

1 A bill to be entitled
2 An act relating to consumer protection; amending s.
3 501.0051, F.S.; prohibiting consumer reporting
4 agencies from charging to reissue or provide a new
5 unique personal identifier to a consumer for the
6 removal of a security freeze; amending s. 624.307,
7 F.S.; revising a requirement for entities licensed or
8 authorized by the Department of Financial Services or
9 the Office of Insurance Regulation to respond to the
10 department's Division of Consumer Services regarding
11 consumer complaints; revising administrative penalties
12 the division may impose for failure to comply;
13 amending s. 626.112, F.S.; prohibiting unlicensed
14 activity by an adjusting firm; providing an exemption;
15 providing an exemption from licensure for branch firms
16 that meet certain criteria; providing an
17 administrative penalty for failing to apply for
18 certain licensure; providing a criminal penalty for
19 aiding or abetting unlicensed activity; deleting an
20 obsolete provision; amending s. 626.602, F.S.;
21 authorizing the department to disapprove the use of
22 insurance agency names containing the words "Medicare"
23 or "Medicaid"; providing an exception for certain
24 insurance agencies; amending s. 626.621, F.S.; adding
25 grounds on which the department may take certain

26 | actions against a license, appointment, or application
27 | of certain insurance representatives; amending ss.
28 | 626.782 and 626.783, F.S.; revising the definitions of
29 | the terms "industrial class insurer" and "ordinary-
30 | combination class insurer," respectively, to conform
31 | to changes made by the act; repealing s. 626.796,
32 | F.S., relating to the representation of multiple
33 | insurers in the same industrial debit territory;
34 | amending s. 626.8443, F.S.; increasing the maximum
35 | period of suspension of a title insurance agent's or
36 | agency's license; amending s. 626.854, F.S.; revising
37 | the timeframes in which an insured or claimant may
38 | cancel a public adjuster's contract to adjust a claim
39 | without penalty or obligation; amending s. 626.916,
40 | F.S.; revising the classes of insurance subject to a
41 | disclosure requirement before being eligible for
42 | export under the Surplus Lines Law; amending s.
43 | 626.9541, F.S.; adding certain acts or practices to
44 | the definition of sliding; amending s. 626.9741, F.S.;
45 | requiring an insurer to include certain additional
46 | information when providing an applicant or insured
47 | with certain credit report or score information;
48 | amending ss. 626.9957 and 627.062, F.S.; conforming
49 | cross-references; amending s. 627.421, F.S.; requiring
50 | personal lines residential property insurers to

51 annually deliver a certain notification to certain
52 policyholders within a specified timeframe; amending
53 s. 627.502, F.S.; prohibiting life insurers from
54 writing new policies of industrial life insurance
55 beginning on a certain date; amending s. 627.70131,
56 F.S.; providing that communication made to or by an
57 insurer's representative, rather than to or by an
58 insurer's agent, constitutes communication to or by
59 the insurer; requiring an insurer-assigned licensed
60 adjuster to provide the policyholder with certain
61 information in certain investigations; specifying
62 requirements for insurers in notifying policyholders
63 for certain changes in assigned adjusters; requiring
64 an insurer to establish a process to provide the agent
65 of record access to claim status information for a
66 certain purpose; defining the term "agent of record";
67 requiring insurers to include specified notices when
68 providing preliminary or partial damage estimates or
69 claim payments; specifying the timeframe in which an
70 insurer must pay or deny property insurance claims
71 under certain circumstances; providing applicability;
72 conforming provisions to changes made by the act;
73 creating s. 627.7031, F.S.; prohibiting foreign venue
74 clauses in property insurance policies; providing
75 applicability; amending s. 627.7142, F.S.; revising

