

HB 939

2024

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. 215.971, F.S.; prohibiting agencies from
6 entering into certain agreements with specified
7 recipients and subrecipients; amending s. 287.058,
8 F.S.; prohibiting state government agencies from
9 entering into contracts and agreements with specified
10 recipients and subrecipients; amending s. 319.261,
11 F.S.; requiring the title to a mobile home to be
12 retired if the owner of the real property records
13 certain documents in the official records of the clerk
14 of court in the county in which the real property is
15 located; amending s. 489.147, F.S.; requiring
16 contractors to include a notice in the contracts with
17 residential property owners under certain
18 circumstances; proving requirements for notices of
19 contract cancellation; amending s. 559.9611, F.S.;
20 revising the definition of the term "depository
21 institution"; amending s. 624.424, F.S.; providing
22 requirements for certain insurers' accountants;
23 amending s. 626.854, F.S.; revising applicability of
24 provisions relating to public adjusters; amending s.
25 626.8796, F.S.; revising the content of certain public

26 | adjuster contracts; amending s. 627.6426, F.S.;

27 | revising the disclosure requirements of contracts for

28 | short-term health insurance; amending s. 627.70132,

29 | F.S.; providing that claims resulting from certain

30 | loss assessments are considered to have occurred on a

31 | specified date; amending s. 627.711, F.S.; requiring

32 | insurers to provide a specified notice to commercial

33 | residential property insurance and commercial property

34 | insurance policyholders under certain circumstances;

35 | amending s. 791.012, F.S.; updating the source of the

36 | code for outdoor display of fireworks; creating s.

37 | 817.153, F.S.; providing definitions; prohibiting

38 | grant or contract fraud; providing criminal penalties;

39 | creating s. 817.4112, F.S.; prohibiting falsely

40 | representing that an advertisement or communication

41 | originated from a bank or lending institution that a

42 | consumer has a direct relationship with; amending s.

43 | 817.45, F.S.; providing criminal penalties for

44 | violations of s. 817.4112, F.S.; providing an

45 | effective date.

46 |

47 | Be It Enacted by the Legislature of the State of Florida:

48 |

49 | Section 1. Subsections (3) through (6) of section 68.087,

50 | Florida Statutes, are renumbered as subsections (4) through (7),

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51 respectively, and a new subsection (3) is added to that section,
52 to read:

53 68.087 Exemptions to civil actions.—

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

58 Section 2. Subsection (4) is added to section 215.971,
59 Florida Statutes, to read:

60 215.971 Agreements funded with federal or state
61 assistance.—

62 (4) An agency may not enter into an agreement under this
63 chapter if the recipient or subrecipient fits any criteria
64 provided in s. 287.058(8).

65 Section 3. Subsection (8) is added to section 287.058,
66 Florida Statutes, to read:

67 287.058 Contract document.—

68 (8) An agency may not enter into a contract or other
69 agreement with an entity whose function is to advise the
70 editorship or blacklisting of news sources based on subjective
71 criteria or political biases under the stated goal of fact-
72 checking or removing misinformation.

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

75 319.261 Real property transactions; retiring title to

76 mobile home.—

77 (2) The title to the mobile home shall ~~may~~ be retired by
 78 the department if the owner of the real property records the
 79 following documents in the official records of the clerk of
 80 court in the county in which the real property is located:

81 (a) 1. The original title to the mobile home which includes
 82 ~~shall include~~ a description of the mobile home, including model
 83 year, make, width, length, and vehicle identification number,
 84 and a statement by any recorded lienholder on the title that the
 85 security interest in the home has been released~~7~~ or that such
 86 security interest will be released upon retirement of the title
 87 as set forth in this section;~~7~~

88 2. ~~(b)~~ The legal description of the real property, and in
 89 the case of a leasehold interest, a copy of the lease agreement;
 90 and~~7~~

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

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

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

99 489.147 Prohibited property insurance practices.—

100 (6) (a) A contractor executing during a declaration of a

101 state of emergency a contract to replace or repair a roof of a
 102 residential property must include in the contract the following
 103 language in bold type of not less than 18 points immediately
 104 before the space reserved for the signature of the residential
 105 property owner:

106
 107 "You, the residential property owner, may cancel this contract
 108 without penalty or obligation until 10 days following the
 109 execution of the contract or until the official start date,
 110 whichever comes first, because this contract was entered into
 111 during a declaration of a state of emergency by the Governor. It
 112 is the responsibility of your contractor to include an official
 113 start date clause in your contract. This clause must state the
 114 official start date and the work that will be commenced on that
 115 date. If there is no official start date clause in the contract,
 116 the contract may be voided within 10 days following the
 117 execution of the contract."

