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CS/CS/HB 939, Engrossed 2

2024 Legislature

1
 2 An act relating to consumer protection; amending s.
 3 212.134, F.S.; defining terms; revising requirements
 4 for payment settlement entities, or their electronic
 5 payment facilitators or contracted third parties, in
 6 submitting information returns to the Department of
 7 Revenue; specifying requirements for third party
 8 settlement organizations that conduct certain
 9 transactions; amending s. 489.147, F.S.; defining a
 10 term; authorizing a residential property owner to
 11 cancel contracts to replace or repair a roof without
 12 penalty or obligation within a specified timeframe
 13 under certain circumstances; requiring contractors to
 14 include a notice in the contracts with residential
 15 property owners under certain circumstances; providing
 16 requirements for notices of contract cancellation;
 17 amending s. 559.9611, F.S.; revising the definition of
 18 the term "depository institution"; amending s.
 19 624.424, F.S.; providing requirements for certain
 20 insurers' accountants; amending s. 626.8796, F.S.;
 21 revising the content of certain public adjuster
 22 contracts; amending s. 627.43141, F.S.; providing
 23 requirements for certain notice of change in insurance
 24 renewal policy terms; amending s. 627.6426, F.S.;
 25 revising the disclosure requirements of contracts for

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

26 short-term health insurance; amending s. 627.70132,
 27 F.S.; providing requirements for notices of claims for
 28 loss assessment coverage; providing dates of loss;
 29 amending s. 791.01, F.S.; revising the definition of
 30 the term "fireworks"; amending s. 791.012, F.S.;
 31 updating the source of the code for outdoor display of
 32 fireworks; providing an effective date.
 33

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

35
 36 Section 1. Section 212.134, Florida Statutes, is amended
 37 to read:

38 212.134 Information returns relating to payment-card and
 39 third party ~~third-party~~ network transactions.—

40 (1) As used in this section, the term:

41 (a) "Participating payee" has the same meaning as in s.
 42 6050W of the Internal Revenue Code.

43 (b) "Return" or "information return" means the Form 1099-K
 44 required under s. 6050W of the Internal Revenue Code.

45 (c) "Third party network transaction" has the same meaning
 46 as in s. 6050W of the Internal Revenue Code.

47 (d) "Third party settlement organization" has the same
 48 meaning as in s. 6050W of the Internal Revenue Code.

49 (2) For each year in which a payment settlement entity, an
 50 electronic payment facilitator, or other third party contracted

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

51 with the payment settlement entity to make payments to settle
52 reportable payment transactions on behalf of the payment
53 settlement entity must file a return pursuant to s. 6050W of the
54 Internal Revenue Code, for participating payees with an address
55 in this state, the entity, the facilitator, or the third party
56 must submit the information in the return to the department by
57 the 30th day after filing the federal return. The format of the
58 information returns required must be either a copy of such
59 information returns or a copy of such information returns
60 related to participating payees with an address in the state.
61 For purposes of this subsection, the term "payment settlement
62 entity" has the same meaning as provided in s. 6050W of the
63 Internal Revenue Code.

64 ~~(3)-(2)~~ All reports of returns submitted to the department
65 under this section must be in an electronic format.

66 ~~(4)-(3)~~ Any payment settlement entity, facilitator, or
67 third party failing to file the information return required,
68 filing an incomplete information return, or not filing an
69 information return within the time prescribed is subject to a
70 penalty of \$1,000 for each failure, if the failure is for not
71 more than 30 days, with an additional \$1,000 for each month or
72 fraction of a month during which each failure continues. The
73 total amount of penalty imposed on a reporting entity may not
74 exceed \$10,000 annually.

75 ~~(5)-(4)~~ The executive director or his or her designee may

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

76 waive the penalty if he or she determines that the failure to
 77 timely file an information return was due to reasonable cause
 78 and not due to willful negligence, willful neglect, or fraud.

