

1                   A bill to be entitled  
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. 280.051, F.S.; providing  
10          additional grounds for qualified public depositories  
11          to be suspended and disqualified; amending s. 280.054,  
12          F.S.; providing additional acts deemed knowing and  
13          willful violations by qualified public depositories  
14          which are subject to certain penalties; creating s.  
15          415.10341, F.S.; defining terms; providing legislative  
16          findings and intent; authorizing financial  
17          institutions, under certain circumstances, to delay a  
18          disbursement or transaction from an account of a  
19          specified adult; requiring the financial institution  
20          to make certain information available upon request by  
21          certain entities; specifying that a delay on a  
22          disbursement or transaction expires on a certain date;  
23          authorizing the financial institution to extend the  
24          delay under certain circumstances; authorizing a court  
25          of competent jurisdiction to shorten or extend the

26 | delay; providing construction; requiring financial  
27 | institutions to take certain actions before placing a  
28 | delay on a disbursement or transaction; providing  
29 | construction; amending s. 489.147, F.S.; authorizing  
30 | insureds and claimants to cancel contracts to replace  
31 | or repair a roof without penalty or obligation within  
32 | a specified timeframe under certain circumstances;  
33 | requiring contractors to include a notice in the  
34 | contracts with residential property owners under  
35 | certain circumstances; proving requirements for  
36 | notices of contract cancellation; amending s.  
37 | 559.9611, F.S.; revising the definition of the term  
38 | "depository institution"; amending s. 624.424, F.S.;  
39 | providing requirements for certain insurers'  
40 | accountants; amending s. 626.8796, F.S.; revising the  
41 | content of certain public adjuster contracts; amending  
42 | s. 627.43141, F.S.; providing requirements for certain  
43 | notice of change in insurance renewal policy terms  
44 | amending s. 627.6426, F.S.; revising the disclosure  
45 | requirements of contracts for short-term health  
46 | insurance; amending s. 627.70132, F.S.; providing that  
47 | claims resulting from certain loss assessments are  
48 | considered to have occurred on a specified date; An  
49 | act relating to access to financial institution  
50 | customer accounts; amending s. 280.051, F.S.;

51 providing additional grounds for qualified public  
52 depositories to be suspended and disqualified;  
53 amending s. 280.054, F.S.; providing additional acts  
54 deemed knowing and willful violations by qualified  
55 public depositories which are subject to certain  
56 penalties; creating s. 655.49, F.S.; authorizing the  
57 Office of Financial Regulation to receive complaints  
58 from a customer or member who reasonably believes that  
59 a financial institution has acted in bad faith in  
60 terminating, suspending, or taking similar action  
61 restricting access to such customer's or member's  
62 account; providing a time limit for a customer or  
63 member to file a complaint; providing  
64 nonapplicability; providing duties of the office upon  
65 receipt of a customer's or member's complaint;  
66 providing duties of a financial institution upon  
67 receipt of notification that a complaint has been  
68 filed; providing violations and penalties; requiring  
69 the office to provide certain reports and information  
70 to specified entities under certain circumstances;  
71 providing that the financial institutions' customers  
72 and members have a cause of action under certain  
73 circumstances; authorizing such customers and members  
74 to recover damages, together with costs and attorney  
75 fees; providing a time limit for initiating causes of

76 action; requiring the office to make available  
 77 information necessary for filing complaints on its  
 78 website; amending s. 791.012, F.S.; updating the  
 79 source of the code for outdoor display of fireworks;  
 80 providing an effective date.

81

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

83 Section 1. Section 1. Section 212.134, Florida Statutes,  
 84 is amended to read:

85 212.134 Information returns relating to payment-card and  
 86 third party ~~third-party~~ network transactions.-

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

88 (a) "Participating payee" has the same meaning as in s.  
 89 6050W of the Internal Revenue Code.