76 information contained in the Homeowner Claims Bill of
77 Rights; conforming provisions to changes made by the
78 act; amending s. 631.57, F.S.; deleting a deductible
79 on the Florida Insurance Guaranty Association,
80 Incorporated's obligation as to certain covered
81 claims; amending s. 648.30, F.S.; prohibiting the
82 aiding or abetting of unlicensed activity of a bail
83 bond agent or temporary bail bond agent; amending ss.
84 717.124, 717.12404, 717.1315, and 717.1322, F.S.;
85 conforming provisions to changes made by the act;
86 amending s. 717.135, F.S.; replacing provisions
87 relating to powers of attorney to recover unclaimed
88 property with provisions relating to uniform forms for
89 unclaimed property recovery agreements and purchase
90 agreements; requiring the department to adopt the
91 uniform forms by rule; specifying required information
92 and disclosures in the forms; requiring that, for the
93 purchase agreement form, proof the seller received
94 payment be filed with the department along with the
95 claim; requiring registered claimant's representatives
96 to use the forms as the exclusive means of engaging
97 with a claimant or seller to file claims and
98 prohibiting them from using or distributing other
99 agreements; specifying a limitation on fees and costs
100 owed or paid; prohibiting certain language in the

101 forms; authorizing the department to pay additional
102 accounts owned by the claimant under certain
103 circumstances; providing construction; repealing s.
104 717.1351, F.S., relating to the acquisition of
105 unclaimed property; providing effective dates.
106

107 Be It Enacted by the Legislature of the State of Florida:
108

109 Section 1. Paragraph (b) of subsection (9) of section
110 501.0051, Florida Statutes, is amended to read:

111 501.0051 Protected consumer report security freeze.-

112 (9)

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

119 Section 2. Paragraph (b) of subsection (10) of section
120 624.307, Florida Statutes, is amended to read:

121 624.307 General powers; duties.-

122 (10)

123 (b) Any entity ~~person~~ licensed or issued a certificate of
124 authority by the department or the office shall respond, in
125 writing, to the division within 20 days after receipt of a

126 written request for documents and information from the division
127 concerning a consumer complaint. The response must address the
128 issues and allegations raised in the complaint and include any
129 requested documents concerning the consumer complaint not
130 subject to attorney-client privilege. The division may impose an
131 administrative penalty for failure to comply with this paragraph
132 of up to \$2,500 per violation upon any entity licensed by the
133 department or the office ~~and \$250 for the first violation, \$500~~
134 ~~for the second violation, and up to \$1,000 for the third or~~
135 ~~subsequent violation upon any individual licensed by the~~
136 ~~department or the office.~~

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

142 626.112 License and appointment required; agents, customer
143 representatives, adjusters, insurance agencies, service
144 representatives, managing general agents, insurance adjusting
145 firms.—

146 (7)

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

150 (9) (a) An individual, firm, partnership, corporation,

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

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

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

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

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

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

176 (10) ~~(9)~~ Any person who knowingly transacts insurance or
 177 otherwise engages in insurance activities in this state without
 178 a license in violation of this section or who knowingly aids or
 179 abets an unlicensed person in transacting insurance or otherwise
 180 engaging in insurance activities in this state without a license
 181 commits a felony of the third degree, punishable as provided in
 182 s. 775.082, s. 775.083, or s. 775.084.

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

185 626.602 Insurance agency names; disapproval.—The
 186 department may disapprove the use of any true or fictitious
 187 name, other than the bona fide natural name of an individual, by
 188 any insurance agency on any of the following grounds:

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

195 Section 5. Subsections (16) and (17) are added to section
 196 626.621, Florida Statutes, to read:

197 626.621 Grounds for discretionary refusal, suspension, or
 198 revocation of agent's, adjuster's, customer representative's,
 199 service representative's, or managing general agent's license or
 200 appointment.—The department may, in its discretion, deny an

201 application for, suspend, revoke, or refuse to renew or continue
202 the license or appointment of any applicant, agent, adjuster,
203 customer representative, service representative, or managing
204 general agent, and it may suspend or revoke the eligibility to
205 hold a license or appointment of any such person, if it finds
206 that as to the applicant, licensee, or appointee any one or more
207 of the following applicable grounds exist under circumstances
208 for which such denial, suspension, revocation, or refusal is not
209 mandatory under s. 626.611:

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

214 (17) Initiating in-person or telephone solicitation after
215 9 p.m. or before 8 a.m. local time of the prospective customer
216 unless requested by the prospective customer.

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

219 626.782 "Industrial class insurer" defined.—An "industrial
220 class insurer" is an insurer collecting premiums on policies of
221 ~~writing~~ industrial life insurance, as defined in s. 627.502,
222 written before July 1, 2020, and as to such insurance, operates
223 under a system of collecting a debit by its agent.

