

1                                   A bill to be entitled  
2           An act relating to consumer protection; amending s.  
3           212.134, F.S.; defining terms; revising requirements  
4           for payment settlement entities, or their electronic  
5           payment facilitators or contracted third parties, in  
6           submitting information returns to the Department of  
7           Revenue; specifying requirements for third party  
8           settlement organizations that conduct certain  
9           transactions; amending s. 489.147, F.S.; defining a  
10          term; authorizing a residential property owner to  
11          cancel contracts to replace or repair a roof without  
12          penalty or obligation within a specified timeframe  
13          under certain circumstances; requiring contractors to  
14          include a notice in the contracts with residential  
15          property owners under certain circumstances; providing  
16          requirements for notices of contract cancellation;  
17          amending s. 559.9611, F.S.; revising the definition of  
18          the term "depository institution"; amending s.  
19          624.424, F.S.; providing requirements for certain  
20          insurers' accountants; amending s. 626.8796, F.S.;  
21          revising the content of certain public adjuster  
22          contracts; amending s. 627.43141, F.S.; providing  
23          requirements for certain notice of change in insurance  
24          renewal policy terms; amending s. 627.6426, F.S.;  
25          revising the disclosure requirements of contracts for

26 short-term health insurance; amending s. 627.70132,  
 27 F.S.; providing requirements for notices of claims for  
 28 loss assessment coverage; providing dates of loss;  
 29 amending s. 791.01, F.S.; revising the definition of  
 30 the term "fireworks"; amending s. 791.012, F.S.;  
 31 updating the source of the code for outdoor display of  
 32 fireworks; providing an effective date.  
 33

34 Be It Enacted by the Legislature of the State of Florida:  
 35

36 Section 1. Section 212.134, Florida Statutes, is amended  
 37 to read:

38 212.134 Information returns relating to payment-card and  
 39 third party ~~third-party~~ network transactions.—

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

41 (a) "Participating payee" has the same meaning as in s.  
 42 6050W of the Internal Revenue Code.

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

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

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

49 (2) For each year in which a payment settlement entity, an  
 50 electronic payment facilitator, or other third party contracted

51 with the payment settlement entity to make payments to settle  
52 reportable payment transactions on behalf of the payment  
53 settlement entity must file a return pursuant to s. 6050W of the  
54 Internal Revenue Code, for participating payees with an address  
55 in this state, the entity, the facilitator, or the third party  
56 must submit the information in the return to the department by  
57 the 30th day after filing the federal return. The format of the  
58 information returns required must be either a copy of such  
59 information returns or a copy of such information returns  
60 related to participating payees with an address in the state.  
61 For purposes of this subsection, the term "payment settlement  
62 entity" has the same meaning as provided in s. 6050W of the  
63 Internal Revenue Code.

64 ~~(3)-(2)~~ All reports of returns submitted to the department  
65 under this section must be in an electronic format.

66 ~~(4)-(3)~~ Any payment settlement entity, facilitator, or  
67 third party failing to file the information return required,  
68 filing an incomplete information return, or not filing an  
69 information return within the time prescribed is subject to a  
70 penalty of \$1,000 for each failure, if the failure is for not  
71 more than 30 days, with an additional \$1,000 for each month or  
72 fraction of a month during which each failure continues. The  
73 total amount of penalty imposed on a reporting entity may not  
74 exceed \$10,000 annually.

75 ~~(5)-(4)~~ The executive director or his or her designee may

76 waive the penalty if he or she determines that the failure to  
77 timely file an information return was due to reasonable cause  
78 and not due to willful negligence, willful neglect, or fraud.

