A bill to be entitled
An act relating to consumer protection; amending s. 501.0051, F.S.; prohibiting consumer reporting agencies from charging to reissue or provide a new unique personal identifier to a consumer for the removal of a security freeze; amending s. 624.307, F.S.; revising a requirement for entities licensed or authorized by the Department of Financial Services or the Office of Insurance Regulation to respond to the department's Division of Consumer Services regarding consumer complaints; revising administrative penalties the division may impose for failure to comply; amending s. 626.112, F.S.; prohibiting unlicensed activity by an adjusting firm; providing an exemption; providing an exemption from licensure for branch firms that meet certain criteria; providing an administrative penalty for failing to apply for certain licensure; providing a criminal penalty for aiding or abetting unlicensed activity; deleting an obsolete provision; amending s. 626.602, F.S.; authorizing the department to disapprove the use of insurance agency names containing the words "Medicare" or "Medicaid"; providing an exception for certain insurance agencies; amending s. 626.621, F.S.; adding grounds on which the department may take certain
actions against a license, appointment, or application
of certain insurance representatives; amending ss.
626.782 and 626.783, F.S.; revising the definitions of
the terms "industrial class insurer" and "ordinary-
combination class insurer," respectively, to conform
to changes made by the act; repealing s. 626.796,
F.S., relating to the representation of multiple
insurers in the same industrial debit territory;
amending s. 626.8443, F.S.; increasing the maximum
period of suspension of a title insurance agent's or
agency's license; amending s. 626.854, F.S.; revising
the timeframes in which an insured or claimant may
cancel a public adjuster's contract to adjust a claim
without penalty or obligation; amending s. 626.916,
F.S.; revising the classes of insurance subject to a
disclosure requirement before being eligible for
export under the Surplus Lines Law; amending s.
626.9541, F.S.; adding certain acts or practices to
the definition of sliding; amending s. 626.9741, F.S.;
requiring an insurer to include certain additional
information when providing an applicant or insured
with certain credit report or score information;
amending ss. 626.9957 and 627.062, F.S.; conforming
cross-references; amending s. 627.421, F.S.; requiring
personal lines residential property insurers to
annually deliver a certain notification to certain policyholders within a specified timeframe; amending s. 627.502, F.S.; prohibiting life insurers from writing new policies of industrial life insurance beginning on a certain date; amending s. 627.70131, F.S.; providing that communication made to or by an insurer's representative, rather than to or by an insurer's agent, constitutes communication to or by the insurer; requiring an insurer-assigned licensed adjuster to provide the policyholder with certain information in certain investigations; specifying requirements for insurers in notifying policyholders for certain changes in assigned adjusters; requiring an insurer to establish a process to provide the agent of record access to claim status information for a certain purpose; defining the term "agent of record"; requiring insurers to include specified notices when providing preliminary or partial damage estimates or claim payments; specifying the timeframe in which an insurer must pay or deny property insurance claims under certain circumstances; providing applicability; conforming provisions to changes made by the act; creating s. 627.7031, F.S.; prohibiting foreign venue clauses in property insurance policies; providing applicability; amending s. 627.7142, F.S.; revising
information contained in the Homeowner Claims Bill of
Rights; conforming provisions to changes made by the
act; amending s. 631.57, F.S.; deleting a deductible
on the Florida Insurance Guaranty Association,
Incorporated's obligation as to certain covered
claims; amending s. 648.30, F.S.; prohibiting the
aiding or abetting of unlicensed activity of a bail
bond agent or temporary bail bond agent; amending ss.
717.124, 717.12404, 717.1315, and 717.1322, F.S.;
conforming provisions to changes made by the act;
amending s. 717.135, F.S.; replacing provisions
relating to powers of attorney to recover unclaimed
property with provisions relating to uniform forms for
unclaimed property recovery agreements and purchase
agreements; requiring the department to adopt the
uniform forms by rule; specifying required information
and disclosures in the forms; requiring that, for the
purchase agreement form, proof the seller received
payment be filed with the department along with the
claim; requiring registered claimant's representatives
to use the forms as the exclusive means of engaging
with a claimant or seller to file claims and
prohibiting them from using or distributing other
agreements; specifying a limitation on fees and costs
owed or paid; prohibiting certain language in the
forms; authorizing the department to pay additional accounts owned by the claimant under certain circumstances; providing construction; repealing s. 717.1351, F.S., relating to the acquisition of unclaimed property; providing effective dates.