118
 119 (b) The residential property owner must send the notice of
 120 cancellation by certified mail, return receipt requested, or
 121 other form of mailing that provides proof thereof, at the
 122 address specified in the contract.

123 Section 6. Subsection (9) of section 559.9611, Florida
 124 Statutes, is amended to read:

125 559.9611 Definitions.—As used in this part, the term:

126 (9) "Depository institution" means a bank, credit union,
 127 savings bank, savings and loan association, savings or thrift
 128 association, trust company, or industrial loan company doing
 129 business under the authority of, or in accordance with, a
 130 license, certificate, or charter issued by the United States,
 131 this state, or any other state, district, territory, or
 132 commonwealth of the United States which is authorized to
 133 transact business in this state ~~Florida state-chartered bank,~~
 134 ~~savings bank, credit union, or trust company, or a federal~~
 135 ~~savings or thrift association, bank, credit union, savings bank,~~
 136 ~~or thrift.~~

137 Section 7. Paragraph (d) of subsection (8) of section
 138 624.424, Florida Statutes, is amended to read:

139 624.424 Annual statement and other information.—

140 (8)

141 (d) The certified public accountant that prepares the
 142 audit must be licensed to practice pursuant to chapter 473 and
 143 must have completed at least 4 hours of continuing education
 144 that is insurance-related as a condition of license renewal. The
 145 continuing education must be approved by the Department of
 146 Business and Professional Regulation, based on the
 147 recommendations of the Department of Financial Services. An
 148 insurer may not use the same accountant or partner of an
 149 accounting firm responsible for preparing the report required by
 150 this subsection for more than 5 consecutive years. Following

151 | this period, the insurer may not use such accountant or partner
 152 | for a period of 5 years, but may use another accountant or
 153 | partner of the same firm. An insurer may request the office to
 154 | waive this prohibition based upon an unusual hardship to the
 155 | insurer and a determination that the accountant is exercising
 156 | independent judgment that is not unduly influenced by the
 157 | insurer considering such factors as the number of partners,
 158 | expertise of the partners or the number of insurance clients of
 159 | the accounting firm; the premium volume of the insurer; and the
 160 | number of jurisdictions in which the insurer transacts business.

161 | Section 8. Subsection (19) of section 626.854, Florida
 162 | Statutes, is amended, and subsections (5) through (18) are
 163 | republished, to read:

164 | 626.854 "Public adjuster" defined; prohibitions.—The
 165 | Legislature finds that it is necessary for the protection of the
 166 | public to regulate public insurance adjusters and to prevent the
 167 | unauthorized practice of law.

168 | (5) A public adjuster may not directly or indirectly
 169 | through any other person or entity solicit an insured or
 170 | claimant by any means except on Monday through Saturday of each
 171 | week and only between the hours of 8 a.m. and 8 p.m. on those
 172 | days.

173 | (6) When entering a contract for adjuster services after
 174 | July 1, 2023, a public adjuster:

175 | (a) May not collect a fee for services on payments made to

176 a named insured unless they have a written contract with the
177 named insured, or the named insured's legal representative.

178 (b) May not contract for services to be provided by a
179 third party on behalf of the named insured or in pursuit of
180 settlement of the named insured's claim, if the cost of those
181 services is to be borne by the named insured, unless the named
182 insured agrees in writing to procure these services and such
183 agreement is entered into subsequent to the date of the contract
184 for public adjusting services.

185 (c) If a public adjuster contracts with a third-party
186 service provider to assist with the settlement of the named
187 insured's claim, without first obtaining the insured's written
188 consent, payment of the third party's fees must be made by the
189 public adjuster and may not be charged back to the named
190 insured.

191 (d) If a public adjuster represents anyone other than the
192 named insured in a claim, the public adjuster fees shall be paid
193 by the third party and may not be charged back to the named
194 insured.

