

Tab 1	SB 214 by Burgess; (Identical to H 00221) Sales of Firearms and Ammunition
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Tab 2	SB 418 by Perry; (Identical to H 00505) Insurance
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BANKING AND INSURANCE
Senator Boyd, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Tuesday, February 21, 2023

TIME: 3:30—5:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Boyd, Chair; Senator DiCeglie, Vice Chair; Senators Broxson, Burgess, Burton, Hutson, Ingoglia, Mayfield, Powell, Thompson, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 214 Burgess (Identical H 221)	Sales of Firearms and Ammunition; Prohibiting payment settlement entities, merchant acquiring entities, or third party settlement organizations from assigning merchant category codes or otherwise classifying merchants of firearms or ammunition separately from general merchandise or sporting goods retailers; authorizing the Department of Agriculture and Consumer Services to investigate certain alleged violations and bring administrative actions, etc. BI 02/21/2023 Favorable CM RC	Favorable Yeas 9 Nays 3
2	SB 418 Perry (Identical H 505)	Insurance; Authorizing residential property insurance rate filings to use a specified modeling indication; authorizing a designee of the Director of the Division of Emergency Management to be a member of the Florida Commission on Hurricane Loss Projection Methodology; authorizing insurers to file with the Office of Insurance Regulation personal lines residential property insurance rating plans providing rate differentials based on certain windstorm mitigation construction standards; revising the timeframe for notices from insurers to insureds of automatic bank withdrawal increases, etc. BI 02/21/2023 Fav/CS MS RC	Fav/CS Yeas 12 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: SB 214

INTRODUCER: Senator Burgess

SUBJECT: Sales of Firearms and Ammunition

DATE: February 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Favorable
2.			CM	
3.			RC	

I. Summary:

Senate Bill 214 revises Florida gun registry laws to prohibit certain entities from using an identifying code for purchases from firearm or ammunition retailers. The information gathered from the use of such codes could be construed as a firearm registry maintained by private entities, which current law prohibits government entities from creating or maintaining. The bill:

- Makes Legislative findings with respect to maintaining records or tracking by nongovernmental entities of the purchase of firearms and ammunition, specifying that such records and tracking may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition;
- Prohibits payment settlement entities, merchant acquiring entities, or third party settlement organizations from classifying merchants or assigning them with a merchant category code (“MCC”) that identifies them as sellers of firearms or ammunition; and
- Amends the penalties under current law in s. 790.335, F.S., to apply only to the laws prohibiting certain government entities and agents from keeping a registry of privately owned firearms; and
- Authorizes the Department of Agriculture and Consumer Services (DACS) to conduct investigations of alleged violations of the new provision on MCCs, and to bring an administrative action seeking to impose penalties for such violations.

See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

The Right to Bear Arms & Firearms Regulation

The Second Amendment states “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The Supreme Court held the Second Amendment conferred an individual right to keep and bear arms but the right is not unlimited in *District of Columbia v. Heller*.¹

Federal Regulation of Firearms

In applying *Heller*, a United States Court of Appeals held that a requirement to register a handgun² is constitutional.³ However, the Firearm Owners’ Protection Act of 1986 (FOPA) expressly prohibits any rule or regulation from requiring any records that must be maintained under the Act from being recorded or transferred to a United States or any State owned or controlled facility, or any firearm registration system from being established.⁴

A licensed importer, manufacturer, or dealer must not transfer a firearm to any other person who is not licensed unless a national instant criminal background check is completed and the system provides the licensee with a unique identification number, or 3 days have elapsed without receiving notification that such person is ineligible to receive such firearm or that the receipt of such firearm would violate federal, State, local, or Tribal law.⁵ If the background check reveals that receipt or transfer of a firearm by a person would not result in a violation of applicable laws, the national instant criminal background check system must destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.⁶ If receipt or transfer of a firearm would result in a violation of applicable laws, the Attorney General must report to local law enforcement authority certain information, such as the identity of the person.⁷

Florida Firearms Laws

The Florida Constitution guarantees “the right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state...except that the manner of bearing arms may be regulated by law.”⁸ Generally, a person does not need a license to possess or use a firearm⁹ in

¹ *District of Columbia v. Heller*, 554 U.S. 570, 595-626 (2008). 18 U.S.C. s. 922 provides that certain persons are ineligible to purchase or possess a firearm including, for instance, specified convicted criminals, fugitives from justice, illegal aliens, and persons who are adjudicated mentally defective or involuntarily committed to treatment. However, 18 U.S.C. s. 922(g)(3), relating to a person who is an unlawful user of or addicted to any controlled substance, was recently held unconstitutional. *United States v. Harrison*, 2023 WL 1771138 (2023).

² 18 U.S.C. s. 921(30) defines “handgun” as (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

³ *Heller v. District of Columbia*, 670 F.3d 1244, 1254-55 (D.C.Cir.2011).

⁴ 18 U.S.C. s. 926(a).

⁵ 18 U.S.C. s. 922(t).

⁶ 18 U.S.C. s. 922(t)(2).

⁷ 18 U.S.C. s. 925B(a).

⁸ Art. I, s. 8(a), Fla. Const.

⁹ Section 790.01(6), F.S., defines “firearm” as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm

Florida. However, a person is prohibited from openly carrying a firearm on or about his or her person¹⁰ unless the person is a law enforcement officer or engaged in one of the activities listed in s. 790.25(3), F.S., such as hunting, camping, or military service. A violation of this prohibition is punishable as a second degree misdemeanor.¹¹ The open carry prohibition does not apply to a person who holds a concealed weapons license and who briefly and openly displays a firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.¹²

Except in certain circumstances while in the act of evacuating¹³ during a state of emergency, a person who carries a concealed weapon on or about his person without a license commits a third degree felony.¹⁴ The DACS must issue a concealed weapon or firearm¹⁵ license to a person who meets the specified qualifications under s. 790.06, F.S.¹⁶ Personal identifying information of an applicant or an individual who has received a concealed weapons license held by the Division of License of the DACS is confidential and exempt from public records disclosure requirements under s. 119.07(1), F.S., and s. 24(a), Art. 1 of the State Constitution.¹⁷

A person must be 21 years or older to purchase a firearm.¹⁸ Further, except for certain exclusions,¹⁹ there is a mandatory waiting period between the purchase²⁰ and delivery of a firearm. The purchaser must wait 3 days, excluding weekends and legal holidays, or the

muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

¹⁰ Section 790.053(1), F.S.

¹¹ Section 790.053(3), F.S. A second degree misdemeanor is punishable by up to 60 days in jail, a \$500 fine, or both. Sections 775.082 and 775.083, F.S.

¹² Section 790.053(1), F.S.

¹³ Section 790.053(a), F.S., defines “in the act of evaluating” as the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered.

¹⁴ Section 790.01(2) and (3)(a), F.S. A third degree felony is punishable by up to five years imprisonment, a \$5,000 fine, or both. Sections 775.082 and 775.083, F.S.

¹⁵ For purposes of Section 790.06, F.S., “concealed weapons” or “concealed firearms” are defined to include a “handgun, electronic weapon or device...but not a machine gun...” Section 790.001(9), F.S., defines “machine gun” as any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

¹⁶ Section 790.06(2), F.S. provides for the criteria which must be met to be eligible for a license, including, but not limited to: 1) Be a resident and citizen of the United States, permanent resident alien of the United States, or consular security official that meets certain criteria; 2) Is 21 years of age or older; 3) Does not suffer from a physical infirmity which prevents the safe handling of a firearm; 4) Is not ineligible to possess a firearm due to a felony conviction; 5) Has not been found guilty or had adjudication withheld for committing certain crimes; 6) Does not chronically and habitually use alcoholic beverages or other substances; and 7) Demonstrates competence with a firearm by, for instance, completing a specified course.

¹⁷ Section 790.0601(1), F.S.

¹⁸ Section 790.065(13), F.S. A licensed importer, manufacturer, or dealer who sells or transfers or facilitates such a sale or transfer of a firearm to a person younger than 21 years of age commits a third degree felony punishable under s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.

¹⁹ Section 790.0655(2), F.S., provides that the exclusions include when a firearm is being purchased by a person who holds a concealed weapons permit, a trade-in of another firearm, to purchase a rifle or shotgun in certain circumstances.

²⁰ Section 790.0655(1), F.S., defines “purchase” as the transfer of money or other valuable consideration to the retailer, and “retailer” means and includes a licensed importer, manufacturer, or dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state.

completion of the records checks required under s. 790.065, F.S., whichever occurs later.²¹ Firearm sales records must be made available for inspection by any law enforcement agency.²²

Florida Law – Records of Firearms Owners

Any records containing the information set out in s. 790.065(1), F.S., pertaining to a buyer or transferee who is not prohibited from receipt or transfer of a firearm under federal or Florida law, which records are created by the Florida Department of Law Enforcement (FDLE) to conduct the criminal history record check are deemed confidential and exempt from public disclosure pursuant to s. 119.07(1), F.S., and may not be disclosed by the FDLE to any person or to another agency.²³ The FDLE must destroy any such records forthwith after communicating the approval or nonapproval numbers to the licensee and, in any event, no later than 48 hours after the day of the response to the licensee's request.²⁴ However, the FDLE may maintain records of National Crime Information Center transactions as required under federal law, and may keep:

- A log of dates of requests for criminal history records checks;
- Unique approval and nonapproval numbers;
- License identification numbers; and
- Transaction numbers corresponding to such dates for a period of not longer than 2 years or as otherwise required by law.²⁵

The provisions in ch. 790, F.S., shall not be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to keep records of firearm transactions.²⁶ Any current or former officer or employee of the FDLE or law enforcement agency who intentionally or maliciously violates these provisions is guilty of a third degree penalty.²⁷

The Florida Legislature has made findings that a list, record, or registry of lawfully owned firearms or law-abiding firearm owners is not a law enforcement tool or tool for fighting terrorism, but may be used as a “shopping list for thieves,” or as an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to exercise a constitutionally protected right to keep and bear arms. Florida law prohibits certain governmental entities, such as state agencies or local governments, or their officials, agents, or employees, or any other person from knowingly and willfully keeping or cause to be kept any list, record, or registry of privately owned firearms or the owners of such firearms.²⁸ Any governmental entity or its designee that violates this provision commits a third degree felony,²⁹ which shall be investigated

²¹ *Id.*

²² Section 934.02, F.S., defines “law enforcement agency” as an agency of the State of Florida or a political subdivision thereof or of the United States if the primary responsibility of the agency is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state and if its agents and officers are empowered by law to conduct criminal investigations and to make arrests.

²³ Section 790.065(4)(a), F.S.

²⁴ *Id.*

²⁵ Section 790.065(4)(b), F.S.

²⁶ Section 790.065(4)(c), F.S.

²⁷ Section 790.065(4)(d), F.S.

²⁸ Section 790.335(2)(a), F.S.

²⁹ Section 790.335(4)(a), F.S. Except as provided under the U.S. and Florida Constitutions, public funds may not be used to defend the unlawful conduct of a person who is charged with such a violation unless the charges are dismissed or the person

and prosecuted by the state attorney in the appropriate jurisdiction.³⁰ Such entity or person may be assessed a fine of up to \$5 million if the court finds that the list, record, or registry was compiled or maintained with the management's knowledge or complicity.³¹ The Attorney General has authority to bring a civil cause of action to enforce such fines.³²

Use of Merchant Category Codes When Purchasing Firearms

Key Players in Credit Card Transactions

There are several key players that are involved in authorization and payment settlement of credit card transactions, as follows:

- “Participating payee” means (i) in the case of a payment card transaction,³³ any person who accepts a payment card as payment; and (ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.³⁴ A participating payee may be, for instance, a merchant in a credit card transaction.³⁵
- “Payment settlement entity” means: (A) in the case of a payment card transaction, the merchant acquiring entity; and (B) in the case of a third party network transaction, the third party settlement organization.³⁶ Such entities generally include banks or other organizations that process credit card transactions on behalf of a merchant and make an interbank transfer of funds to the merchant from a customer.³⁷
- “Merchant acquiring entity” means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.³⁸ Merchant acquiring entity are typically called acquiring bank or merchant bank, and is the bank or other organization that process credit card transactions on behalf of a merchant and ultimately transfers the funds received from the customer's bank (called an “issuing bank”³⁹) to the merchant's account.⁴⁰

is found not guilty after a trial. Public funds, however, may be used to provide services of the office of the public defender or court-appointed conflict counsel as provided by law. Section 779.335(4)(b), F.S.