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

Section 1. Paragraph (b) of subsection (9) of section 501.0051, Florida Statutes, is amended to read:

501.0051 Protected consumer report security freeze.—

(9)

(b) A consumer reporting agency may not charge a reasonable fee, not to exceed $10, if the representative fails to retain the original unique personal identifier provided by the consumer reporting agency and the agency must reissue the unique personal identifier or provide a new unique personal identifier to the consumer representative.

Section 2. Paragraph (b) of subsection (10) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(10)

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

Section 3. Present subsection (9) of section 626.112, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and paragraph (d) of subsection (7) and present subsection (9) of that section are amended, to read:

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

(7)

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

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

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

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

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

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

(c) If an adjusting firm is required to be licensed, but
fails to file an application for licensure in accordance with
this section, the department shall impose on the firm an
administrative penalty of up to $10,000.
(10) Any person who knowingly transacts insurance or otherwise engages in insurance activities in this state without a license in violation of this section or who knowingly aids or abets an unlicensed person in transacting insurance or otherwise engaging in insurance activities in this state without a license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(4) The name contains the word "Medicare" or "Medicaid."

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

Section 5. Subsections (16) and (17) are added to section 626.621, Florida Statutes, to read:

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

(16) Allowing the personal financial or medical
information of a consumer or customer to be made available or
accessible to the general public, regardless of the format in
which the record is stored.

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

Section 6. Section 626.782, Florida Statutes, is amended
to read:

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

Section 7. Section 626.783, Florida Statutes, is amended
to read:
626.783 "Ordinary-combination class insurer" defined.—An "ordinary-combination class insurer" is an insurer writing both ordinary class insurance and collecting premiums on existing industrial life class insurance under s. 626.782.

Section 8. Section 626.796, Florida Statutes, is repealed.

Section 9. Subsection (1) of section 626.8443, Florida Statutes, is amended to read:

626.8443 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a title insurance agent's or agency's license or appointment or in its order suspending the eligibility of a person to hold or apply for such license or appointment, specify the period during which the suspension is to be in effect, but such period shall not exceed 2 years. The license, appointment, or eligibility shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, prior to expiration of the suspension period. A license, appointment, or eligibility that has been suspended may not be reinstated except upon request for such reinstatement, but the department shall not grant such reinstatement if it finds that the circumstance or circumstances for which the license, appointment, and eligibility was suspended still exist or are likely to recur.

Section 10. Subsection (6) of section 626.854, Florida Statutes, is amended to read:

CODING: Words stricken are deletions; words underlined are additions.
626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(6) Except during a state of emergency declared by the Governor and except during the 1-year period after the date of loss, an insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 7 calendar days or within 7 calendar days after the date on which the contract is executed or within 7 calendar days after the date on which the insured or claimant has notified the insurer of the claim, whichever is later. During a state of emergency declared by the Governor or during the 1-year period after the date of loss, an insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 21 calendar days after the date on which the contract is executed or within 21 calendar days after the date on which the insured or claimant has notified the insurer of the claim, whichever is later. The public adjuster's contract must disclose to the insured or claimant his or her right to cancel the contract and advise the insured or claimant that notice of cancellation must be submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, to the public adjuster at the address...
specified in the contract; provided, during any state of emergency as declared by the Governor and for 1 year after the date of loss, the insured or claimant has 5 business days after the date on which the contract is executed to cancel a public adjuster's contract.

Section 11. Effective January 1, 2021, subsection (3) of section 626.916, Florida Statutes, is amended, and paragraph (f) is added to subsection (1) of that section, to read:

626.916 Eligibility for export.—
(1) No insurance coverage shall be eligible for export unless it meets all of the following conditions:
   (f) The insured has signed or otherwise provided documented acknowledgement of a disclosure in substantially the following form: "You are agreeing to place coverage in the surplus lines market. Coverage may be available in the admitted market. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer."

(3)(a) Subsection (1) does not apply to wet marine and transportation or aviation risks that are subject to s. 626.917.
(b) Paragraphs (1)(a)-(d) do not apply to classes of insurance which are subject to s. 627.062(3)(d)1. These classes may be exportable under the following conditions:
1. The insurance must be placed only by or through a surplus lines agent licensed in this state;
2. The insurer must be made eligible under s. 626.918; and
3. The insured must sign a disclosure that substantially provides the following:

"You are agreeing to place coverage in the surplus lines market. Superior coverage may be available in the admitted market and at a lesser cost. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer." If the disclosure notice is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available, and, with respect to the diligent-effort requirement under subsection (1), there is no liability on the part of, and no cause of action arises against, the retail agent presenting the form.

