or statement containing any assertion,  
561 representation, or statement with respect to the business of  
562 insurance which is untrue, deceptive, or misleading.

563 (a) The following statements, made in any public adjuster's  
564 advertisement or solicitation, are considered deceptive or  
565 misleading:

566 1. A statement or representation that invites an insured  
567 policyholder to submit a claim when the policyholder does not  
568 have covered damage to insured property.

569 2. A statement or representation that invites an insured  
570 policyholder to submit a claim by offering monetary or other  
571 valuable inducement.

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

575 4. A statement or representation, or use of a logo or  
576 shield, that implies or could mistakenly be construed to imply  
577 that the solicitation was issued or distributed by a  
578 governmental agency or is sanctioned or endorsed by a  
579 governmental agency.

580 (b) For purposes of this paragraph, the term "written

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581 advertisement" includes only newspapers, magazines, flyers, and  
582 bulk mailers. The following disclaimer, which is not required to  
583 be printed on standard size business cards, must be added in  
584 bold print and capital letters in typeface no smaller than the  
585 typeface of the body of the text to all written advertisements  
586 by a public adjuster:

587

588 "THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD  
589 A CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU  
590 ARE SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU  
591 MAY DISREGARD THIS ADVERTISEMENT."

592

593 (9) A public adjuster, a public adjuster apprentice, or any  
594 person or entity acting on behalf of a public adjuster or public  
595 adjuster apprentice may not give or offer to give a monetary  
596 loan or advance to a client or prospective client.

597

598 (10) A public adjuster, public adjuster apprentice, or any  
599 individual or entity acting on behalf of a public adjuster or  
600 public adjuster apprentice may not give or offer to give,  
601 directly or indirectly, any article of merchandise having a  
602 value in excess of \$25 to any individual for the purpose of  
603 advertising or as an inducement to entering into a contract with  
604 a public adjuster.

604

605 (11) (a) If a public adjuster enters into a contract with an  
606 insured or claimant to reopen a claim or file a supplemental  
607 claim that seeks additional payments for a claim that has been  
608 previously paid in part or in full or settled by the insurer,  
609 the public adjuster may not charge, agree to, or accept from any  
source compensation, payment, commission, fee, or any other

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610 thing of value based on a previous settlement or previous claim  
611 payments by the insurer for the same cause of loss. The charge,  
612 compensation, payment, commission, fee, or any other thing of  
613 value must be based only on the claim payments or settlements  
614 paid to the insured, exclusive of attorney fees and costs,  
615 obtained through the work of the public adjuster after entering  
616 into the contract with the insured or claimant. Compensation for  
617 the reopened or supplemental claim may not exceed 20 percent of  
618 the reopened or supplemental claim payment. In no event shall  
619 the contracts described in this paragraph exceed the limitations  
620 in paragraph (b).

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

624 1. Ten percent of the amount of insurance claim payments or  
625 settlements, exclusive of attorney fees and costs, paid to the  
626 insured by the insurer for claims based on events that are the  
627 subject of a declaration of a state of emergency by the  
628 Governor. This provision applies to claims made during the year  
629 after the declaration of emergency. After that year, the  
630 limitations in subparagraph 2. apply.

631 2. Twenty percent of the amount of insurance claim payments  
632 or settlements, exclusive of attorney fees and costs, paid to  
633 the insured by the insurer for claims that are not based on  
634 events that are the subject of a declaration of a state of  
635 emergency by the Governor.

636 3. One percent of the amount of insurance claim payments or  
637 settlements, paid to the insured by the insurer for any coverage  
638 part of the policy where the claim payment or written agreement

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639 by the insurer to pay is equal to or greater than the policy  
640 limit for that part of the policy, if the payment or written  
641 commitment to pay is provided within 14 days after the date of  
642 loss or within 10 days after the date on which the public  
643 adjusting contract is executed, whichever is later.

644 4. Zero percent of the amount of insurance claim payments  
645 or settlements, paid to the insured by the insurer for any  
646 coverage part of the policy where the claim payment or written  
647 agreement by the insurer to pay occurs before the date on which  
648 the public adjusting contract is executed.