79 (6) All third party settlement organizations that conduct  
80 transactions involving a participating payee with an address in  
81 this state and that have a contractual obligation with such  
82 participating payee to make payment to the organizations shall  
83 create a mechanism for senders of payments to identify whether a  
84 payment to a payee is for goods and services or is personal. The  
85 mechanism must clearly indicate the sender's requirement to  
86 indicate the appropriate transaction type. The sender of the  
87 payment is responsible for indicating the appropriate  
88 transaction type. All third party settlement organizations shall  
89 maintain records that clearly identify whether a transaction, as  
90 designated by the sender of the payment, is a transaction for  
91 goods and services or is personal. The information in the return  
92 submitted to the department under subsection (2) for such  
93 entities must be limited to transactions for goods and services.

94 (7) Notwithstanding this section, subsection (6) does not  
95 apply to a third party settlement organization if a contractual  
96 agreement or arrangement to provide a third party payment  
97 network to a participating payee requires the third party  
98 settlement organization solely to settle third party network  
99 transactions for the provision of goods and services.

100 Section 2. Paragraph (b) of subsection (1) of section

101 489.147, Florida Statutes, is redesignated as paragraph (c), a  
 102 new paragraph (b) is added to that subsection, and subsection  
 103 (6) is added to that section, to read:

104 489.147 Prohibited property insurance practices; contract  
 105 requirements.-

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

107 (b) "Residential property owner" means the person who  
 108 holds the legal title to the residential real property that is  
 109 subject of and directly impacted by the action of a governmental  
 110 entity. The term does not include a governmental entity.

111 (6) (a) A residential property owner may cancel a contract  
 112 to replace or repair a roof without penalty or obligation within  
 113 10 days after the execution of the contract or by the official  
 114 start date, whichever comes first, if the contract was entered  
 115 into based on events that are subject of a declaration of a  
 116 state of emergency by the Governor. For the purposes of this  
 117 subsection, the official start date is the date on which work  
 118 that includes the installation of materials that will be  
 119 included in the final work on the roof commences, a final permit  
 120 has been issued, or a temporary repair to the roof covering or  
 121 roof has been made in compliance with the Florida Building Code.

122 (b) A contractor executing a contract during a declaration  
 123 of a state of emergency to replace or repair a roof of a  
 124 residential property must include or add as an attachment to the  
 125 contract the following language, in bold type of not less than

126 18 points, immediately before the space reserved for the  
 127 signature of the residential property owner:

128  
 129 "You, the residential property owner, may cancel this contract  
 130 without penalty or obligation within 10 days after the execution  
 131 of the contract or by the official start date, whichever comes  
 132 first, because this contract was entered into during a state of  
 133 emergency by the Governor. The official start date is the date  
 134 on which work that includes the installation of materials that  
 135 will be included in the final work on the roof commences, a  
 136 final permit has been issued, or a temporary repair to the roof  
 137 covering or roof system has been made in compliance with the  
 138 Florida Building Code."

139  
 140 (c) The residential property owner must send the notice of  
 141 cancellation by certified mail, return receipt requested, or  
 142 other form of mailing that provides proof thereof, at the  
 143 address specified in the contract.

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

146 559.9611 Definitions.—As used in this part, the term:

147 (9) "Depository institution" means a bank, a credit union,  
 148 a savings bank, a savings and loan association, a savings or  
 149 thrift association, or an industrial loan company doing business  
 150 under the authority of a charter issued by the United States,

151 this state, or any other state, district, territory, or  
152 commonwealth of the United States which is authorized to  
153 transact business in this state and whose deposits or share  
154 accounts are insured by the Federal Deposit Insurance  
155 Corporation or the National Credit Union Share Insurance Fund  
156 ~~Florida state-chartered bank, savings bank, credit union, or~~  
157 ~~trust company, or a federal savings or thrift association, bank,~~  
158 ~~credit union, savings bank, or thrift.~~

159 Section 4. Paragraph (d) of subsection (8) of section  
160 624.424, Florida Statutes, is amended to read:

161 624.424 Annual statement and other information.—

162 (8)