Section 12. Paragraph (z) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

(z) Sliding.—Sliding is the act or practice of any of the following:
1. Representing to the applicant that a specific ancillary coverage or product is required by law in conjunction with the purchase of insurance when such coverage or product is not required.

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

3. Charging an applicant for a specific ancillary coverage or product, in addition to the cost of the insurance coverage applied for, without the informed consent of the applicant.

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

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

Section 13. Effective January 1, 2021, subsection (3) of section 626.9741, Florida Statutes, is amended to read:

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

(3) An insurer must inform an applicant or insured, in the same medium as the application is taken, that a credit report or score is being requested for underwriting or rating purposes. The notification to the consumer must include the following language: "The Department of Financial Services offers free financial literacy programs to assist you in understanding how credit scores are calculated, what factors are considered, and how credit works. The Department's toll-free Insurance Consumer Helpline is available to assist you with insurance-related questions and inquiries. To learn more about the free financial literacy programs or for help with insurance, call 1-877-693-5236 or visit www.MyFloridaCFO.com." An insurer that makes an adverse decision based, in whole or in part, upon a credit report must provide at no charge, a copy of the credit report to the applicant or insured or provide the applicant or insured with the name, address, and telephone number of the consumer reporting agency from which the insured or applicant may obtain the credit report. The insurer must provide notification to the consumer explaining the reasons for the adverse decision. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's adverse decision. Such notification shall include a description of the four primary reasons, or such fewer number as existed, which were the primary influences of the adverse
decision. The use of generalized terms such as "poor credit history," "poor credit rating," or "poor insurance score" does not meet the explanation requirements of this subsection. A credit score may not be used in underwriting or rating insurance unless the scoring process produces information in sufficient detail to permit compliance with the requirements of this subsection. It shall not be deemed an adverse decision if, due to the insured's credit report or credit score, the insured continues to receive a less favorable rate or placement in a less favorable tier or company at the time of renewal except for renewals or reunderwriting required by this section.

Section 14. Subsection (1) of section 626.9957, Florida Statutes, is amended to read:

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

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

Section 15. Subsection (10) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

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

Section 16. Effective January 1, 2021, subsection (6) is added to section 627.421, Florida Statutes, to read:

627.421 Delivery of policy.—

(6) For personal lines residential property insurance policies, the insurer shall, between March 1 and June 1 of each year, inclusive, deliver an outline of the hurricane coverage included in the policy, including the hurricane deductible and the coverages and exclusions, to all policyholders. This requirement applies only for those insureds that have provided the insurer with a valid e-mail address. This information must be delivered directly to the policyholder via e-mail or by an e-mail notice of information being posted to a secure web-based policy information page.

Section 17. Section 627.502, Florida Statutes, is amended to read:

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

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

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

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

Section 18. Effective January 1, 2021, section 627.70131,
Florida Statutes, is amended to read:

627.70131  Insurer's duty to acknowledge communications
regarding claims; investigation.—

(1)(a) Upon an insurer's receiving a communication with
respect to a claim, the insurer shall, within 14 calendar days,
review and acknowledge receipt of such communication unless
payment is made within that period of time or unless the failure
to acknowledge is caused by factors beyond the control of the
insurer which reasonably prevent such acknowledgment. If the
acknowledgment is not in writing, a notification indicating
acknowledgment shall be made in the insurer's claim file and
dated. A communication made to or by a representative an agent
of an insurer with respect to a claim shall constitute
communication to or by the insurer.

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

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

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

(3) (a) Unless otherwise provided by the policy of insurance or by law, within 10 business working days after an insurer receives proof of loss statements, the insurer shall begin such investigation as is reasonably necessary unless the failure to begin such investigation is caused by factors beyond the control of the insurer which reasonably prevent the commencement of such investigation.

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

(c) If an insurer assigns the claim to a different licensed adjuster from the adjuster who performed the physical inspection, the insurer must, within 7 days after changing the
licensed insurance adjuster assigned to a claim, provide the
name, license number, and contact information of the new
adjuster to the policyholder. The notification may be sent
electronically or via mail. If the notification is a physical
letter, it must be postmarked within 7 days after the change in
adjuster. The policyholder must be provided notice of any
subsequent change to the assigned adjuster as set forth by this
paragraph.