195 (7) An insured or claimant may cancel a public adjuster's
196 contract to adjust a claim without penalty or obligation within
197 10 days after the date on which the contract is executed. If the
198 contract was entered into based on events that are the subject
199 of a declaration of a state of emergency by the Governor, an
200 insured or claimant may cancel the public adjuster's contract to

201 adjust a claim without penalty or obligation within 30 days
202 after the date of loss or 10 days after the date on which the
203 contract is executed, whichever is longer. The public adjuster's
204 contract must contain the following language in minimum 18-point
205 bold type immediately before the space reserved in the contract
206 for the signature of the insured or claimant:
207 "You, the insured, may cancel this contract for any reason
208 without penalty or obligation to you within 10 days after the
209 date of this contract. If this contract was entered into based
210 on events that are the subject of a declaration of a state of
211 emergency by the Governor, you may cancel this contract for any
212 reason without penalty or obligation to you within 30 days after
213 the date of loss or 10 days after the date on which the contract
214 is executed, whichever is longer. You may also cancel the
215 contract without penalty or obligation to you if I, as your
216 public adjuster, fail to provide you and your insurer a copy of
217 a written estimate within 60 days of the execution of the
218 contract, unless the failure to provide the estimate within 60
219 days is caused by factors beyond my control, in accordance with
220 s. 627.70131(5)(a)2., Florida Statutes. The 60-day cancellation
221 period for failure to provide a written estimate shall cease on
222 the date I have provided you with the written estimate."
223 The notice of cancellation shall be provided to ... (name of
224 public adjuster) ..., submitted in writing and sent by certified
225 mail, return receipt requested, or other form of mailing that

226 provides proof thereof, at the address specified in the
 227 contract.

228 (8) It is an unfair and deceptive insurance trade practice
 229 pursuant to s. 626.9541 for a public adjuster or any other
 230 person to circulate or disseminate any advertisement,
 231 announcement, or statement containing any assertion,
 232 representation, or statement with respect to the business of
 233 insurance which is untrue, deceptive, or misleading.

234 (a) The following statements, made in any public
 235 adjuster's advertisement or solicitation, are considered
 236 deceptive or misleading:

237 1. A statement or representation that invites an insured
 238 policyholder to submit a claim when the policyholder does not
 239 have covered damage to insured property.

240 2. A statement or representation that invites an insured
 241 policyholder to submit a claim by offering monetary or other
 242 valuable inducement.

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

246 4. A statement or representation, or use of a logo or
 247 shield, that implies or could mistakenly be construed to imply
 248 that the solicitation was issued or distributed by a
 249 governmental agency or is sanctioned or endorsed by a
 250 governmental agency.

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

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

262 (9) A public adjuster, a public adjuster apprentice, or
263 any person or entity acting on behalf of a public adjuster or
264 public adjuster apprentice may not give or offer to give a
265 monetary loan or advance to a client or prospective client.

266 (10) A public adjuster, public adjuster apprentice, or any
267 individual or entity acting on behalf of a public adjuster or
268 public adjuster apprentice may not give or offer to give,
269 directly or indirectly, any article of merchandise having a
270 value in excess of \$25 to any individual for the purpose of
271 advertising or as an inducement to entering into a contract with
272 a public adjuster.

273 (11) (a) If a public adjuster enters into a contract with
274 an insured or claimant to reopen a claim or file a supplemental
275 claim that seeks additional payments for a claim that has been

276 | previously paid in part or in full or settled by the insurer,
277 | the public adjuster may not charge, agree to, or accept from any
278 | source compensation, payment, commission, fee, or any other
279 | thing of value based on a previous settlement or previous claim
280 | payments by the insurer for the same cause of loss. The charge,
281 | compensation, payment, commission, fee, or any other thing of
282 | value must be based only on the claim payments or settlements
283 | paid to the insured, exclusive of attorney fees and costs,
284 | obtained through the work of the public adjuster after entering
285 | into the contract with the insured or claimant. Compensation for
286 | the reopened or supplemental claim may not exceed 20 percent of
287 | the reopened or supplemental claim payment. In no event shall
288 | the contracts described in this paragraph exceed the limitations
289 | in paragraph (b).

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

293 | 1. Ten percent of the amount of insurance claim payments
294 | or settlements, exclusive of attorney fees and costs, paid to
295 | the insured by the insurer for claims based on events that are
296 | the subject of a declaration of a state of emergency by the
297 | Governor. This provision applies to claims made during the year
298 | after the declaration of emergency. After that year, the
299 | limitations in subparagraph 2. apply.