³⁰ Section 790.335(4)(d), F.S.

³¹ Section 779.335(4)(c), F.S.

³² *Id.*

³³ 26 U.S.C. s. 6050W(c)(2) defines “payment card transaction” is defined as any transaction in which a payment card is accepted as payment. 26 U.S.C. s. 6050W(d)(2) defines “payment card” as any card which is issued pursuant to an agreement or arrangement which provides for (A) one or more issuers of such cards, (B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards of payment, and (C) standards and mechanisms for settling the transactions between merchant acquiring entities and the persons who agree to accept such cards as payment. The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

³⁴ 26 U.S.C. s. 6050W(d)(1)(A).

³⁵ IRS, *IRC Section 6050W Frequently Asked Questions*, available at: [Frequently Asked Questions \(irs.gov\)](https://www.irs.gov/faq/6050w) (hereinafter cited as “IRS FAQ”) (Feb. 17, 2023).

³⁶ 26 U.S.C. s. 6050W(b)(1).

³⁷ Bonner, P., *Journal of Accountancy, New, Lower Form 1099-K Threshold Prompts Cautions, Criticisms*, Mar. 10, 2022, available at: [New, lower Form 1099-K threshold prompts cautions, criticisms - Journal of Accountancy](https://www.journalofaccountancy.com/article/new-lower-form-1099-k-threshold-prompts-cautions-criticisms) (hereinafter cited as “Journal of Accountancy Article”) (Feb. 17, 2023).

³⁸ 26 U.S.C. s. 6050W(b)(2).

³⁹ An issuing bank is also often referred to as “card issuer. 15 U.S.C. 1602(o) defines “card issuer” as any person who issues a credit card, or the agent of such person with respect to such card.

⁴⁰ IRS FAQ.

- “Third party settlement organization” means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.^{41,42} These organizations include payment services such as PayPal, Venmo, and CashApp.⁴³

Merchant Category Codes

The International Organization for Standardization (ISO), a non-governmental organization that develops international standards which cover a huge range of activities, has established a standard which contains a list of merchant category codes (“MCC”), titled ISO 18245:2003 Retail Financial Services – Merchant Category Codes (the “ISO 2003 Standard”).⁴⁴ A MCC is a four-digit number assigned to a merchant by an acquiring bank (or processor) in compliance with card association or network rules⁴⁵ when the business opens a merchant account to classify the business by specific market segment and to allow the business to begin accepting credit cards as a form of payment.⁴⁶ Visa’s general rules for assignment of MCCs include, in summary:

- Select the MCC that most accurately describes the merchant’s primary type of business. If the merchant has more than one line of business, the merchant must either:
 - Use the MCC that describes the business with the highest sales volume to process all Visa sales; or
 - Use different MCCs for each line of business.
- Use “miscellaneous” MCCs only if there is no MCC specific to the merchant’s business.
- Merchants with multiple outlets must choose the appropriate MCC for each outlet.
- If there are different businesses operating on the same premises, each business must be assigned its own MCC if certain criteria applies.
- When applicable, use the unique merchant-specific MCC that are designated for major travel and entertainment.

MCCs are used for a several reasons, including to: file reports with the Internal Revenue Service (IRS), determine rewards, identify high-risk business models and prohibited business types, track

⁴¹ 26 U.S.C. s. 6050W(c)(3) defines “third party network transaction” is defined as any transaction described in subsection (d)(3)(A)(iii) which is settled through a third party payment network. 26 U.S.C. s. 6050W(d)(3) defines “third party payment network” as any agreement or arrangement (A) which involves the establishment of accounts with a central organization by a substantial number of persons who (i) are unrelated to such organization, (ii) provide goods or services, and (iii) have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, (B) which provides for the standards and mechanisms for settling such transactions, and (C) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services. Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

⁴² 26 U.S.C. s. 6050W(b)(3).

⁴³ Journal of Accountancy Article.

⁴⁴ The ISO, *About Us*, available at: [ISO - About us](#) (last visited Feb. 14, 2023); ISO, *ISO 18245:2003 Retail financial services – Merchant category codes*, available at: [ISO - ISO 18245:2003 - Retail financial services — Merchant category codes](#) (all sites last visited Feb. 17, 2023).

⁴⁵ See Visa, *Visa Merchant Data Standards Manual: Visa Supplemental Requirements*, Apr. 6, 2018, available at: [visa-merchant-data-standards-manual \(1\).pdf](#) (hereinafter cited as “Visa’s MCC Manual”) (last visited Feb. 17, 2023).

⁴⁶ Dwyer, B., CardFellow, *Merchant Category Code: Reporting & Rates*, Apr. 6, 2020, available at: [What are Merchant Category Codes and Why Do They Matter? \(cardfellow.com\)](#) (last visited Feb. 17, 2023).

customer spending, and establish merchant interchange rates.⁴⁷ Businesses with “high-risk” MCCs generally pay higher fees.⁴⁸ A MCC is the code of the merchant where the purchase is made but it does not the specific items that were purchased.⁴⁹

Each credit card network has its own master list of MCCs with many of the codes being standardized and based on the ISO Standard.⁵⁰ Some financial organizations, third party settlement organizations, or processors also have their own MCC lists.⁵¹ Historically, retailers who sell firearms and ammunition have been assigned a merchant category code of miscellaneous retail stores or sporting goods stores.⁵² On September 7, 2022, the ISO approved an application by a New York-based bank to adopt a new MCC for firearm retailers.⁵³ The ISO has updated the ISO 2003 Standard for MCCs in 2023, which includes a gun code of 5723 for “gun and ammunition shops”.⁵⁴ MCCs adopted by the ISO are not required to be used,⁵⁵ but Visa Inc. (Visa), MasterCard Inc. (MasterCard), and American Express, Inc. (together, the “Card Associations”) have all agreed to use the new MCC.⁵⁶ However, Visa and MasterCard have not yet updated their lists to include a new MCC for firearm retailers.⁵⁷

Advocates for the new MCC for firearm retailers support the measure as a means for financial institutions to identify and report suspicious activity, such as unusually large purchases of weapons or ammunition.⁵⁸ Critics raise concerns about the new MCC being tantamount to

⁴⁷ See Citi, *Merchant Category Codes*, available at: [Merchant-Category-Codes.pdf \(citibank.com\)](https://www.citibank.com/merchant-category-codes/pdf/citibank.com) (hereinafter cited as “Citi MCC Guide”) (last visited Feb. 17, 2023).

⁴⁸ TD Ameritrade, *Fee Changes for Merchants in High Brand Risk Categories*, available at: [Fee Changes for Merchants in High Brand Risk Categories \(td.com\)](https://www.td.com/fee-changes-for-merchants-in-high-brand-risk-categories) (last visited Feb. 17, 2023).

⁴⁹ Marek, L. Industry Dive. *Visa Raises Concerns on New Gun Code*, Sept. 14, 2022, available at: [Visa raises concerns on new gun code | Payments Dive](https://www.paymentsdive.com/news/visa-raises-concerns-on-new-gun-code/); Maruf, R. CNN Business. *Credit Card Companies Will Adopt New Sales Code for Gun Transactions*, Sept. 11, 2022, available at: [Credit card companies will adopt new sales code for gun transactions | CNN Business](https://www.cnn.com/2022/09/11/credit-card-companies-gun-transactions/index.html) (hereinafter cited as “The CNN Article”) (all sites last visited Feb. 14, 2023).

⁵⁰ The Bankrate Article.

⁵¹ Motola, C., Merchant Maverick, *Merchant Category Codes (MCC): All You Need to Know*, May 26, 2021, available at: [The Complete Guide to Merchant Category Codes \(MCCs\) \(merchantmaverick.com\)](https://www.merchantmaverick.com/merchant-category-codes/). See Citi MCC Guide; Irby, L., The Balance, *If I Use My Credit Card Through PayPal, Can I Still Earn Bonus Points?*, Apr. 6, 2021, available at: [If I Use My Credit Card Through PayPal, Can I Still Earn Bonus Points? \(thebalancemoney.com\)](https://www.thebalancemoney.com/if-i-use-my-credit-card-through-paypal-can-i-still-earn-bonus-points/) (all sites last visited Feb. 17, 2023).

⁵² The CNN Article.

⁵³ Kerber, R., Reuters, *Global Standards Body Approves New Merchant code for Gun Sellers*, Sept. 9, 2022, available at: [Global standards body approves new merchant code for gun sellers | Reuters](https://www.reuters.com/business/global-standards-body-approves-new-merchant-code-for-gun-sellers-2022-09-09/) (last visited Feb. 19, 2023).

⁵⁴ ISO, *ISO 18245:2023(en) Retail Financial Services – Merchant Category Codes*, available at: [ISO 18245:2023\(en\), Retail financial services — Merchant category codes](https://www.iso.org/standard/78442.html) (hereinafter cited as “ISO 2023 MCC Standard”) (last visited Feb. 17, 2023); ISO, Electronic mail from Audrey Himmer, ISO/TC68/SC9 Committee Manager, *Re: New Merchant Category Code for Firearm Retailers*, February 20, 2023 (on file with the Senate Committee on Banking and Insurance) (attaching MerchantCategoryCodes 14092022).

⁵⁵ *Id.*

⁵⁶ Mion, L., Fox Business, *Visa, Mastercard, Amex, to Categorize Gun Store Sales Separately*, Sept. 11, 2022, available at: [Visa, Mastercard, AmEx to categorize gun store sales separately | Fox Business](https://www.foxbusiness.com/story/visa-mastercard-amex-to-categorize-gun-store-sales-separately-2022-09-11/) (last visited Feb. 14, 2023).

⁵⁷ Visa MCC Manual; MasterCard, *Quick Reference Booklet – Merchant Edition*, Nov. 15, 2008, available at: [Quick Reference Booklet—Merchant Edition \(mastercard.us\)](https://www.mastercard.us/quick-reference-booklet-merchant-edition) (last visited Feb. 17, 2023) (In Visa’s and MasterCard’s MCC lists, noting firearms under codes 5099 and 5999, for durable goods (not elsewhere classified) and miscellaneous and specialty retail shops, respectively).

⁵⁸ CBS New York Team, CBS New York, *New York Leaders Call for Establishment of Merchant Category Code for Gun and Ammunition Stores*, Aug. 30, 2022, available at: [New York leaders call for establishment of merchant category code for gun and ammunition stores - CBS New York \(cbsnews.com\)](https://www.cbsnews.com/news/new-york-leaders-call-for-establishment-of-merchant-category-code-for-gun-and-ammunition-stores/) (last visited Feb. 14, 2023).

creating a national registry of gun owners.⁵⁹ On September 20, 2022, twenty-four attorneys general, including Florida, sent a letter to the Card Associations expressing concerns about the potential to misuse the new MCC by tracking data that could infringe upon consumers privacy and averring that isolating merchants who sell firearms that consumers have a constitutional right to possess may inhibit such purchases or result in “arbitrary disparate treatment” of firearm retailers and consumers because the new MCC would not capture separately firearm purchases from department stores.⁶⁰

Federal Credit Laws

The Truth in Lending Act (TILA), also known as the Consumer Protection Act, was established to ensure that consumers receive adequate disclosure of credit terms, and to “protect the consumer against inaccurate and unfair billing and credit card⁶¹ practices.”⁶² The TILA includes provisions on credit card accounts that restrict: (a) penalty fees or charges that a card issuer, or issuing bank, may impose,⁶³ (b) modifications to the annual percentage rate,^{64,65} (c) a card issuer’s discretion to open or increase any credit limit unless the card issuer considers certain information,⁶⁶ and (d) the content of advertisements in relation to specified information.⁶⁷ Before opening a credit card account,⁶⁸ a creditor,⁶⁹ which may be an issuing bank in a credit card

⁵⁹ The CNN Article.

