

1 A bill to be entitled
2 An act relating to consumer protection; amending s.
3 319.30, F.S.; revising provisions for systems used to
4 execute electronic signatures for salvage certificates
5 of title; amending s. 501.0051, F.S.; prohibiting
6 consumer reporting agencies from charging to reissue
7 or provide a new unique personal identifier to a
8 consumer for the removal of a security freeze;
9 amending s. 624.307, F.S.; revising a requirement for
10 entities licensed or authorized by the Department of
11 Financial Services or the Office of Insurance
12 Regulation to respond to the department's Division of
13 Consumer Services regarding consumer complaints;
14 revising administrative penalties the division may
15 impose for failure to comply; amending s. 626.112,
16 F.S.; prohibiting unlicensed activity by an adjusting
17 firm; providing an exemption; providing an exemption
18 from licensure for branch firms that meet certain
19 criteria; providing an administrative penalty for
20 failing to apply for certain licensure; providing a
21 criminal penalty for aiding or abetting unlicensed
22 activity; deleting an obsolete provision; amending s.
23 626.602, F.S.; authorizing the department to
24 disapprove the use of insurance agency names
25 containing the words "Medicare" or "Medicaid";

26 providing an exception for certain insurance agencies;
27 amending s. 626.621, F.S.; adding grounds on which the
28 department may take certain actions against a license,
29 appointment, or application of certain insurance
30 representatives; amending ss. 626.782 and 626.783,
31 F.S.; revising the definitions of the terms
32 "industrial class insurer" and "ordinary-combination
33 class insurer," respectively, to conform to changes
34 made by the act; repealing s. 626.796, F.S., relating
35 to the representation of multiple insurers in the same
36 industrial debit territory; amending s. 626.8443,
37 F.S.; increasing the maximum period of suspension of a
38 title insurance agent's or agency's license; amending
39 s. 626.854, F.S.; revising the timeframes in which an
40 insured or claimant may cancel a public adjuster's
41 contract to adjust a claim without penalty or
42 obligation; requiring public adjusters to include
43 itemized information in loss estimates; providing that
44 failure by the public adjuster to provide such
45 information within a specified timeframe restores the
46 insured's right to cancel the contract without penalty
47 or obligation; amending s. 626.856, F.S.; revising the
48 definition of the term "company employee adjuster";
49 amending s. 626.916, F.S.; revising the classes of
50 insurance subject to a disclosure requirement before

51 being eligible for export under the Surplus Lines Law;
52 amending s. 626.9541, F.S.; adding certain acts or
53 practices to the definition of the term "sliding";
54 amending s. 626.9741, F.S.; requiring an insurer to
55 include certain additional information when providing
56 an applicant or insured with certain credit report or
57 score information; amending ss. 626.9957 and 627.062,
58 F.S.; conforming cross-references; amending s.
59 627.421, F.S.; requiring personal lines residential
60 property insurers to annually deliver certain
61 notifications to certain policyholders within a
62 specified timeframe; amending s. 627.502, F.S.;

63 prohibiting life insurers from writing new policies of
64 industrial life insurance beginning on a certain date;
65 amending s. 627.70131, F.S.; providing that
66 communication made to or by an insurer's
67 representative, rather than to or by an insurer's
68 agent, constitutes communication to or by the insurer;
69 requiring an insurer-assigned licensed adjuster to
70 provide the policyholder with certain information in
71 certain investigations; specifying requirements for
72 insurers in notifying policyholders of certain changes
73 in assigned adjusters; requiring an insurer to
74 establish a process to provide the agent of record
75 access to claim status information for a certain

76 | purpose; defining the term "agent of record";
77 | requiring insurers to include specified notices when
78 | providing preliminary or partial damage estimates or
79 | certain claim payments; specifying the timeframe in
80 | which an insurer must pay or deny property insurance
81 | claims under certain circumstances; providing
82 | applicability; conforming provisions to changes made
83 | by the act; creating s. 627.7031, F.S.; prohibiting
84 | foreign venue clauses in certain property insurance
85 | policies; providing applicability; amending s.
86 | 627.7142, F.S.; revising information contained in the
87 | Homeowner Claims Bill of Rights; conforming provisions
88 | to changes made by the act; reviving, reenacting, and
89 | amending s. 627.715, F.S.; extending the expiration
90 | date for provisions authorizing surplus lines agents
91 | to export flood coverage contracts or endorsements to
92 | insurers without seeking such coverage from specified
93 | entities; amending s. 631.57, F.S.; deleting a
94 | deductible on the Florida Insurance Guaranty
95 | Association's obligation relating to certain covered
96 | claims; amending s. 648.30, F.S.; prohibiting the
97 | aiding or abetting of unlicensed activity of a bail
98 | bond agent or temporary bail bond agent; providing
99 | penalties; amending ss. 717.124, 717.12404, 717.1315,
100 | and 717.1322, F.S.; conforming provisions to changes

101 made by the act; amending s. 717.135, F.S.; replacing
102 provisions relating to powers of attorney to recover
103 unclaimed property with provisions relating to uniform
104 forms for unclaimed property recovery agreements and
105 purchase agreements; requiring the department to adopt
106 the uniform forms by rule; specifying required
107 information and disclosures in the forms; requiring
108 that, for the purchase agreement form, proof the
109 seller received payment be filed with the department
110 along with the claim; requiring registered claimant's
111 representatives to use the forms as the exclusive
112 means of engaging with a claimant or seller to file
113 claims and prohibiting them from using or distributing
114 other agreements; specifying a limitation on fees and
115 costs owed or paid; authorizing additional maximum
116 total dollar fee and cost amounts for probated estate
117 claimants; prohibiting certain language in the forms;
118 authorizing the department to pay additional accounts
119 owned by the claimant under certain circumstances;
120 providing construction; repealing s. 717.1351, F.S.,
121 relating to the acquisition of unclaimed property;
122 providing effective dates.

123

124 Be It Enacted by the Legislature of the State of Florida:

125

126 Section 1. Paragraph (d) of subsection (3) of section
 127 319.30, Florida Statutes, is amended to read:

128 319.30 Definitions; dismantling, destruction, change of
 129 identity of motor vehicle or mobile home; salvage.—

130 (3)

131 (d) An electronic signature that is consistent with
 132 chapter 668 satisfies any signature required under this
 133 subsection, except that an electronic signature on an odometer
 134 disclosure submitted through an insurance company must be
 135 executed using an electronic signature, as defined in s.
 136 668.003(4), that uses a system providing an Identity Assurance
 137 Level, Authenticator Assurance Level, and Federation Assurance
 138 Level, as described in the National Institute of Standards and
 139 Technology Special Publication 800-63-3, as of December 1, 2017,
 140 that are equivalent to or greater than:

141 ~~1.~~ Level 2, for each level, for a certificate of
 142 destruction or.

143 ~~2. Level 3, for each level,~~ for a salvage certificate of
 144 title.

145 Section 2. Paragraph (b) of subsection (9) of section
 146 501.0051, Florida Statutes, is amended to read:

147 501.0051 Protected consumer report security freeze.—

148 (9)

149 (b) A consumer reporting agency may not charge to a
 150 ~~reasonable fee, not to exceed \$10, if the representative fails~~

151 ~~to retain the original unique personal identifier provided by~~
152 ~~the consumer reporting agency and the agency must reissue the~~
153 unique personal identifier or provide a new unique personal
154 identifier to the consumer ~~representative~~.