300 | 2. Twenty percent of the amount of insurance claim

301 payments or settlements, exclusive of attorney fees and costs,
302 paid to the insured by the insurer for claims that are not based
303 on events that are the subject of a declaration of a state of
304 emergency by the Governor.

305 3. One percent of the amount of insurance claim payments
306 or settlements, paid to the insured by the insurer for any
307 coverage part of the policy where the claim payment or written
308 agreement by the insurer to pay is equal to or greater than the
309 policy limit for that part of the policy, if the payment or
310 written commitment to pay is provided within 14 days after the
311 date of loss or within 10 days after the date on which the
312 public adjusting contract is executed, whichever is later.

313 4. Zero percent of the amount of insurance claim payments
314 or settlements, paid to the insured by the insurer for any
315 coverage part of the policy where the claim payment or written
316 agreement by the insurer to pay occurs before the date on which
317 the public adjusting contract is executed.

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

321 (d) Public adjuster compensation may not be based on
322 amounts attributable to additional living expenses, unless such
323 compensation is affirmatively agreed to in a separate agreement
324 that includes a disclosure in substantially the following form:
325 "I agree to retain and compensate the public adjuster for

326 | adjusting my additional living expenses and securing payment
 327 | from my insurer for amounts attributable to additional living
 328 | expenses payable under the policy issued on my (home/mobile
 329 | home/condominium unit)."

330 | (e) Public adjuster rate of compensation may not be
 331 | increased based solely on the fact that the claim is litigated.

332 | (f) Any maneuver, shift, or device through which the
 333 | limits on compensation set forth in this subsection are exceeded
 334 | is a violation of this chapter punishable as provided under s.
 335 | 626.8698.

336 | (12) (a) Each public adjuster must provide to the claimant
 337 | or insured a written estimate of the loss to assist in the
 338 | submission of a proof of loss or any other claim for payment of
 339 | insurance proceeds within 60 days after the date of the
 340 | contract. The written estimate must include an itemized, per-
 341 | unit estimate of the repairs, including itemized information on
 342 | equipment, materials, labor, and supplies, in accordance with
 343 | accepted industry standards. The public adjuster shall retain
 344 | such written estimate for at least 5 years and shall make the
 345 | estimate available to the claimant or insured, the insurer, and
 346 | the department upon request.

347 | (b) An insured may cancel the contract with no additional
 348 | penalties or fees charged by the public adjuster if such an
 349 | estimate is not provided within 60 days after executing the
 350 | contract, subject to the cancellation notice requirement in this

351 section, unless the failure to provide the estimate within 60
352 days is caused by factors beyond the control of the public
353 adjuster. The cancellation period shall cease on the date the
354 public adjuster provides the written estimate to the insured.

355 (13) A public adjuster, public adjuster apprentice, or any
356 person acting on behalf of a public adjuster or apprentice may
357 not accept referrals of business from any person with whom the
358 public adjuster conducts business if there is any form or manner
359 of agreement to compensate the person, directly or indirectly,
360 for referring business to the public adjuster. A public adjuster
361 may not compensate any person, except for another public
362 adjuster, directly or indirectly, for the principal purpose of
363 referring business to the public adjuster.

364 (14) A company employee adjuster, independent adjuster,
365 attorney, investigator, or other persons acting on behalf of an
366 insurer that needs access to an insured or claimant or to the
367 insured property that is the subject of a claim must provide at
368 least 48 hours' notice to the insured or claimant, public
369 adjuster, or legal representative before scheduling a meeting
370 with the claimant or an onsite inspection of the insured
371 property. The insured or claimant may deny access to the
372 property if the notice has not been provided. The insured or
373 claimant may waive the 48-hour notice.

374 (15) The public adjuster must ensure that prompt notice is
375 given of the claim to the insurer, the public adjuster's

376 contract is provided to the insurer, the property is available
 377 for inspection of the loss or damage by the insurer, and the
 378 insurer is given an opportunity to interview the insured
 379 directly about the loss and claim. The insurer must be allowed
 380 to obtain necessary information to investigate and respond to
 381 the claim.