⁶⁰ Skrmetti, J. and others, Letter from Attorneys General to Card Associations regarding MCCs, *Tennessee State Government, International Organization for Standardization (ISO)* (<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-36-letter.pdf>) (last visited Feb. 20, 2023). The following five states have pending legislation that is similar to or addresses the issues identified in SB 214: Purchases from Licensed Gun Dealers, KY HB221, 2023 Regular Session, ch. 367 (2023); Second Amendment Financial Privacy Act, MS HB1110, 2023 Regular Session (2023); Notice to Consumers Regarding Firearm or Ammunition Transactions, TX HB2041, 2023-2024 88th Legislature Session (2023); Prohibiting Banks and Payment Networks from Tracking Firearm-related Data and Outlining Penalties, WV SB555, 2023 Regular Session (2023); and Banks, Banking and Finance, WY SF0171, 2023 General Session (2023). There is one state, Oklahoma, which had a Senate bill filed that is similar to SB 214 but it has failed. Oklahoma Second Amendment Financial Privacy Act, OK SB 814, 59th Legislature (2023).

⁶¹ 15 U.S.C. s. 1602(l) defines “credit card” as any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

⁶² 15 U.S.C. s. 1601(a). The TILA does not apply to certain categories of credit, such as transactions primarily for business, commercial, or agricultural purposes, or to governmental agencies. 15 U.S.C. s. 1603(1); 12 C.F.R. s. 1026.3.

⁶³ 15 U.S.C. s. 1665d(a).

⁶⁴ 15 U.S.C. s. 1606(a) (stating that the “annual percentage rate” as applicable to any extension of consumer credit shall be determined, in accordance with the regulations of the Bureau of Consumer Financial Protection (the “Bureau”), ... (2) in the case of any extension of credit under an open end credit plan, as the quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year). 12 C.F.R. s. 1026.14(a) states that the “annual percentage rate” is a measure of the cost of credit, expressed as a yearly rate. 12 C.F.R. s. 1026.4 defines “finance charge” as the cost of consumer credit as a dollar amount and 15 U.S.C. s. 1605(a) lists examples of charges which are included in the finance charge such as interest, service or carrying charge, loan fee, finder’s fee, fee for an investigation or credit report, or charge for any guarantee or insurance protecting the creditor against the obligor’s default.

⁶⁵ 15 U.S.C. s. 1665c.

⁶⁶ 15 U.S.C. s. 1665e.

⁶⁷ 15 U.S.C. ss. 1662 and 1663; 12 C.F.R. s. 1026.16.

⁶⁸ 12 U.S.C. s. 1602(j) defines “open end consumer credit plan” as a plan under which the creditor reasonably contemplates repeated transactions, which prescribed the terms of such transactions, and which provides for a finance charge which may be computed from time to time on the outstanding unpaid balance.

⁶⁹ 15 U.S.C. s. 1602(g) defines “creditor” to mean only a person who both (1) regularly extends, whether in connection with loans, sales property or services, or otherwise, consumer credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, and (2) is the person to whom the debt arising from the

transaction, must disclose to the person to whom credit is to be extended specified information relating to, in part, finance charges and terms of the credit,⁷⁰ and certain information relating to applications, solicitations, and opening of accounts.⁷¹

Further, a creditor also is required to provide a statement for each billing cycle with specified information, such as the outstanding balance and the amount and date of each extension of credit.⁷² There are special rules that apply to credit card accounts offered to college students that require a card issuer to disclose a range of balances to which each periodic rate applies for a “category of transactions”.⁷³ The Fair Credit Billing Act prohibits a card issuer from requiring a merchant to open an account with or procure any other service from a credit card issuer as a condition to participating in a credit card plan,⁷⁴ and limits the circumstances under which a creditor may increase specified rates, fees, and charges.⁷⁵ No provisions were identified under these acts that impose any requirements, protections, or restrictions with respect to MCCs.

Anti-money Laundering Laws

Anti-money Laundering Laws, amongst other things, aim to detect and prevent money laundering and deter financial criminal activity.⁷⁶ One provision authorizes the Secretary to require any financial institution⁷⁷ or certain individuals related to financial institutions, to report any suspicious transaction relevant to a possible violation of law or regulation.⁷⁸ The federal

consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by agreement. Notwithstanding the preceding sentence, in the case of an open-end credit plan involving a credit card, the card issuer and any person who honors the credit card and offers a discount which is a finance charge are creditors. For the purpose of the requirements imposed under part D of ss. 1637(a)(5) – (7), 1637(b)(1)-(3), 1637(b)(8), and 1637(b)(10) of Title 15, the term “creditor” shall also include card issuers whether or not the amount due is payable by agreement in more than four installments or the payment of a finance charge is or may be required, and the Bureau shall, by regulation, apply these requirements to such a card issuers, to the extent appropriate, even though the requirements are by their terms applicable only to creditors offering open-end credit plans.

⁷⁰ 15 U.S.C. s. 1637(a).

⁷¹ *Id.* at (c); 12 C.F.R. s. 1026.6.

⁷² 15 U.S.C. s. 1637 (b).

⁷³ 12 C.F.R. s. 1026.60(b)(1).

⁷⁴ 15 U.S.C. s. 1666g.

⁷⁵ 15 U.S.C. s. 1666i-1(a) and (b).

⁷⁶ 31 U.S.C. s. 5311(2) and (3).

⁷⁷ 31 U.S.C. s. 5312(a)(2) defines “financial institution” as an insured bank; a commercial bank or trust company; a private banker; an agency or branch of a foreign bank in the United States; any credit union; a thrift institution; a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); a broker or dealer in securities or commodities; an investment banker or investment company; a currency exchange, or a business engaged in the exchange of currency, funds, or value that substitutes for currency of funds; an issuer, redeemer, or cashier of travelers’ checks, checks, money orders, or similar instruments; an operator of a credit card system; an insurance company; a dealer in precious metals, stones or jewels; a pawnbroker; a loan or finance company; a travel agency; a licensed sender of money or any other person who engages as a business in the transmission of currency, funds, or value that substitutes for currency; a telegraph company; a business engaged in vehicle sales, including automobile, airplane, and boat sales; persons involved in real estate closings and settlements; the United States Postal Service; an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph; a casino, gambling casino, or gaming establishment with an annual gaming revenue of more than \$1 million; any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation to be an activity which is similar to, or related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage; or any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.

⁷⁸ 31 U.S.C. s. 5318(g)(1).

rules require banks, federally and non-federally regulated, to establish anti-money laundering programs which must meet specified requirements.⁷⁹ One such requirement is to conduct ongoing monitoring to identify and report suspicious transactions.⁸⁰ The term “suspicious activity” means “any observed behavior that may indicate pre-operational planning associated with terrorism or terrorism-related crime.”⁸¹ The U.S. Department of Homeland Security website contains “Signs of Suspicious Activity” which displays images and a description of categories for signs of suspicious activities. One such sign illustrates a firearm and suggests that weapons collection or storage of unusual amounts of weapons is suspicious activity.⁸²

Internal Revenue Code

Payment settlement entities are required to make an annual return to the Internal Revenue Service (IRS) which contains, amongst other information, the gross amount of the reportable payment transactions⁸³ with respect to each participating payee.⁸⁴ The Secretary by regulations has the authority to determine the time, form, and manner in which the return must be made,⁸⁵ and has designated Form 1099-K as the form to use to report such information. The form contains a box to report the MCC assigned to the participating payee for which the form is being completed. The MCC may be excluded from the form if the filing entity uses an industry classification system other than or in addition to MCCs or is a third party settlement organization.⁸⁶ Broadly speaking, the MCCs classify businesses based on whether they predominately furnish services or goods. Payments for services are reportable whereas payments for goods not reportable.⁸⁷

Florida Credit Card Laws

Relevant Florida laws that relate to credit cards⁸⁸ are contained in the Financial Institutions Code and the Consumer Protection Act. A financial institution⁸⁹ is authorized to make an extension of

⁷⁹ 31 C.F.R. 1020.210.

⁸⁰ 31 C.F.R. 1020.10(a)(2)(v)(B) and (b)(2)(v)(B).

⁸¹ The United States Department of Homeland Security, *Recognize Suspicious Activity*, available at: [Recognize Suspicious Activity | Homeland Security \(dhs.gov\)](https://www.dhs.gov/recognize-suspicious-activity) (last visited Feb. 15, 2023).

⁸² *Id.*

⁸³ 26 U.S.C. s. 6050W(c) defines “reportable payment transaction” as any payment card transaction and any third party network transaction.

⁸⁴ 26 U.S.C. s. 6050W(a).

⁸⁵ *Id.*

⁸⁶ IRS, *Instructions for Form 1099-K (01/2022)*, Jan. 2022, available at: [Instructions for Form 1099-K \(01/2022\) | Internal Revenue Service \(irs.gov\)](https://www.irs.gov/irb/2022-01/01/irb22-0101) (last visited Feb. 15, 2023).

⁸⁷ IRS, *Rev. Proc. 2004-43*, Aug. 2, 2004, available at: [Internal Revenue Bulletin: 2004-31 | Internal Revenue Service \(irs.gov\)](https://www.irs.gov/irb/2004-31/irb2004-3102) (Feb. 17, 2023).

⁸⁸ Section 658.995(2)(a), F.S., defines “credit card” as any type of arrangement or loan agreement pursuant to which a domestic lender or credit card bank gives a borrower the privilege of using the credit card or other credit confirmation or device of any type in transactions out of which debt arises, including: 1. By the domestic lender or credit card bank honoring a draft or similar order for the payment of money created, authorized, issued, or accepted by the borrower; or 2. By the domestic lender or credit card bank paying or agreeing to pay the borrower’s obligation.

⁸⁹ Section 655.005(1)(i), F.S., defines “financial institution” as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

credit to any person on a credit card and to charge interest on the outstanding amount at a certain rate.⁹⁰ Florida's Credit Card Bank Act provides that a credit card account between a domestic lender⁹¹ or credit card bank⁹² and a borrower must be governed by the laws of Florida or federal law unless otherwise expressly agreed in writing by the parties but such writing may not supersede the interest rate provisions of s. 655.954, F.S.⁹³ Florida consumer protection laws set out a limited number of protections relating to credit cards,⁹⁴ such as provisions relating to issuing credit cards,⁹⁵ imposing a surcharge,⁹⁶ or printing certain information on a merchant's receipt.⁹⁷ No provisions were identified that explicitly restrict or address the use of MCCs.

III. Effect of Proposed Changes:

Senate Bill 214 contains several "whereas" clauses as an introduction to the bill that explains its background.

Section 1 of the bill amends s. 790.335(1)(a), F.S., to include an additional Legislative finding which states:

The creation or maintenance of records of purchases of firearms or ammunition or the tracking of sales made by a retailer of firearms or ammunition by a nongovernmental entity, including a financial institution, without a substantial and historical business need or a requirement imposed by law, may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition.

The bill adds s. 790.335(2)(b), F.S., to prohibit a payment settlement entity,⁹⁸ merchant acquiring entity,⁹⁹ or third party settlement organization¹⁰⁰ from assigning a merchant category code to or otherwise classifying a merchant that sells firearms or ammunition separately from general merchandise or sporting goods retailers.

The bill amends the penalties under current law to apply only to paragraph (4)(a), prohibiting a government entity from keeping a registry of privately owned firearms. Section 790.335(4)(d), F.S., is added to authorize the DACS to: (a) investigate alleged violations of the new provision under s. 790.335(2)(b), F.S., relating to MCCs, and (b) upon finding a violation, to bring an

⁹⁰ Section 655.954(1), F.S.

⁹¹ Section 658.995(2)(d), F.S., defines "domestic lender" as any bank, savings and loan association, credit union, or other business organization organized or chartered under the laws of this state or of the United States, which in any event is authorized by law to accept deposits and make loans and has its principal place of business in this state.

⁹² See s. 658.995(3), F.S., for the terms and conditions under which certain entities may own or control a credit card bank.

⁹³ Section 658.995(4), F.S.

⁹⁴ Ch. 501, F.S.

⁹⁵ Section 501.011(3), F.S.

⁹⁶ Section 501.0117(1), F.S., defines "surcharge" as any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment.

⁹⁷ Section 501.0118(2), F.S.

⁹⁸ 26 U.S.C. s. 6050W(d)(1)(A). The merchant acquiring entity or third party settlement organization.