79 (6) All third party settlement organizations that conduct
 80 transactions involving a participating payee with an address in
 81 this state and that have a contractual obligation with such
 82 participating payee to make payment to the organizations shall
 83 create a mechanism for senders of payments to identify whether a
 84 payment to a payee is for goods and services or is personal. The
 85 mechanism must clearly indicate the sender's requirement to
 86 indicate the appropriate transaction type. The sender of the
 87 payment is responsible for indicating the appropriate
 88 transaction type. All third party settlement organizations shall
 89 maintain records that clearly identify whether a transaction, as
 90 designated by the sender of the payment, is a transaction for
 91 goods and services or is personal. The information in the return
 92 submitted to the department under subsection (2) for such
 93 entities must be limited to transactions for goods and services.

94 (7) Notwithstanding this section, subsection (6) does not
 95 apply to a third party settlement organization if a contractual
 96 agreement or arrangement to provide a third party payment
 97 network to a participating payee requires the third party
 98 settlement organization solely to settle third party network
 99 transactions for the provision of goods and services.

100 Section 2. Paragraph (b) of subsection (1) of section

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

101 489.147, Florida Statutes, is redesignated as paragraph (c), a
 102 new paragraph (b) is added to that subsection, and subsection
 103 (6) is added to that section, to read:

104 489.147 Prohibited property insurance practices; contract
 105 requirements.-

106 (1) As used in this section, the term:

107 (b) "Residential property owner" means the person who
 108 holds the legal title to the residential real property that is
 109 subject of and directly impacted by the action of a governmental
 110 entity. The term does not include a governmental entity.

111 (6) (a) A residential property owner may cancel a contract
 112 to replace or repair a roof without penalty or obligation within
 113 10 days after the execution of the contract or by the official
 114 start date, whichever comes first, if the contract was entered
 115 into based on events that are subject of a declaration of a
 116 state of emergency by the Governor. For the purposes of this
 117 subsection, the official start date is the date on which work
 118 that includes the installation of materials that will be
 119 included in the final work on the roof commences, a final permit
 120 has been issued, or a temporary repair to the roof covering or
 121 roof has been made in compliance with the Florida Building Code.

122 (b) A contractor executing a contract during a declaration
 123 of a state of emergency to replace or repair a roof of a
 124 residential property must include or add as an attachment to the
 125 contract the following language, in bold type of not less than

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

126 18 points, immediately before the space reserved for the
 127 signature of the residential property owner:

128
 129 "You, the residential property owner, may cancel this contract
 130 without penalty or obligation within 10 days after the execution
 131 of the contract or by the official start date, whichever comes
 132 first, because this contract was entered into during a state of
 133 emergency by the Governor. The official start date is the date
 134 on which work that includes the installation of materials that
 135 will be included in the final work on the roof commences, a
 136 final permit has been issued, or a temporary repair to the roof
 137 covering or roof system has been made in compliance with the
 138 Florida Building Code."

139
 140 (c) The residential property owner must send the notice of
 141 cancellation by certified mail, return receipt requested, or
 142 other form of mailing that provides proof thereof, at the
 143 address specified in the contract.

144 Section 3. Subsection (9) of section 559.9611, Florida
 145 Statutes, is amended to read:

146 559.9611 Definitions.—As used in this part, the term:

147 (9) "Depository institution" means a bank, a credit union,
 148 a savings bank, a savings and loan association, a savings or
 149 thrift association, or an industrial loan company doing business
 150 under the authority of a charter issued by the United States,

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

151 this state, or any other state, district, territory, or
 152 commonwealth of the United States which is authorized to
 153 transact business in this state and whose deposits or share
 154 accounts are insured by the Federal Deposit Insurance
 155 Corporation or the National Credit Union Share Insurance Fund
 156 ~~Florida state-chartered bank, savings bank, credit union, or~~
 157 ~~trust company, or a federal savings or thrift association, bank,~~
 158 ~~credit union, savings bank, or thrift.~~

159 Section 4. Paragraph (d) of subsection (8) of section
 160 624.424, Florida Statutes, is amended to read:

161 624.424 Annual statement and other information.—

162 (8)