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

652 (d) Public adjuster compensation may not be based on  
653 amounts attributable to additional living expenses, unless such  
654 compensation is affirmatively agreed to in a separate agreement  
655 that includes a disclosure in substantially the following form:

656  
657 "I agree to retain and compensate the public adjuster  
658 for adjusting my additional living expenses and  
659 securing payment from my insurer for amounts  
660 attributable to additional living expenses payable  
661 under the policy issued on my (home/mobile  
662 home/condominium unit)."

663  
664 (e) Public adjuster rate of compensation may not be  
665 increased based solely on the fact that the claim is litigated.

666 (f) Any maneuver, shift, or device through which the limits  
667 on compensation set forth in this subsection are exceeded is a

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668 violation of this chapter punishable as provided under s.  
669 626.8698.

670 (12) (a) Each public adjuster must provide to the claimant  
671 or insured a written estimate of the loss to assist in the  
672 submission of a proof of loss or any other claim for payment of  
673 insurance proceeds within 60 days after the date of the  
674 contract. The written estimate must include an itemized, per-  
675 unit estimate of the repairs, including itemized information on  
676 equipment, materials, labor, and supplies, in accordance with  
677 accepted industry standards. The public adjuster shall retain  
678 such written estimate for at least 5 years and shall make the  
679 estimate available to the claimant or insured, the insurer, and  
680 the department upon request.

681 (b) An insured may cancel the contract with no additional  
682 penalties or fees charged by the public adjuster if such an  
683 estimate is not provided within 60 days after executing the  
684 contract, subject to the cancellation notice requirement in this  
685 section, unless the failure to provide the estimate within 60  
686 days is caused by factors beyond the control of the public  
687 adjuster. The cancellation period shall cease on the date the  
688 public adjuster provides the written estimate to the insured.

689 (13) A public adjuster, public adjuster apprentice, or any  
690 person acting on behalf of a public adjuster or apprentice may  
691 not accept referrals of business from any person with whom the  
692 public adjuster conducts business if there is any form or manner  
693 of agreement to compensate the person, directly or indirectly,  
694 for referring business to the public adjuster. A public adjuster  
695 may not compensate any person, except for another public  
696 adjuster, directly or indirectly, for the principal purpose of



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697 referring business to the public adjuster.

698 (14) A company employee adjuster, independent adjuster,  
699 attorney, investigator, or other persons acting on behalf of an  
700 insurer that needs access to an insured or claimant or to the  
701 insured property that is the subject of a claim must provide at  
702 least 48 hours' notice to the insured or claimant, public  
703 adjuster, or legal representative before scheduling a meeting  
704 with the claimant or an onsite inspection of the insured  
705 property. The insured or claimant may deny access to the  
706 property if the notice has not been provided. The insured or  
707 claimant may waive the 48-hour notice.

708 (15) The public adjuster must ensure that prompt notice is  
709 given of the claim to the insurer, the public adjuster's  
710 contract is provided to the insurer, the property is available  
711 for inspection of the loss or damage by the insurer, and the  
712 insurer is given an opportunity to interview the insured  
713 directly about the loss and claim. The insurer must be allowed  
714 to obtain necessary information to investigate and respond to  
715 the claim.

716 (a) The insurer may not exclude the public adjuster from  
717 its in-person meetings with the insured. The insurer shall meet  
718 or communicate with the public adjuster in an effort to reach  
719 agreement as to the scope of the covered loss under the  
720 insurance policy. The public adjuster shall meet or communicate  
721 with the insurer in an effort to reach agreement as to the scope  
722 of the covered loss under the insurance policy. This section  
723 does not impair the terms and conditions of the insurance policy  
724 in effect at the time the claim is filed.

725 (b) A public adjuster may not restrict or prevent an

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726 insurer, company employee adjuster, independent adjuster,  
727 attorney, investigator, or other person acting on behalf of the  
728 insurer from having reasonable access at reasonable times to any  
729 insured or claimant or to the insured property that is the  
730 subject of a claim.