⁹⁹ 26 U.S.C. s. 6050W(b)(2). The bank or other entity that has the contractual obligation to pay merchants in settlement of credit card transactions.

¹⁰⁰ 26 U.S.C. s. 6050W(b)(3). The organization which has the contractual obligation to pay merchants of third party network transactions, such as PayPal, Venmo, or CashApp.

administrative action seeking to impose an administrative fine for each violation for each instance of an unlawfully classified retailer. Such administrative fine imposed in the Class III category may not exceed \$10,000 for each violation.¹⁰¹

Section 2 provides the bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that any payment settlement entities, merchant acquiring entities, or third party settlement organizations violate the provisions in the bill or contest any administrative fines imposed by DACS for such violations, the bill may result in an indeterminate fiscal impact on them.

C. Government Sector Impact:

To the extent that violators contest any administrative fines through the formal administrative hearing process, the bill may result in an indeterminate fiscal impact on DACS and the state court system.

¹⁰¹ Section 570.971(1)(c), F.S.

The DACS is unable to estimate any fiscal impact the proposed bill may have on the agency.¹⁰²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.335 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁰² The DACS, *Agency Analysis for SB 214*, p. 4, January 31, 2023, (on file with the Senate Committee on Banking and Insurance).

By Senator Burgess

23-00608-23

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A bill to be entitled

An act relating to sales of firearms and ammunition; amending s. 790.335, F.S.; providing legislative findings; prohibiting payment settlement entities, merchant acquiring entities, or third party settlement organizations from assigning merchant category codes or otherwise classifying merchants of firearms or ammunition separately from general merchandise or sporting goods retailers; authorizing the Department of Agriculture and Consumer Services to investigate certain alleged violations and bring administrative actions; providing an exception to complaint investigations by state attorneys; making technical changes; providing an effective date.

WHEREAS, the International Standards Organization, based in Switzerland, recently approved a new merchant category code for firearm and ammunition merchants, and

WHEREAS, firearm and ammunition merchants historically have been classified as sporting goods retailers or general merchandise retailers, which has been sufficient for credit card companies' business needs, and

WHEREAS, according to advocates for the new merchant category code, the new code will allow credit card companies to flag "suspicious" transactions, ostensibly for the purpose of predicting and preventing future gun violence, and

WHEREAS, proponents indicate that the new merchant category code is a "first step" but have given no guidance as to how to distinguish suspicious activity from lawful sales, and

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WHEREAS, the use of either merchant category code cannot distinguish the sale of a firearm from the sale of a gun safe by a firearms and ammunition merchant, and

WHEREAS, the use of the new merchant category code to detect suspicious activities predicting future unlawful activity will likely discourage financial institutions from serving lawful retailers of firearms and ammunition and chill the lawful exercise of Second Amendment rights, and

WHEREAS, current law requires a firearm retailer to conduct a criminal history records check on a potential purchaser before delivering a firearm to the purchaser, and

WHEREAS, the new merchant category code may result in credit card companies reporting law-abiding citizens to a law enforcement agency based on overbroad definitions of suspicious activity and the creation of a de facto gun registry and watchlists of law-abiding citizens, and

WHEREAS, the use of the new merchant category code will likely make the job of law enforcement officers more difficult, as those purchasing a firearm from a firearm retailer for an unlawful purpose will likely purchase firearms with cash, cryptocurrency, or other means that are difficult or impossible to trace, and

WHEREAS, developing appropriate regulations for the sale of firearms and ammunition while protecting the right of self-defense is the role of democratically elected officials, not the role of unelected bankers and foreign organizations, NOW, THEREFORE,

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

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Section 1. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 790.335, Florida Statutes, are amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds and declares that:

1. The right of individuals to keep and bear arms is guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.

2. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution. Further, such a list, record, or registry has the potential to fall into the wrong hands and become a shopping list for thieves.

3. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a tool for fighting terrorism, but rather is an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.

4. The creation or maintenance of records of purchases of firearms or ammunition or the tracking of sales made by a retailer of firearms or ammunition by a nongovernmental entity,

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including a financial institution, without a substantial and historical business need or a requirement imposed by law, may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition.

5. Law-abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.

(2) PROHIBITIONS.—

(a) A ~~No~~ state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of the ~~such~~ state or other governmental entity or any other person, public or private, may not shall knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.

(b) A payment settlement entity, merchant acquiring entity, or third party settlement organization as those terms are defined in s. 6050W of the Internal Revenue Code may not assign a merchant category code to or otherwise classify a merchant that is a seller of firearms or ammunition separately from general merchandise retailers or sporting goods retailers.

(4) PENALTIES.—

(a) Any person who, or entity that, violates paragraph (2) ~~(a) a provision of this section~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as required by ~~the provisions of~~ s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, ~~no~~ public funds may not shall be used to

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117 defend the unlawful conduct of any person charged with a
118 violation of this section, unless the charges against ~~the such~~
119 person are dismissed or ~~the such~~ person is determined to be not
120 guilty at trial. Notwithstanding this paragraph, public funds
121 may be expended to provide the services of the office of public
122 defender or court-appointed conflict counsel as provided by law.

123 (c) The governmental entity, or the designee of ~~the such~~
124 governmental entity, in whose service or employ a list, record,
125 or registry was compiled in violation of paragraph (2) (a) ~~this~~
126 ~~section~~ may be assessed a fine of up to ~~not more than~~ \$5
127 million, if the court determines that the evidence shows that
128 the list, record, or registry was compiled or maintained with
129 the knowledge or complicity of the management of the
130 governmental entity. The Attorney General may bring a civil
131 cause of action to enforce the fines assessed under this
132 paragraph.

133 (d) The Department of Agriculture and Consumer Services may
134 investigate alleged violations of paragraph (2) (b) and, upon
135 finding a violation, bring an administrative action seeking to
136 impose an administrative fine pursuant to s. 570.971 in the
137 Class III category for each violation of paragraph (2) (b) for
138 each instance of an unlawfully classified retailer.

139 (e) The state attorney in the appropriate jurisdiction
140 shall investigate complaints of criminal violations of this
141 section, except for alleged violations of paragraph (2) (b), and
142 shall prosecute violators, where evidence indicates that a
143 violation may have occurred, ~~shall prosecute violators.~~

144 Section 2. This act shall take effect July 1, 2023.

Merchant Category Codes Table

Numerical listing of merchant category codes

Range	Codes	Description
0000-0699 Reserved	0001-0499	Reserved for ISO use
	0500-0599	Reserved for national use
	0600-0699	Reserved for private use
0700 - 0999 Agricultural services	0700-0741	Reserved for ISO use
	0742	Veterinary services
	0743	Wine producers
	0744	Champagne producers
	0745-0762	Reserved for ISO use
	0763	Agricultural co-operatives
	0764-0779	Reserved for ISO use
	0780	Landscaping and horticultural services
	0781-0819	Reserved for ISO use
	0820-0879	Reserved for national use
	0880-0999	Reserved for private use
1000-1499 Reserved	1000-1499	Reserved for ISO use
1500-2999 Contracted services	1500-1519	Reserved for ISO use
	1520	General contractors — residential and commercial
	1521-1710	Reserved for ISO use
	1711	Heating, plumbing and air-conditioning contractors
	1712-1730	Reserved for national use
	1731	Electrical contractors
	1732-1739	Reserved for ISO use
	1740	Masonry, stonework, tile setting, plastering and insulation contractors
	1741-1749	Reserved for ISO use
	1750	Carpentry contractors
	1751-1760	Reserved for ISO use
	1761	Roofing, siding and sheet metal work contractors
	1762-1770	Reserved for national use
	1771	Concrete work contractors
	1772-1798	Reserved for ISO use
	1799	Special trade contractors — not elsewhere classified
	1800-2199	Reserved for ISO use
	2200-2740	Reserved for private use
	2741	Miscellaneous publishing and printing services
	2742-2790	Reserved for national use
	2791	Typesetting, platemaking and related services
	2792-2841	Reserved for national use
	2842	Speciality cleaning, polishing and sanitation preparations
	2843-2999	Reserved for national use

3000-3999 Reserved for private use	3000-3999	Reserved for private use
4000-4799 Transportation	4000-4010	Reserved for ISO use
	4011	Railroads
	4012-4110	Reserved for ISO use
	4111	Local and suburban commuter passenger transportation, including ferries
	4112	Passenger railways
	4113-4118	Reserved for ISO use
	4119	Ambulance services
	4120	Reserved for ISO use
	4121	Taxi-cabs and limousines
	4122-4130	Reserved for ISO use
	4131	Bus lines
	4132-4213	Reserved for ISO use
	4214	Motor freight carriers and trucking — local and long distance, moving and storage companies and local delivery
	4215	Courier services — air and ground and freight forwarders
	4216-4224	Reserved for ISO use
	4225	Public warehousing and storage — farm products, refrigerated goods and household goods
	4226-4299	Reserved for ISO use
	4300-4410	Reserved for national use
	4411	Steamships and cruise lines
	4412-4456	Reserved for private use
	4457	Boat rentals and leasing
	4458-4467	Reserved for private use
	4468	Marinas, marine service and supplies
	4469-4510	Reserved for private use
	4511	Airlines and air carriers
	4512-4581	Reserved for private use
	4582	Airports, flying fields and airport terminals
	4583-4656	Reserved for private use
	4657-4721	Reserved for national use
	4722	Travel agencies and tour operators
	4723-4783	Reserved for private use
	4784	Tolls and bridge fees
	4785-4788	Reserved for ISO use
	4789	Transportation services — not elsewhere classified
	4790-4799	Reserved for national use
4800-4999 Utilities	4800-4811	Reserved for ISO use
	4812	Telecommunication equipment and telephone sales
	4813	Reserved for private use
	4814	Telecommunication services, including local and long distance calls, credit card calls, calls through use of magnetic stripe reading tele-phones and faxes
	4815	Monthly summary telephone charges
	4816	Computer network/information services

	4817-4820	Reserved for ISO use
	4821	Telegraph services
	4822-4828	Reserved for national use
	4829	Wire transfers and money orders
	4830-4895	Reserved for ISO use
	4896-4898	Reserved for private use
	4899	Cable and other pay television services
	4900	Utilities — electric, gas, water and sanitary
	4901-4974	Reserved for private use
	4975-4999	Reserved for national use
5000-5599 Retail outlets	5000-5012	Reserved for ISO use
	5013	Motor vehicle supplies and new parts
	5014-5020	Reserved for ISO use
	5021	Office and commercial furniture
	5022-5038	Reserved for ISO use
	5039	Construction materials — not elsewhere classified
	5040-5043	Reserved for ISO use
	5044	Office, photographic, photocopy and microfilm equipment
	5045	Computers, computer peripheral equipment — not elsewhere classified
	5046	Commercial equipment — not elsewhere classified
	5047	Dental/laboratory/medical/ophthalmic hospital equipment and supplies
	5048-5050	Reserved for ISO use
	5051	Metal service centres and offices
	5052-5064	Reserved for ISO use
	5065	Electrical parts and equipment
	5066-5071	Reserved for ISO use
	5072	Hardware equipment and supplies
	5073	Reserved for ISO use
	5074	Plumbing and heating equipment and supplies
	5075-5084	Reserved for ISO use
	5085	Industrial supplies — not elsewhere classified
	5086-5093	Reserved for ISO use
	5094	Precious stones and metals, watches and jewellery
	5095-5098	Reserved for ISO use
	5099	Durable goods — not elsewhere classified
	5100-5110	Reserved for ISO use
	5111	Stationery, office supplies and printing and writing paper
	5112-5121	Reserved for ISO use
	5122	Drugs, drug proprietors
	5123-5130	Reserved for ISO use
	5131	Piece goods, notions and other dry goods
	5132-5136	Reserved for ISO use
	5137	Men's, women's and children's uniforms and commercial clothing
	5138	Reserved for ISO use
	5139	Commercial footwear
	5140-5168	Reserved for national use
	5169	Chemicals and allied products — not elsewhere classified