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

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

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

96 (2) For each year in which a payment settlement entity, an  
 97 electronic payment facilitator, or other third party contracted  
 98 with the payment settlement entity to make payments to settle  
 99 reportable payment transactions on behalf of the payment  
 100 settlement entity must file a return pursuant to s. 6050W of the

101 Internal Revenue Code, for participating payees with an address  
102 in this state, the entity, the facilitator, or the third party  
103 must submit the information in the return to the department by  
104 the 30th day after filing the federal return. The format of the  
105 information returns required must be either a copy of such  
106 information returns or a copy of such information returns  
107 related to participating payees with an address in the state.  
108 For purposes of this subsection, the term "payment settlement  
109 entity" has the same meaning as provided in s. 6050W of the  
110 Internal Revenue Code.

111 (3)~~(2)~~ All reports of returns submitted to the department  
112 under this section must be in an electronic format.

113 (4)~~(3)~~ Any payment settlement entity, facilitator, or  
114 third party failing to file the information return required,  
115 filing an incomplete information return, or not filing an  
116 information return within the time prescribed is subject to a  
117 penalty of \$1,000 for each failure, if the failure is for not  
118 more than 30 days, with an additional \$1,000 for each month or  
119 fraction of a month during which each failure continues. The  
120 total amount of penalty imposed on a reporting entity may not  
121 exceed \$10,000 annually.

122 (5)~~(4)~~ The executive director or his or her designee may  
123 waive the penalty if he or she determines that the failure to  
124 timely file an information return was due to reasonable cause  
125 and not due to willful negligence, willful neglect, or fraud.

126 (6) All third party settlement organizations that conduct  
 127 transactions involving a participating payee with an address in  
 128 this state shall create a mechanism for participating payees to  
 129 identify whether a participating payee's transaction is for  
 130 goods and services or is personal. The mechanism must clearly  
 131 indicate the participating payee's requirement to indicate the  
 132 appropriate transaction type. The participating payee is  
 133 responsible for indicating the appropriate transaction type. All  
 134 third party settlement organizations shall maintain records that  
 135 clearly identify whether a transaction, as designated by the  
 136 participating payee, is a transaction for goods and services or  
 137 is personal. The information in the return submitted to the  
 138 department under subsection (2) for such entities must be  
 139 limited to transactions for goods and services.

140 Section 2. Subsection (16) is added to section 280.051,  
 141 Florida Statutes, to read:

142 280.051 Grounds for suspension or disqualification of a  
 143 qualified public depository.—A qualified public depository may  
 144 be suspended or disqualified or both if the Chief Financial  
 145 Officer determines that the qualified public depository has:

146 (16) Pursuant to a determination notice reported by the  
 147 Office of Financial Regulation under s. 655.49, acted in bad  
 148 faith when terminating, suspending, or taking similar action  
 149 restricting a customer's or member's account, or failed to  
 150 cooperate in an investigation conducted pursuant to s.

151 655.49(3), including, without limitation, failing to timely file  
 152 a termination-of-access report with the office.

153 Section 3. Paragraph (b) of subsection (1) of section  
 154 280.054, Florida Statutes, is amended to read:

155 280.054 Administrative penalty in lieu of suspension or  
 156 disqualification.—

157 (1) If the Chief Financial Officer finds that one or more  
 158 grounds exist for the suspension or disqualification of a  
 159 qualified public depository, the Chief Financial Officer may, in  
 160 lieu of suspension or disqualification, impose an administrative  
 161 penalty upon the qualified public depository.

162 (b) With respect to any knowing and willful violation of a  
 163 lawful order or rule, the Chief Financial Officer may impose a  
 164 penalty upon the qualified public depository in an amount not  
 165 exceeding \$1,000 for each violation. If restitution is due, the  
 166 qualified public depository shall make restitution upon the  
 167 order of the Chief Financial Officer and shall pay interest on  
 168 such amount at the legal rate. Each day a violation continues  
 169 constitutes a separate violation. Each of the following ~~Failure~~  
 170 ~~to timely file the attestation required under s. 280.025~~ is  
 171 deemed a knowing and willful violation by the qualified public  
 172 depository:

173 1. Failure to timely file the attestation required under  
 174 s. 280.025.