155 Section 3. Paragraph (b) of subsection (10) of section
156 624.307, Florida Statutes, is amended to read:

157 624.307 General powers; duties.—

158 (10)

159 (b) Any entity ~~person~~ licensed or issued a certificate of
160 authority by the department or the office shall respond, in
161 writing, to the division within 20 days after receipt of a
162 written request for documents and information from the division
163 concerning a consumer complaint. The response must address the
164 issues and allegations raised in the complaint and include any
165 requested documents and information concerning the consumer
166 complaint not subject to attorney-client or work-product
167 privilege. The division may impose an administrative penalty for
168 failure to comply with this paragraph of up to \$2,500 per
169 violation upon any entity licensed by the department or the
170 office ~~and \$250 for the first violation, \$500 for the second~~
171 ~~violation, and up to \$1,000 for the third or subsequent~~
172 ~~violation upon any individual licensed by the department or the~~
173 ~~office~~.

174 Section 4. Subsection (9) of section 626.112, Florida
175 Statutes, is redesignated as subsection (10), paragraph (d) of

176 subsection (7) and present subsection (9) of that section are
177 amended, and a new subsection (9) is added to that section, to
178 read:

179 626.112 License and appointment required; agents, customer
180 representatives, adjusters, insurance agencies, service
181 representatives, managing general agents, insurance adjusting
182 firms.—

183 (7)

184 ~~(d) Effective October 1, 2015, the department must~~
185 ~~automatically convert the registration of an approved registered~~
186 ~~insurance agency to an insurance agency license.~~

187 (9) (a) An individual, firm, partnership, corporation,
188 association, or other entity may not act in its own name or
189 under a trade name, directly or indirectly, as an adjusting firm
190 unless it complies with s. 626.8696 with respect to possessing
191 an adjusting firm license for each place of business at which it
192 engages in an activity that may be performed only by a licensed
193 insurance adjuster. However, an adjusting firm that is owned and
194 operated by a single licensed adjuster conducting business in
195 his or her individual name and not employing or otherwise using
196 the services of or appointing other licensees is exempt from the
197 adjusting firm licensing requirements of this subsection.

198 (b) A branch place of business that is established by a
199 licensed adjusting firm is considered a branch firm and is not
200 required to be licensed if:

201 1. It transacts business under the same name and federal
202 tax identification number as the licensed adjusting firm;

203 2. It has designated with the department a primary
204 adjuster operating the location as required by s. 626.8695; and

205 3. The address and telephone number of the branch location
206 have been submitted to the department for inclusion in the
207 licensing record of the licensed adjusting firm within 30 days
208 after insurance transactions begin at the branch location.

209 (c) If an adjusting firm is required to be licensed, but
210 fails to file an application for licensure in accordance with
211 this section, the department shall impose on the firm an
212 administrative penalty of up to \$10,000.

213 (10)(9) Any person who knowingly transacts insurance or
214 otherwise engages in insurance activities in this state without
215 a license in violation of this section or who knowingly aids or
216 abets an unlicensed person in transacting insurance or otherwise
217 engaging in insurance activities in this state without a license
218 commits a felony of the third degree, punishable as provided in
219 s. 775.082, s. 775.083, or s. 775.084.

220 Section 5. Subsection (4) is added to section 626.602,
221 Florida Statutes, to read:

222 626.602 Insurance agency names; disapproval.—The
223 department may disapprove the use of any true or fictitious
224 name, other than the bona fide natural name of an individual, by
225 any insurance agency on any of the following grounds:

226 (4) The name contains the word "Medicare" or "Medicaid."
227 An insurance agency whose name contains the word "Medicare" or
228 "Medicaid" but which is licensed as of July 1, 2020, may
229 continue to use that name as long as the agency's license is
230 valid. If the agency's license expires or is suspended or
231 revoked, the agency may not be relicensed using that name.

232 Section 6. Subsections (16) and (17) are added to section
233 626.621, Florida Statutes, to read:

234 626.621 Grounds for discretionary refusal, suspension, or
235 revocation of agent's, adjuster's, customer representative's,
236 service representative's, or managing general agent's license or
237 appointment.—The department may, in its discretion, deny an
238 application for, suspend, revoke, or refuse to renew or continue
239 the license or appointment of any applicant, agent, adjuster,
240 customer representative, service representative, or managing
241 general agent, and it may suspend or revoke the eligibility to
242 hold a license or appointment of any such person, if it finds
243 that as to the applicant, licensee, or appointee any one or more
244 of the following applicable grounds exist under circumstances
245 for which such denial, suspension, revocation, or refusal is not
246 mandatory under s. 626.611:

247 (16) Taking action that allows the personal financial or
248 medical information of a consumer or customer to be made
249 available or accessible to the general public, regardless of the
250 format in which the record is stored.

251 (17) Initiating in-person or telephone solicitation after
252 9 p.m. or before 8 a.m. local time of the prospective customer
253 unless requested by the prospective customer.

254 Section 7. Section 626.782, Florida Statutes, is amended
255 to read:

256 626.782 "Industrial class insurer" defined.—An "industrial
257 class insurer" is an insurer collecting premiums on policies of
258 ~~writing~~ industrial life insurance, as defined in s. 627.502,
259 written before July 1, 2020, and as to such insurance, operates
260 under a system of collecting a debit by its agent.

261 Section 8. Section 626.783, Florida Statutes, is amended
262 to read:

263 626.783 "Ordinary-combination class insurer" defined.—An
264 "ordinary-combination class insurer" is an insurer writing ~~both~~
265 ordinary class insurance and collecting premiums on existing
266 industrial life ~~class~~ insurance under s. 626.782.

267 Section 9. Section 626.796, Florida Statutes, is repealed.

268 Section 10. Subsection (1) of section 626.8443, Florida
269 Statutes, is amended to read:

270 626.8443 Duration of suspension or revocation.—

271 (1) The department shall, in its order suspending a title
272 insurance agent's or agency's license or appointment or in its
273 order suspending the eligibility of a person to hold or apply
274 for such license or appointment, specify the period during which
275 the suspension is to be in effect, but such period shall not

276 exceed 2 years ~~1-year~~. The license, ~~or~~ appointment, or
277 eligibility shall remain suspended during the period so
278 specified, subject, however, to any rescission or modification
279 of the order by the department, or modification or reversal
280 thereof by the court, prior to expiration of the suspension
281 period. A license, appointment, or eligibility that ~~which~~ has
282 been suspended may not be reinstated except upon request for
283 such reinstatement, but the department shall not grant such
284 reinstatement if it finds that the circumstance or circumstances
285 for which the license, appointment, and eligibility was
286 suspended still exist or are likely to recur.

287 Section 11. Subsections (6) and (11) of section 626.854,
288 Florida Statutes, are amended to read:

289 626.854 "Public adjuster" defined; prohibitions.—The
290 Legislature finds that it is necessary for the protection of the
291 public to regulate public insurance adjusters and to prevent the
292 unauthorized practice of law.