	5170-5171	Reserved for ISO use
	5172	Petroleum and petroleum products
	5173-5191	Reserved for national use
	5192	Books, periodicals and newspapers
	5193	Florists' supplies, nursery stock and flowers
	5194-5197	Reserved for ISO use
	5198	Paints, varnishes and supplies
	5199	Non-durable goods — not elsewhere classified
	5200	Home supply warehouse outlets
	5201-5210	Reserved for ISO use
	5211	Lumber and building materials outlets
	5212-5230	Reserved for national use
	5231	Glass, paint and wallpaper shops
	5232-5250	Reserved for ISO use
	5251	Hardware shops
	5252-5260	Reserved for ISO use
	5261	Lawn and garden supplies outlets, including nurseries
	5262	Ecommerce site hosted by market place operator with products/services provided by multiple third party suppliers
	5263-5270	Reserved for ISO use
	5271	Mobile home dealers
	5272-5291	Reserved for ISO use
	5292-5299	Reserved for private use
	5300	Wholesale clubs
	5301-5308	Reserved for private use
	5309	Duty-free shops
	5310	Discount shops
	5311	Department stores
	5312-5330	Reserved for private use
	5331	Variety stores
	5332-5398	Reserved for private use
	5399	Miscellaneous general merchandise
	5400-5410	Reserved for private use
	5411	Groceries and supermarkets
	5412-5421	Reserved for private use
	5422	Freezer and locker meat provisioners
	5423-5440	Reserved for private use
	5441	Candy, nut and confectionery shops
	5442-5450	Reserved for private use
	5451	Dairies
	5452-5461	Reserved for private use
	5462	Bakeries
	5463-5498	Reserved for private use
	5499	Miscellaneous food shops — convenience and speciality retail outlets
5500-5599 Automobiles and	5500-5510	Reserved for ISO use
	5511	Car and truck dealers (new and used) sales, services, repairs, parts and leasing
	5512-5520	Reserved for private use

vehicles	5521	Car and truck dealers (used only) sales, service, repairs, parts and leasing
	5522-5530	Reserved for private use
	5531	Auto and home supply outlets
	5532	Automotive tyre outlets
	5533	Automotive parts and accessories outlets
	5534-5540	Reserved for private use
	5541	Service stations (with or without ancillary services)
	5542	Automated fuel dispensers
	5543-5550	Reserved for private use
	5551	Boat dealers
	5552	Electrical vehicle charging
	5553-5560	Reserved for ISO use
	5561	Camper, recreational and utility trailer dealers
	5562-5570	Reserved for private use
	5571	Motorcycle shops and dealers
	5572-5591	Reserved for national use
	5592	Motor home dealers
	5593-5597	Reserved for national use
	5598	Snowmobile dealers
	5599	Miscellaneous automotive, aircraft and farm equipment dealers — not elsewhere classified
5600-5699 Clothing outlets	5600-5610	Reserved for ISO use
	5611	Men's and boys' clothing and accessory shops
	5612-5620	Reserved for ISO use
	5621	Women's ready-to-wear shops
	5622-5630	Reserved for ISO use
	5631	Women's accessory and speciality shops
	5632-5640	Reserved for national use
	5641	Children's and infants' wear shops
	5642-5650	Reserved for private use
	5651	Family clothing shops
	5652-5654	Reserved for national use
	5655	Sports and riding apparel shops
	5656-5660	Reserved for national use
	5661	Shoe shops
	5662-5680	Reserved for private use
	5681	Furriers and fur shops
	5682-5690	Reserved for private use
	5691	Men's and women's clothing shops
	5692-5696	Reserved for private use
	5697	Tailors, seamstresses, mending and alterations
	5698	Wig and toupee shops
	5699	Miscellaneous apparel and accessory shops
5700-5999 Miscellaneous outlets	5700-5711	Reserved for ISO use
	5712	Furniture, home furnishings and equipment shops and manufacturers, except appliances
	5713	Floor covering services
	5714	Drapery, window covering and upholstery shops

5715	Alcoholic beverage wholesalers
5716-5717	Reserved for ISO use
5718	Fireplaces, fireplace screens and accessories shops
5719	Miscellaneous home furnishing speciality shops
5720-5721	Reserved for ISO use
5722	Household appliance shops
5723	Gun and ammunition shops
5724-5731	Reserved for ISO use
5732	Electronics shops
5733	Music shops — musical instruments, pianos and sheet music
5734	Computer software outlets
5735	Record shops
5736-5810	Reserved for ISO use
5811	Caterers
5812	Eating places and restaurants
5813	Drinking places (alcoholic beverages) — bars, taverns, night-clubs, cocktail lounges and discothèques
5814	Fast food restaurants
5815	Digital Goods-Media: Books, Movies, Music
5816	Digital Goods: Games
5817	Digital Goods: Application (Excludes Games)
5818	Large Digital Goods Merchant
5819-5820	Reserved for ISO use
5821-5911	Reserved for private use
5912	Drug stores and pharmacies
5913-5915	Reserved for private use
5916-5920	Reserved for private use
5921	Package shops — beer, wine and liquor
5922-5930	Reserved for national use
5931	Used merchandise and second-hand shops
5932	Antique shops — sales, repairs and restoration services
5933	Pawn shops
5934	Reserved for national use
5935	Wrecking and salvage yards
5936	Reserved for national use
5937	Antique reproduction shops
5938-5939	Reserved for national use
5940	Bicycle shops — sales and service
5941	Sporting goods shops
5942	Bookshops
5943	Stationery, office and school supply shops
5944	Jewellery, watch, clock and silverware shops
5945	Hobby, toy and game shops
5946	Camera and photographic supply shops
5947	Gift, card, novelty and souvenir shops
5948	Luggage and leather goods shops
5949	Sewing, needlework, fabric and piece goods shops
5950	Glassware and crystal shops
5951-5959	Reserved for national use

	5960	Direct marketing — insurance services
	5961	Reserved for national use
	5962	Telemarketing — travel-related arrangement services
	5963	Door-to-door sales
	5964	Direct marketing — catalogue merchants
	5965	Direct marketing — combination catalogue and retail merchants
	5966	Direct marketing — outbound telemarketing merchants
	5967	Direct marketing — inbound telemarketing merchants
	5968	Direct marketing — continuity/subscription merchants
	5969	Direct marketing/direct marketers — not elsewhere classified
	5970	Artist supply and craft shops
	5971	Art dealers and galleries
	5972	Stamp and coin shops
	5973	Religious goods and shops
	5974	Reserved for national use
	5975	Hearing aids — sales, service and supplies
	5976	Orthopaedic goods and prosthetic devices
	5977	Cosmetic shops
	5978	Typewriter outlets — sales, service and rentals
	5979-5982	Reserved for national use
	5983	Fuel dealers — fuel oil, wood, coal and liquefied petroleum
	5984-5991	Reserved for national use
	5992	Florists
	5993	Cigar shops and stands
	5994	Newsagents and news-stands
	5995	Pet shops, pet food and supplies
	5996	Swimming pools — sales, supplies and services
	5997	Electric razor shops — sales and service
	5998	Tent and awning shops
	5999	Miscellaneous and speciality retail outlets
6000-7299 Service providers	6000-6009	Reserved for national use
	6010	Financial institutions — manual cash disbursements
	6011	Financial institutions — automated cash disbursements
	6012	Financial institutions — merchandise and services
	6013-6049	Reserved for ISO use
	6050	Reserved for private use
	6051	Non-financial institutions — foreign currency, money orders (not wire transfer), scrip and travellers' checks
	6052-6210	Reserved for ISO use
	6211	Securities — brokers and dealers
	6212-6299	Reserved for ISO use
	6300	Insurance sales, underwriting and premiums
	6301-6528	Reserved for ISO use
	6529-7010	Reserved for private use
	7011	Lodging — hotels, motels and resorts
	7012	Timeshares
	7013-7031	Reserved for private use
	7032	Sporting and recreational camps
	7033	Trailer parks and camp-sites

	7034-7041	Reserved for private use
	7042-7209	Reserved for national use
	7210	Laundry, cleaning and garment services
	7211	Laundry services — family and commercial
	7212-7215	Reserved for national use
	7216	Dry cleaners
	7217	Carpet and upholstery cleaning
	7218-7220	Reserved for national use
	7221	Photographic studios
	7222-7229	Reserved for national use
	7230	Beauty and barber shops
	7231-7250	Reserved for national use
	7251	Shoe repair shops, shoe shine parlours and hat cleaning shops
	7252-7260	Reserved for national use
	7261	Funeral services and crematoriums
	7262-7272	Reserved for national use
	7273	Dating and escort services
	7274-7275	Reserved for national use
	7276	Tax preparation services
	7277	Counselling services — debt, marriage and personal
	7278	Buying and shopping services and clubs
	7279-7295	Reserved for national use
	7296	Clothing rentals — costumes, uniforms and formal wear
	7297	Massage parlours
	7298	Health and beauty spas
	7299	Miscellaneous personal services — not elsewhere classified
7300-7529 Business services	7300-7310	Reserved for ISO use
	7311	Advertising services
	7312-7320	Reserved for ISO use
	7321	Consumer credit reporting agencies
	7322	Debt collection agencies
	7323-7332	Reserved for ISO use
	7333	Commercial photography, art and graphics
	7334-7337	Reserved for ISO use
	7338	Quick copy, reproduction and blueprinting services
	7339	Stenographic and secretarial support services
	7340-7341	Reserved for ISO use
	7342	Exterminating and disinfecting services
	7343-7348	Reserved for ISO use
	7349	Cleaning, maintenance and janitorial services
	7350-7360	Reserved for ISO use
	7361	Employment agencies and temporary help services
	7362-7371	Reserved for ISO use
	7372	Computer programming, data processing and integrated systems design services
	7373-7374	Reserved for ISO use
	7375	Information retrieval services
	7376-7378	Reserved for ISO use

	7379	Computer maintenance and repair services — not elsewhere classified
	7380-7391	Reserved for ISO use
	7392	Management, consulting and public relations services
	7393	Detective agencies, protective agencies and security services, including armoured cars and guard dogs
	7394	Equipment, tool, furniture and appliance rentals and leasing
	7395	Photofinishing laboratories and photo developing
	7396-7398	Reserved for ISO use
	7399	Business services — not elsewhere classified
	7400-7406	Reserved for ISO use
	7407-7487	Reserved for private use
	7488-7510	Reserved for national use
	7511	Reserved for private use
	7512	Automobile rentals
	7513	Truck and utility trailer rentals
	7514-7518	Reserved for national use
	7519	Motor home and recreational vehicle rentals
	7520-7522	Reserved for national use
	7523	Parking lots and garages
	7524-7529	Reserved for national use
7530-7799 Repair services	7530	Reserved for ISO use
	7531	Automotive body repair shops
	7532-7533	Reserved for ISO use
	7534	Tyre retreading and repair shops
	7535	Automotive paint shops
	7536-7537	Reserved for ISO use
	7538	Automotive service shops (non-dealer)
	7539-7541	Reserved for ISO use
	7542	Car washes
	7543-7548	Reserved for ISO use
	7549	Towing services
	7550-7600	Reserved for ISO use
	7601-7606	Reserved for national use
	7607-7621	Reserved for private use
	7622	Electronics repair shops
	7623	Air conditioning and refrigeration repair shops
	7624-7628	Reserved for national use
	7629	Electrical and small appliance repair shops
	7630	Reserved for national use
	7631	Watch, clock and jewellery repair shops
	7632-7640	Reserved for national use
	7641	Furniture reupholstery, repair and refinishing
	7642-7690	Reserved for private use
	7691	Reserved for national use
	7692	Welding services
	7693-7698	Reserved for national use
	7699	Miscellaneous repair shops and related services
	7700-7799	Reserved for ISO use