(4) An insurer shall establish a process by which an agent
of record for an insurance policy receives the same notice as
the policyholder as provided in paragraphs (3)(b) and (c) in
order to assist the agent of record in answering the
policyholder's questions regarding claims. As used in this
subsection, the term "agent of record" means the agent named on
the declarations page of the insurance policy.

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

(6)(a) When providing a preliminary or partial estimate of
damage regarding a claim, an insurer shall include with the
estimate the following statement printed in at least 12-point
bold, uppercase type: THIS ESTIMATE REPRESENTS OUR CURRENT
EVALUATION OF THE LOSS TO YOUR INSURED PROPERTY AND MAY BE
REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU HAVE
QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR
CLAIM, WE ENCOURAGE YOU TO CONTACT US.
(b) When providing a preliminary or partial payment on a claim, an insurer shall include with the payment the following statement printed in at least 12-point bold, uppercase type: WE ARE CONTINUING TO EVALUATE YOUR CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US.

(7)(5)(a) Within 90 calendar days after an insurer receives notice of an initial, reopened, or supplemental property insurance claim from a policyholder, the insurer shall pay or deny such claim or a portion of the claim unless the failure to pay is caused by factors beyond the control of the insurer which reasonably prevent such payment. Any payment of an initial or supplemental claim or portion of such claim made 90 calendar days after the insurer receives notice of the claim, or made more than 15 days after there are no longer factors beyond the control of the insurer which reasonably prevented such payment, whichever is later, bears interest at the rate set forth in s. 55.03. Interest begins to accrue from the date the insurer receives notice of the claim. The provisions of this subsection may not be waived, voided, or nullified by the terms of the insurance policy. If there is a right to prejudgment interest, the insured shall select whether to receive prejudgment interest or interest under this subsection. Interest is payable when the claim or portion of the claim is paid.
Failure to comply with this subsection constitutes a violation of this code. However, failure to comply with this subsection does not form the sole basis for a private cause of action.

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

1. A claim under an insurance policy providing residential coverage as defined in s. 627.4025(1);
2. A claim for structural or contents coverage under a commercial property insurance policy if the insured structure is 10,000 square feet or less; or
3. A claim for contents coverage under a commercial tenant policy if the insured premises is 10,000 square feet or less.

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

(8) This section applies to surplus lines insurers and surplus lines insurance authorized under ss. 626.913-626.937.

Section 19. Section 627.7031, Florida Statutes, is created to read:

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

Section 20. Effective January 1, 2021, section 627.7142, Florida Statutes, is amended to read:

627.7142  Homeowner Claims Bill of Rights.—An insurer issuing a personal lines residential property insurance policy in this state must provide a Homeowner Claims Bill of Rights to a policyholder within 14 days after receiving an initial communication with respect to a claim, unless the claim follows an event that is the subject of a declaration of a state of emergency by the Governor. The purpose of the bill of rights is to summarize, in simple, nontechnical terms, existing Florida law regarding the rights of a personal lines residential property insurance policyholder who files a claim of loss. The Homeowner Claims Bill of Rights is specific to the claims process and does not represent all of a policyholder's rights under Florida law regarding the insurance policy. The Homeowner Claims Bill of Rights does not create a civil cause of action by any individual policyholder or class of policyholders against an insurer or insurers. The failure of an insurer to properly deliver the Homeowner Claims Bill of Rights is subject to administrative enforcement by the office but is not admissible as evidence in a civil action against an insurer. The Homeowner Claims Bill of Rights does not enlarge, modify, or contravene statutory requirements, including, but not limited to, ss. 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does
not prohibit an insurer from exercising its right to repair
damaged property in compliance with the terms of an applicable
policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
Claims Bill of Rights must state:

HOMEOWNER CLAIMS
BILL OF RIGHTS
This Bill of Rights is specific to the claims process
and does not represent all of your rights under
Florida law regarding your policy. There are also
exceptions to the stated timelines when conditions are
beyond your insurance company's control. This document
does not create a civil cause of action by an
individual policyholder, or a class of policyholders,
against an insurer or insurers and does not prohibit
an insurer from exercising its right to repair damaged
property in compliance with the terms of an applicable
policy.