293 (6) Except during a state of emergency declared by the
294 Governor and except during the 1-year period after the date of
295 loss, an insured or claimant may cancel a public adjuster's
296 contract to adjust a claim without penalty or obligation within
297 7 calendar ~~3-business~~ days after the date on which the contract
298 is executed or within 7 calendar ~~3-business~~ days after the date
299 on which the insured or claimant has notified the insurer of the
300 claim, whichever is later. During a state of emergency declared

301 by the Governor or during the 1-year period after the date of
302 loss, an insured or claimant may cancel a public adjuster's
303 contract to adjust a claim without penalty or obligation within
304 14 calendar days after the date on which the contract is
305 executed or within 14 calendar days after the date on which the
306 insured or claimant has notified the insurer of the claim,
307 whichever is later. The public adjuster's contract must disclose
308 to the insured or claimant his or her right to cancel the
309 contract and advise the insured or claimant that notice of
310 cancellation must be submitted in writing and sent by certified
311 mail, return receipt requested, or other form of mailing that
312 provides proof thereof, to the public adjuster at the address
313 specified in the contract; ~~provided, during any state of~~
314 ~~emergency as declared by the Governor and for 1 year after the~~
315 ~~date of loss, the insured or claimant has 5 business days after~~
316 ~~the date on which the contract is executed to cancel a public~~
317 ~~adjuster's contract.~~

318 (11) Each public adjuster must provide to the claimant or
319 insured a written estimate of the loss to assist in the
320 submission of a proof of loss or any other claim for payment of
321 insurance proceeds. The written estimate shall include a written
322 itemization per unit estimate of the repairs, including itemized
323 information on equipment, materials, labor, and supplies, in
324 accordance with accepted industry standards. The public adjuster
325 shall retain such written estimate for at least 5 years and

326 shall make the estimate available to the claimant or insured,
327 the insurer, and the department upon request. Failure to provide
328 the required estimate within 45 calendar days after the date on
329 which the contract is executed shall restore the insured's right
330 to cancel the public adjuster's contract without penalty or
331 obligation. The insured retains such right until such time as
332 the public adjuster submits the required estimate or the
333 contract becomes void. If the public adjuster fails to submit
334 the required estimate within 50 calendar days after the date on
335 which the contract is executed, the contract is deemed void.

336 Section 12. Section 626.856, Florida Statutes, is amended
337 to read:

338 626.856 "Company employee adjuster" defined.—A "company
339 employee adjuster" means a person licensed as an all-lines
340 adjuster who is appointed and employed on an insurer's staff of
341 adjusters or an affiliate or a wholly owned subsidiary of the
342 insurer, and who undertakes on behalf of such insurer or other
343 insurers under common control or ownership to ascertain and
344 determine the amount of any claim, loss, or damage payable under
345 a contract of insurance, or undertakes to effect settlement of
346 such claim, loss, or damage.

347 Section 13. Effective January 1, 2021, subsection (3) of
348 section 626.916, Florida Statutes, is amended, and paragraph (f)
349 is added to subsection (1) of that section, to read:

350 626.916 Eligibility for export.—

351 (1) No insurance coverage shall be eligible for export
 352 unless it meets all of the following conditions:

353 (f) The insured has signed or otherwise provided
 354 documented acknowledgement of a disclosure in substantially the
 355 following form: "You are agreeing to place coverage in the
 356 surplus lines market. Coverage may be available in the admitted
 357 market. Persons insured by surplus lines carriers are not
 358 protected under the Florida Insurance Guaranty Act with respect
 359 to any right of recovery for the obligation of an insolvent
 360 unlicensed insurer."

361 (3) (a) Subsection (1) does not apply to wet marine and
 362 transportation or aviation risks that ~~which~~ are subject to s.
 363 626.917.

364 (b) Paragraphs (1) (a)-(d) do not apply to classes of
 365 insurance which are subject to s. 627.062(3)(d)1. These classes
 366 may be exportable under the following conditions:

367 1. The insurance must be placed only by or through a
 368 surplus lines agent licensed in this state;

369 2. The insurer must be made eligible under s. 626.918; and

370 3. The insured has complied with paragraph (1) (f) ~~must~~
 371 ~~sign a disclosure that substantially provides the following:~~
 372 ~~"You are agreeing to place coverage in the surplus lines market.~~
 373 ~~Superior coverage may be available in the admitted market and at~~
 374 ~~a lesser cost. Persons insured by surplus lines carriers are not~~
 375 ~~protected under the Florida Insurance Guaranty Act with respect~~

376 ~~to any right of recovery for the obligation of an insolvent~~
 377 ~~unlicensed insurer."~~ If the disclosure notice is signed by the
 378 insured, the insured is presumed to have been informed and to
 379 know that other coverage may be available, and, with respect to
 380 the diligent-effort requirement under subsection (1), there is
 381 no liability on the part of, and no cause of action arises
 382 against, the retail agent presenting the form.

383 Section 14. Paragraph (z) of subsection (1) of section
 384 626.9541, Florida Statutes, is amended to read:

385 626.9541 Unfair methods of competition and unfair or
 386 deceptive acts or practices defined.—

387 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 388 ACTS.—The following are defined as unfair methods of competition
 389 and unfair or deceptive acts or practices:

390 (z) *Sliding*.—Sliding is the act or practice of any of the
 391 following:

392 1. Representing to the applicant that a specific ancillary
 393 coverage or product is required by law in conjunction with the
 394 purchase of insurance when such coverage or product is not
 395 required.~~†~~

396 2. Representing to the applicant that a specific ancillary
 397 coverage or product is included in the policy applied for
 398 without an additional charge when such charge is required.~~†~~~~or~~

399 3. Charging an applicant for a specific ancillary coverage
 400 or product, in addition to the cost of the insurance coverage

401 applied for, without the informed consent of the applicant.

402 4. Initiating, effectuating, binding, or otherwise issuing
403 a policy of insurance without the prior informed consent of the
404 owner of the property to be insured.

405 5. Mailing, transmitting, or otherwise submitting by any
406 means an invoice for premium payment to a mortgagee or escrow
407 agent for the purpose of effectuating an insurance policy
408 without the prior informed consent of the owner of the property
409 to be insured. However, this subparagraph does not apply in
410 cases where the mortgagee or escrow agent is renewing insurance
411 or issuing collateral protection insurance as defined in s.
412 624.6085 pursuant to the mortgage or other pertinent loan
413 documents or communications regarding the property.