7800-7999 Amusement and entertainment	7800	Government Owned Lotteries
	7801	Government Licensed Online Casinos (On-Line Gambling)
	7802	Government-licensed Horse/Dog Racing
	7803-7828	Reserved for ISO use
	7829	Motion picture and video tape production and distribution
	7830-7831	Reserved for ISO use
	7832	Motion picture theatres
	7833-7840	Reserved for ISO use
	7841	Video tape rentals
	7842-7893	Reserved for national use
	7894-7910	Reserved for private use
	7911	Dance halls, studios and schools
	7912-7921	Reserved for private use
	7922	Theatrical producers (except motion pictures) and ticket agencies
	7923-7928	Reserved for private use
	7929	Bands, orchestras and miscellaneous entertainers — not elsewhere classified
	7930-7931	Reserved for private use
	7932	Billiard and pool establishments
	7933	Bowling alleys
	7934-7940	Reserved for private use
	7941	Commercial sports, professional sports clubs, athletic fields and sports promoters
	7942-7959	Reserved for private use
	7960-7990	Reserved for national use
	7991	Tourist attractions and exhibits
	7992	Public golf courses
	7993	Video amusement game supplies
	7994	Video game arcades and establishments
	7995	Betting, including lottery tickets, casino gaming chips, off-track betting and wagers at race tracks. If the merchant is a government owned lottery/ government licensed online gambling/ government licensed horse/dog racing, they should use the specific MCCs as appropriate
	7996	Amusement parks, circuses, carnivals and fortune tellers
	7997	Membership clubs (sports, recreation, athletic), country clubs and private golf courses
	7998	Aquariums, seaquariums and dolphinariums
	7999	Recreation services — not elsewhere classified
8000-8999 Professional services and membership organizations	8000-8010	Reserved for ISO use
	8011	Doctors and physicians — not elsewhere classified
	8012-8020	Reserved for ISO use
	8021	Dentists and orthodontists
	8022-8030	Reserved for ISO use
	8031	Osteopaths
	8032-8040	Reserved for national use
	8041	Chiropractors
	8042	Optometrists and ophthalmologists
	8043	Opticians, optical goods and eyeglasses

	8044-8048	Reserved for national use
	8049	Podiatrists and chiropodists
	8050	Nursing and personal care facilities
	8051-8061	Reserved for ISO use
	8062	Hospitals
	8063-8070	Reserved for ISO use
	8071	Medical and dental laboratories
	8072-8098	Reserved for ISO use
	8099	Medical services and health practitioners — not elsewhere classified
	8100-8110	Reserved for ISO use
	8111	Legal services and attorneys
	8112-8210	Reserved for ISO use
	8211	Elementary and secondary schools
	8212-8219	Reserved for ISO use
	8220	Colleges, universities, professional schools and junior colleges
	8221-8240	Reserved for ISO use
	8241	Correspondence schools
	8242-8243	Reserved for ISO use
	8244	Business and secretarial schools
	8245-8248	Reserved for ISO use
	8249	Trade and vocational schools
	8250-8298	Reserved for ISO use
	8299	Schools and educational services — not elsewhere classified
	8300-8350	Reserved for ISO use
	8351	Child care services
	8352-8397	Reserved for national use
	8398	Charitable and social service organizations
	8399-8492	Reserved for ISO use
	8493-8640	Reserved for private use
	8641	Civic, social and fraternal associations
	8642-8650	Reserved for national use
	8651	Political organizations
	8652-8660	Reserved for national use
	8661	Religious organizations
	8662-8674	Reserved for private use
	8675	Automobile associations
	8676-8698	Reserved for private use
	8699	Membership organizations — not elsewhere classified
	8700-8733	Reserved for private use
	8734	Testing laboratories (non-medical)
	8735-8910	Reserved for private use
	8911	Architectural, engineering and surveying services
	8912-8930	Reserved for private use
	8931	Accounting, auditing and bookkeeping services
	8932-8998	Reserved for national use
	8999	Professional services — not elsewhere classified
9000-9199	9000-9199	Reserved for ISO use

Reserved for ISO use	9000-9199	Reserved for ISO use
9200-9402 Government services	9200-9210	Reserved for ISO use
	9211	Court costs, including alimony and child support
	9212-9221	Reserved for ISO use
	9222	Fines
	9223	Bail and bond payments
	9224-9310	Reserved for ISO use
	9311	Tax payments
	9312-9388	Reserved for private use
	9389-9398	Reserved for national use
	9399	Government services — not elsewhere classified
	9400-9401	Reserved for national use
	9402	Postal services — government only
9403-9999 Other	9403-9499	Reserved for private use
	9500-9699	Reserved for ISO use
	9700-9799	Reserved for private use
	9800-9999	Reserved for national use



The Florida Senate

Committee Agenda Request

To: Senator Jim Boyd, Chair
Committee on Banking and Insurance

Subject: Committee Agenda Request

Date: February 6, 2023

I respectfully request that **Senate Bill #214**, relating to Sales of Firearms and Ammunition, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

2/21/23 - Happy Mardi Gras!

The Florida Senate
APPEARANCE RECORD

214

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Name

Anthony DiMarco

Phone

(850) 224-2245

Address

1001 Thomasville Rd

Email

adimarco@floridabankers.com

Street

Melbourne

FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Bankers Association

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/21/2023
Meeting Date
Banking & Insurance
Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 214
Bill Number or Topic

Amendment Barcode (if applicable)

Name Isabelle Garbarino Phone 407-412-4405
Address 400 S Monroe St, PL-10 Email isabelle.garbarino@fdacs.gov
Tallahassee FL 32399
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
Department of Ag.
(DACs)

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/21/2023

Meeting Date

214

Bill Number or Topic

Banking & Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Nancy Lawther Ph.D.

Phone

407-855 7604

Address

1747 Orlando Central Pkwy

Email

legislation@florida
pta.org

Street

Orlando

City

FL

State

32809

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 214

2/21/23

Meeting Date

Banking & Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Rin Alajaji

Phone

Address 201 Park Ave

Street

Email

Tallahassee FL

City

State

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Equality
Florida

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

COMMITTEE: Banking and Insurance
ITEM: SB 214
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 21, 2023
TIME: 3:30—5:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Broxson						
X		Burgess						
X		Burton						
X		Hutson						
X		Ingoglia						
X		Mayfield						
	X	Powell						
	X	Thompson						
	X	Torres						
X		Trumbull						
X		DiCeglie, VICE CHAIR						
X		Boyd, CHAIR						
9	3							
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: CS/SB 418

INTRODUCER: Banking and Insurance Committee and Senator Perry

SUBJECT: Insurance

DATE: February 22, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	Fav/CS
2.			MS	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 418 amends several insurance-related statutes. Specifically, the bill:

- Allows a residential property insurer's rate filing to estimate projected hurricane losses by using a weighted or straight average of two or more models approved by the Florida Commission on Hurricane Loss Projection Methodology.
- Provides that, in lieu of themselves, the Executive Director of the Citizens Property Insurance Corporation and the Director of the Division of Emergency Management, respectively, may appoint a designee to be a member of the Commission on Hurricane Loss Projection Methodology.
- Authorizes an insurer to file a personal lines residential property insurance rating plan that provides premium discounts, credits, and other rate differentials based on windstorm construction standards developed by an independent, not-for-profit, scientific research organization.
- Limits the requirement that an insurer provide a policyholder who has an automatic bank withdrawal agreement with the insurer with 15 days advance written notice of any increase in policy premiums. Instead, notice will only be required for premium increases that result in an increase in the automatic withdrawal of more than \$10 from the previous withdrawal amount.
- Revises provisions regarding the delivery of a policy to a policyholder by expanding the type of policies authorized to be delivered by electronic transmission to include individual and group health insurance policies.
- Revises the mandated deductibles that must be offered for hurricane loss when issuing a personal lines residential property insurance policy. For policies with a dwelling limit of at

least \$1 million, the bill no longer requires the offer of the current mandated deductibles of 2 percent, 5 percent, and ten percent of the dwelling limit. Instead, the bill provides that an insurer may offer deductibles of up to:

- Ten percent, for a policy covering a risk with dwelling limits of at least \$1 million, but less than \$3 million;
- Fifteen percent, for a policy covering a risk with dwelling limits greater than \$3 million.
- Revises the requirement that the waiver by a policyholder of windstorm coverage or contents coverage, must be in the policy holder's own handwriting, by also allowing the waiver to be typed.
- Eliminates the requirement that a notice be stamped on the declarations page of limited coverage automobile policies. Such policies generally cover antique motor vehicles.

The bill has no fiscal impact on state or local government.

The bill takes effect July 1, 2023.

II. Present Situation:

Regulation of Property Insurance Rates

Part I of ch. 627, F.S., the Rating Law,¹ governs property, casualty, and surety insurance covering the subjects of insurance resident, located, or to be performed in this state.² The rating law provides that the rates for all classes of insurance it governs may not be excessive, inadequate, or unfairly discriminatory.³ Though the terms “rate” and “premium” are often used interchangeably, the rating law specifies that “rate” is the unit charge that is multiplied by the measure of exposure or amount of insurance specified in the policy to determine the premium, which is the consideration paid by the consumer.⁴

All insurers or rating organizations must file rates with the Office of Insurance Regulation (OIR) either 90 days before the proposed effective date of a new rate, which is considered a “file and use” rate filing, or 30 days after the effective date of a new rate, which is considered a “use and file” rate filing.⁵

Upon receiving a rate filing, the OIR reviews the filing to determine if the rate is excessive, inadequate, or unfairly discriminatory. The OIR makes that determination in accordance with generally acceptable actuarial techniques and considers the following:

- Past and prospective loss experience;
- Past and prospective expenses;
- The degree of competition among insurers for the risk insured;
- Investment income reasonably expected by the insurer;
- The reasonableness of the judgment reflected in the rate filing;
- Dividends, savings, or unabsorbed premium deposits returned to policyholders;

¹ Section 627.011, F.S.

² Section 627.021(1), F.S.

³ Section 627.062(1), F.S.

⁴ Section 627.041, F.S.

⁵ Section 627.062, F.S.

- The adequacy of loss reserves;
- The cost of reinsurance;
- Trend factors, including trends in actual losses per insured unit for the insurer;
- Conflagration and catastrophe hazards;
- Projected hurricane losses;
- Projected flood losses, if the policy covers the risk of flood;
- The cost of medical services, if applicable;
- A reasonable margin for underwriting profit and contingencies; and
- Other relevant factors that affect the frequency or severity of claims or expenses.⁶

Florida Commission on Hurricane Loss Projection Methodology

Projected hurricane losses in a rate filing must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology (Commission).⁷ The Commission consists of 12 members with expertise in the elements used to develop computer models to estimate hurricane and flood loss. Members of the Commission include State University System faculty experts in insurance finance, statistics, computer system design, meteorology, and structural engineering; three actuaries; the insurance consumer advocate; the Director of the Florida Hurricane Catastrophe Fund; the Executive Director of Citizens Property Insurance Corporation; and the Director of the Division of Emergency Management.⁸

Residential Property Insurance Mitigation Credits, Discounts, or Other Rate Differentials

Residential property insurance rate filings must account for mitigation measures undertaken by policyholders to reduce hurricane losses.⁹ Specifically, the rate filings must include actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles to consumers who implement windstorm damage mitigation techniques to their properties.¹⁰ Upon their filing by an insurer or rating organization, the OIR determines the discounts, credits, other rate differentials and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation,¹¹ which in turn may be used in rate filings under the rating law. Windstorm mitigation measures that must be evaluated for purposes of mitigation discounts include fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength.¹²

⁶ Section 627.062(2)(b), F.S.

⁷ Section 627.062(2)(b)11., F.S.

⁸ Section 627.0628(2)(b), F.S.

⁹ Section 627.062(2)(j), F.S.

¹⁰ Section 627.0629(1), F.S.

¹¹ *Id.*

¹² *Id.*

Automatic Bank Withdrawal Agreements in the Insurance Context

Florida law allows insurers and policyholders to enter into automatic bank withdrawal agreements for the purpose of paying insurance premiums.¹³ Policyholders generally have the option of selecting between payment plans that divide the premium into two or four separate payments or in monthly installments. Under current law, insurers must provide the policyholder with 15 days advance written notice prior to any automatic bank withdrawal if the premium payment increases from the previous withdrawal period by any amount.¹⁴

By contrast, federal law requires financial institutions to provide 10 days advance written notice prior to any automatic bank withdrawal either when the amount varies from the previous withdrawal amount, when the amount varies outside a specified range of amounts, or when the amount varies from the previous withdrawal amount by an agreed-upon amount.¹⁵

Delivery of Insurance Policies and Claims Communications

Section 627.421, F.S., requires most insurers¹⁶ to deliver, mail, or electronically transmit the insurance policy to the policyholder within 60 days of such coverage taking effect. Policyholders of personal lines policies may elect electronic transmission of policy documents; however, for commercial lines policies, policy documents are sent via electronic transmission unless the policyholder declines electronic transmission by written or electronic communication to the insurer. The policyholder is further entitled to a paper copy of the policy upon request.¹⁷ An insurer that electronically transmits policy documents must include notice of the right to receive a paper copy of the policy via United States mail.¹⁸

Property Insurance Deductibles and Coverages

A hurricane deductible is the amount paid by the policyholder before the insurer issues any payment for damaged caused by a hurricane.¹⁹ With certain exceptions, prior to issuing a personal lines residential property insurance policy, the insurer must offer alternative deductible amounts applicable to hurricane losses equal to \$500, 2 percent, 5 percent, and 10 percent of the policy dwelling limits.²⁰ If the policy covers a risk with dwelling limits of \$250,000 or more, the insurer is not required to offer the \$500 hurricane deductible.²¹

Under Florida law, the hurricane deductible is capped at 10 percent of the policy dwelling limits for a covered risk valued at less than \$500,000, unless the policyholder affirmatively rejects the

¹³ Section 627.0665, F.S.