YOU HAVE THE RIGHT TO:
1. Receive from your insurance company an
acknowledgment of your reported claim within 14
calendar days after the time you communicated the
claim.
2. Upon written request, receive from your insurance
company within 30 days after you have submitted a complete proof-of-loss statement to your insurance company, confirmation that your claim is covered in full, partially covered, or denied, or receive a written statement that your claim is being investigated.

3. Within 7 calendar days, receive notification from your insurance company if there has been a change in the company adjuster who is assigned to your claim. The notification must include the assigned adjuster's contact information.

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

5. Receive payment of interest as provided in section 627.7031, Florida Statutes, from your insurance company, which begins accruing from the date your claim is filed if your insurance company does not pay full settlement of your claim or the undisputed portion of your claim or does not deny your claim within 90 calendar days after your claim is filed. The interest, if applicable, must be paid when your claim or undisputed portion of your claim is paid.
6.4. Free mediation of your disputed claim by the Florida Department of Financial Services, Division of Consumer Services, under most circumstances and subject to certain restrictions.

7.5. Neutral evaluation of your disputed claim, if your claim is for damage caused by a sinkhole and is covered by your policy.

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

YOU ARE ADVISED TO:

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

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

3. Carefully read any contract that requires you to pay out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property.

4. Confirm that the contractor you choose is licensed to do business in Florida. You can verify a contractor's license and check to see if there are any complaints against him or her by calling the Florida Department of Business and Professional Regulation. You should also ask the contractor for references from previous work.

5. Require all contractors to provide proof of insurance before beginning repairs.

6. Take precautions if the damage requires you to leave your home, including securing your property and turning off your gas, water, and electricity, and contacting your insurance company and provide a phone number where you can be reached.

Section 21. Paragraph (a) of subsection (1) and subsection (6) of section 631.57, Florida Statutes, are amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(a)1. Be obligated to the extent of the covered claims existing:
a. Prior to adjudication of insolvency and arising within 30 days after the determination of insolvency;

b. Before the policy expiration date if less than 30 days after the determination; or

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

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

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

b. Notwithstanding sub-subparagraph a., the association has no obligation to pay covered claims that are to be paid from
the proceeds of bonds issued under s. 631.695. However, the
association shall assign and pledge the first available moneys
from all or part of the assessments to be made under paragraph
(3)(a) to or on behalf of the issuer of such bonds for the
benefit of the holders of such bonds. The association shall
administer any such covered claims and present valid covered
claims for payment in accordance with the provisions of the
assistance program in connection with which such bonds have been
issued.

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

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

Section 22. Section 648.30, Florida Statutes, is amended
to read:

648.30 Licensure and appointment required; prohibited
acts; penalties.—

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

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

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

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

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

Section 23. Paragraphs (b) and (c) of subsection (4) and subsections (1) and (10) of section 717.124, Florida Statutes, are amended to read:

717.124 Unclaimed property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department
under this chapter may file with the department a claim on a
form prescribed by the department and verified by the claimant
or the claimant's representative. The claimant's representative
must be an attorney licensed to practice law in this state, a
licensed Florida-certified public accountant, or a private
investigator licensed under chapter 493. The claimant's
representative must be registered with the department under this
chapter. The claimant, or the claimant's representative, shall
provide the department with a legible copy of a valid driver
license of the claimant at the time the original claim form is
filed. If the claimant has not been issued a valid driver
license at the time the original claim form is filed, the
department shall be provided with a legible copy of a
photographic identification of the claimant issued by the United
States, a state or territory of the United States, a foreign
country, or a political subdivision or agency thereof or other
evidence deemed acceptable by the department by rule. In lieu of
photographic identification, a notarized sworn statement by the
claimant may be provided which affirms the claimant's identity
and states the claimant's full name and address. The claimant
must produce to the notary photographic identification of the
claimant issued by the United States, a state or territory of
the United States, a foreign nation, or a political subdivision
or agency thereof or other evidence deemed acceptable by the
department by rule. The notary shall indicate the notary's full
address on the notarized sworn statement. Any claim filed
without the required identification or the sworn statement with
the original claim form and the original Florida Uniform
Unclaimed Property Recovery Agreement or Florida Uniform
Property Purchase Agreement power of attorney or purchase
agreement, if applicable, is void.