175 2. Bad faith termination, suspension, or similar action

176 restricting a customer's or member's account access, as  
 177 determined by the Office of Financial Regulation pursuant to s.  
 178 655.49.

179 3. Failure to cooperate in an investigation conducted  
 180 pursuant to s. 655.49(3), including, without limitation, failure  
 181 to timely file a termination-of-access report with the office.

182 Section 4. Section 415.10341, Florida Statutes, is created  
 183 to read:

184 415.10341 Protection of specified adults.-

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

186 (a) "Financial exploitation" means the wrongful or  
 187 unauthorized taking, withholding, appropriation, or use of  
 188 money, assets, or property of a specified adult; or any act or  
 189 omission by a person, including through the use of a power of  
 190 attorney, guardianship, or conservatorship of a specified adult,  
 191 to:

192 1. Obtain control over the specified adult's money,  
 193 assets, or property through deception, intimidation, or undue  
 194 influence to deprive him or her of the ownership, use, benefit,  
 195 or possession of the money, assets, or property; or

196 2. Divert the specified adult's money, assets, or property  
 197 to deprive him or her of the ownership, use, benefit, or  
 198 possession of the money, assets, or property.

199 (b) "Financial institution" means a state financial  
 200 institution or a federal financial institution as those terms



201 are defined under s. 655.005(1).

202 (c) "Specified adult" means a natural person 70 years of  
203 age or older, or a vulnerable adult as defined in s. 415.102.

204 (d) "Trusted contact" means a natural person 18 years of  
205 age or older whom the account owner has expressly identified and  
206 recorded in a financial institution's books and records as the  
207 person who may be contacted about the account.

208 (2) The Legislature finds that many persons in this state,  
209 because of age or disability, are at increased risk of financial  
210 exploitation and loss of their assets, funds, investments, and  
211 investment accounts. The Legislature further finds that  
212 specified adults in this state are at a statistically higher  
213 risk of being targeted for financial exploitation, regardless of  
214 diminished capacity or other disability, because of their  
215 accumulation of substantial assets and wealth compared to  
216 younger age groups. In enacting this section, the Legislature  
217 recognizes the freedom of specified adults to manage their  
218 assets, make investment choices, and spend their funds, and  
219 intends that such rights may not be infringed absent a  
220 reasonable belief of financial exploitation as provided in this  
221 section. The Legislature therefore intends to provide for the  
222 prevention of financial exploitation of such persons. The  
223 Legislature intends to encourage the constructive involvement of  
224 financial institutions that take action based upon the  
225 reasonable belief that specified adults who have accounts with

226 such financial institutions have been or are the subject of  
227 financial exploitation. The Legislature intends to balance the  
228 rights of specified adults to direct and control their assets,  
229 funds, and investments and to exercise their constitutional  
230 rights consistent with due process with the need to provide  
231 financial institutions the ability to place narrow, time-limited  
232 restrictions on these rights in an effort to decrease specified  
233 adults' risk of loss due to abuse, neglect, or financial  
234 exploitation.

235 (3) If a financial institution reports suspected financial  
236 exploitation of a specified adult pursuant to s. 415.1034, it  
237 may delay a disbursement or transaction from an account of a  
238 specified adult or an account for which a specified adult is a  
239 beneficiary or beneficial owner if all of the following apply:

240 (a) The financial institution immediately initiates an  
241 internal review of the facts and circumstances that caused an  
242 employee of the financial institution to report suspected  
243 financial exploitation.

244 (b) Not later than 3 business days after the date on which  
245 the delay was first placed, the financial institution:

246 1. Notifies in writing all parties authorized to transact  
247 business on the account and any trusted contact on the account,  
248 using the contact information provided for the account, with the  
249 exception of any party an employee of the financial institution  
250 reasonably believes has engaged in, is engaging in, has

251 attempted to engage in, or will attempt to engage in the  
 252 suspected financial exploitation of the specified adult. The  
 253 notice, which may be provided electronically, must provide the  
 254 reason for the delay.

255 2. Creates and maintains for at least 5 years after the  
 256 date of the delayed disbursement or transaction a written or  
 257 electronic record of the delayed disbursement or transaction  
 258 that includes, at minimum, the following information:

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

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

261 c. The business location of the financial institution.

