



Final Legislative Report 2019

PASSED

COURTS

**HB 337
SB 328**

**Rep. Leek
Sen. Brandes**

Expanding jurisdiction for county court in clerks' funding bill

Increases the jurisdictional amount for county court from \$15,000 to \$30,000 on January 1, 2020, and to \$50,000 on January 1, 2023. Until January 1, 2023, an appeal from a county court case with an amount in controversy is greater than \$15,000 shall be to the district court of appeal. After that, this provision is repealed. Low cost mediation in county court cases is only available for cases where the amount in controversy is less than \$15,000. Filing fee for county court cases with an amount in controversy greater than \$15,000 is set at \$395. Makes the attorney fee provisions of HB 7065, Assignment of Benefits, effective when that bill is signed. (Small Claims rules are expected to be amended to increase the amount for small claims.)

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-58](#)

Effective
July 1, 2019, except as noted

**HB 91
SB 462**

**Rep. Altman
Sen. Powell**

Addresses 4th DCA gap in *lis pendens*

Bill establishes that a recorded notice of *lis pendens* remains in effect until the recording of an instrument transferring title by judicial sale. Bill allows an intervenor in a foreclosure proceeding if the party moves to intervene within 30 days after recording the notice of *lis pendens* and the court grants the motion. On process serving, allows special and certified process servers to serve any non-enforceable civil process and out-of-state service may be by any person authorized to serve process in that state with the requirement that a person serving process out of state file and affidavit with certain information being removed from law. Process servers can sign return of service electronically and return of service must list all pleadings and documents served.

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-67](#)

Effective
June 7, 2019

**HB 409
SB 548**

**Rep. Perez &
Rep. J Grant
Sen. Brandes**

Making it easier to close on loans through electronic legal documents

Dubbed the Quicken Loans bill, an online lender, loans, and other transactions, can now be closed with an electronic notary procedure. Another supporter of the bill is Bequest, Inc., a Florida corporation that sells online legal forms and legal information. The bill provides that the Agency for State Technology create rules, in addition to the requirements for using this technology that are provided in the bill.

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-71](#)

Effective
January 1, 2020

INSURANCE ISSUES

**HB 7065
SB 122**

**Rep. Rommel
Sen. Broxson**

Assignment of benefits agreements legislative battle ends for now

Multi-year battle around assignment of benefits agreements reaches closure, at least for this session, with passage of this bill. The bill makes sweeping changes to insurance assignment agreements. Creating a new fee-shifting framework so insurers can recover fees in certain instances, are among the major changes. A synopsis of the political machinations can be read here: <https://floridapolitics.com/archives/294656-assignment-of-benefits-reform-clears-legislature>

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-57](#)

Effective
July 1, 2019, except the fee shifting provisions effective on May 2, 2019, pursuant to HB 337

**HB 925
SB 1690**

**Rep. Webb
Sen. Broxson**

Changes in home warranty coverage requirements

Home warranties must not exclude rust or corrosion unless the rust or corrosion is a contributing factor in the breakdown of the covered item. For home warranties covering HVAC systems which exclude replacement of components of the HVAC system for compatibility or efficiency requirements of the manufacturer, must disclose this conspicuously and provide contact for the consumer to add additional coverage.

Impact
Positive

Status
Signed by governor, Chapter No. [2019-87](#)

Effective
July 1, 2019

**HB 301
SB 714**

**Rep. Santiago
Sen. Brandes**

Addressing multiple issues on insurance in catch-all bill

Workers compensation applicants are not required to have their statements notarized; insured may not file a civil remedy within 60 days after an appraisal is invoked is intended to address *Cammarata v. State Farm* and the insurance industry argument of bad faith litigation; reduces the amount of premium that must be collected for motor vehicle insurance at the issuance of the policy; changes to surplus lines insurance may impact consumers if the changes prove to make it easier for surplus line insurers to compete with Florida's admitted market for high value personal residential homes; for motor vehicle salvage, titles may now be surrendered electronically.

Impact
Neutral

Status
Approved by governor, Chapter No. [2019-108](#)

Effective
July 1, 2019

VEHICLES/VESSELS

**HB 87
SB 234**

**Rep. Ponder
Sen. Baxley**

Transferring title after death

Currently, upon death of a spouse, the surviving spouse must supply a copy of the death certificate for transfer of title of a vehicle or vessel. The bill allows DHSMV and tax collectors to verify the necessary information through the electronic file of death records maintained by the Department of Health, in lieu of a death certificate, to verify the death of a motor vehicle or vessel registrant prior to transferring a motor vehicle registration or vessel title to the surviving spouse, new owner, or co-owner.

