

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Griffitts offered the following:

**Amendment (with title amendment)**

Remove lines 249-340 and insert:

6 exception of any party that an employee of the financial  
 7 institution reasonably believes has engaged in, is engaging in,  
 8 has attempted to engage in, or will attempt to engage in the  
 9 suspected financial exploitation of the specified adult. The  
 10 notice, which may be provided electronically, must provide the  
 11 reason for the delay.

12 2. Creates a written or electronic record of the delayed  
 13 disbursement or transaction which includes, at minimum, the  
 14 following information:

15 a. The date on which the delay was first placed.

16 b. The name and address of the specified adult.

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17 c. The business location of the financial institution.

18 d. The name and title of the employee who reported  
19 suspected financial exploitation of the specified adult pursuant  
20 to s. 415.1034.

21 e. The facts and circumstances that caused the employee to  
22 report suspected financial exploitation.

23 (4) The financial institution must maintain for at least 5  
24 years after the date of a delayed disbursement or transaction a  
25 written or electronic record of the information required by s.  
26 415.10341(3)2.

27 (5) A delay on a disbursement or transaction under  
28 subsection (3) expires 5 business days after the date on which  
29 the delay was first placed. However, the financial institution  
30 may extend the delay for up to 7 additional calendar days if the  
31 financial institution's review of the available facts and  
32 circumstances continues to support the reasonable belief that  
33 financial exploitation of the specified adult has occurred, is  
34 occurring, has been attempted, or will be attempted. The length  
35 of the delay may be shortened or extended at any time by a court  
36 of competent jurisdiction. This subsection does not prevent a  
37 financial institution from terminating a delay after  
38 communication with the parties authorized to transact business  
39 on the account and any trusted contact on the account.

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40 (6) Before placing a delay on a disbursement or  
41 transaction pursuant to this section, a financial institution  
42 must do all of the following:

43 (a) Develop training policies or programs reasonably  
44 designed to educate employees on issues pertaining to financial  
45 exploitation of specified adults.

46 (b) Conduct training for all employees at least annually  
47 and maintain a written record of all trainings conducted.

48 (c) Develop, maintain, and enforce written procedures  
49 regarding the manner in which suspected financial exploitation  
50 is reviewed internally, including, if applicable, the manner in  
51 which suspected financial exploitation is required to be  
52 reported to supervisory personnel.

53 (7) Absent a reasonable belief of financial exploitation  
54 as provided in this section, this section does not otherwise  
55 alter a financial institution's obligations to all parties  
56 authorized to transact business on an account and any trusted  
57 contact named on such account.

58 (8) This section does not create new rights for or impose  
59 new obligations on a financial institution under other  
60 applicable law.

61 Section 5. Paragraph (b) of subsection (1) of section  
62 489.147, Florida Statutes, is redesignated as paragraph (c), a  
63 new paragraph (b) is added to that subsection, and subsection  
64 (6) is added to that section, to read:

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65 489.147 Prohibited property insurance practices; contract  
66 requirements.—

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

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

72 (6)(a) A residential property owner may cancel a contract  
73 to replace or repair a roof without penalty or obligation within  
74 10 days after the execution of the contract or by the official  
75 start date, whichever comes first, if the contract was entered  
76 into based on events that are subject of a declaration of a  
77 state of emergency by the Governor. For the purposes of this  
78 subsection, the official start date is the date on which work  
79 that includes the installation of materials that will be  
80 included in the final work on the roof commences, a final permit  
81 has been issued, or a temporary repair to the roof covering or  
82 roof has been made in compliance with the Florida Building Code.

83 (b) A contractor executing a contract during a declaration  
84 of a state of emergency to replace or repair a roof of a  
85 residential property must include or add as an attachment to the  
86 contract the following language, in bold type of not less than  
87 18 points, immediately before the space reserved for the  
88 signature of the residential property owner:

89

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90 "You, the residential property owner, may cancel this contract  
91 without penalty or obligation within 10 days after the execution  
92 of the contract or by the official start date, whichever comes  
93 first, because this contract was entered into during a state of  
94 emergency by the Governor. The official start date is the date  
95 on which work that includes the installation of materials that  
96 will be included in the final work on the roof commences, a  
97 final permit has been issued, or a temporary repair to the roof  
98 covering or roof system has been made in compliance with the  
99 Florida Building Code."

100  
101 (c) The residential property owner must send the notice of  
102 cancellation by certified mail, return receipt requested, or  
103 other form of mailing that provides proof thereof, at the  
104 address specified in the contract.

105  
106  
107 -----

108 **T I T L E A M E N D M E N T**

109 Remove lines 19-35 and insert:

110 specified adult; requiring the financial institution to maintain  
111 certain records for a specific time period; specifying that a  
112 delay on a disbursement or transaction expires on a certain  
113 date; authorizing the financial institution to extend the delay  
114 under certain circumstances; authorizing a court of competent

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115 | jurisdiction to shorten or extend the delay; providing  
116 | construction; requiring financial institutions to take certain  
117 | actions before placing a delay on a disbursement or transaction;  
118 | providing construction; amending s. 489.147, F.S.; authorizing  
119 | insureds and claimants to cancel contracts to replace or repair  
120 | a roof without penalty or obligation within a specified  
121 | timeframe under certain circumstances; requiring contractors to  
122 | include a notice in the contracts with residential property  
123 | owners under certain circumstances; providing requirements for