262 d. The name and title of the employee who reported  
 263 suspected financial exploitation of the specified adult pursuant  
 264 to s. 415.1034.

265 e. The facts and circumstances that caused the employee to  
 266 report suspected financial exploitation.

267 (4) The financial institution must make the information  
 268 required in subparagraph (3) (b)2. available for review upon  
 269 request by the department, any law enforcement agency conducting  
 270 an investigation under s. 415.104, or any state or federal  
 271 agency with regulatory authority over the financial institution.

272 (5) A delay on a disbursement or transaction under  
 273 subsection (3) expires 5 business days after the date on which  
 274 the delay was first placed. However, the financial institution  
 275 may extend the delay for up to 7 additional calendar days if the

276 financial institution's review of the available facts and  
277 circumstances continues to support the reasonable belief that  
278 financial exploitation of the specified adult has occurred, is  
279 occurring, has been attempted, or will be attempted. The length  
280 of the delay may be shortened or extended at any time by a court  
281 of competent jurisdiction. This subsection does not prevent a  
282 financial institution from terminating a delay after  
283 communication with the parties authorized to transact business  
284 on the account and any trusted contact on the account.

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

288 (a) Develop training policies or programs reasonably  
289 designed to educate employees on issues pertaining to financial  
290 exploitation of specified adults.

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

293 (c) Develop, maintain, and enforce written procedures  
294 regarding the manner in which suspected financial exploitation  
295 is reviewed internally, including, if applicable, the manner in  
296 which suspected financial exploitation is required to be  
297 reported to supervisory personnel.

298 (7) Absent a reasonable belief of financial exploitation  
299 as provided in this section, this section does not otherwise  
300 alter a financial institution's obligations to all parties

301 authorized to transact business on an account and any trusted  
 302 contact named on such account.

303 (8) This section does not create new rights for or impose  
 304 new obligations on a financial institution under other  
 305 applicable law.

306 Section 5. Subsection (6) is added to section 489.147,  
 307 Florida Statutes, to read:

308 489.147 Prohibited property insurance practices; contract  
 309 requirements.—

310 (6) (a) An insured or claimant may cancel a contract to  
 311 replace or repair a roof without penalty or obligation until 10  
 312 days following the execution of the contract or until the  
 313 official start date, whichever comes first, if the contract was  
 314 entered into based on events that are the subject of a  
 315 declaration of a state of emergency by the Governor. For the  
 316 purposes of this subsection, the official start date is the date  
 317 on which the work on the roof commences.

318 (b) A contractor executing during a declaration of a state  
 319 of emergency a contract to replace or repair a roof of a  
 320 residential property must include in the contract the following  
 321 language, in bold type of not less than 18 points, immediately  
 322 before the space reserved for the signature of the residential  
 323 property owner:

324  
 325 "You, the residential property owner, may cancel this contract

326 without penalty or obligation until 10 days following the  
327 execution of the contract or until the official start date,  
328 whichever comes first, because this contract was entered into  
329 during a declaration of a state of emergency by the Governor. It  
330 is the responsibility of your contractor to include an official  
331 start date clause in your contract. This clause must state the  
332 official start date and the work that will be commenced on that  
333 date. If there is no official start date clause in the contract,  
334 the contract may be voided within 10 days following the  
335 execution of the contract."

336  
337 (c) The residential property owner must send the notice of  
338 cancellation by certified mail, return receipt requested, or  
339 other form of mailing that provides proof thereof, at the  
340 address specified in the contract.