414 Section 15. Effective January 1, 2021, subsection (3) of
415 section 626.9741, Florida Statutes, is amended to read:

416 626.9741 Use of credit reports and credit scores by
417 insurers.—

418 (3) An insurer must inform an applicant or insured, in the
419 same medium as the application is taken, that a credit report or
420 score is being requested for underwriting or rating purposes.
421 The notification to the consumer must include the following
422 language: "The Department of Financial Services offers free
423 financial literacy programs to assist you with insurance-related
424 questions, including how credit works and how credit scores are
425 calculated. To learn more, call 1-877-693-5236 or visit

426 www.MyFloridaCFO.com." An insurer that makes an adverse decision
427 based, in whole or in part, upon a credit report must provide at
428 no charge, a copy of the credit report to the applicant or
429 insured or provide the applicant or insured with the name,
430 address, and telephone number of the consumer reporting agency
431 from which the insured or applicant may obtain the credit
432 report. The insurer must provide notification to the consumer
433 explaining the reasons for the adverse decision. The reasons
434 must be provided in sufficiently clear and specific language so
435 that a person can identify the basis for the insurer's adverse
436 decision. Such notification shall include a description of the
437 four primary reasons, or such fewer number as existed, which
438 were the primary influences of the adverse decision. The use of
439 generalized terms such as "poor credit history," "poor credit
440 rating," or "poor insurance score" does not meet the explanation
441 requirements of this subsection. A credit score may not be used
442 in underwriting or rating insurance unless the scoring process
443 produces information in sufficient detail to permit compliance
444 with the requirements of this subsection. It shall not be deemed
445 an adverse decision if, due to the insured's credit report or
446 credit score, the insured continues to receive a less favorable
447 rate or placement in a less favorable tier or company at the
448 time of renewal except for renewals or reunderwriting required
449 by this section.

450 Section 16. Subsection (1) of section 626.9957, Florida

451 Statutes, is amended to read:

452 626.9957 Conduct prohibited; denial, revocation, or
453 suspension of registration.—

454 (1) As provided in s. 626.112, only a person licensed as
455 an insurance agent or customer representative may engage in the
456 solicitation of insurance. A person who engages in the
457 solicitation of insurance as described in s. 626.112(1) without
458 such license is subject to the penalties provided under s.
459 626.112(10) ~~s. 626.112(9)~~.

460 Section 17. Subsection (10) of section 627.062, Florida
461 Statutes, is amended to read:

462 627.062 Rate standards.—

463 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~
464 ~~627.70131(5)~~ may not be included in the insurer's rate base and
465 may not be used to justify a rate or rate change.

466 Section 18. Effective January 1, 2021, subsection (6) is
467 added to section 627.421, Florida Statutes, to read:

468 627.421 Delivery of policy.—

469 (6) For personal lines residential property insurance
470 policies, the insurer shall, between March 1 and June 1 of each
471 year, inclusive, deliver an outline of the hurricane coverage as
472 specified in s. 627.4143(3), along with a current policy
473 declarations page. This requirement applies only for those
474 insureds that have provided the insurer with a valid e-mail
475 address. This information must be delivered directly to the

476 policyholder via e-mail or by an e-mail notice of information
 477 being posted to a secure web-based policy information page.

478 Section 19. Section 627.502, Florida Statutes, is amended
 479 to read:

480 627.502 "Industrial life insurance" defined; reporting;
 481 prohibition on new policies after a certain date.-

482 (1) For the purposes of this code, "industrial life
 483 insurance" is that form of life insurance written under policies
 484 under which premiums are payable monthly or more often, bearing
 485 the words "industrial policy" or "weekly premium policy" or
 486 words of similar import imprinted upon the policies as part of
 487 the descriptive matter, and issued by an insurer that ~~which~~, as
 488 to such industrial life insurance, is operating under a system
 489 of collecting a debit by its agent.

490 (2) Every life insurer servicing existing ~~transacting~~
 491 industrial life insurance shall report to the office all annual
 492 statement data regarding the exhibit of life insurance,
 493 including relevant information for industrial life insurance.

494 (3) Beginning July 1, 2020, a life insurer may not write a
 495 new policy of industrial life insurance.

496 Section 20. Effective January 1, 2021, section 627.70131,
 497 Florida Statutes, is amended to read:

498 627.70131 Insurer's duty to acknowledge communications
 499 regarding claims; investigation.-

500 (1) (a) Upon an insurer's receiving a communication with

501 respect to a claim, the insurer shall, within 14 calendar days,
502 review and acknowledge receipt of such communication unless
503 payment is made within that period of time or unless the failure
504 to acknowledge is caused by factors beyond the control of the
505 insurer which reasonably prevent such acknowledgment. If the
506 acknowledgment is not in writing, a notification indicating
507 acknowledgment shall be made in the insurer's claim file and
508 dated. A communication made to or by a representative ~~an agent~~
509 of an insurer with respect to a claim shall constitute
510 communication to or by the insurer.

511 (b) As used in this subsection, the term "representative"
512 ~~"agent"~~ means any person to whom an insurer has granted
513 authority or responsibility to receive or make such
514 communications with respect to claims on behalf of the insurer.

515 (c) This subsection shall not apply to claimants
516 represented by counsel beyond those communications necessary to
517 provide forms and instructions.

518 (2) Such acknowledgment shall be responsive to the
519 communication. If the communication constitutes a notification
520 of a claim, unless the acknowledgment reasonably advises the
521 claimant that the claim appears not to be covered by the
522 insurer, the acknowledgment shall provide necessary claim forms,
523 and instructions, including an appropriate telephone number.

524 (3) (a) Unless otherwise provided by the policy of
525 insurance or by law, within 10 business ~~working~~ days after an

526 insurer receives proof of loss statements, the insurer shall
527 begin such investigation as is reasonably necessary unless the
528 failure to begin such investigation is caused by factors beyond
529 the control of the insurer which reasonably prevent the
530 commencement of such investigation.

531 (b) If such investigation involves a physical inspection
532 of the property, the licensed adjuster assigned by the insurer
533 must provide the policyholder with his or her name, license
534 number, and contact information.

535 (c) If an insurer assigns the claim to a different
536 licensed adjuster from the adjuster who performed the physical
537 inspection, the insurer must, within 14 days after changing the
538 licensed insurance adjuster assigned to a claim, provide the
539 name, license number, and contact information of the new
540 adjuster to the policyholder. The notification may be made
541 electronically or via mail. If the notification is a physical
542 letter, it must be postmarked within 14 days after the date of
543 the change in adjuster. The policyholder must be provided notice
544 of any subsequent change to the assigned adjuster as set forth
545 by this paragraph.

546 (4) An insurer shall establish a process by which an agent
547 of record for an insurance policy receives the same notice as
548 the policyholder as provided in paragraphs (3)(b) and (c) in
549 order to assist the agent of record in answering the
550 policyholder's questions regarding claims. As used in this

551 subsection, the term "agent of record" means the agent named on
552 the declarations page of the insurance policy or, if there is no
553 agent of record, another designated point of contact.

554 (5)-(4) For purposes of this section, the term "insurer"
555 means any residential property insurer.

556 (6) (a) When providing a preliminary or partial estimate of
557 damage regarding a claim, an insurer shall include with the
558 estimate the following statement printed in at least 12-point
559 bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT
560 EVALUATION OF THE COVERED DAMAGES TO YOUR INSURED PROPERTY AND
561 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU
562 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING
563 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US.

564 (b) When providing a payment on a claim that is not the
565 full and final payment for the claim, an insurer shall include
566 with the payment the following statement printed in at least 12-
567 point bold, uppercase type: WE ARE CONTINUING TO EVALUATE YOUR
568 CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL
569 PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL
570 INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT
571 US. IF THE PAYMENT IS MADE BY ELECTRONIC FUNDS TRANSFER, A
572 SIMILAR NOTICE MAY BE DELIVERED DIRECTLY TO THE POLICYHOLDER VIA
573 EMAIL OR BY AN E-MAIL NOTICE OF INFORMATION BEING POSTED TO A
574 SECURE WEB-BASED POLICY INFORMATION PAGE.