163 (d) Upon creation of the continuing education required  
164 under this paragraph, the certified public accountant that  
165 prepares the audit must be licensed to practice pursuant to  
166 chapter 473 and must have completed at least 4 hours of  
167 insurance-related continuing education during each 2-year  
168 continuing education cycle. An insurer may not use the same  
169 accountant or partner of an accounting firm responsible for  
170 preparing the report required by this subsection for more than 5  
171 consecutive years. Following this period, the insurer may not  
172 use such accountant or partner for a period of 5 years, but may  
173 use another accountant or partner of the same firm. An insurer  
174 may request the office to waive this prohibition based upon an  
175 unusual hardship to the insurer and a determination that the

176 accountant is exercising independent judgment that is not unduly  
177 influenced by the insurer considering such factors as the number  
178 of partners, expertise of the partners or the number of  
179 insurance clients of the accounting firm; the premium volume of  
180 the insurer; and the number of jurisdictions in which the  
181 insurer transacts business.

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

184 626.8796 Public adjuster contracts; disclosure statement;  
185 fraud statement.—

186 (2) A public adjuster contract relating to a property and  
187 casualty claim must contain the full name, permanent business  
188 address, phone number, e-mail address, and license number of the  
189 public adjuster; the full name and license number of the public  
190 adjusting firm; and the insured's full name, street address,  
191 phone number, and e-mail address, together with a brief  
192 description of the loss. The contract must state the percentage  
193 of compensation for the public adjuster's services in minimum  
194 18-point bold type before the space reserved in the contract for  
195 the signature of the insured; the type of claim, including an  
196 emergency claim, nonemergency claim, or supplemental claim; the  
197 initials of the named insured on each page that does not contain  
198 the insured's signature; the signatures of the public adjuster  
199 and all named insureds; and the signature date. If all of the  
200 named insureds' signatures are not available, the public



201 adjuster must submit an affidavit signed by the available named  
202 insureds attesting that they have authority to enter into the  
203 contract and settle all claim issues on behalf of the named  
204 insureds. An unaltered copy of the executed contract must be  
205 remitted to the insured at the time of execution and to the  
206 insurer, or the insurer's representative within 7 days after  
207 execution. A public adjusting firm that adjusts claims primarily  
208 for commercial entities with operations in more than one state  
209 and that does not directly or indirectly perform adjusting  
210 services for insurers or individual homeowners is deemed to  
211 comply with the requirements of this subsection if, at the time  
212 a proof of loss is submitted, the public adjusting firm remits  
213 to the insurer an affidavit signed by the public adjuster or  
214 public adjuster apprentice that identifies:

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

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

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

222 (d) An attestation that the compensation for public  
223 adjusting services will not exceed the limitations provided by  
224 law.

225 (e) The type of claim, including an emergency claim,

226 nonemergency claim, or supplemental claim.

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

229 627.43141 Notice of change in policy terms.—

230 (2) A renewal policy may contain a change in policy terms.  
 231 If such change occurs, the insurer shall give the named insured  
 232 advance written notice summarizing the change, which may be  
 233 enclosed in ~~along with~~ the written notice of renewal premium  
 234 required under ss. 627.4133 and 627.728 or sent separately  
 235 within the timeframe required under the Florida Insurance Code  
 236 for the provision of a notice of nonrenewal to the named insured  
 237 for that line of insurance. The insurer must also provide a  
 238 sample copy of the notice to the named insured's insurance agent  
 239 before or at the same time that notice is provided to the named  
 240 insured. Such notice shall be entitled "Notice of Change in  
 241 Policy Terms." Beginning January 1, 2025, the notice must be in  
 242 bold type of not less than 14 points and must be included as a  
 243 single page or consecutive pages, as necessary, within the  
 244 written notice.