341 Section 6. Subsection (9) of section 559.9611, Florida  
342 Statutes, is amended to read:

343 559.9611 Definitions.—As used in this part, the term:

344 (9) "Depository institution" means a bank, credit union,  
345 savings bank, savings and loan association, savings or thrift  
346 association, trust company, or industrial loan company doing  
347 business under the authority of, or in accordance with, a  
348 license, certificate, or charter issued by the United States,  
349 this state, or any other state, district, territory, or  
350 commonwealth of the United States which is authorized to

351 transact business in this state ~~Florida state-chartered bank,~~  
 352 ~~savings bank, credit union, or trust company, or a federal~~  
 353 ~~savings or thrift association, bank, credit union, savings bank,~~  
 354 ~~or thrift.~~

355 Section 7. Paragraph (d) of subsection (8) of section  
 356 624.424, Florida Statutes, is amended to read:

357 624.424 Annual statement and other information.—

358 (8)

359 (d) The certified public accountant that prepares the  
 360 audit must be licensed to practice pursuant to chapter 473 and  
 361 must have completed at least 4 hours of insurance-related  
 362 continuing education during each 2-year continuing education  
 363 cycle. An insurer may not use the same accountant or partner of  
 364 an accounting firm responsible for preparing the report required  
 365 by this subsection for more than 5 consecutive years. Following  
 366 this period, the insurer may not use such accountant or partner  
 367 for a period of 5 years, but may use another accountant or  
 368 partner of the same firm. An insurer may request the office to  
 369 waive this prohibition based upon an unusual hardship to the  
 370 insurer and a determination that the accountant is exercising  
 371 independent judgment that is not unduly influenced by the  
 372 insurer considering such factors as the number of partners,  
 373 expertise of the partners or the number of insurance clients of  
 374 the accounting firm; the premium volume of the insurer; and the  
 375 number of jurisdictions in which the insurer transacts business.

376           Section 8. Subsection (2) of section 626.8796, Florida  
 377 Statutes, is amended to read:

378           626.8796 Public adjuster contracts; disclosure statement;  
 379 fraud statement.—

380           (2) A public adjuster contract relating to a property and  
 381 casualty claim must contain the full name, permanent business  
 382 address, phone number, e-mail address, and license number of the  
 383 public adjuster; the full name and license number of the public  
 384 adjusting firm; and the insured's full name, street address,  
 385 phone number, and e-mail address, together with a brief  
 386 description of the loss. The contract must state the percentage  
 387 of compensation for the public adjuster's services in minimum  
 388 18-point bold type before the space reserved in the contract for  
 389 the signature of the insured; the type of claim, including an  
 390 emergency claim, nonemergency claim, or supplemental claim; the  
 391 initials of the named insured on each page that does not contain  
 392 the insured's signature; the signatures of the public adjuster  
 393 and all named insureds; and the signature date. If all of the  
 394 named insureds' signatures are not available, the public  
 395 adjuster must submit an affidavit signed by the available named  
 396 insureds attesting that they have authority to enter into the  
 397 contract and settle all claim issues on behalf of the named  
 398 insureds. An unaltered copy of the executed contract must be  
 399 remitted to the insured at the time of execution and to the  
 400 insurer, or the insurer's representative within 7 days after



401 execution. A public adjusting firm that adjusts claims primarily  
402 for commercial entities with operations in more than one state  
403 and that does not directly or indirectly perform adjusting  
404 services for insurers or individual homeowners is deemed to  
405 comply with the requirements of this subsection if, at the time  
406 a proof of loss is submitted, the public adjusting firm remits  
407 to the insurer an affidavit signed by the public adjuster or  
408 public adjuster apprentice that identifies:

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

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

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

416 (d) An attestation that the compensation for public  
417 adjusting services will not exceed the limitations provided by  
418 law.

419 (e) The type of claim, including an emergency claim,  
420 nonemergency claim, or supplemental claim.

421 Section 9. Subsection (2) of section 627.43141, Florida  
422 Statutes, is amended to read:

423 627.43141 Notice of change in policy terms.—

424 (2) A renewal policy may contain a change in policy terms.  
425 If such change occurs, the insurer shall give the named insured

426 advance written notice summarizing the change, which may be  
 427 enclosed in ~~along with~~ the written notice of renewal premium  
 428 required under ss. 627.4133 and 627.728 or sent separately  
 429 within the timeframe required under the Florida Insurance Code  
 430 for the provision of a notice of nonrenewal to the named insured  
 431 for that line of insurance. The insurer must also provide a  
 432 sample copy of the notice to the named insured's insurance agent  
 433 before or at the same time that notice is provided to the named  
 434 insured. Such notice shall be entitled "Notice of Change in  
 435 Policy Terms-" and shall be in bold type of not less than 14  
 436 points and included as a single page or consecutive pages, as  
 437 necessary, within the written notice.

