

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative LaMarca offered the following:

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3 **Substitute Amendment for Amendment (246769) (with title**
4 **amendment)**

5 Remove lines 1616-1642 and insert:

6 (5) In addition to any sanctions and penalties under the
7 financial institutions codes, a financial institution's bad
8 faith termination, suspension, or similar action restricting
9 access to a customer's or member's account, as determined by the
10 office pursuant to subsection (3), or a financial institution's
11 failure to cooperate in an investigation conducted pursuant to
12 subsection (3), including, without limitation, failure to timely
13 file a termination-of-access report with the office, constitutes

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14 a violation of the Florida Deceptive and Unfair Trade Practices
15 Act under part II of chapter 501. Notwithstanding s. 501.211,
16 violations must be enforced only by the enforcing authority, as
17 defined in s. 501.203(2), and subject the violator to the
18 sanctions and penalties provided for in part II of chapter 501.
19 If such action is successful, the enforcing authority is
20 entitled to reasonable attorney fees and costs.

21 (6) The office shall provide any report filed pursuant to
22 this section, or any information contained therein, to any
23 federal, state, or local law enforcement or prosecutorial
24 agency, and any federal or state agency responsible for the
25 regulation or supervision of financial institutions, if the
26 provision of such report is otherwise required by law.

27 (7) If the office determines under subsection (3) that a
28 financial institution has acted in bad faith, the aggrieved
29 customer or member of the financial institution has a cause of
30 action against the financial institution for damages and may
31 recover damages therefor in any court of competent jurisdiction,
32 together with costs and reasonable attorney fees to be assessed
33 by the court. To recover damages under this subsection, the
34 customer or member must establish by clear and convincing
35 evidence that the financial institution acted in bad faith in
36 terminating, suspending, or taking similar action restricting
37 access to the customer's or member's account. The office's
38 determination that the financial institution has acted in bad

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39 faith pursuant to subsection (3) does not, in and of itself,
 40 establish by clear and convincing evidence that the financial
 41 institution acted in bad faith in the termination, suspension,
 42 or similar action restricting access to the customer's or
 43 member's account. A customer's or member's failure to initiate a
 44 cause of action under this subsection within 12 months after the
 45 office's finding of bad faith pursuant to subsection (3) bars
 46 recovery of any filed claims thereafter.

47 (8) By July 1, 2024, the office shall make available on
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50 **T I T L E A M E N D M E N T**

51 Remove lines 2-161 and insert:

52 An act relating to the Chief Financial Officer; creating s.
 53 17.69, F.S.; creating the Federal Tax Liaison position within
 54 the Department of Financial Services; providing the duties and
 55 authority of the liaison; amending s. 20.121, F.S.; renaming a
 56 division in the department; removing provisions relating to
 57 duties of such division and to bureaus and offices in such
 58 division; removing a division; amending s. 112.1816, F.S.;
 59 providing that, upon a diagnosis of cancer, firefighters are
 60 entitled to certain benefits under specified circumstances;
 61 amending s. 121.0515, F.S.; revising requirements for the
 62 Special Risk Class membership; amending s. 280.051, F.S.;
 63 providing additional grounds for qualified public depositories

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64 to be suspended and disqualified; amending s. 280.054, F.S.;

65 providing additional acts deemed knowing and willful violations

66 by qualified public depositories which are subject to certain

67 penalties; amending s. 284.44, F.S.; removing provisions

68 relating to certain quarterly reports prepared by the Division

69 of Risk Management; amending s. 440.13, F.S.; providing the

70 reimbursement schedule requirements for emergency services and

71 care under workers' compensation under certain circumstances;

72 providing rulemaking authority; amending s. 440.385, F.S.;

73 providing requirements for certain contracts entered into and

74 purchases made by the Florida Self-Insurers Guaranty

75 Association, Incorporated; providing duties of the department

76 and the association relating to such contracts and purchases;

77 providing exemptions; amending s. 497.101, F.S.; revising the

78 requirements for appointing and nominating members of the Board

79 of Funeral, Cemetery, and Consumer Services; revising the

80 members' terms; revising the authority to remove board members;

81 providing for vacancy appointments; providing that board members

82 are subject to the code of ethics; providing requirements for

83 board members' conduct; prohibiting certain acts by the board;

84 providing penalties; providing requirements for board meetings,

85 books, and records; requiring notices of board meetings;