382 (a) The insurer may not exclude the public adjuster from
 383 its in-person meetings with the insured. The insurer shall meet
 384 or communicate with the public adjuster in an effort to reach
 385 agreement as to the scope of the covered loss under the
 386 insurance policy. The public adjuster shall meet or communicate
 387 with the insurer in an effort to reach agreement as to the scope
 388 of the covered loss under the insurance policy. This section
 389 does not impair the terms and conditions of the insurance policy
 390 in effect at the time the claim is filed.

391 (b) A public adjuster may not restrict or prevent an
 392 insurer, company employee adjuster, independent adjuster,
 393 attorney, investigator, or other person acting on behalf of the
 394 insurer from having reasonable access at reasonable times to any
 395 insured or claimant or to the insured property that is the
 396 subject of a claim.

397 (c) A public adjuster may not act or fail to reasonably
 398 act in any manner that obstructs or prevents an insurer or
 399 insurer's adjuster from timely conducting an inspection of any
 400 part of the insured property for which there is a claim for loss

401 or damage. The public adjuster representing the insureds may be
402 present for the insurer's inspection, but if the unavailability
403 of the public adjuster otherwise delays the insurer's timely
404 inspection of the property, the public adjuster or the insureds
405 must allow the insurer to have access to the property without
406 the participation or presence of the public adjuster or insureds
407 in order to facilitate the insurer's prompt inspection of the
408 loss or damage.

409 (16) A licensed contractor under part I of chapter 489, or
410 a subcontractor of such licensee, may not advertise, solicit,
411 offer to handle, handle, or perform public adjuster services as
412 provided in subsection (1) unless licensed and compliant as a
413 public adjuster under this chapter. The prohibition against
414 solicitation does not preclude a contractor from suggesting or
415 otherwise recommending to a consumer that the consumer consider
416 contacting his or her insurer to determine if the proposed
417 repair is covered under the consumer's insurance policy, except
418 as it relates to solicitation prohibited in s. 489.147. In
419 addition, the contractor may discuss or explain a bid for
420 construction or repair of covered property with the residential
421 property owner who has suffered loss or damage covered by a
422 property insurance policy, or the insurer of such property, if
423 the contractor is doing so for the usual and customary fees
424 applicable to the work to be performed as stated in the contract
425 between the contractor and the insured.

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

429 (18) A public adjuster, a public adjuster apprentice, or a
 430 person acting on behalf of an adjuster or apprentice may not
 431 enter into a contract or accept a power of attorney that vests
 432 in the public adjuster, the public adjuster apprentice, or the
 433 person acting on behalf of the adjuster or apprentice the
 434 effective authority to choose the persons or entities that will
 435 perform repair work in a property insurance claim or provide
 436 goods or services that will require the insured or third-party
 437 claimant to expend funds in excess of those payable to the
 438 public adjuster under the terms of the contract for adjusting
 439 services.

440 (19) Subsections (5)-(18) apply only to residential
 441 property insurance policies and condominium unit owner policies
 442 as described in s. 718.111(11), except that subsection (11) also
 443 applies to coverages provided by condominium association,
 444 cooperative association, apartment building, and similar
 445 policies, including policies covering the common elements of a
 446 homeowners' association.

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

449 626.8796 Public adjuster contracts; disclosure statement;
 450 fraud statement.-

451 (2) A public adjuster contract relating to a property and
452 casualty claim must contain the full name, permanent business
453 address, phone number, e-mail address, and license number of the
454 public adjuster; the full name and license number of the public
455 adjusting firm; and the insured's full name, street address,
456 phone number, and e-mail address, together with a brief
457 description of the loss. The contract must state the percentage
458 of compensation for the public adjuster's services in minimum
459 18-point bold type before the space reserved in the contract for
460 the signature of the insured; the type of claim, including an
461 emergency claim, nonemergency claim, or supplemental claim; the
462 initials of the named insured on each page that does not contain
463 the insured's signature; the signatures of the public adjuster
464 and all named insureds; and the signature date. If all of the
465 named insureds' signatures are not available, the public
466 adjuster must submit an affidavit signed by the available named
467 insureds attesting that they have authority to enter into the
468 contract and settle all claim issues on behalf of the named
469 insureds. An unaltered copy of the executed contract must be
470 remitted to the insured at the time of execution and to the
471 insurer, or the insurer's representative within 7 days after
472 execution. A public adjusting firm that adjusts claims primarily
473 for commercial entities with operations in more than one state
474 and that does not directly or indirectly perform adjusting
475 services for insurers or individual homeowners is deemed to

476 | comply with the requirements of this subsection if, at the time
477 | a proof of loss is submitted, the public adjusting firm remits
478 | to the insurer an affidavit signed by the public adjuster or
479 | public adjuster apprentice that identifies:

480 | (a) The full name, permanent business address, phone
481 | number, e-mail address, and license number of the public
482 | adjuster or public adjuster apprentice.