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-66](#)

Effective
July 1, 2019

**HB 475
SB 676**

**Rep. Williamson
Sen. Hooper**

Carfax for boats

Similar to how Carfax provides the history of a vehicle including any damage (or at least is supposed to), this bill provides a similar requirement for boats. Bill was promoted by the National Marine Manufacturers Association in their effort to protect both dealer, including small dealers, and consumers.

Impact
Neutral

Status
Signed by governor, Chapter No. [2019-76](#)

Effective
July 1, 2023

FEE SHIFTING

**HB 829
SB 1140**

**Rep Sabatini
Sen. Hutson**

Creates fee shifting attorney fees in suits against local government

The prevailing party is entitled to attorney fees and costs in an action challenging a local government ordinance as expressly pre-empted, with two exceptions: if the local government received written notice that an ordinance is expressly pre-empted and repeals or withdraws the ordinance within 30 days of receiving such notice.

Impact
The legislation will chill local government efforts to pass ordinances, which in many cases can be used to enhance consumer and tenant rights, increase minimum wage and other protections. In many cases pre-emption is not clear in state law; but the risk of litigation costs could mean local governments will avoid any risk by simply bypassing these types of ordinances.

Status
Signed by governor, Chapter No. [2019-151](#)

Effective
Effective July 1, 2019, but only to cases filed after that date.

FAILED**HIGH COST
LENDING****HB 469
SB 874****Rep. Fernandez-
Barquin
Sen. Rouson****Pilot program for loan carrying increased interest rate**

California lender Aura (formerly Insikt) sought legislation to increase the interest rate cap on Chapter 516 high cost installment loans from 30% to 36% per annum. The bill provided statutory underwriting and required credit reporting. The lending program also created the ability to privately contract with “access partners” who would sell the loans in Florida using a technology platform created by Aura.

Impact

This is the fifth year in a row we have led a coalition to successfully defeat this bill, saving consumers from paying more for what are already high cost loans. Contrary to proponents claims, consumers do not gain any benefits not already available to them.

Status

After passing out of committees in both houses, the bill language was amended onto an unrelated bill on the Senate floor and sent back to the House floor. The sponsor of the unrelated House bill refused the amendment to his bill and the House members agreed, thus killing the proposal for a fifth year.

FCCPA**HB 1037
SB 1034****Rep. Latvala
Sen. Gruters****Changes to assignment of debt sought**

Bill was an effort to amend sec. 559.715, Assignment of Debt, in a series of changes as the bill moved forward, most of which would have reduced notice to consumers of when a debt has been assigned. Ultimately the bill stalled due in large part to lack of consensus among a variety of stakeholders, including consumer advocates, bankers, and debt collectors. Proponents of the bill also stated a desire to wait and see the result of the CFPB efforts to amend the rules around debt collection.

HOUSING DISCRIMINATION

**SB 958
HB 565**

**Sen. Rouson
Rep. Williams &
Rep. Davis**

Impact

Sec. 559.715 is intended to provide consumers notice when a debt they are alleged to owe is assigned to another to be collected. By removing a timely notice to consumers of assignment of a debt, the bill risks placing all consumers in the untenable position of being prey for scammers.

Status

Heard in several committees in the Senate and House and then died in committee.

Loss of federal funding and failure to clarify state law

Effectively a glitch bill, this legislation would remove housing discrimination from the Florida Civil Rights Act, where administrative exhaustion of remedies is required. Housing discrimination would remain in the Florida Fair Housing Act, with no requirement of exhaustion of remedies. There would be no loss of protection for those claiming housing discrimination. The legislation is required for the continuation of federal funding since HUD maintains that Florida law is not substantially equivalent with federal law.

Impact

The issue of exhaustion of administrative remedies remains unclear with the Fourth DCA finding a requirement and the US District Court, Southern District, not finding an exhaustion requirement. The bill would clear up this discrepancy and bring Florida into alignment with federal law. It also results in the loss of federal funding annually.

Status

This bill has been filed multiple years in a row, passes initial committee hearings and then dies in committee.

June 30, 2019