731 (c) A public adjuster may not act or fail to reasonably act  
732 in any manner that obstructs or prevents an insurer or insurer's  
733 adjuster from timely conducting an inspection of any part of the  
734 insured property for which there is a claim for loss or damage.  
735 The public adjuster representing the insureds may be present for  
736 the insurer's inspection, but if the unavailability of the  
737 public adjuster otherwise delays the insurer's timely inspection  
738 of the property, the public adjuster or the insureds must allow  
739 the insurer to have access to the property without the  
740 participation or presence of the public adjuster or insureds in  
741 order to facilitate the insurer's prompt inspection of the loss  
742 or damage.

743 (16) A licensed contractor under part I of chapter 489, or  
744 a subcontractor of such licensee, may not advertise, solicit,  
745 offer to handle, handle, or perform public adjuster services as  
746 provided in subsection (1) unless licensed and compliant as a  
747 public adjuster under this chapter. The prohibition against  
748 solicitation does not preclude a contractor from suggesting or  
749 otherwise recommending to a consumer that the consumer consider  
750 contacting his or her insurer to determine if the proposed  
751 repair is covered under the consumer's insurance policy, except  
752 as it relates to solicitation prohibited in s. 489.147. In  
753 addition, the contractor may discuss or explain a bid for  
754 construction or repair of covered property with the residential

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755 property owner who has suffered loss or damage covered by a  
756 property insurance policy, or the insurer of such property, if  
757 the contractor is doing so for the usual and customary fees  
758 applicable to the work to be performed as stated in the contract  
759 between the contractor and the insured.

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

763 (18) A public adjuster, a public adjuster apprentice, or a  
764 person acting on behalf of an adjuster or apprentice may not  
765 enter into a contract or accept a power of attorney that vests  
766 in the public adjuster, the public adjuster apprentice, or the  
767 person acting on behalf of the adjuster or apprentice the  
768 effective authority to choose the persons or entities that will  
769 perform repair work in a property insurance claim or provide  
770 goods or services that will require the insured or third-party  
771 claimant to expend funds in excess of those payable to the  
772 public adjuster under the terms of the contract for adjusting  
773 services.

774 (19) Subsections (5)-(18) apply only to residential  
775 property insurance policies and condominium unit owner policies  
776 as described in s. 718.111(11), except that subsection (11) also  
777 applies to coverages provided by condominium association,  
778 cooperative association, apartment building, and similar  
779 policies, including policies covering the common elements of a  
780 homeowners' association.

781 Section 10. Subsection (2) of section 626.8796, Florida  
782 Statutes, is amended to read:

783 626.8796 Public adjuster contracts; disclosure statement;

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784 fraud statement.—

785 (2) A public adjuster contract relating to a property and  
786 casualty claim must contain the full name, permanent business  
787 address, phone number, e-mail address, and license number of the  
788 public adjuster; the full name and license number of the public  
789 adjusting firm; and the insured's full name, street address,  
790 phone number, and e-mail address, together with a brief  
791 description of the loss. The contract must state the percentage  
792 of compensation for the public adjuster's services in minimum  
793 18-point bold type before the space reserved in the contract for  
794 the signature of the insured; the type of claim, including an  
795 emergency claim, nonemergency claim, or supplemental claim; the  
796 initials of the named insured on each page that does not contain  
797 the insured's signature; the signatures of the public adjuster  
798 and all named insureds; and the signature date. If all of the  
799 named insureds' signatures are not available, the public  
800 adjuster must submit an affidavit signed by the available named  
801 insureds attesting that they have authority to enter into the  
802 contract and settle all claim issues on behalf of the named  
803 insureds. An unaltered copy of the executed contract must be  
804 remitted to the insured at the time of execution and to the  
805 insurer, or the insurer's representative within 7 days after  
806 execution. A public adjusting firm that adjusts claims primarily  
807 for commercial entities with operations in more than one state  
808 and that does not directly or indirectly perform adjusting  
809 services for insurers or individual homeowners is deemed to  
810 comply with the requirements of this subsection if, at the time  
811 a proof of loss is submitted, the public adjusting firm remits  
812 to the insurer an affidavit signed by the public adjuster or

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813 public adjuster apprentice that identifies:

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

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

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

821 (d) An attestation that the compensation for public  
822 adjusting services will not exceed the limitations provided by  
823 law.