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

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

(c) Within 90 days after receipt of the claim, or the
response of the claimant or the claimant's representative to the
department's request for additional information, whichever is
later, the department shall determine each claim. Such
determination shall contain a notice of rights provided by ss.
120.569 and 120.57. The 90-day period shall be extended by 60
days if the department has good cause to need additional time or
if the unclaimed property:
   1. Is owned by a person who has been a debtor in
      bankruptcy;
   2. Was reported with an address outside of the United
      States;
   3. Is being claimed by a person outside of the United
      States; or
   4. Contains documents filed in support of the claim that
      are not in the English language and have not been accompanied by
      an English language translation.

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

(4)

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

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

2. Payments of fees and costs authorized pursuant to a Florida Uniform Unclaimed Property Recovery Agreement written power of attorney for approved claims must shall be made or issued to the law firm of the designated attorney licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, shall be to the attorney, certified public accountant, or private investigator.
(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a registered claimant's representative or a buyer of unclaimed property may electronically submit to the department an electronic image of a completed claim and claims-related documents pursuant to this chapter, including a Florida Uniform Unclaimed Property Recovery Agreement or Florida Uniform Property Purchase Agreement a limited power of attorney or purchase agreement that has been manually signed and dated by a claimant or seller pursuant to s. 717.135 or s. 717.1351, after the claimant's representative or the buyer of unclaimed property receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a registered claimant's representative or a buyer of unclaimed property must include a statement by the claimant's representative or the buyer of unclaimed property attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant's representative or the buyer of unclaimed property. All original documents must be kept in the original form, by claim number, under the secure control of the claimant's representative or the buyer of unclaimed property and must be available for inspection by the department in accordance with s. 717.1315. The department may adopt rules to implement this subsection.

Section 24. Subsection (2) of section 717.12404, Florida
Statutes, is amended to read:

717.12404  Claims on behalf of a business entity or trust.—

(2)  Claims on behalf of a dissolved corporation, a business entity other than an active corporation, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the dissolved corporation, business entity other than an active corporation, or trust. If the person has not been issued a valid driver license, the department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the person's identity and states the person's full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Florida Uniform Unclaimed Property Recovery Agreement or Florida Uniform Property Purchase Agreement power of attorney, if applicable, is void.

Section 25. Subsection (1) of section 717.1315, Florida
717.1315  Retention of records by claimant's representatives and buyers of unclaimed property.—

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

Section 26. Paragraph (j) of subsection (1) of section 717.1322, Florida Statutes, is amended to read:

717.1322  Administrative and civil enforcement.—

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

(j) Requesting or receiving compensation for notifying a
person of his or her unclaimed property or assisting another person in filing a claim for unclaimed property, unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, or entering into, or making a solicitation to enter into, an agreement a power of attorney to file a claim for unclaimed property owned by another, or a contract or agreement to purchase unclaimed property, unless such person is registered with the department pursuant to this chapter and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private investigator licensed under chapter 493. This subsection does not apply to a person who has been granted a durable power of attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

Section 27. Section 717.135, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 717.135, F.S., for present text.)
717.135 Recovery agreements and purchase agreements for claims filed by claimant's representative; fees and costs.—

(1) In order to protect the interests of owners of unclaimed property, the department shall adopt by rule a form entitled "Florida Uniform Unclaimed Property Recovery Agreement" and a form entitled "Florida Uniform Property Purchase Agreement."

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

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

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

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

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

(e) For each account claimed, the unclaimed property account number and name of the apparent owner, as listed on the department's database.
(f) For the Florida Uniform Property Purchase Agreement, a statement that the purchase price will be remitted to the seller within 30 days after the execution of the form by the seller.

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

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

(i) The social security number or taxpayer identification number of the claimant or seller, if available. A number is available if one has been issued to the claimant or seller.

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

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

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

(5) Fees and costs may be owed or paid to a registered claimant's representative only pursuant to the forms authorized by this section and upon approval of the claim filed thereby.
(6) A claimant's representative may not use or distribute any other agreement of any type with respect to the claimant or seller which relates to unclaimed property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any agreement that is not authorized by this section is null and void.

(7) The forms under subsection (1):
(a) May not contain language that makes the agreement irrevocable; and
(b) May not contain language that creates an assignment of any unclaimed property held by the department.

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

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

Section 28. Section 717.1351, Florida Statutes, is repealed.

Section 29. Except as otherwise provided, this act shall take effect upon becoming a law.