575 (7)-(5)(a) Within 90 calendar days after an insurer

576 receives notice of an initial, reopened, or supplemental
577 property insurance claim from a policyholder, the insurer shall
578 pay or deny such claim or a portion of the claim unless the
579 failure to pay is caused by factors beyond the control of the
580 insurer which reasonably prevent such payment. Any payment of an
581 initial or supplemental claim or portion of such claim made 90
582 calendar days after the insurer receives notice of the claim, or
583 made more than 15 calendar days after there are no longer
584 factors beyond the control of the insurer which reasonably
585 prevented such payment, whichever is later, bears interest at
586 the rate set forth in s. 55.03. Interest begins to accrue from
587 the date the insurer receives notice of the claim. The
588 provisions of this subsection may not be waived, voided, or
589 nullified by the terms of the insurance policy. If there is a
590 right to prejudgment interest, the insured shall select whether
591 to receive prejudgment interest or interest under this
592 subsection. Interest is payable when the claim or portion of the
593 claim is paid. Failure to comply with this subsection
594 constitutes a violation of this code. However, failure to comply
595 with this subsection does not form the sole basis for a private
596 cause of action.

597 (b) Notwithstanding subsection (5) ~~(4)~~, for purposes of
598 this subsection, the term "claim" means any of the following:

599 1. A claim under an insurance policy providing residential
600 coverage as defined in s. 627.4025(1);

601 2. A claim for structural or contents coverage under a
 602 commercial property insurance policy if the insured structure is
 603 10,000 square feet or less; or

604 3. A claim for contents coverage under a commercial tenant
 605 policy if the insured premises is 10,000 square feet or less.

606 (c) This subsection does ~~shall~~ not apply to claims under
 607 an insurance policy covering nonresidential commercial
 608 structures or contents in more than one state.

609 (8) This section also applies to surplus lines insurers
 610 and surplus lines insurance authorized under ss. 626.913-626.937
 611 providing residential coverage.

612 Section 21. Section 627.7031, Florida Statutes, is created
 613 to read:

614 627.7031 Foreign venue clauses prohibited.—After July 1,
 615 2020, a property insurance policy sold in this state insuring
 616 real property located only in this state may not require an
 617 insured to pursue dispute resolution through litigation,
 618 arbitration, or mediation outside this state. This section also
 619 applies to surplus lines insurers and surplus lines insurance
 620 authorized under ss. 626.913-626.937.

621 Section 22. Effective January 1, 2021, section 627.7142,
 622 Florida Statutes, is amended to read:

623 627.7142 Homeowner Claims Bill of Rights.—An insurer
 624 issuing a personal lines residential property insurance policy
 625 in this state must provide a Homeowner Claims Bill of Rights to

626 a policyholder within 14 calendar days after receiving an
627 initial communication with respect to a claim, ~~unless the claim~~
628 ~~follows an event that is the subject of a declaration of a state~~
629 ~~of emergency by the Governor~~. The purpose of the bill of rights
630 is to summarize, in simple, nontechnical terms, existing Florida
631 law regarding the rights of a personal lines residential
632 property insurance policyholder who files a claim of loss. The
633 Homeowner Claims Bill of Rights is specific to the claims
634 process and does not represent all of a policyholder's rights
635 under Florida law regarding the insurance policy. The Homeowner
636 Claims Bill of Rights does not create a civil cause of action by
637 any individual policyholder or class of policyholders against an
638 insurer or insurers. The failure of an insurer to properly
639 deliver the Homeowner Claims Bill of Rights is subject to
640 administrative enforcement by the office but is not admissible
641 as evidence in a civil action against an insurer. The Homeowner
642 Claims Bill of Rights does not enlarge, modify, or contravene
643 statutory requirements, including, but not limited to, ss.
644 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does
645 not prohibit an insurer from exercising its right to repair
646 damaged property in compliance with the terms of an applicable
647 policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
648 Claims Bill of Rights must state:

HOMEOWNER CLAIMS

BILL OF RIGHTS

651
652 This Bill of Rights is specific to the claims process
653 and does not represent all of your rights under
654 Florida law regarding your policy. There are also
655 exceptions to the stated timelines when conditions are
656 beyond your insurance company's control. This document
657 does not create a civil cause of action by an
658 individual policyholder, or a class of policyholders,
659 against an insurer or insurers and does not prohibit
660 an insurer from exercising its right to repair damaged
661 property in compliance with the terms of an applicable
662 policy.

YOU HAVE THE RIGHT TO:

- 663
664
665 1. Receive from your insurance company an
666 acknowledgment of your reported claim within 14
667 calendar days after the time you communicated the
668 claim.
- 669 2. Upon written request, receive from your insurance
670 company within 30 calendar days after you have
671 submitted a complete proof-of-loss statement to your
672 insurance company, confirmation that your claim is
673 covered in full, partially covered, or denied, or
674 receive a written statement that your claim is being
675 investigated.

676 3. Within 14 calendar days, receive notification from
677 your insurance company if there has been a change in
678 the company adjuster who is assigned to your claim.
679 The notification must include the assigned adjuster's
680 contact information.

681 4. Within 90 calendar days, subject to any dual
682 interest noted in the policy, receive full settlement
683 payment for your claim or payment of the undisputed
684 portion of your claim, or your insurance company's
685 denial of your claim.

686 5. Receive payment of interest as provided in section
687 627.7031, Florida Statutes, from your insurance
688 company, which begins accruing from the date your
689 initial, reopened, or supplemental claim is filed if
690 your insurance company does not pay full settlement of
691 your claim or the undisputed portion of your claim or
692 does not deny your claim within 90 calendar days after
693 your claim is filed. The interest, if applicable, must
694 be paid when your claim or undisputed portion of your
695 claim is paid.

696 ~~6.4.~~ Free mediation of your disputed claim by the
697 Florida Department of Financial Services, Division of
698 Consumer Services, under most circumstances and
699 subject to certain restrictions.

700 ~~7.5.~~ Neutral evaluation of your disputed claim, if

701 your claim is for damage caused by a sinkhole and is
702 covered by your policy.

703 ~~8.6.~~ Contact the Florida Department of Financial
704 Services, Division of Consumer Services' toll-free
705 helpline for assistance with any insurance claim or
706 questions pertaining to the handling of your claim.
707 You can reach the Helpline by phone at...(toll-free
708 phone number)..., or you can seek assistance online at
709 the Florida Department of Financial Services, Division
710 of Consumer Services' website at...(website
711 address)....

712

713 YOU ARE ADVISED TO:

714 1. Contact your insurance company before entering
715 into any contract for repairs to confirm any managed
716 repair policy provisions or optional preferred
717 vendors.

718 2. Make and document emergency repairs that are
719 necessary to prevent further damage. Keep the damaged
720 property, if feasible, keep all receipts, and take
721 photographs or video of damage before and after any
722 repairs to provide to your insurer.

723 3. Carefully read any contract that requires you to
724 pay out-of-pocket expenses or a fee that is based on a
725 percentage of the insurance proceeds that you will

726 receive for repairing or replacing your property.