438 Section 10. Section 627.6426, Florida Statutes, is amended  
 439 to read:

440 627.6426 Short-term health insurance.-

441 (1) For purposes of this part, the term "short-term health  
 442 insurance" means health insurance coverage provided by an issuer  
 443 with an expiration date specified in the contract that is less  
 444 than 12 months after the original effective date of the contract  
 445 and, taking into account renewals or extensions, has a duration  
 446 not to exceed 36 months in total.

447 (2) All contracts for short-term health insurance entered  
 448 into by an issuer and an individual seeking coverage shall  
 449 include the following written disclosures signed by the  
 450 purchaser at the time of purchase ~~disclosure:~~

451 (a) The following statement:

452

453 "This coverage is not required to comply with certain federal  
 454 market requirements for health insurance, principally those  
 455 contained in the Patient Protection and Affordable Care Act. Be  
 456 sure to check your policy carefully to make sure you are aware  
 457 of any exclusions or limitations regarding coverage of  
 458 preexisting conditions or health benefits (such as  
 459 hospitalization, emergency services, maternity care, preventive  
 460 care, prescription drugs, and mental health and substance use  
 461 disorder services). Your policy might also have lifetime and/or  
 462 annual dollar limits on health benefits. If this coverage  
 463 expires or you lose eligibility for this coverage, you might  
 464 have to wait until an open enrollment period to get other health  
 465 insurance coverage."

466

467 (b) The following information:

468 1. The duration of the contract, including any waiting  
 469 period.

470 2. Any essential health benefit under 42 U.S.C. s.  
 471 18022(b) that the contract does not provide.

472 3. The content of coverage.

473 4. Any exclusion of preexisting conditions.

474 (3) The disclosures required in subsection (2) must be  
 475 printed in no less than 12-point type and in a color that is

476 readable. A copy of the signed disclosures must be maintained by  
477 the issuer for a period of 5 years after the date of purchase.

478 (4) Disclosures provided by electronic means must meet the  
479 requirements of subsection (2).

480 Section 11. Subsection (4) of section 627.70132, Florida  
481 Statutes, is renumbered as subsection (5), and a new subsection  
482 (4) is added to that section to read:

483 627.70132 Notice of property insurance claim.—

484 (4) A claim resulting from loss assessment as described in  
485 s. 627.714 is considered to have occurred on the date of the  
486 notice of loss assessment sent by a unit owner's condominium  
487 association.

488  
489 Section 12. Section 655.49, Florida Statutes, is created  
490 to read:

491 655.49 Bad faith termination or restriction of account  
492 access; investigations by the office.—

493 (1) A customer or member of a financial institution who  
494 reasonably believes that a financial institution has terminated,  
495 suspended, or taken similar action restricting access to the  
496 customer's or member's account in bad faith may file, within 30  
497 calendar days after such termination, suspension, or similar  
498 action restricting account access, a complaint with the office  
499 alleging a violation of this section. Such complaint is barred  
500 if not timely filed.

501       (2) This section does not apply if a financial  
 502 institution's termination, suspension, or similar action  
 503 restricting a customer's or member's account access was due to  
 504 one or more of the following:

505       (a) The customer or member initiated the change in access;

506       (b) There is a lack of activity in the account; or

507       (c) The account is presumed unclaimed property pursuant to  
 508 chapter 717.

509       (3) Upon receipt of a customer's or member's complaint  
 510 under subsection (1):

511       (a) Within 30 calendar days, the office must notify the  
 512 financial institution that a complaint has been filed.

513       (b) Within 30 calendar days after receiving the notice  
 514 from the office, the financial institution must file with the  
 515 office a termination-of-access report containing such  
 516 information as the commission requires by rule.