¹⁴ *Id.*

¹⁵ 12 CFR 1005.10(d).

¹⁶ Part II of ch. 627, F.S., exempts reinsurers, wet marine and transportation, title, and credit life or credit disability insurers from the delivery provisions of s. 627.421, F.S.

¹⁷ Section 627.421(1), F.S.

¹⁸ *Id.*

¹⁹ Department of Financial Services, *Florida's Hurricane Deductible* https://myfloridacfo.com/docs-sf/consumer-services-libraries/consumerservices-documents/understanding-coverage/consumer-guides/english---florida's-hurricane-deductible.pdf?sfvrsn=28cdcf12_4 (last accessed February 22, 2023).

²⁰ Section 627.701(3)(a), F.S.

²¹ Section 627.701(3)(d), F.S.

statutory hurricane deductible limit.²² In order to do so, the policyholder must provide the insurer the following statement: “I do not want the insurance on my home to pay for the first (specify dollar value) of damage from hurricanes. I will pay those costs. My insurance will not.” The policyholder and each named insured on the policy must sign and date the statement.²³

Florida law also requires a residential property insurance policy to include windstorm coverage²⁴, unless the policyholder affirmatively rejects the coverage.²⁵ If the policyholder is a natural person, the policyholder must personally write and provide the insurer the following statement in his or her own handwriting: “I do not want the insurance on my home (home/mobile home/condominium unit) to pay for damage from windstorms. I will pay those costs. My insurance will not.” The policyholder and each named insured on the policy must sign and date the statement.²⁶

A similar provision exists for exclusion of contents coverage under a residential property insurance policy, except for a condominium unit owner policy or a tenant policy.²⁷ If the policyholder chooses such an exclusion, the policyholder must personally write and provide the insurer the following statement in his or her own handwriting: “I do not want the insurance on my home (home/mobile) to pay for costs to repair or replace any contents that are damaged. I will pay those costs. My insurance will not.”²⁸ The policyholder and each named insured on the policy must sign and date the statement.

Notice of Limited Coverage for Antique Vehicles

Some insurers²⁹ offer motor vehicle insurance coverage for antique vehicles³⁰ which does not include mandatory personal injury protection³¹ and property damage liability³² coverages. In those cases, Florida law requires the automobile policy to provide notice to the policyholder of the limited coverage and its noncompliance with any financial responsibility law.³³ This coverage is generally appropriate for antique vehicles that are stored in a private collection or as part of a public display and are not driven on the roadways of this state. The notice must be stamped or printed in contrasting color from the color used on the policy and placed on the policy declaration page and on the back of the policy.³⁴ The stamping requirement is antiquated and prevents these types of policies from being delivered electronically.

²² Section 627.701(4)(d), F.S.

²³ *Id.*

²⁴ This requirement does not apply to a risk that is eligible for wind-only coverage from Citizens Property Insurance Corporation. Nor does the requirement apply to a risk that is ineligible for Citizens coverage because the risk: (1) is a structure that has a dwelling replacement cost of \$700,000 or more; (2) is a single condominium unit with a combined dwelling and contents replacement cost of \$700,000 or more; or (3) is located in the “wind-borne” debris region and has an insured value on the structure of \$750,000 or more. *See* s. 627.351(6)(a)3.d. and 5.a, F.S.

²⁵ Section 627.712, F.S.

²⁶ Section 627.712(2)(a)1, F.S.

²⁷ Section 627.712(3), F.S.

²⁸ *Id.*

²⁹ <https://www.statefarm.com/insurance/auto/antique-classic-cars> (last accessed February 22, 2023, 2023).

³⁰ *See* section 320.086, F.S.

³¹ Section 627.733, F.S.

³² Section 324.022, F.S.

³³ Section 627.7276(1), F.S.

³⁴ Section 627.7276(2), F.S.

III. Effect of Proposed Changes:

Hurricane Model Averaging and Weighting

Section 1 amends s. 627.062, F.S., to provide that a residential property insurer's rate filing may estimate projected hurricane losses by using a weighted or straight average of two or more methods or models approved by the Commission on Hurricane Loss Projection Methodology.

Florida Commission on Hurricane Loss Projection Methodology

Section 2 amends s. 627.0628, F.S., to provide that, in lieu of themselves, the Executive Director of the Citizens Property Insurance Corporation and the Director of the Division of Emergency Management, respectively, may appoint a designee to be a member of the Commission on Hurricane Loss Projection Methodology.

Residential Property Insurance Mitigation Credits, Discounts, or Other Rate Differentials

Section 3 amends s. 627.0629, F.S., to provide that an insurer may file with the OIR a personal lines residential rating plan that provides premium discounts, credits, and other rate differentials based on windstorm construction standards developed by an independent, not-for-profit, scientific research organization, if such standards meet statutory requirements.

Required Notifications of Automatic Bank Withdrawals

Section 4 amends s. 627.0665, F.S., governing automatic bank withdrawal agreements between insurers and policyholders, to limit the requirement that an insurer provide a policyholder 15 days advance written notice of any increase in policy premiums. Instead, notice will only be required for premium increases that will result in an increase of the automatic withdrawal of more than \$10 from the previous withdrawal amount.

Delivery of Insurance Policies and Claims Communications

Section 5 amends s. 627.421, F.S., to revise provisions regarding the delivery of a policy to a policyholder by expanding the type of policies authorized to be delivered by electronic transmission to include individual and group health insurance policies. The bill removes the requirement that electronic transmission must include notice of the right to receive the policy via U.S. mail rather than by electronic transmission.

Property Insurance Deductibles and Coverages

Section 6 amends s. 627.701, F.S., to revise the mandated deductibles that must be offered for hurricane loss when issuing a personal lines residential property insurance policy. For policies with a dwelling limit of at least \$1 million, the bill no longer requires the offer of the current mandated deductibles of 2 percent, 5 percent, and ten percent of the dwelling limit. Instead, the bill provides that an insurer may offer deductibles of up to:

- Ten percent for a policy covering a risk with dwelling limits of at least \$1 million, but less than \$3 million;
- Fifteen percent for a policy covering a risk with dwelling limits greater than \$3 million.

The bill authorizes an insurer, between July 1, 2023, and July 1, 2024, to make an additional filing with the OIR to implement changes made to s. 627.701, F.S., by the bill.

Section 7 amends s. 627.712, F.S., to the waiver by a policyholder of windstorm coverage, or of coverage to pay for the costs to repair or replace any contents that are damaged, to be typed by the policyholder or in the policyholder's own handwriting.

Notice of Limited Coverage for Antique Vehicles

Section 8 amends s. 627.7276, F.S., eliminates the requirement that a notice be stamped on the declarations page of limited coverage automobile policies. Such policies generally cover antique motor vehicles. Instead, the notice must accompany the declarations page and must be typed in a font at least as large as the font used in the declarations page. The stamping requirement is antiquated and prevents these types of policies from being delivered electronically.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may lead to the expansion of premium discounts, credits, and other rate differentials based on windstorm construction standards.

C. Government Sector Impact:

The bill is not anticipated to have any significant fiscal impact on state or local government.

VI. Technical Deficiencies:

Section 6 of the bill amends s. 627.701, F.S., authorizing an insurer, when issuing a personal lines residential property insurance policy for hurricane loss, to offer deductibles of up to:

- Ten percent for a policy covering a risk with dwelling limits of at least \$1 million, but less than \$3 million;
- Fifteen percent for a policy covering a risk with dwelling limits greater than \$3 million.

The language does not cover a policy covering a risk with dwelling limits of exactly \$3 million.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.062, 627.0628, 627.0629, 627.0665, 627.421, 627.701, 627.712 and 627.7276.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on February 21, 2023:

The committee substitute makes the following changes:

- Revises provisions regarding the delivery of a policy to a policyholder by expanding the type of policies authorized to be delivered by electronic transmission to include individual and group health insurance policies; removes the requirement that electronic transmission must include notice of the right to receive the policy via U.S. mail rather than by electronic transmission.
- Revises the mandated deductibles that must be offered for hurricane loss when issuing a personal lines residential property insurance policy. Insurers need no longer offer the current mandated deductibles of 2 percent, 5 percent, and ten percent, and instead may offer deductibles of up to:
 - Ten percent for a policy covering a risk with dwelling limits of at least \$1 million, but less than \$3 million; or

- Fifteen percent for a policy covering a risk with dwelling limits greater than \$3 million.
- Removes the requirement that the waiver by a policyholder of windstorm coverage, or of coverage to pay for the costs to repair or replace any contents that are damaged, must be in the policy holder's own handwriting, allowing the waiver to be typed.
- Provides that the Executive Director of the Citizens Property Insurance Corporation may designate a full-time employee of the Corporation as the Director's designee to the Commission on Hurricane Loss Projection Methodology.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
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The Committee on Banking and Insurance (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 54

and insert:

Section 2. Subsection (1) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(1) Subject to the insurer's requirement as to payment of premium, every policy shall be mailed, delivered, or electronically transmitted to the insured or to the person



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entitled thereto not later than 60 days after the effectuation of coverage. Notwithstanding any other provision of law, an insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of the policy documents, including, but not limited to, policies, endorsements, notices, or documents, by electronic means in lieu of delivery by mail. Electronic transmission of a policy, related notices, and other documents for individual and group health insurance policies or certificates of coverage pursuant to parts VI and VII of this chapter, respectively; health maintenance contracts or certificates of coverage pursuant to part I of chapter 641; prepaid limited health service contracts pursuant to part I of chapter 636; and ~~for~~ commercial risks, including, but not limited to, workers' compensation and employers' liability, commercial automobile liability, commercial automobile physical damage, commercial lines residential property, commercial nonresidential property, farmowners insurance, and the types of commercial lines risks set forth in s. 627.062(3)(d), constitutes delivery to the insured or to the person entitled to delivery, unless the insured or the person entitled to delivery communicates to the insurer in writing or electronically that he or she does not agree to delivery by electronic means. ~~Electronic transmission shall include a notice to the insured or to the person entitled to delivery of a policy of his or her right to receive the policy via United States mail rather than via electronic transmission. A paper copy of the policy shall be provided to the insured or to the person entitled to delivery at his or her request.~~

Section 3. Paragraphs (e) and (f) are added to subsection



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(3) of section 627.701, Florida Statutes, and paragraph (a) of that subsection is republished, to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) Except as otherwise provided in this subsection, prior to issuing a personal lines residential property insurance policy, the insurer must offer alternative deductible amounts applicable to hurricane losses equal to \$500, 2 percent, 5 percent, and 10 percent of the policy dwelling limits, unless the specific percentage deductible is less than \$500. The written notice of the offer shall specify the hurricane deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this subsection in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

(e) Notwithstanding paragraph (a), an insurer may offer a deductible no greater than:

1. Ten percent for a policy covering a risk with dwelling limits of at least \$1 million, but less than \$3 million.

2. Fifteen percent for a policy covering a risk with dwelling limits greater than \$3 million.

(f) Notwithstanding s. 627.062(2)(k)3., between July 1, 2023, and July 1, 2024, an insurer may make an additional filing to implement changes under paragraph (e).