727 4. Confirm that the contractor you choose is licensed

728 to do business in Florida. You can verify a

729 contractor's license and check to see if there are any

730 complaints against him or her by calling the Florida

731 Department of Business and Professional Regulation.

732 You should also ask the contractor for references from

733 previous work.

734 5. Require all contractors to provide proof of

735 insurance before beginning repairs.

736 6. Take precautions if the damage requires you to leave

737 your home, including securing your property and turning off your

738 gas, water, and electricity, and contacting your insurance

739 company and provide a phone number where you can be reached.

740 Section 23. Notwithstanding the expiration of subsection

741 (4) of section 627.715, Florida Statutes, which occurred on July

742 1, 2019, that subsection is revived, reenacted, and amended to

743 read:

744 627.715 Flood insurance.—An authorized insurer may issue

745 an insurance policy, contract, or endorsement providing personal

746 lines residential coverage for the peril of flood or excess

747 coverage for the peril of flood on any structure or the contents

748 of personal property contained therein, subject to this section.

749 This section does not apply to commercial lines residential or

750 commercial lines nonresidential coverage for the peril of flood.

751 An insurer may issue flood insurance policies, contracts,
 752 endorsements, or excess coverage on a standard, preferred,
 753 customized, flexible, or supplemental basis.

754 (4) A surplus lines agent may export a contract or
 755 endorsement providing flood coverage to an eligible surplus
 756 lines insurer without making a diligent effort to seek such
 757 coverage from three or more authorized insurers under s.
 758 626.916(1)(a). This subsection expires July 1, 2025 ~~2019~~, or on
 759 the date on which the Commissioner of Insurance Regulation
 760 determines in writing that there is an adequate admitted market
 761 to provide coverage for the peril of flood consistent with this
 762 section, whichever date occurs first. If there are fewer than
 763 three admitted insurers on the date this subsection expires, the
 764 number of declinations necessary to meet the diligent-effort
 765 requirement shall be no fewer than the number of authorized
 766 insurers providing flood coverage.

767 Section 24. Paragraph (a) of subsection (1) and subsection
 768 (6) of section 631.57, Florida Statutes, are amended to read:

769 631.57 Powers and duties of the association.—

770 (1) The association shall:

771 (a)1. Be obligated to the extent of the covered claims
 772 existing:

773 a. Prior to adjudication of insolvency and arising within
 774 30 days after the determination of insolvency;

775 b. Before the policy expiration date if less than 30 days

776 after the determination; or

777 c. Before the insured replaces the policy or causes its
778 cancellation, if she or he does so within 30 days of the
779 determination.

780 2. The obligation under subparagraph 1. includes ~~only~~ the
781 amount of each covered claim which is ~~in excess of \$100 and is~~
782 less than \$300,000, except that policies providing coverage for
783 homeowner's insurance shall provide for an additional \$200,000
784 for the portion of a covered claim which relates only to the
785 damage to the structure and contents.

786 3.a. Notwithstanding subparagraph 2., the obligation under
787 subparagraph 1. for policies covering condominium associations
788 or homeowners' associations, which associations have a
789 responsibility to provide insurance coverage on residential
790 units within the association, shall include that amount of each
791 covered property insurance claim which is less than \$100,000
792 multiplied by the number of condominium units or other
793 residential units; however, as to homeowners' associations, this
794 sub-subparagraph applies only to claims for damage or loss to
795 residential units and structures attached to residential units.

796 b. Notwithstanding sub-subparagraph a., the association
797 has no obligation to pay covered claims that are to be paid from
798 the proceeds of bonds issued under s. 631.695. However, the
799 association shall assign and pledge the first available moneys
800 from all or part of the assessments to be made under paragraph

801 (3) (a) to or on behalf of the issuer of such bonds for the
802 benefit of the holders of such bonds. The association shall
803 administer any such covered claims and present valid covered
804 claims for payment in accordance with the provisions of the
805 assistance program in connection with which such bonds have been
806 issued.

807 4. In no event shall the association be obligated to a
808 policyholder or claimant in an amount in excess of the
809 obligation of the insolvent insurer under the policy from which
810 the claim arises.

811 (6) The association may extend the time limits specified
812 in paragraph (1) (a) by up to an additional 60 days ~~or waive the~~
813 ~~applicability of the \$100 deductible specified in paragraph~~
814 ~~(1) (a)~~ if the board determines that either or both such actions
815 are necessary to facilitate the bulk assumption of obligations.

816 Section 25. Section 648.30, Florida Statutes, is amended
817 to read:

818 648.30 Licensure and appointment required; prohibited
819 acts; penalties.-

820 (1) A person may not act in the capacity of a bail bond
821 agent or temporary bail bond agent or perform any of the
822 functions, duties, or powers prescribed for bail bond agents or
823 temporary bail bond agents under this chapter unless that person
824 is qualified, licensed, and appointed as provided in this
825 chapter.

826 (2) A person may not represent himself or herself to be a
 827 bail enforcement agent, bounty hunter, or other similar title in
 828 this state.

829 (3) A person, other than a certified law enforcement
 830 officer, may not apprehend, detain, or arrest a principal on a
 831 bond, wherever issued, unless that person is qualified,
 832 licensed, and appointed as provided in this chapter or licensed
 833 as a bail bond agent or bail bond enforcement agent, or holds an
 834 equivalent license by the state where the bond was written.

835 (4) Any person who violates this section commits a felony
 836 of the third degree, punishable as provided in s. 775.082, s.
 837 775.083, or s. 775.084.

838 (5) Any licensee under this chapter who knowingly aids or
 839 abets an unlicensed person in violating this section commits a
 840 felony of the third degree, punishable as provided in s.
 841 775.082, s. 775.083, or s. 775.084.

842 Section 26. Paragraphs (b) and (c) of subsection (4) and
 843 subsections (1) and (10) of section 717.124, Florida Statutes,
 844 are amended to read:

845 717.124 Unclaimed property claims.—

846 (1) Any person, excluding another state, claiming an
 847 interest in any property paid or delivered to the department
 848 under this chapter may file with the department a claim on a
 849 form prescribed by the department and verified by the claimant
 850 or the claimant's representative. The claimant's representative

851 must be an attorney licensed to practice law in this state, a
852 licensed Florida-certified public accountant, or a private
853 investigator licensed under chapter 493. The claimant's
854 representative must be registered with the department under this
855 chapter. The claimant, or the claimant's representative, shall
856 provide the department with a legible copy of a valid driver
857 license of the claimant at the time the original claim form is
858 filed. If the claimant has not been issued a valid driver
859 license at the time the original claim form is filed, the
860 department shall be provided with a legible copy of a
861 photographic identification of the claimant issued by the United
862 States, a state or territory of the United States, a foreign
863 nation, or a political subdivision or agency thereof or other
864 evidence deemed acceptable by the department by rule. In lieu of
865 photographic identification, a notarized sworn statement by the
866 claimant may be provided which affirms the claimant's identity
867 and states the claimant's full name and address. The claimant
868 must produce to the notary photographic identification of the
869 claimant issued by the United States, a state or territory of
870 the United States, a foreign nation, or a political subdivision
871 or agency thereof or other evidence deemed acceptable by the
872 department by rule. The notary shall indicate the notary's full
873 address on the notarized sworn statement. Any claim filed
874 without the required identification or the sworn statement with
875 the original claim form and the original Uniform Unclaimed

876 Property Recovery Agreement or Uniform Unclaimed Property
 877 Purchase Agreement ~~power of attorney or purchase agreement~~, if
 878 applicable, is void.