824 (e) The type of claim, including an emergency claim,  
825 nonemergency claim, or supplemental claim.

826 Section 11. Subsection (2) of section 627.43141, Florida  
827 Statutes, is amended to read:

828 627.43141 Notice of change in policy terms.—

829 (2) A renewal policy may contain a change in policy terms.  
830 If such change occurs, the insurer shall give the named insured  
831 advance written notice summarizing the change, which may be  
832 enclosed along with the written notice of renewal premium  
833 required under ss. 627.4133 and 627.728 or sent separately  
834 within the timeframe required under the Florida Insurance Code  
835 for the provision of a notice of nonrenewal to the named insured  
836 for that line of insurance. The insurer must also provide a  
837 sample copy of the notice to the named insured's insurance agent  
838 before or at the same time that notice is provided to the named  
839 insured. Such notice shall be entitled "Notice of Change in  
840 Policy Terms." Beginning January 1, 2025, the "Notice of Change  
841 in Policy Terms" shall be in bold type of not less than 14

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842 points and included as a single page or consecutive pages, as  
843 necessary, within the written notice.

844 Section 12. Section 627.6426, Florida Statutes, is amended  
845 to read:

846 627.6426 Short-term health insurance.—

847 (1) For purposes of this part, the term “short-term health  
848 insurance” means health insurance coverage provided by an issuer  
849 with an expiration date specified in the contract that is less  
850 than 12 months after the original effective date of the contract  
851 and, taking into account renewals or extensions, has a duration  
852 not to exceed 36 months in total.

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

857 (a) The following statement:

858

859 “This coverage is not required to comply with certain  
860 federal market requirements for health insurance,  
861 principally those contained in the Patient Protection  
862 and Affordable Care Act. Be sure to check your policy  
863 carefully to make sure you are aware of any exclusions  
864 or limitations regarding coverage of preexisting  
865 conditions or health benefits (such as  
866 hospitalization, emergency services, maternity care,  
867 preventive care, prescription drugs, and mental health  
868 and substance use disorder services). Your policy  
869 might also have lifetime and/or annual dollar limits  
870 on health benefits. If this coverage expires or you

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871           lose eligibility for this coverage, you might have to  
872           wait until an open enrollment period to get other  
873           health insurance coverage.”

874  
875           (b) The following information:

876           1. The duration of the contract, including any waiting  
877 period.

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

880           3. The content of coverage.

881           4. Any exclusion of preexisting conditions.

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

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

888           Section 13. Present subsection (4) of section 627.70132,  
889 Florida Statutes, is redesignated as subsection (5), and a new  
890 subsection (4) is added to that section, to read:

891           627.70132 Notice of property insurance claim.—

892           (4) A notice of claim for loss assessment coverage under s.  
893 627.714 must be given to the insurer within 90 days after the  
894 date on which the condominium association or its governing board  
895 votes to levy an assessment to cover a shortfall in reserves due  
896 to a covered loss. Such vote by the association or its governing  
897 board must have occurred within 33 months after the date of the  
898 loss that created the need for the assessment.

899           Section 14. Section 791.012, Florida Statutes, is amended

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900 to read:

901       791.012 Minimum fireworks safety standards.—The outdoor  
902 display of fireworks in this state shall be governed by the  
903 National Fire Protection Association (NFPA) 1123, Code for  
904 Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~  
905 ~~National Standards Institute~~. Any state, county, or municipal  
906 law, rule, or ordinance may provide for more stringent  
907 regulations for the outdoor display of fireworks, but in no  
908 event may any such law, rule, or ordinance provide for less  
909 stringent regulations for the outdoor display of fireworks. The  
910 division shall promulgate rules to carry out the provisions of  
911 this section. The Code for Fireworks Display shall not govern  
912 the display of any fireworks on private, residential property  
913 and shall not govern the display of those items included under  
914 s. 791.01(4)(b) and (c) and authorized for sale thereunder.

915       Section 15. This act shall take effect July 1, 2024.