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

484 | (c) The insured's full name, street address, phone number,
485 | and e-mail address, together with a brief description of the
486 | loss.

487 | (d) An attestation that the compensation for public
488 | adjusting services will not exceed the limitations provided by
489 | law.

490 | (e) The type of claim, including an emergency claim,
491 | nonemergency claim, or supplemental claim.

492 | Section 10. Section 627.6426, Florida Statutes, is amended
493 | to read:

494 | 627.6426 Short-term health insurance.—

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

501 (2) All contracts for short-term health insurance entered
 502 into by an issuer and an individual seeking coverage shall
 503 include the following written disclosures signed by the
 504 purchaser at the time of purchase disclosure:

505 (a) The following statement:

506
 507 "This coverage is not required to comply with certain federal
 508 market requirements for health insurance, principally those
 509 contained in the Patient Protection and Affordable Care Act. Be
 510 sure to check your policy carefully to make sure you are aware
 511 of any exclusions or limitations regarding coverage of
 512 preexisting conditions or health benefits (such as
 513 hospitalization, emergency services, maternity care, preventive
 514 care, prescription drugs, and mental health and substance use
 515 disorder services). Your policy might also have lifetime and/or
 516 annual dollar limits on health benefits. If this coverage
 517 expires or you lose eligibility for this coverage, you might
 518 have to wait until an open enrollment period to get other health
 519 insurance coverage."

520 (b) The following information:

521 1. The duration of the contract, including any waiting
 522 period.

523 2. Any essential health benefit under 42 U.S.C. s.
 524 18022(b) that the contract does not provide.

525 3. The content of coverage.

526 4. Any exclusion of preexisting conditions.
 527 (3) These disclosures must be printed in no less than 12-
 528 point type and in a color that is readable. A copy of the signed
 529 disclosures must be maintained by the issuer for a period of 5
 530 years after the date of purchase.
 531 (4) Disclosures provided by electronic means must meet the
 532 requirements of subsection (2).

533 Section 11. Subsection (4) of section 627.70132, Florida
 534 Statutes, is renumbered as subsection (5), and a new subsection
 535 (4) is added to that section to read:

536 627.70132 Notice of property insurance claim.—
 537 (4) A claim resulting from loss assessment as described in
 538 s. 627.714 is considered to have occurred on the date of the
 539 notice of loss assessment sent by a unit owner's condominium
 540 association.

541 Section 12. Subsection (1) of section 627.711, Florida
 542 Statutes, is amended to read:

543 627.711 Notice of premium discounts for hurricane loss
 544 mitigation; uniform mitigation verification inspection form.—

545 (1) Using a form prescribed by the Office of Insurance
 546 Regulation, the insurer shall clearly notify the applicant or
 547 policyholder of any personal lines residential property
 548 insurance policy, commercial residential property insurance
 549 policy, or commercial property insurance policy at the time of
 550 the issuance of the policy and at each renewal, of the

551 availability and the range of each premium discount, credit,
552 other rate differential, or reduction in deductibles, and
553 combinations of discounts, credits, rate differentials, or
554 reductions in deductibles, for properties on which fixtures or
555 construction techniques demonstrated to reduce the amount of
556 loss in a windstorm can be or have been installed or
557 implemented. The prescribed form shall describe generally what
558 actions the policyholders may be able to take to reduce their
559 windstorm premium. The prescribed form and a list of such ranges
560 approved by the office for each insurer licensed in the state
561 and providing such discounts, credits, other rate differentials,
562 or reductions in deductibles for properties described in this
563 subsection shall be available for electronic viewing and
564 download from the Department of Financial Services' or the
565 Office of Insurance Regulation's Internet website. The Financial
566 Services Commission may adopt rules to implement this
567 subsection.