245 Section 7. Section 627.6426, Florida Statutes, is amended  
 246 to read:

247 627.6426 Short-term health insurance.—

248 (1) For purposes of this part, the term "short-term health  
 249 insurance" means health insurance coverage provided by an issuer  
 250 with an expiration date specified in the contract that is less

251 than 12 months after the original effective date of the contract  
252 and, taking into account renewals or extensions, has a duration  
253 not to exceed 36 months in total.

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

258 (a) The following statement:

259  
260 "This coverage is not required to comply with certain federal  
261 market requirements for health insurance, principally those  
262 contained in the Patient Protection and Affordable Care Act. Be  
263 sure to check your policy carefully to make sure you are aware  
264 of any exclusions or limitations regarding coverage of  
265 preexisting conditions or health benefits (such as  
266 hospitalization, emergency services, maternity care, preventive  
267 care, prescription drugs, and mental health and substance use  
268 disorder services). Your policy might also have lifetime and/or  
269 annual dollar limits on health benefits. If this coverage  
270 expires or you lose eligibility for this coverage, you might  
271 have to wait until an open enrollment period to get other health  
272 insurance coverage."

273  
274 (b) The following information:

275 1. The duration of the contract, including any waiting

276 period.

277 2. Any essential health benefit under 42 U.S.C. s.

278 18022(b) that the contract does not provide.

279 3. The content of coverage.

280 4. Any exclusion of preexisting conditions.

281 (3) The disclosures required in subsection (2) must be

282 printed in no less than 12-point type and in a color that is

283 readable. A copy of the signed disclosures must be maintained by

284 the issuer for a period of 5 years after the date of purchase.

285 (4) Disclosures provided by electronic means must meet the

286 requirements of subsection (2).

287 Section 8. Subsection (4) of section 627.70132, Florida

288 Statutes, is renumbered as subsection (5), and a new subsection

289 (4) is added to that section to read:

290 627.70132 Notice of property insurance claim.—

291 (4) (a) A notice of claim for loss assessment coverage

292 under s. 627.714 may not occur later than 3 years after the date

293 of loss and must be provided to the insurer the later of:

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

295 2. Within 90 days after the date on which the condominium

296 association or its governing board votes to levy an assessment

297 resulting from a covered loss.

298 (b) For purposes of this subsection, the date of loss is

299 the date of the covered loss event that created the need for an

300 assessment.

301 Section 9. Paragraph (a) of subsection (4) of section  
302 791.01, Florida Statutes, is amended to read:

303 791.01 Definitions.—As used in this chapter, the term:

304 (4)(a) "Fireworks" means and includes any combustible or  
305 explosive composition or substance or combination of substances  
306 or, except as hereinafter provided, any article prepared for the  
307 purpose of producing a visible or audible effect by combustion,  
308 explosion, deflagration, or detonation. The term includes blank  
309 cartridges and toy cannons in which explosives are used, the  
310 type of balloons which require fire underneath to propel them,  
311 firecrackers, torpedoes, skyrockets, Roman candles, ~~dag-bombs,~~  
312 and any fireworks containing any explosives or flammable  
313 compound or any tablets or other device containing any explosive  
314 substance.

315 Section 10. Section 791.012, Florida Statutes, is amended  
316 to read:

317 791.012 Minimum fireworks safety standards.—The outdoor  
318 display of fireworks in this state shall be governed by the  
319 National Fire Protection Association (NFPA) 1123, Code for  
320 Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~  
321 ~~National Standards Institute~~. Any state, county, or municipal  
322 law, rule, or ordinance may provide for more stringent  
323 regulations for the outdoor display of fireworks, but in no  
324 event may any such law, rule, or ordinance provide for less  
325 stringent regulations for the outdoor display of fireworks. The

326 | division shall promulgate rules to carry out the provisions of  
327 | this section. The Code for Fireworks Display shall not govern  
328 | the display of any fireworks on private, residential property  
329 | and shall not govern the display of those items included under  
330 | s. 791.01(4) (b) and (c) and authorized for sale thereunder.

331 | Section 11. This act shall take effect July 1, 2024.