224 Section 7. Section 626.783, Florida Statutes, is amended
225 to read:

226 626.783 "Ordinary-combination class insurer" defined.—An
 227 "ordinary-combination class insurer" is an insurer writing ~~both~~
 228 ordinary class insurance and collecting premiums on existing
 229 industrial life ~~class~~ insurance under s. 626.782.

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

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

233 626.8443 Duration of suspension or revocation.—

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

250 Section 10. Subsection (6) of section 626.854, Florida

251 Statutes, is amended to read:

252 626.854 "Public adjuster" defined; prohibitions.—The
253 Legislature finds that it is necessary for the protection of the
254 public to regulate public insurance adjusters and to prevent the
255 unauthorized practice of law.

256 (6) Except during a state of emergency declared by the
257 Governor and except during the 1-year period after the date of
258 loss, an insured or claimant may cancel a public adjuster's
259 contract to adjust a claim without penalty or obligation within
260 7 calendar ~~3-business~~ days after the date on which the contract
261 is executed or within 7 calendar ~~3-business~~ days after the date
262 on which the insured or claimant has notified the insurer of the
263 claim, whichever is later. During a state of emergency declared
264 by the Governor or during the 1-year period after the date of
265 loss, an insured or claimant may cancel a public adjuster's
266 contract to adjust a claim without penalty or obligation within
267 21 calendar days after the date on which the contract is
268 executed or within 21 calendar days after the date on which the
269 insured or claimant has notified the insurer of the claim,
270 whichever is later. The public adjuster's contract must disclose
271 to the insured or claimant his or her right to cancel the
272 contract and advise the insured or claimant that notice of
273 cancellation must be submitted in writing and sent by certified
274 mail, return receipt requested, or other form of mailing that
275 provides proof thereof, to the public adjuster at the address

276 | ~~specified in the contract; provided, during any state of~~
277 | ~~emergency as declared by the Governor and for 1 year after the~~
278 | ~~date of loss, the insured or claimant has 5 business days after~~
279 | ~~the date on which the contract is executed to cancel a public~~
280 | ~~adjuster's contract.~~

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

284 | 626.916 Eligibility for export.—

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

287 | (f) The insured has signed or otherwise provided
288 | documented acknowledgement of a disclosure in substantially the
289 | following form: "You are agreeing to place coverage in the
290 | surplus lines market. Coverage may be available in the admitted
291 | market. Persons insured by surplus lines carriers are not
292 | protected under the Florida Insurance Guaranty Act with respect
293 | to any right of recovery for the obligation of an insolvent
294 | unlicensed insurer."

295 | (3) (a) Subsection (1) does not apply to wet marine and
296 | transportation or aviation risks that ~~which~~ are subject to s.
297 | 626.917.

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

- 301 1. The insurance must be placed only by or through a
 302 surplus lines agent licensed in this state;
- 303 2. The insurer must be made eligible under s. 626.918; and
- 304 3. The insured has complied with paragraph (1)(f) ~~must~~
 305 ~~sign a disclosure that substantially provides the following:~~
 306 ~~"You are agreeing to place coverage in the surplus lines market.~~
 307 ~~Superior coverage may be available in the admitted market and at~~
 308 ~~a lesser cost. Persons insured by surplus lines carriers are not~~
 309 ~~protected under the Florida Insurance Guaranty Act with respect~~
 310 ~~to any right of recovery for the obligation of an insolvent~~
 311 ~~unlicensed insurer."~~ If the disclosure notice is signed by the
 312 insured, the insured is presumed to have been informed and to
 313 know that other coverage may be available, and, with respect to
 314 the diligent-effort requirement under subsection (1), there is
 315 no liability on the part of, and no cause of action arises
 316 against, the retail agent presenting the form.

317 Section 12. Paragraph (z) of subsection (1) of section
 318 626.9541, Florida Statutes, is amended to read:

319 626.9541 Unfair methods of competition and unfair or
 320 deceptive acts or practices defined.—

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

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

326 1. Representing to the applicant that a specific ancillary
 327 coverage or product is required by law in conjunction with the
 328 purchase of insurance when such coverage or product is not
 329 required.~~;~~

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

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

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

339 5. Mailing, transmitting, or otherwise submitting by any
 340 means an invoice for premium payment to a mortgagee or escrow
 341 agent, for the purpose of effectuating an insurance policy,
 342 without the prior informed consent of the owner of the property
 343 to be insured. However, this subparagraph does not apply in
 344 cases where the mortgagee or escrow is renewing insurance or
 345 issuing collateral protection insurance as defined in s.
 346 624.6085, F.S., pursuant to the mortgage or other pertinent loan
 347 documents or communications regarding the property.