163 (d) Upon creation of the continuing education required
 164 under this paragraph, the certified public accountant that
 165 prepares the audit must be licensed to practice pursuant to
 166 chapter 473 and must have completed at least 4 hours of
 167 insurance-related continuing education during each 2-year
 168 continuing education cycle. An insurer may not use the same
 169 accountant or partner of an accounting firm responsible for
 170 preparing the report required by this subsection for more than 5
 171 consecutive years. Following this period, the insurer may not
 172 use such accountant or partner for a period of 5 years, but may
 173 use another accountant or partner of the same firm. An insurer
 174 may request the office to waive this prohibition based upon an
 175 unusual hardship to the insurer and a determination that the

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

176 accountant is exercising independent judgment that is not unduly
 177 influenced by the insurer considering such factors as the number
 178 of partners, expertise of the partners or the number of
 179 insurance clients of the accounting firm; the premium volume of
 180 the insurer; and the number of jurisdictions in which the
 181 insurer transacts business.

182 Section 5. Subsection (2) of section 626.8796, Florida
 183 Statutes, is amended to read:

184 626.8796 Public adjuster contracts; disclosure statement;
 185 fraud statement.—

186 (2) A public adjuster contract relating to a property and
 187 casualty claim must contain the full name, permanent business
 188 address, phone number, e-mail address, and license number of the
 189 public adjuster; the full name and license number of the public
 190 adjusting firm; and the insured's full name, street address,
 191 phone number, and e-mail address, together with a brief
 192 description of the loss. The contract must state the percentage
 193 of compensation for the public adjuster's services in minimum
 194 18-point bold type before the space reserved in the contract for
 195 the signature of the insured; the type of claim, including an
 196 emergency claim, nonemergency claim, or supplemental claim; the
 197 initials of the named insured on each page that does not contain
 198 the insured's signature; the signatures of the public adjuster
 199 and all named insureds; and the signature date. If all of the
 200 named insureds' signatures are not available, the public

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

201 adjuster must submit an affidavit signed by the available named
 202 insureds attesting that they have authority to enter into the
 203 contract and settle all claim issues on behalf of the named
 204 insureds. An unaltered copy of the executed contract must be
 205 remitted to the insured at the time of execution and to the
 206 insurer, or the insurer's representative within 7 days after
 207 execution. A public adjusting firm that adjusts claims primarily
 208 for commercial entities with operations in more than one state
 209 and that does not directly or indirectly perform adjusting
 210 services for insurers or individual homeowners is deemed to
 211 comply with the requirements of this subsection if, at the time
 212 a proof of loss is submitted, the public adjusting firm remits
 213 to the insurer an affidavit signed by the public adjuster or
 214 public adjuster apprentice that identifies:

215 (a) The full name, permanent business address, phone
 216 number, e-mail address, and license number of the public
 217 adjuster or public adjuster apprentice.

218 (b) The full name of the public adjusting firm.

219 (c) The insured's full name, street address, phone number,
 220 and e-mail address, together with a brief description of the
 221 loss.

222 (d) An attestation that the compensation for public
 223 adjusting services will not exceed the limitations provided by
 224 law.

225 (e) The type of claim, including an emergency claim,

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

226 nonemergency claim, or supplemental claim.

227 Section 6. Subsection (2) of section 627.43141, Florida
 228 Statutes, is amended to read:

229 627.43141 Notice of change in policy terms.—

230 (2) A renewal policy may contain a change in policy terms.
 231 If such change occurs, the insurer shall give the named insured
 232 advance written notice summarizing the change, which may be
 233 enclosed in ~~along with~~ the written notice of renewal premium
 234 required under ss. 627.4133 and 627.728 or sent separately
 235 within the timeframe required under the Florida Insurance Code
 236 for the provision of a notice of nonrenewal to the named insured
 237 for that line of insurance. The insurer must also provide a
 238 sample copy of the notice to the named insured's insurance agent
 239 before or at the same time that notice is provided to the named
 240 insured. Such notice shall be entitled "Notice of Change in
 241 Policy Terms." Beginning January 1, 2025, the notice must be in
 242 bold type of not less than 14 points and must be included as a
 243 single page or consecutive pages, as necessary, within the
 244 written notice.

245 Section 7. Section 627.6426, Florida Statutes, is amended
 246 to read:

247 627.6426 Short-term health insurance.—

248 (1) For purposes of this part, the term "short-term health
 249 insurance" means health insurance coverage provided by an issuer
 250 with an expiration date specified in the contract that is less

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

251 than 12 months after the original effective date of the contract
252 and, taking into account renewals or extensions, has a duration
253 not to exceed 36 months in total.