Section 4. Paragraph (a) of subsection (2) and subsection (3) of section 627.712, Florida Statutes, are amended to read:



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627.712 Residential windstorm coverage required;
availability of exclusions for windstorm or contents.—

(2) A property insurer must make available, at the option
of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the
policyholder personally writes or types and provides to the
insurer the following statement ~~in his or her own handwriting~~
and signs his or her name, which must also be signed by every
other named insured on the policy, and dated: "I do not want the
insurance on my (home/mobile home/condominium unit) to pay for
damage from windstorms. I will pay those costs. My insurance
will not."

2. When the policyholder is other than a natural person,
the policyholder provides to the insurer on the policyholder's
letterhead the following statement that must be signed by the
policyholder's authorized representative and dated: "... (Name of
entity)... does not want the insurance on its ...(type of
structure)... to pay for damage from windstorms. ...(Name of
entity)... will be responsible for these costs. ...(Name of
entity's)... insurance will not."

(3) An insurer issuing a residential property insurance
policy, except for a condominium unit owner policy or a tenant
policy, must make available, at the option of the policyholder,
an exclusion of coverage for the contents. The coverage may be
excluded only if the policyholder personally writes or types and
provides to the insurer the following statement ~~in his or her
own handwriting~~ and signs his or her signature, which must also
be signed by every other named insured on the policy, and dated:



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"I do not want the insurance on my (home/mobile home) to pay for the costs to repair or replace any contents that are damaged. I will pay those costs. My insurance will not."

Section 5. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 12 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation or the executive director's designee. The executive director's designee must be a full-time employee of the corporation.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 5 - 9

and insert:

amending s. 627.421, F.S.; revising the types of documents and kinds of insurance for which electronic transmission constitutes delivery to the insured or person entitled to delivery; deleting a requirement to include a certain notice to an insured electing to



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receive policy documents electronically; deleting a
requirement to provide a paper copy of the policy upon
request by such person; amending s. 627.701, F.S.;
specifying limitations on personal lines residential
property insurance deductibles on policies covering
risks with specified dwelling limits; authorizing
insurers to make an additional filing within a certain
timeframe to implement changes; amending s. 627.712,
F.S.; providing that a policyholder's written
exclusion from residential windstorm coverage may be
typed rather than handwritten; amending s. 627.0628,
F.S.; revising membership requirements for specified
members of the Florida Commission on Hurricane Loss
Projection Methodology; amending s. 627.0629, F.S.;

By Senator Perry

9-00717-23

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A bill to be entitled

An act relating to insurance; amending s. 627.062, F.S.; authorizing residential property insurance rate filings to use a specified modeling indication; amending s. 627.0628, F.S.; authorizing a designee of the Director of the Division of Emergency Management to be a member of the Florida Commission on Hurricane Loss Projection Methodology; providing a requirement for such designee; amending s. 627.0629, F.S.; authorizing insurers to file with the Office of Insurance Regulation personal lines residential property insurance rating plans providing rate differentials based on certain windstorm mitigation construction standards; providing requirements for such plans; amending s. 627.0665, F.S.; revising the timeframe for notices from insurers to insureds of automatic bank withdrawal increases; specifying the increase threshold for such notices; amending s. 627.7276, F.S.; revising the requirements for the notice of limited coverage under certain automobile policies; providing an effective date.

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

Section 1. Paragraph (j) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(j) With respect to residential property insurance rate

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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filings, the rate filing:

1. Must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

2. May use a modeling indication that is the weighted or straight average of two or more hurricane loss projection models found by the Florida Commission on Hurricane Loss Projection Methodology to be accurate or reliable pursuant to s. 627.0628.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

Section 2. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 12 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation.

4. The Director of the Division of Emergency Management or the director's designee. The director's designee must be a full-time employee of the division.

5. The actuary member of the Florida Hurricane Catastrophe

Page 2 of 5

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59 Fund Advisory Council.

60 6. An employee of the office who is an actuary responsible
61 for property insurance rate filings and who is appointed by the
62 director of the office.

63 7. Five members appointed by the Chief Financial Officer,
64 as follows:

65 a. An actuary who is employed full time by a property and
66 casualty insurer that was responsible for at least 1 percent of
67 the aggregate statewide direct written premium for homeowner
68 insurance in the calendar year preceding the member's
69 appointment to the commission.

70 b. An expert in insurance finance who is a full-time member
71 of the faculty of the State University System and who has a
72 background in actuarial science.

73 c. An expert in statistics who is a full-time member of the
74 faculty of the State University System and who has a background
75 in insurance.

76 d. An expert in computer system design who is a full-time
77 member of the faculty of the State University System.

78 e. An expert in meteorology who is a full-time member of
79 the faculty of the State University System and who specializes
80 in hurricanes.

81 8. A licensed professional structural engineer who is a
82 full-time faculty member in the State University System and who
83 has expertise in wind mitigation techniques. This appointment
84 shall be made by the Governor.

85 Section 3. Subsection (9) is added to section 627.0629,
86 Florida Statutes, to read:

87 627.0629 Residential property insurance; rate filings.—

Page 3 of 5

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88 (9) An insurer may file with the office a personal lines
89 residential property insurance rating plan that provides
90 justified premium discounts, credits, or other rate
91 differentials based on windstorm mitigation construction
92 standards developed by an independent, nonprofit scientific
93 research organization, if such standards meet the requirements
94 of this section. Such plan must describe the manner in which the
95 insurer will document the existence of the mitigation features
96 and premium discounts, credits, or other rate differentials
97 created under such plan.

98 Section 4. Section 627.0665, Florida Statutes, is amended
99 to read:

100 627.0665 Automatic bank withdrawal agreements; notification
101 required.—Any insurer licensed to issue insurance in the state
102 who has an automatic bank withdrawal agreement with an insured
103 party for the payment of insurance premiums for any type of
104 insurance shall give the named insured at least 10 ~~15~~ days
105 advance written notice of any increase in policy premiums which
106 results in the next automatic bank withdrawal being increased by
107 more than \$10. Such notice must be provided before ~~prior to~~ any
108 automatic bank withdrawal containing the ~~of an~~ increased
109 premium.

110 Section 5. Section 627.7276, Florida Statutes, is amended
111 to read:

112 627.7276 Notice of limited coverage.—

113 (1) An automobile policy that does not contain coverage for
114 bodily injury and property damage must include a notice ~~be~~
115 ~~clearly stamped or printed to the effect that such coverage is~~
116 not included in the policy in the following manner:

Page 4 of 5

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"THIS POLICY DOES NOT PROVIDE BODILY INJURY AND
PROPERTY DAMAGE LIABILITY INSURANCE OR ANY OTHER
COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT
MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL
RESPONSIBILITY LAW."

(2) This notice legend must accompany ~~appear on~~ the policy
declarations declaration page and ~~on the filing back of the~~
~~policy and must~~ be printed in a contrasting color from that used
~~on the policy and in type~~ size at least as large as larger than
~~the largest type size used on the declarations page in the text~~
~~thereof, as an overprint or by a rubber stamp impression.~~

Section 6. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/23

Meeting Date

Banking & Ins

Committee

418

Bill Number or Topic

570080

Amendment Barcode (if applicable)

Name

Christine Ashburn

Phone

850-728-7255

Address

2101 Maryland Circle

Street

Tallahassee FL

City

State

32303

Zip

Email

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Citizens Property Ins.



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/21/2023

Meeting Date

The Florida Senate
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Deliver both copies of this form to
Senate professional staff conducting the meeting

418

Bill Number or Topic

570080

Amendment Barcode (if applicable)

Committee

Name **Megan Fay**

Phone **850-222-9075**

Address **124 West Jefferson Street**

Email **megan@cccfla.com**

Street

Tallahassee

FL

32312

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

The Florida Association of Health Plans

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/23

Meeting Date

Banking & Insurance
Committee

SB 418

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BG Murphy

Phone

850-893-4155

Address

3159 Shamrock St. S.

Email

Street

Tallahassee

State

FL

Zip

32309

City

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Association of Insurance Agents

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 418

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

American Integrity Ins

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

COMMITTEE: Banking and Insurance
ITEM: SB 418
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 21, 2023
TIME: 3:30—5:30 p.m.
PLACE: 412 Knott Building

FINAL VOTE		SENATORS	2/21/2023 Amendment 570080					
Yea	Nay		Perry		Yea	Nay	Yea	Nay
X		Broxson						
X		Burgess						
X		Burton						
X		Hutson						
X		Ingoglia						
X		Mayfield						
X		Powell						
X		Thompson						
X		Torres						
X		Trumbull						
X		DiCeglie, VICE CHAIR						
X		Boyd, CHAIR						
12	0		RCS	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

CourtSmart Tag Report

Room: KB 412
Caption: Senate Committee on Banking and Insurance

Case No.: -

Type:
Judge:

Started: 2/21/2023 3:31:06 PM

Ends: 2/21/2023 4:09:02 PM

Length: 00:37:57

3:31:05 PM Chair Boyd calls meeting to order
3:31:15 PM Roll call by CAA
3:31:33 PM Quorum present
3:31:42 PM Chair Boyd opening comments
3:31:59 PM Tab 2 SB 418 by Senator Perry
3:32:07 PM Senator Perry explains SB 418
3:33:07 PM Questions:
3:33:10 PM Senator Torres in questions
3:33:23 PM Senator Perry responds
3:33:46 PM Senator Torres
3:33:57 PM Senator Perry responds
3:34:11 PM Amendment 570080 by Senator Perry
3:34:21 PM Senator Perry explains amendment
3:35:21 PM Questions:
3:35:25 PM Senator Powell in questions
3:35:49 PM Senator Perry responds
3:36:16 PM Senator Powell
3:37:03 PM Senator Perry
3:37:37 PM Senator Powell
3:38:13 PM Senator Perry
3:39:04 PM Senator Powell
3:39:50 PM Senator Perry
3:40:20 PM Appearance cards:
3:40:24 PM Megan Fay, FL Association of Health Plans, waiving in support
3:40:34 PM Christine Ashburn, Citizens Property Ins., waives in support
3:40:41 PM No debate
3:40:49 PM Senator Perry waives close on amendment
3:40:52 PM Amendment adopted
3:40:57 PM No questions on bill as amended
3:41:09 PM William Arnold, American Integrity Ins, waives in support
3:41:17 PM BG Murphy, FL Association of Insurance Agents, waives in support
3:41:36 PM No debate
3:41:39 PM Senator Perry waives close
3:41:42 PM Roll call on CS/SB 418
3:41:52 PM CS for SB 418 reported favorably
3:42:16 PM Tab 1 SB 214 by Senator Burgess
3:42:30 PM Senator Burgess explains SB 214
3:44:41 PM Questions:
3:44:43 PM Senator Thompson in questions
3:45:24 PM Senator Burgess responds
3:46:34 PM Senator Thompson
3:46:55 PM Senator Burgess
3:47:40 PM Senator Torres
3:47:58 PM Senator Burgess
3:48:43 PM Senator Torres
3:48:48 PM Senator Burgess
3:48:54 PM Back and forth in questions
3:51:46 PM Senator Powell
3:52:07 PM Senator Burgess
3:52:40 PM Senator Powell
3:52:59 PM Senator Burgess
3:53:14 PM Senator Powell

3:53:33 PM	Senator Burgess
3:53:48 PM	Back and forth in questions
3:55:59 PM	Chair Boyd in recognition
3:56:26 PM	Back on response of Senator Burgess
3:57:31 PM	Senator Powell in questions
3:57:49 PM	Back and forth in questions
3:59:09 PM	Appearance Forms:
3:59:13 PM	Anthony DiMarco, Florida Bankers Association, speaks for information
3:59:59 PM	Isabelle Glarbarino, Department of Agriculture, waiving in support
4:00:18 PM	Nancy Lawther Ph. D., Florida PTA, waiving against
4:00:26 PM	Rin Alajaji, Equality Florida, waiving against
4:00:40 PM	Debate:
4:00:45 PM	Senator Thompson
4:02:41 PM	Senator Torres
4:04:13 PM	Senator Powell
4:05:38 PM	Chair Boyd with comments
4:06:32 PM	Senator Burgess closes on SB 214
4:07:58 PM	Roll call on SB 214
4:08:28 PM	SB 214 reported favorably
4:08:42 PM	Chair Boyd in closing remarks
4:08:49 PM	Senator Powell moves to adjourn
4:08:50 PM	Meeting adjourned