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

350 626.9741 Use of credit reports and credit scores by

351 insurers.—

352 (3) An insurer must inform an applicant or insured, in the
353 same medium as the application is taken, that a credit report or
354 score is being requested for underwriting or rating purposes.
355 The notification to the consumer must include the following
356 language: "The Department of Financial Services offers free
357 financial literacy programs to assist you in understanding how
358 credit scores are calculated, what factors are considered, and
359 how credit works. The Department's toll-free Insurance Consumer
360 Helpline is available to assist you with insurance-related
361 questions and inquiries. To learn more about the free financial
362 literacy programs or for help with insurance, call 1-877-693-
363 5236 or visit www.MyFloridaCFO.com." An insurer that makes an
364 adverse decision based, in whole or in part, upon a credit
365 report must provide at no charge, ~~a~~ a copy of the credit report to
366 the applicant or insured or provide the applicant or insured
367 with the name, address, and telephone number of the consumer
368 reporting agency from which the insured or applicant may obtain
369 the credit report. The insurer must provide notification to the
370 consumer explaining the reasons for the adverse decision. The
371 reasons must be provided in sufficiently clear and specific
372 language so that a person can identify the basis for the
373 insurer's adverse decision. Such notification shall include a
374 description of the four primary reasons, or such fewer number as
375 existed, which were the primary influences of the adverse

376 decision. The use of generalized terms such as "poor credit
377 history," "poor credit rating," or "poor insurance score" does
378 not meet the explanation requirements of this subsection. A
379 credit score may not be used in underwriting or rating insurance
380 unless the scoring process produces information in sufficient
381 detail to permit compliance with the requirements of this
382 subsection. It shall not be deemed an adverse decision if, due
383 to the insured's credit report or credit score, the insured
384 continues to receive a less favorable rate or placement in a
385 less favorable tier or company at the time of renewal except for
386 renewals or reunderwriting required by this section.

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

389 626.9957 Conduct prohibited; denial, revocation, or
390 suspension of registration.—

391 (1) As provided in s. 626.112, only a person licensed as
392 an insurance agent or customer representative may engage in the
393 solicitation of insurance. A person who engages in the
394 solicitation of insurance as described in s. 626.112(1) without
395 such license is subject to the penalties provided under s.
396 626.112(10) ~~s. 626.112(9)~~.

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

399 627.062 Rate standards.—

400 (10) Any interest paid pursuant to s. 627.70131(7) ~~s.~~

401 ~~627.70131(5)~~ may not be included in the insurer's rate base and
 402 may not be used to justify a rate or rate change.

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

405 627.421 Delivery of policy.—

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

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

418 627.502 "Industrial life insurance" defined; reporting;
 419 prohibition on new policies after a certain date.—

420 (1) For the purposes of this code, "industrial life
 421 insurance" is that form of life insurance written under policies
 422 under which premiums are payable monthly or more often, bearing
 423 the words "industrial policy" or "weekly premium policy" or
 424 words of similar import imprinted upon the policies as part of
 425 the descriptive matter, and issued by an insurer that ~~which~~, as

426 to such industrial life insurance, is operating under a system
427 of collecting a debit by its agent.

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

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

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

436 627.70131 Insurer's duty to acknowledge communications
437 regarding claims; investigation.—

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

449 (b) As used in this subsection, the term "representative"
450 ~~"agent"~~ means any person to whom an insurer has granted

451 authority or responsibility to receive or make such
 452 communications with respect to claims on behalf of the insurer.

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

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

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

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

473 (c) If an insurer assigns the claim to a different
 474 licensed adjuster from the adjuster who performed the physical
 475 inspection, the insurer must, within 7 days after changing the

476 licensed insurance adjuster assigned to a claim, provide the
477 name, license number, and contact information of the new
478 adjuster to the policyholder. The notification may be sent
479 electronically or via mail. If the notification is a physical
480 letter, it must be postmarked within 7 days after the change in
481 adjuster. The policyholder must be provided notice of any
482 subsequent change to the assigned adjuster as set forth by this
483 paragraph.