86 providing requirements for such notices; amending s. 497.153,

87 F.S.; authorizing services by electronic mail of administrative

88 complaints against certain licensees under certain

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89 | circumstances; amending s. 497.155, F.S.; authorizing services
90 | of citations by electronic mail under certain circumstances;
91 | amending s. 497.172, F.S.; revising circumstances under which
92 | the department may disclose certain information that is
93 | confidential and exempt from public records requirements;
94 | amending s. 497.386, F.S.; authorizing the department to enter
95 | and secure certain establishments, facilities, and morgues and
96 | remove certain remains under specified circumstances; requiring
97 | the department to make certain determinations; prohibiting
98 | certain licensees and facilities from being held liable under
99 | certain circumstances; providing penalties; creating s. 497.469,
100 | F.S.; authorizing preneed licensees to withdraw certain amounts
101 | of money under certain circumstances; providing documents that
102 | show that a preneed contract has been fulfilled; providing
103 | recordkeeping requirements; amending s. 624.307, F.S.; requiring
104 | eligible surplus lines insurers to respond to the department or
105 | the Office of Insurance Regulation after receipt of requests for
106 | documents and information concerning consumer complaints;
107 | providing penalties for failure to comply; requiring authorized
108 | insurers and eligible surplus lines insurers to file e-mail
109 | addresses with the department and to designate contact persons
110 | for specified purposes; authorizing changes of designated
111 | contact information; amending s. 626.171, F.S.; requiring the
112 | department to make provisions for certain insurance license
113 | applicants to submit cellular telephone numbers for a specified

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114 purpose; amending s. 626.221, F.S.; providing a qualification
115 for all-lines adjuster licenses; amending s. 626.601, F.S.;
116 revising construction; amending s. 626.7351, F.S.; providing a
117 qualification for customer representative's licenses; amending
118 s. 626.878, F.S.; providing duties and prohibited acts for
119 adjusters; amending s. 626.929, F.S.; specifying that licensed
120 and appointed general lines agents, rather than general lines
121 agents, may engage in certain activities while also licensed and
122 appointed as surplus lines agents; authorizing general lines
123 agents that are also licensed as surplus lines agents to make
124 certain appointments; authorizing such agents to originate
125 specified businesses and accept specified businesses;
126 prohibiting such agents from being appointed by or transacting
127 certain insurance on behalf of specified insurers; amending s.
128 627.351, F.S.; providing requirements for certain contracts
129 entered into and purchases made by the Florida Joint
130 Underwriting Association; providing duties of the department and
131 the association associated with such contracts and purchases;
132 amending s. 631.59, F.S.; providing requirements for certain
133 contracts entered into and purchases made by the Florida
134 Insurance Guaranty Association, Incorporated; providing duties
135 of the department and the association associated with such
136 contracts and purchases; providing nonapplicability; amending
137 ss. 631.722, 631.821, and 631.921, F.S.; providing requirements
138 for certain contracts entered into and purchases made by the

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139 Florida Life and Health Insurance Guaranty Association, the
140 board of directors of the Florida Health Maintenance
141 Organization Consumer Assistance Plan, and the board of
142 directors of the Florida Workers' Compensation Insurance
143 Guaranty Association, respectively; providing duties of the
144 department and of the association and boards associated with
145 such contracts and purchases; amending s. 633.124, F.S.;
146 updating the edition of a manual for the use of pyrotechnics;
147 amending s. 633.202, F.S.; revising the duties of the State Fire
148 Marshal; amending s. 633.206, F.S.; revising the requirements
149 for uniform firesafety standards established by the department;
150 amending s. 634.041, F.S.; specifying the conditions under which
151 service agreement companies do not have to establish and
152 maintain unearned premium reserves; amending s. 634.081, F.S.;
153 specifying the conditions under which service agreement
154 companies' licenses are not suspended or revoked under certain
155 circumstances; amending s. 634.3077, F.S.; specifying
156 requirements for certain contractual liability insurance
157 obtained by home warranty associations; providing that such
158 associations are not required to establish unearned premium
159 reserves or maintain contractual liability insurance;
160 authorizing such associations to allow their premiums to exceed
161 certain limitations under certain circumstances; amending s.
162 634.317, F.S.; providing that certain entities, employees, and
163 agents are exempt from sales representative licenses and

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164 appointments under certain circumstances; amending s. 648.25,
165 F.S.; providing definitions; amending s. 648.26, F.S.; revising
166 the types of investigatory records of the department which are
167 confidential and exempt from public records requirements;
168 revising the circumstances under which investigatory records are
169 confidential and exempt from public records requirements;
170 revising construction; amending s. 648.30, F.S.; revising
171 circumstances under which a person or entity may act in the
172 capacity of a bail bond agent or bail bond agency and perform
173 certain functions, duties, and powers; amending s. 648.355,
174 F.S.; revising the requirements for limited surety agents and
175 professional bail bond agent license applications; creating s.
176 655.49, F.S.; authorizing the Office of Financial Regulation to
177 receive complaints from a customer or member who reasonably
178 believes that a financial institution has acted in bad faith in
179 terminating, suspending, or taking similar action restricting
180 access to such customer's or member's account; providing a time
181 limit for a customer or member to file a complaint; providing
182 nonapplicability; providing duties of the office upon receipt of
183 a customer's or member's complaint; providing duties of a
184 financial institution upon receipt of notification that a
185 complaint has been filed; providing violations and penalties;
186 providing that certain actions or certain failure of financial
187 institutions to cooperate in specified investigations constitute
188 violations of the Florida Deceptive and Unfair Trade Practices

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189 Act; providing that violations are enforced only by the
190 enforcing authority; providing attorney fees and costs;
191 requiring

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