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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 99 - 271

and insert:

(d) A seller who enters into or renews any service contract with a consumer which includes an automatic renewal provision must allow the consumer to cancel the service contract in the same manner, and by the same means, as the consumer manifested his or her acceptance of the service contract.

(e) This subsection does not apply to:



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11           1. A financial institution as defined in s. 655.005 or any  
12 depository institution as defined in 12 U.S.C. s. 1813(c)(2).

13           2. A foreign bank maintaining a branch or agency licensed  
14 under the laws of any state of the United States.

15           3. Any subsidiary or affiliate of an entity described in  
16 subparagraph 1. or subparagraph 2.

17           4. A health studio as defined in s. 501.0125.

18           5. Any entity licensed under chapter 624, chapter 627,  
19 chapter 634, chapter 636, or chapter 641.

20           6. Any electric utility as defined in s. 366.02.

21           7. Any private company as defined in s. 180.05 providing  
22 services described in chapter 180 which is competing against a  
23 governmental entity or has a governmental entity providing  
24 billing services on its behalf.

25           ~~(f)(e)~~ A violation of this subsection renders the automatic  
26 renewal provision void and unenforceable.

27           Section 3. Paragraphs (b) and (c) of subsection (22) of  
28 section 626.854, Florida Statutes, are amended, and paragraph  
29 (a) of that subsection is republished, to read:

30           626.854 "Public adjuster" defined; prohibitions.—The  
31 Legislature finds that it is necessary for the protection of the  
32 public to regulate public insurance adjusters and to prevent the  
33 unauthorized practice of law.

34           (22) (a) Any following act by a public adjuster, a public  
35 adjuster apprentice, or a person acting on behalf of a public  
36 adjuster or public adjuster apprentice is prohibited and shall  
37 result in discipline as applicable under this part:

38           1. Offering to a residential property owner a rebate, gift,  
39 gift card, cash, coupon, waiver of any insurance deductible, or



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40 any other thing of value in exchange for:

41 a. Allowing a contractor, a public adjuster, a public  
42 adjuster apprentice, or a person acting on behalf of a public  
43 adjuster or public adjuster apprentice to conduct an inspection  
44 of the residential property owner's roof; or

45 b. Making an insurance claim for damage to the residential  
46 property owner's roof.

47 2. Offering, delivering, receiving, or accepting any  
48 compensation, inducement, or reward for the referral of any  
49 services for which property insurance proceeds would be used for  
50 roofing repairs or replacement.

51 (b) Notwithstanding the fine set forth in s. 626.8698, a  
52 public adjuster or public adjuster apprentice may be subject to  
53 a fine not to exceed \$10,000 per act for a violation of this  
54 subsection and a fine not to exceed \$20,000 per act for a  
55 violation of this subsection that occurs during a state of  
56 emergency declared by executive order or proclamation of the  
57 Governor pursuant to s. 252.36.

58 (c) A person who engages in an act prohibited by this  
59 subsection and who is not a public adjuster or a public adjuster  
60 apprentice, or is not otherwise exempt from licensure, is guilty  
61 of the unlicensed practice of public adjusting and may be:

62 1. Subject to all applicable penalties set forth in this  
63 part.

64 2. Notwithstanding subparagraph 1., subject to a fine not  
65 to exceed \$10,000 per act for a violation of this subsection and  
66 a fine not to exceed \$20,000 per act for a violation of this  
67 subsection that occurs during a state of emergency declared by  
68 executive order or proclamation of the Governor pursuant to s.



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69 252.36.

70 Section 4. Subsection (9) of section 633.126, Florida  
71 Statutes, is amended, subsection (10) is added to that section,  
72 and subsection (2) of that section is republished, to read:

73 633.126 Investigation of fraudulent insurance claims and  
74 crimes; immunity of insurance companies supplying information.—

75 (2) If an insurance company has reason to suspect that a  
76 fire or explosion loss to its insured's real or personal  
77 property was caused by intentional means, the company shall  
78 notify the State Fire Marshal and shall furnish her or him with  
79 all material acquired by the company during its investigation.  
80 The State Fire Marshal may adopt rules to implement this  
81 subsection.

82 (9) If an insurance company fails or otherwise refuses to  
83 comply with this section, the department may impose an  
84 administrative fine of not more than \$2,000 per day for such  
85 failure until the department deems the insurance company to be  
86 in compliance ~~A person who willfully violates this section~~  
87 ~~commits a misdemeanor of the first degree, punishable as~~  
88 ~~provided in s. 775.082 or s. 775.083.~~

89 (10) The Division of Investigative and Forensic Services  
90 may adopt reasonable rules as are necessary to administer this  
91 section. Such rules must meet all of the following requirements:

92 (a) They may not enlarge upon or extend the provisions of  
93 this section.

94 (b) They must identify specific factors that determine the  
95 grades of penalty.

96 (c) They must specify mitigating and aggravating factors  
97 for a violation of this section.



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98           Section 5. Effective March 1, 2023, present paragraphs (b),  
99 (c), and (d) of subsection (3) of section 634.095, Florida  
100 Statutes, are redesignated as paragraphs (d), (e), and (f),  
101 respectively, new paragraphs (b) and (c) are added to that  
102 subsection, and paragraph (a) of that subsection is amended, to  
103 read:

104           634.095 Prohibited acts.—Any service agreement company or  
105 salesperson that engages in one or more of the following acts  
106 is, in addition to any applicable denial, suspension,  
107 revocation, or refusal to renew or continue any appointment or  
108 license, guilty of a misdemeanor of the second degree,  
109 punishable as provided in s. 775.082 or s. 775.083:

110           (3) Issuing or causing to be issued any advertisement  
111 which:

112           (a) Does not fully disclose in a written advertisement, in  
113 at least 12-point, boldface ~~boldfaced~~ type, the name, address,  
114 and Florida Company Code ~~license number~~ of the service agreement  
115 company. As used in this paragraph, the term "written  
116 advertisement" does not include materials provided in  
117 conjunction with the sale of goods or services.

118  
119 ===== T I T L E   A M E N D M E N T =====

120 And the title is amended as follows:

121           Delete lines 19 - 30

122 and insert:

123           633.126, F.S.; authorizing the Department of Financial  
124 Services to impose an administrative fine on insurance  
125 companies under certain circumstances; deleting  
126 criminal penalties; authorizing the Division of



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127 Investigative and Forensic Services to adopt certain  
128 rules; amending s. 634.095, F.S.; revising  
129 requirements for advertisements issued or caused to be  
130 issued by service agreement companies or salespersons;  
131 specifying that certain materials are not included in  
132 the definition of the term "written advertisement";  
133 amending s. 775.15, F.S.; revising