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

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

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

501 (b) When providing a preliminary or partial payment on a
 502 claim, an insurer shall include with the payment the following
 503 statement printed in at least 12-point bold, uppercase type: WE
 504 ARE CONTINUING TO EVALUATE YOUR CLAIM INVOLVING YOUR INSURED
 505 PROPERTY AND MAY ISSUE ADDITIONAL PAYMENTS. IF YOU HAVE
 506 QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING YOUR
 507 CLAIM, WE ENCOURAGE YOU TO CONTACT US.

508 (7)~~(5)~~ (a) Within 90 calendar days after an insurer
 509 receives notice of an initial, reopened, or supplemental
 510 property insurance claim from a policyholder, the insurer shall
 511 pay or deny such claim or a portion of the claim unless the
 512 failure to pay is caused by factors beyond the control of the
 513 insurer which reasonably prevent such payment. Any payment of an
 514 initial or supplemental claim or portion of such claim made 90
 515 calendar days after the insurer receives notice of the claim, or
 516 made more than 15 days after there are no longer factors beyond
 517 the control of the insurer which reasonably prevented such
 518 payment, whichever is later, bears interest at the rate set
 519 forth in s. 55.03. Interest begins to accrue from the date the
 520 insurer receives notice of the claim. The provisions of this
 521 subsection may not be waived, voided, or nullified by the terms
 522 of the insurance policy. If there is a right to prejudgment
 523 interest, the insured shall select whether to receive
 524 prejudgment interest or interest under this subsection. Interest
 525 is payable when the claim or portion of the claim is paid.

526 Failure to comply with this subsection constitutes a violation
 527 of this code. However, failure to comply with this subsection
 528 does not form the sole basis for a private cause of action.

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

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

533 2. A claim for structural or contents coverage under a
 534 commercial property insurance policy if the insured structure is
 535 10,000 square feet or less; or

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

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

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

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

545 627.7031 Foreign venue clauses prohibited.—After July 1,
 546 2020, a personal residential property insurance policy sold in
 547 this state insuring real property located in this state may not
 548 require an insured to pursue dispute resolution through
 549 litigation, arbitration, or mediation outside this state. This
 550 section applies to surplus lines insurers and surplus lines

551 insurance authorized under ss. 626.913-626.937.

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

554 627.7142 Homeowner Claims Bill of Rights.—An insurer
555 issuing a personal lines residential property insurance policy
556 in this state must provide a Homeowner Claims Bill of Rights to
557 a policyholder within 14 days after receiving an initial
558 communication with respect to a claim, ~~unless the claim follows~~
559 ~~an event that is the subject of a declaration of a state of~~
560 ~~emergency by the Governor.~~ The purpose of the bill of rights is
561 to summarize, in simple, nontechnical terms, existing Florida
562 law regarding the rights of a personal lines residential
563 property insurance policyholder who files a claim of loss. The
564 Homeowner Claims Bill of Rights is specific to the claims
565 process and does not represent all of a policyholder's rights
566 under Florida law regarding the insurance policy. The Homeowner
567 Claims Bill of Rights does not create a civil cause of action by
568 any individual policyholder or class of policyholders against an
569 insurer or insurers. The failure of an insurer to properly
570 deliver the Homeowner Claims Bill of Rights is subject to
571 administrative enforcement by the office but is not admissible
572 as evidence in a civil action against an insurer. The Homeowner
573 Claims Bill of Rights does not enlarge, modify, or contravene
574 statutory requirements, including, but not limited to, ss.
575 626.854, 626.9541, 627.70131, 627.7015, and 627.7074, and does

576 | not prohibit an insurer from exercising its right to repair
 577 | damaged property in compliance with the terms of an applicable
 578 | policy or ss. 627.7011(5)(e) and 627.702(7). The Homeowner
 579 | Claims Bill of Rights must state:

580 |
 581 | HOMEOWNER CLAIMS

582 | BILL OF RIGHTS

583 | This Bill of Rights is specific to the claims process
 584 | and does not represent all of your rights under
 585 | Florida law regarding your policy. There are also
 586 | exceptions to the stated timelines when conditions are
 587 | beyond your insurance company's control. This document
 588 | does not create a civil cause of action by an
 589 | individual policyholder, or a class of policyholders,
 590 | against an insurer or insurers and does not prohibit
 591 | an insurer from exercising its right to repair damaged
 592 | property in compliance with the terms of an applicable
 593 | policy.