568 Section 13. Section 791.012, Florida Statutes, is amended
569 to read:

570 791.012 Minimum fireworks safety standards.—The outdoor
571 display of fireworks in this state shall be governed by the
572 National Fire Protection Association (NFPA) 1123, Code for
573 Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~
574 ~~National Standards Institute~~. Any state, county, or municipal
575 law, rule, or ordinance may provide for more stringent

576 regulations for the outdoor display of fireworks, but in no
 577 event may any such law, rule, or ordinance provide for less
 578 stringent regulations for the outdoor display of fireworks. The
 579 division shall promulgate rules to carry out the provisions of
 580 this section. The Code for Fireworks Display shall not govern
 581 the display of any fireworks on private, residential property
 582 and shall not govern the display of those items included under
 583 s. 791.01(4) (b) and (c) and authorized for sale thereunder.

584 Section 14. Section 817.153, Florida Statutes, is created
 585 to read:

586 817.153 Grant and contract fraud.—

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

588 (a) "Claim" means an application, request, or demand for
 589 money or property under a state grant agreement, state contract,
 590 or other agreement with the state for money or property, whether
 591 or not the United States or a specified state agency has title
 592 to the money or property, presented or caused to be presented to
 593 any officer, employee, or agent of a state agency, as well as
 594 any request for a drawdown or other payment that is made to a
 595 computerized payment administration system.

596 (b) "Other agreement" includes a loan, subsidy, and
 597 payment for a specified use; an award; and subaward, regardless
 598 of whether one or more persons entering into the agreement is a
 599 contractor or subcontractor.

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

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

605 (b) Knowingly makes, uses, or causes to be made or used
 606 any false statement, omission, or misrepresentation of a
 607 material fact in any application, proposal, bid, progress
 608 report, budget, financial statement, audit, or other document
 609 that is required to be submitted in order to directly or
 610 indirectly receive or retain funds provided in whole or in part
 611 pursuant to a state grant agreement, state contract or other
 612 agreement with the state.

613 (c) Knowingly makes, uses, or causes to be made or used
 614 false records or statements material to false or fraudulent
 615 claims under a grant agreement, state contract, or other
 616 agreement with the state.

617 (d) Knowingly conceals, avoids, or decreases an obligation
 618 to pay or transmit funds or property with respect to a state
 619 grant agreement, state contract, or other agreement with the
 620 state, or knowingly makes, uses, or causes to be made or used a
 621 false record or statement material to such an obligation.

622
 623 Proof of specific intent to defraud is not required. Innocent
 624 mistake is a defense to an action under this section.

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

626 of this section is:

627 (a) Less than \$20,000, the offender commits a felony of
628 the third degree, punishable as provided in s. 775.082, s.
629 775.083, or s. 775.084.

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

633 (c) At least \$100,000, the offender commits a felony of
634 the first degree, punishable as provided in s. 775.082, s.
635 775.083, or s. 775.084.

636 (4) This section applies to all grant agreements, state
637 contracts, or other agreements with the state, regardless of
638 whether the funds being provided pursuant to those grant
639 agreements, state contracts, or other agreements with the state
640 are state funds or federal pass-through funds.

641 Section 15. Section 817.4112, Florida Statutes, is created
642 to read:

643 817.4112 Falsely representing origin of advertisement or
644 communication.—A person or business entity may not knowingly
645 make statements, or disseminate, in oral, written, electronic,
646 or printed form or otherwise, any advertisement or communication
647 that has the intent or purpose of falsely representing that such
648 advertisement or communication originated from a bank or lending
649 institution.

650 Section 16. Section 817.45, Florida Statutes, is amended

HB 939

2024

651 to read:

652 817.45 Penalty.—Any person convicted of violating any of
653 the provisions of s. 817.41, s. 817.411, s. 817.4112, or s.
654 817.44 is guilty of a misdemeanor of the first degree,
655 punishable as provided in s. 775.082 or s. 775.083. Upon a
656 second or subsequent conviction for violation of s. 817.41, s.
657 817.411, s. 817.4112, or s. 817.44, such person is guilty of a
658 misdemeanor of the first degree, punishable as provided in s.
659 775.082 or by a fine not exceeding \$10,000, or by both.

660 Section 17. This act shall take effect July 1, 2024.