

Amendment No.

CHAMBER ACTION

Senate

House

.

---

Representative LaMarca offered the following:

**Amendment (with title amendment)**

Remove lines 1616-1642 and insert:

(5) In addition to any sanctions and penalties under the financial institutions codes, a financial institution's bad faith termination, suspension, or similar action restricting access to a customer's or member's account, as determined by the office pursuant to subsection (3), or a financial institution's failure to cooperate in an investigation conducted pursuant to subsection (3), including, without limitation, failure to timely file a termination-of-access report with the office, constitutes a violation of the Florida Deceptive and Unfair Trade Practices

246769

Approved For Filing: 2/27/2024 2:40:26 PM

Amendment No.

14 Act under part II of chapter 501. Notwithstanding s. 501.211,  
15 violations must be enforced only by the enforcing authority, as  
16 defined in s. 501.203(2), and subject the violator to the  
17 sanctions and penalties provided for in part II of chapter 501.  
18 If such action is successful, the enforcing authority is  
19 entitled to reasonable attorney fees and costs.

20 (6) The office shall provide any report filed pursuant to  
21 this section, or any information contained therein, to any  
22 federal, state, or local law enforcement or prosecutorial  
23 agency, and any federal or state agency responsible for the  
24 regulation or supervision of financial institutions, if the  
25 provision of such report is otherwise required by law.

26 (7) If the office determines under subsection (3) that a  
27 financial institution has acted in bad faith, the aggrieved  
28 customer or member of the financial institution has a cause of  
29 action against the financial institution for damages and may  
30 recover damages therefor in any court of competent jurisdiction,  
31 together with costs and reasonable attorney fees to be assessed  
32 by the court. To recover damages under this subsection, the  
33 customer or member must establish by clear and convincing  
34 evidence that the financial institution acted in bad faith in  
35 terminating, suspending, or taking similar action restricting  
36 access to the customer's or member's account. The office's  
37 determination that the financial institution has acted in bad  
38 faith pursuant to subsection (3) does not, in and of itself,

246769

Approved For Filing: 2/27/2024 2:40:26 PM

Amendment No.

39 establish by clear and convincing evidence that the financial  
 40 institution acted in bad faith in the termination, suspension,  
 41 or similar action restricting access to the customer's or  
 42 member's account. A customer's or member's failure to initiate a  
 43 cause of action under this subsection within 12 months after the  
 44 office's finding of bad faith pursuant to subsection (3) bars  
 45 recovery of any filed claims thereafter.

46 (8) By July 1, 2024, the office shall make available on  
 47  
 48 -----

49 **T I T L E A M E N D M E N T**

50 Remove line 161 and insert:

51 filed; providing violations and penalties; providing that  
 52 certain actions or certain failure of financial institutions to  
 53 cooperate in specified investigations constitute violations of  
 54 the Florida Deceptive and Unfair Trade Practices Act; providing  
 55 that violations are enforced only by the enforcing authority;  
 56 providing attorney fees and costs; requiring