594 |
 595 | YOU HAVE THE RIGHT TO:

- 596 | 1. Receive from your insurance company an
 597 | acknowledgment of your reported claim within 14
 598 | calendar days after the time you communicated the
 599 | claim.
 600 | 2. Upon written request, receive from your insurance

601 company within 30 days after you have submitted a
602 complete proof-of-loss statement to your insurance
603 company, confirmation that your claim is covered in
604 full, partially covered, or denied, or receive a
605 written statement that your claim is being
606 investigated.

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

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

617 5. Receive payment of interest as provided in section
618 627.7031, Florida Statutes, from your insurance
619 company, which begins accruing from the date your
620 claim is filed if your insurance company does not pay
621 full settlement of your claim or the undisputed
622 portion of your claim or does not deny your claim
623 within 90 calendar days after your claim is filed. The
624 interest, if applicable, must be paid when your claim
625 or undisputed portion of your claim is paid.

626 | ~~6.4.~~ Free mediation of your disputed claim by the
627 | Florida Department of Financial Services, Division of
628 | Consumer Services, under most circumstances and
629 | subject to certain restrictions.

630 | ~~7.5.~~ Neutral evaluation of your disputed claim, if
631 | your claim is for damage caused by a sinkhole and is
632 | covered by your policy.

633 | ~~8.6.~~ Contact the Florida Department of Financial
634 | Services, Division of Consumer Services' toll-free
635 | helpline for assistance with any insurance claim or
636 | questions pertaining to the handling of your claim.
637 | You can reach the Helpline by phone at...(toll-free
638 | phone number)..., or you can seek assistance online at
639 | the Florida Department of Financial Services, Division
640 | of Consumer Services' website at...(website
641 | address)....

642 |

643 | YOU ARE ADVISED TO:

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

648 | 2. Make and document emergency repairs that are
649 | necessary to prevent further damage. Keep the damaged
650 | property, if feasible, keep all receipts, and take

651 photographs or video of damage before and after any
652 repairs.

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

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

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

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

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

672 631.57 Powers and duties of the association.—

673 (1) The association shall:

674 (a)1. Be obligated to the extent of the covered claims
675 existing:

676 a. Prior to adjudication of insolvency and arising within
677 30 days after the determination of insolvency;

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

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

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

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

699 b. Notwithstanding sub-subparagraph a., the association
700 has no obligation to pay covered claims that are to be paid from

701 the proceeds of bonds issued under s. 631.695. However, the
702 association shall assign and pledge the first available moneys
703 from all or part of the assessments to be made under paragraph
704 (3) (a) to or on behalf of the issuer of such bonds for the
705 benefit of the holders of such bonds. The association shall
706 administer any such covered claims and present valid covered
707 claims for payment in accordance with the provisions of the
708 assistance program in connection with which such bonds have been
709 issued.

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

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

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

721 648.30 Licensure and appointment required; prohibited
722 acts; penalties.-

723 (1) A person may not act in the capacity of a bail bond
724 agent or temporary bail bond agent or perform any of the
725 functions, duties, or powers prescribed for bail bond agents or

726 temporary bail bond agents under this chapter unless that person
 727 is qualified, licensed, and appointed as provided in this
 728 chapter.

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

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

738 (4) Any person who violates this section commits a felony
 739 of the third degree, punishable as provided in s. 775.082, s.
 740 775.083, or s. 775.084.

741 (5) Any licensee under this chapter who knowingly aids or
 742 abets an unlicensed person in violating this section commits a
 743 felony of the third degree, punishable as provided in s.
 744 775.082, s. 775.083, or s. 775.084.