254 (2) All contracts for short-term health insurance entered
255 into by an issuer and an individual seeking coverage shall
256 include the following written disclosures signed by the
257 purchaser at the time of purchase disclosure:

258 (a) The following statement:

259
260 "This coverage is not required to comply with certain federal
261 market requirements for health insurance, principally those
262 contained in the Patient Protection and Affordable Care Act. Be
263 sure to check your policy carefully to make sure you are aware
264 of any exclusions or limitations regarding coverage of
265 preexisting conditions or health benefits (such as
266 hospitalization, emergency services, maternity care, preventive
267 care, prescription drugs, and mental health and substance use
268 disorder services). Your policy might also have lifetime and/or
269 annual dollar limits on health benefits. If this coverage
270 expires or you lose eligibility for this coverage, you might
271 have to wait until an open enrollment period to get other health
272 insurance coverage."

273
274 (b) The following information:

275 1. The duration of the contract, including any waiting

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

276 period.

277 2. Any essential health benefit under 42 U.S.C. s.

278 18022(b) that the contract does not provide.

279 3. The content of coverage.

280 4. Any exclusion of preexisting conditions.

281 (3) The disclosures required in subsection (2) must be

282 printed in no less than 12-point type and in a color that is

283 readable. A copy of the signed disclosures must be maintained by

284 the issuer for a period of 5 years after the date of purchase.

285 (4) Disclosures provided by electronic means must meet the

286 requirements of subsection (2).

287 Section 8. Subsection (4) of section 627.70132, Florida

288 Statutes, is renumbered as subsection (5), and a new subsection

289 (4) is added to that section to read:

290 627.70132 Notice of property insurance claim.—

291 (4)(a) A notice of claim for loss assessment coverage

292 under s. 627.714 may not occur later than 3 years after the date

293 of loss and must be provided to the insurer the later of:

294 1. Within 1 year after the date of loss; or

295 2. Within 90 days after the date on which the condominium

296 association or its governing board votes to levy an assessment

297 resulting from a covered loss.

298 (b) For purposes of this subsection, the date of loss is

299 the date of the covered loss event that created the need for an

300 assessment.

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

301 Section 9. Paragraph (a) of subsection (4) of section
 302 791.01, Florida Statutes, is amended to read:

303 791.01 Definitions.—As used in this chapter, the term:

304 (4)(a) "Fireworks" means and includes any combustible or
 305 explosive composition or substance or combination of substances
 306 or, except as hereinafter provided, any article prepared for the
 307 purpose of producing a visible or audible effect by combustion,
 308 explosion, deflagration, or detonation. The term includes blank
 309 cartridges and toy cannons in which explosives are used, the
 310 type of balloons which require fire underneath to propel them,
 311 firecrackers, torpedoes, skyrockets, Roman candles, ~~dag~~~~bombs~~,
 312 and any fireworks containing any explosives or flammable
 313 compound or any tablets or other device containing any explosive
 314 substance.

315 Section 10. Section 791.012, Florida Statutes, is amended
 316 to read:

317 791.012 Minimum fireworks safety standards.—The outdoor
 318 display of fireworks in this state shall be governed by the
 319 National Fire Protection Association (NFPA) 1123, Code for
 320 Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~
 321 ~~National Standards Institute~~. Any state, county, or municipal
 322 law, rule, or ordinance may provide for more stringent
 323 regulations for the outdoor display of fireworks, but in no
 324 event may any such law, rule, or ordinance provide for less
 325 stringent regulations for the outdoor display of fireworks. The

ENROLLED

CS/CS/HB 939, Engrossed 2

2024 Legislature

326 | division shall promulgate rules to carry out the provisions of
327 | this section. The Code for Fireworks Display shall not govern
328 | the display of any fireworks on private, residential property
329 | and shall not govern the display of those items included under
330 | s. 791.01(4)(b) and (c) and authorized for sale thereunder.

331 | Section 11. This act shall take effect July 1, 2024.