879 (a) Within 90 days after receipt of a claim, the
 880 department may return any claim that provides for the receipt of
 881 fees and costs greater than that permitted under this chapter or
 882 that contains any apparent errors or omissions. The department
 883 may also request that the claimant or the claimant's
 884 representative provide additional information. The department
 885 shall retain a copy or electronic image of the claim.

886 (b) A claimant or the claimant's representative shall be
 887 deemed to have withdrawn a claim if no response to the
 888 department's request for additional information is received by
 889 the department within 60 days after the notification of any
 890 apparent errors or omissions.

891 (c) Within 90 days after receipt of the claim, or the
 892 response of the claimant or the claimant's representative to the
 893 department's request for additional information, whichever is
 894 later, the department shall determine each claim. Such
 895 determination shall contain a notice of rights provided by ss.
 896 120.569 and 120.57. The 90-day period shall be extended by 60
 897 days if the department has good cause to need additional time or
 898 if the unclaimed property:

- 899 1. Is owned by a person who has been a debtor in
 900 bankruptcy;

901 2. Was reported with an address outside of the United
902 States;

903 3. Is being claimed by a person outside of the United
904 States; or

905 4. Contains documents filed in support of the claim that
906 are not in the English language and have not been accompanied by
907 an English language translation.

908 (d) The department shall deny any claim under which the
909 claimant's representative has refused to authorize the
910 department to reduce the fees and costs to the maximum permitted
911 under this chapter.

912 (4)

913 (b) If an owner authorizes an attorney licensed to
914 practice law in this state, Florida-certified public accountant,
915 or private investigator licensed under chapter 493, and
916 registered with the department under this chapter, to claim the
917 unclaimed property on the owner's behalf, the department is
918 authorized to make distribution of the property or money in
919 accordance with the Uniform Unclaimed Property Recovery
920 Agreement or Uniform Unclaimed Property Purchase Agreement under
921 s. 717.135 ~~such power of attorney~~. The original Uniform
922 Unclaimed Property Recovery Agreement or Uniform Unclaimed
923 Property Purchase Agreement ~~power of attorney~~ must be executed
924 by the claimant or seller ~~owner~~ and must be filed with the
925 department.

926 (c)1. Payments of approved claims for unclaimed cash
927 accounts shall be made to the owner after deducting any fees and
928 costs authorized pursuant to a Uniform Unclaimed Property
929 Recovery Agreement ~~written power of attorney~~. The contents of a
930 safe-deposit box shall be delivered directly to the claimant
931 ~~notwithstanding any power of attorney or agreement to the~~
932 ~~contrary~~.

933 2. Payments of fees and costs authorized pursuant to a
934 Uniform Unclaimed Property Recovery Agreement ~~written power of~~
935 ~~attorney~~ for approved claims must ~~shall~~ be made or issued to the
936 law firm of the designated attorney licensed to practice law in
937 this state, the public accountancy firm of the licensed Florida-
938 certified public accountant, or the designated employing private
939 investigative agency licensed by this state. Such payments shall
940 be made by electronic funds transfer and may be made on such
941 periodic schedule as the department may define by rule, provided
942 the payment intervals do not exceed 31 days. Payment made to an
943 attorney licensed in this state, a Florida-certified public
944 accountant, or a private investigator licensed under chapter
945 493, operating individually or as a sole practitioner, shall be
946 to the attorney, certified public accountant, or private
947 investigator.

948 (10) Notwithstanding any other provision of this chapter,
949 the department may develop a process by which a registered
950 claimant's representative or a buyer of unclaimed property may

951 electronically submit to the department an electronic image of a
952 completed claim and claims-related documents pursuant to this
953 chapter, including a Uniform Unclaimed Property Recovery
954 Agreement or Uniform Unclaimed Property Purchase Agreement a
955 ~~limited power of attorney or purchase agreement~~ that has been
956 manually signed and dated by a claimant or seller pursuant to s.
957 717.135 ~~or s. 717.1351~~, after the claimant's representative or
958 the buyer of unclaimed property receives the original documents
959 provided by the claimant or the seller for any claim. Each claim
960 filed by a registered claimant's representative or a buyer of
961 unclaimed property must include a statement by the claimant's
962 representative or the buyer of unclaimed property attesting that
963 all documents are true copies of the original documents and that
964 all original documents are physically in the possession of the
965 claimant's representative or the buyer of unclaimed property.
966 All original documents must be kept in the original form, by
967 claim number, under the secure control of the claimant's
968 representative or the buyer of unclaimed property and must be
969 available for inspection by the department in accordance with s.
970 717.1315. The department may adopt rules to implement this
971 subsection.

972 Section 27. Subsection (2) of section 717.12404, Florida
973 Statutes, is amended to read:

974 717.12404 Claims on behalf of a business entity or trust.—
975 (2) Claims on behalf of a dissolved corporation, a

976 business entity other than an active corporation, or a trust
977 must include a legible copy of a valid driver license of the
978 person acting on behalf of the dissolved corporation, business
979 entity other than an active corporation, or trust. If the person
980 has not been issued a valid driver license, the department shall
981 be provided with a legible copy of a photographic identification
982 of the person issued by the United States, a foreign nation, or
983 a political subdivision or agency thereof. In lieu of
984 photographic identification, a notarized sworn statement by the
985 person may be provided which affirms the person's identity and
986 states the person's full name and address. The person must
987 produce his or her photographic identification issued by the
988 United States, a state or territory of the United States, a
989 foreign nation, or a political subdivision or agency thereof or
990 other evidence deemed acceptable by the department by rule. The
991 notary shall indicate the notary's full address on the notarized
992 sworn statement. Any claim filed without the required
993 identification or the sworn statement with the original claim
994 form and the original Uniform Unclaimed Property Recovery
995 Agreement or Uniform Unclaimed Property Purchase Agreement ~~power~~
996 ~~of attorney~~, if applicable, is void.

997 Section 28. Subsection (1) of section 717.1315, Florida
998 Statutes, is amended to read:

999 717.1315 Retention of records by claimant's
1000 representatives and buyers of unclaimed property.—

1001 (1) Every claimant's representative and buyer of unclaimed
 1002 property shall keep and use in his or her business such books,
 1003 accounts, and records of the business conducted under this
 1004 chapter to enable the department to determine whether such
 1005 person is complying with this chapter and the rules adopted by
 1006 the department under this chapter. Every claimant's
 1007 representative and buyer of unclaimed property shall preserve
 1008 such books, accounts, and records, including every Uniform
 1009 Unclaimed Property Recovery Agreement or Uniform Unclaimed
 1010 Property Purchase Agreement ~~power of attorney or agreement~~
 1011 between the owner and such claimant's representative or buyer,
 1012 for at least 3 years after the date of the initial ~~power of~~
 1013 ~~attorney or~~ agreement.