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

748 717.124 Unclaimed property claims.—

749 (1) Any person, excluding another state, claiming an
 750 interest in any property paid or delivered to the department

751 under this chapter may file with the department a claim on a
752 form prescribed by the department and verified by the claimant
753 or the claimant's representative. The claimant's representative
754 must be an attorney licensed to practice law in this state, a
755 licensed Florida-certified public accountant, or a private
756 investigator licensed under chapter 493. The claimant's
757 representative must be registered with the department under this
758 chapter. The claimant, or the claimant's representative, shall
759 provide the department with a legible copy of a valid driver
760 license of the claimant at the time the original claim form is
761 filed. If the claimant has not been issued a valid driver
762 license at the time the original claim form is filed, the
763 department shall be provided with a legible copy of a
764 photographic identification of the claimant issued by the United
765 States, a state or territory of the United States, a foreign
766 nation, or a political subdivision or agency thereof or other
767 evidence deemed acceptable by the department by rule. In lieu of
768 photographic identification, a notarized sworn statement by the
769 claimant may be provided which affirms the claimant's identity
770 and states the claimant's full name and address. The claimant
771 must produce to the notary photographic identification of the
772 claimant issued by the United States, a state or territory of
773 the United States, a foreign nation, or a political subdivision
774 or agency thereof or other evidence deemed acceptable by the
775 department by rule. The notary shall indicate the notary's full

776 address on the notarized sworn statement. Any claim filed
 777 without the required identification or the sworn statement with
 778 the original claim form and the original Florida Uniform
 779 Unclaimed Property Recovery Agreement or Florida Uniform
 780 Property Purchase Agreement ~~power of attorney or purchase~~
 781 ~~agreement~~, if applicable, is void.

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

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

794 (c) Within 90 days after receipt of the claim, or the
 795 response of the claimant or the claimant's representative to the
 796 department's request for additional information, whichever is
 797 later, the department shall determine each claim. Such
 798 determination shall contain a notice of rights provided by ss.
 799 120.569 and 120.57. The 90-day period shall be extended by 60
 800 days if the department has good cause to need additional time or

801 if the unclaimed property:

802 1. Is owned by a person who has been a debtor in
803 bankruptcy;

804 2. Was reported with an address outside of the United
805 States;

806 3. Is being claimed by a person outside of the United
807 States; or

808 4. Contains documents filed in support of the claim that
809 are not in the English language and have not been accompanied by
810 an English language translation.

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

815 (4)

816 (b) If an owner authorizes an attorney licensed to
817 practice law in this state, Florida-certified public accountant,
818 or private investigator licensed under chapter 493, and
819 registered with the department under this chapter, to claim the
820 unclaimed property on the owner's behalf, the department is
821 authorized to make distribution of the property or money in
822 accordance with the Florida Uniform Unclaimed Property Recovery
823 Agreement or Florida Uniform Property Purchase Agreement under
824 s. 717.135 ~~such power of attorney~~. The original Florida Uniform
825 Unclaimed Property Recovery Agreement or Florida Uniform

826 Property Purchase Agreement ~~power of attorney~~ must be executed
827 by the claimant or seller ~~owner~~ and must be filed with the
828 department.

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

836 2. Payments of fees and costs authorized pursuant to a
837 Florida Uniform Unclaimed Property Recovery Agreement ~~written~~
838 ~~power of attorney~~ for approved claims must ~~shall~~ be made or
839 issued to the law firm of the designated attorney licensed to
840 practice law in this state, the public accountancy firm of the
841 licensed Florida-certified public accountant, or the designated
842 employing private investigative agency licensed by this state.
843 Such payments shall be made by electronic funds transfer and may
844 be made on such periodic schedule as the department may define
845 by rule, provided the payment intervals do not exceed 31 days.
846 Payment made to an attorney licensed in this state, a Florida-
847 certified public accountant, or a private investigator licensed
848 under chapter 493, operating individually or as a sole
849 practitioner, shall be to the attorney, certified public
850 accountant, or private investigator.

851 (10) Notwithstanding any other provision of this chapter,
852 the department may develop a process by which a registered
853 claimant's representative or a buyer of unclaimed property may
854 electronically submit to the department an electronic image of a
855 completed claim and claims-related documents pursuant to this
856 chapter, including a Florida Uniform Unclaimed Property Recovery
857 Agreement or Florida Uniform Property Purchase Agreement ~~a~~
858 ~~limited power of attorney or purchase agreement~~ that has been
859 manually signed and dated by a claimant or seller pursuant to s.
860 717.135 ~~or s. 717.1351~~, after the claimant's representative or
861 the buyer of unclaimed property receives the original documents
862 provided by the claimant or the seller for any claim. Each claim
863 filed by a registered claimant's representative or a buyer of
864 unclaimed property must include a statement by the claimant's
865 representative or the buyer of unclaimed property attesting that
866 all documents are true copies of the original documents and that
867 all original documents are physically in the possession of the
868 claimant's representative or the buyer of unclaimed property.
869 All original documents must be kept in the original form, by
870 claim number, under the secure control of the claimant's
871 representative or the buyer of unclaimed property and must be
872 available for inspection by the department in accordance with s.
873 717.1315. The department may adopt rules to implement this
874 subsection.