517       (c) Within 90 calendar days after receiving the  
 518 termination-of-access report from the financial institution, the  
 519 office must investigate the financial institution's action and  
 520 determine whether the action was taken in bad faith as  
 521 substantiated by competent and substantial evidence that was  
 522 known or should have been known to the financial institution at  
 523 the time of the termination, suspension, or similar action  
 524 restricting a customer's or member's account access.

525       (d) Within 30 calendar days after making the determination

526 required under paragraph (c), the office must report to the  
527 Attorney General and the Chief Financial Officer the  
528 determination of a bad faith termination, suspension, or similar  
529 action restricting a customer's or member's account access. The  
530 report to the Attorney General must describe the findings of the  
531 investigation, provide a summary of the evidence, and state  
532 whether an alleged violation of the financial institutions codes  
533 by the financial institution occurred. Upon reporting to the  
534 Attorney General pursuant to this paragraph, the office must  
535 send a copy of the report to the customer or member by certified  
536 mail, return receipt requested.

537 (4) A financial institution's bad faith termination,  
538 suspension, or similar action restricting access to a customer's  
539 or member's account, as determined by the office pursuant to  
540 subsection (3), or a financial institution's failure to  
541 cooperate in an investigation conducted pursuant to subsection  
542 (3), including, without limitation, failure to timely file a  
543 termination-of-access report with the office, constitutes a  
544 violation of the financial institutions codes and subjects the  
545 financial institution to the applicable sanctions and penalties  
546 provided for in the financial institutions codes.

547 (5) The office shall provide any report filed pursuant to  
548 this section, or any information contained therein, to any  
549 federal, state, or local law enforcement or prosecutorial  
550 agency, and any federal or state agency responsible for the

551 regulation or supervision of financial institutions, if the  
552 provision of such report is otherwise required by law.

553 (6) If the office determines under subsection (3) that a  
554 financial institution has acted in bad faith, the aggrieved  
555 customer or member of the financial institution has a cause of  
556 action against the financial institution for damages and may  
557 recover damages therefor in any court of competent jurisdiction,  
558 together with costs and reasonable attorney fees to be assessed  
559 by the court. To recover damages under this subsection, the  
560 customer or member must establish that, beyond a reasonable  
561 doubt, the financial institution acted in bad faith in  
562 terminating, suspending, or taking similar action restricting  
563 access to the customer's or member's account. The office's  
564 determination that the financial institution has acted in bad  
565 faith pursuant to subsection (3) does not, in and of itself,  
566 establish beyond a reasonable doubt that the financial  
567 institution acted in bad faith in the termination, suspension,  
568 or similar action restricting access to the customer's or  
569 member's account. A customer's or member's failure to initiate a  
570 cause of action under this subsection within 12 months after the  
571 office's finding of bad faith pursuant to subsection (3) bars  
572 recovery of any filed claims thereafter.

573 (7) By July 1, 2024, the office shall make available on  
574 its website the information necessary for a customer or member  
575 of a financial institution to file a complaint with the office

576 | under subsection (1).

577 |       Section 13. Section 791.012, Florida Statutes, is amended  
578 | to read:

579 |       791.012 Minimum fireworks safety standards.—The outdoor  
580 | display of fireworks in this state shall be governed by the  
581 | National Fire Protection Association (NFPA) 1123, Code for  
582 | Fireworks Display, 2018 ~~1995~~ Edition, ~~approved by the American~~  
583 | ~~National Standards Institute~~. Any state, county, or municipal  
584 | law, rule, or ordinance may provide for more stringent  
585 | regulations for the outdoor display of fireworks, but in no  
586 | event may any such law, rule, or ordinance provide for less  
587 | stringent regulations for the outdoor display of fireworks. The  
588 | division shall promulgate rules to carry out the provisions of  
589 | this section. The Code for Fireworks Display shall not govern  
590 | the display of any fireworks on private, residential property  
591 | and shall not govern the display of those items included under  
592 | s. 791.01(4)(b) and (c) and authorized for sale thereunder.

593 |       Section 14. This act shall take effect July 1, 2024.