1014 Section 29. Paragraph (j) of subsection (1) of section
 1015 717.1322, Florida Statutes, is amended to read:

1016 717.1322 Administrative and civil enforcement.—

1017 (1) The following acts are violations of this chapter and
 1018 constitute grounds for an administrative enforcement action by
 1019 the department in accordance with the requirements of chapter
 1020 120 and for civil enforcement by the department in a court of
 1021 competent jurisdiction:

1022 (j) Requesting or receiving compensation for notifying a
 1023 person of his or her unclaimed property or assisting another
 1024 person in filing a claim for unclaimed property, unless the
 1025 person is an attorney licensed to practice law in this state, a

1026 Florida-certified public accountant, or a private investigator
 1027 licensed under chapter 493, or entering into, or making a
 1028 solicitation to enter into, an agreement ~~a power of attorney~~ to
 1029 file a claim for unclaimed property owned by another, or a
 1030 contract or agreement to purchase unclaimed property, unless
 1031 such person is registered with the department pursuant to this
 1032 chapter and an attorney licensed to practice law in this state
 1033 in the regular practice of her or his profession, a Florida-
 1034 certified public accountant who is acting within the scope of
 1035 the practice of public accounting as defined in chapter 473, or
 1036 a private investigator licensed under chapter 493. This
 1037 subsection does not apply to a person who has been granted a
 1038 durable power of attorney to convey and receive all of the real
 1039 and personal property of the owner, is the court-appointed
 1040 guardian of the owner, has been employed as an attorney or
 1041 qualified representative to contest the department's denial of a
 1042 claim, or has been employed as an attorney to probate the estate
 1043 of the owner or an heir or legatee of the owner.

1044 Section 30. Section 717.135, Florida Statutes, is amended
 1045 to read:

1046 (Substantial rewording of section. See
 1047 s. 717.135, F.S., for present text.)

1048 717.135 Recovery agreements and purchase agreements for
 1049 claims filed by claimant's representative; fees and costs.—

1050 (1) In order to protect the interests of owners of

1051 unclaimed property, the department shall adopt by rule a form
1052 entitled "Uniform Unclaimed Property Recovery Agreement" and a
1053 form entitled "Uniform Unclaimed Property Purchase Agreement."

1054 (2) The Uniform Unclaimed Property Recovery Agreement form
1055 and the Uniform Unclaimed Property Purchase Agreement form must
1056 include and disclose:

1057 (a) The total dollar amount of unclaimed property accounts
1058 claimed or sold.

1059 (b) Either the total percentage of all authorized fees and
1060 costs to be paid to the claimant's representative or the
1061 percentage of the value of the property to be paid as net gain
1062 to the purchasing registered claimant's representative.

1063 (c) Either the total dollar amount to be deducted and
1064 received from the claimant as fees and costs by the claimant's
1065 representative or the total net dollar amount to be received by
1066 the purchasing registered claimant's representative.

1067 (d) The net dollar amount to be received by the claimant
1068 or seller.

1069 (e) For each account claimed, the unclaimed property
1070 account number and name of the apparent owner, as listed on the
1071 department's database.

1072 (f) For the Uniform Unclaimed Property Purchase Agreement,
1073 a statement that the purchase price will be remitted to the
1074 seller within 30 days after the execution of the form by the
1075 seller.

1076 (g) The name, address, e-mail address, telephone number,
1077 and license number of the registered claimant's representative.

1078 (h) The manual signature of the claimant or seller and the
1079 date signed.

1080 (i) The social security number or taxpayer identification
1081 number of the claimant or seller, if available. A social
1082 security number or taxpayer identification number is considered
1083 available if such number has been issued to the claimant or
1084 seller.

1085 (j) A limit of total fees and costs, or the total discount
1086 amount in the case of a purchase agreement, of no more than 20
1087 percent of the claimed amount.

1088 1. Up to the following additional maximum total dollar
1089 amounts may be added to and included in the total amounts
1090 disclosed to and approved by the claimant under paragraph (b) or
1091 paragraph (c) if the apparent owner is deceased with an estate
1092 that is required to be probated.

1093 a. For total dollar amounts of property having a value of
1094 \$40,000 or less: \$1,500.

1095 b. For total dollar amounts of property having a value of
1096 at least \$40,000 but less than \$70,000: \$2,250.

1097 c. For total dollar amounts of property having a value of
1098 at least \$70,000 but less than \$100,000: \$3,000.

1099 d. For total dollar amounts of property having a value of
1100 \$100,000 or greater: \$3,750.

1101 2. If probate is required and if the required probate is
1102 performed at the expense of the claimant's representative, the
1103 amounts in subparagraph 1. may be added to and shall become the
1104 total amounts disclosed to and approved by the claimant under
1105 paragraph (b) or paragraph (c). Copies of all related court
1106 filings and documentation, along with proof that the claimant's
1107 representative incurred the fees and costs, must be filed with
1108 the original claim when it is submitted to the department.

1109 a. The amounts in subparagraph 1. may be added to and
1110 included in the total amounts in paragraph (b) or paragraph (c)
1111 only one time for any deceased owner.

1112 b. If an estate affidavit pursuant to s. 717.1243 is used
1113 in a claim, the amounts in subparagraph 1. may not be added to
1114 or included in the total amounts in paragraph (b) or paragraph
1115 (c) for the claim.

1116 (k) The additional maximum total dollar amounts in
1117 subparagraph (j)1. may also be added to and included in the
1118 total amounts disclosed to and approved by the claimant under
1119 paragraph (b) or paragraph (c) if the claimant resides in, and
1120 has a mailing or delivery address in, a foreign nation outside
1121 of the United States or its territories.

1122 (3) For a Uniform Unclaimed Property Purchase Agreement
1123 form, proof that the seller has received payment must be filed
1124 with the department along with the claim. If proof of payment is
1125 not provided, the claim is void.

1126 (4) A registered claimant's representative shall use the
1127 Uniform Unclaimed Property Recovery Agreement form or the
1128 Uniform Unclaimed Property Purchase Agreement form as the
1129 exclusive means of engaging with a claimant or seller to file a
1130 claim with the department.

1131 (5) Fees and costs may be owed or paid to a registered
1132 claimant's representative only pursuant to the forms authorized
1133 by this section and upon approval of the claim filed thereby.

1134 (6) A claimant's representative may not use or distribute
1135 any other agreement of any type with respect to the claimant or
1136 seller which relates to unclaimed property accounts held by the
1137 department or the Chief Financial Officer other than the
1138 agreements authorized by this section. Any agreement that is not
1139 authorized by this section is null and void.

1140 (7) The forms under subsection (1):

1141 (a) May not contain language that makes the agreement
1142 irrevocable; and

1143 (b) May not contain language that creates an assignment of
1144 any unclaimed property held by the department.

1145 (8) This section does not supersede the conflicting claims
1146 provisions of s. 717.1241.

1147 (9) At the time a claim is approved, the department may
1148 pay any additional account that is owned by the claimant but has
1149 not been claimed at the time of approval, provided that no
1150 subsequent claim has been filed and is pending for the claimant

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1151 | at the time of approval.

1152 | Section 31. Section 717.1351, Florida Statutes, is
1153 | repealed.

1154 | Section 32. Except as otherwise provided in this act, this
1155 | act shall take effect upon becoming a law.