875 Section 24. Subsection (2) of section 717.12404, Florida

876 Statutes, is amended to read:

877 717.12404 Claims on behalf of a business entity or trust.—

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

900 Section 25. Subsection (1) of section 717.1315, Florida

901 Statutes, is amended to read:

902 717.1315 Retention of records by claimant's
 903 representatives and buyers of unclaimed property.—

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

917 Section 26. Paragraph (j) of subsection (1) of section
 918 717.1322, Florida Statutes, is amended to read:

919 717.1322 Administrative and civil enforcement.—

920 (1) The following acts are violations of this chapter and
 921 constitute grounds for an administrative enforcement action by
 922 the department in accordance with the requirements of chapter
 923 120 and for civil enforcement by the department in a court of
 924 competent jurisdiction:

925 (j) Requesting or receiving compensation for notifying a

926 | person of his or her unclaimed property or assisting another
927 | person in filing a claim for unclaimed property, unless the
928 | person is an attorney licensed to practice law in this state, a
929 | Florida-certified public accountant, or a private investigator
930 | licensed under chapter 493, or entering into, or making a
931 | solicitation to enter into, an agreement ~~a power of attorney~~ to
932 | file a claim for unclaimed property owned by another, or a
933 | contract or agreement to purchase unclaimed property, unless
934 | such person is registered with the department pursuant to this
935 | chapter and an attorney licensed to practice law in this state
936 | in the regular practice of her or his profession, a Florida-
937 | certified public accountant who is acting within the scope of
938 | the practice of public accounting as defined in chapter 473, or
939 | a private investigator licensed under chapter 493. This
940 | subsection does not apply to a person who has been granted a
941 | durable power of attorney to convey and receive all of the real
942 | and personal property of the owner, is the court-appointed
943 | guardian of the owner, has been employed as an attorney or
944 | qualified representative to contest the department's denial of a
945 | claim, or has been employed as an attorney to probate the estate
946 | of the owner or an heir or legatee of the owner.

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

949 | (Substantial rewording of section. See
950 | s. 717.135, F.S., for present text.)

951 717.135 Recovery agreements and purchase agreements for
952 claims filed by claimant's representative; fees and costs.—

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

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

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

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

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

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

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

976 (f) For the Florida Uniform Property Purchase Agreement, a
 977 statement that the purchase price will be remitted to the seller
 978 within 30 days after the execution of the form by the seller.

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

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

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

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

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

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

998 (5) Fees and costs may be owed or paid to a registered
 999 claimant's representative only pursuant to the forms authorized
 1000 by this section and upon approval of the claim filed thereby.

1001 (6) A claimant's representative may not use or distribute
 1002 any other agreement of any type with respect to the claimant or
 1003 seller which relates to unclaimed property accounts held by the
 1004 department or the Chief Financial Officer other than the
 1005 agreements authorized by this section. Any agreement that is not
 1006 authorized by this section is null and void.

1007 (7) The forms under subsection (1):

1008 (a) May not contain language that makes the agreement
 1009 irrevocable; and

1010 (b) May not contain language that creates an assignment of
 1011 any unclaimed property held by the department.

1012 (8) This section does not supersede the conflicting claims
 1013 provisions of s. 717.1241.

1014 (9) At the time a claim is approved, the department may
 1015 pay any additional account that is owned by the claimant but has
 1016 not been claimed at the time of approval, provided that no
 1017 subsequent claim has been filed and is pending for the claimant
 1018 at the time of approval.

1019 Section 28. Section 717.1351, Florida Statutes, is
 1020 repealed.

1021 Section 29. Except as otherwise provided, this act shall
 1022 take effect upon becoming a law.