

1 A bill to be entitled
2 An act relating to unclaimed property; amending s.
3 717.101, F.S.; providing definitions; amending ss.
4 717.106, 717.107, 717.109, and 717.116, F.S.; revising
5 criteria for presuming as unclaimed certain bank deposits
6 and funds in financial organizations, funds owing under
7 life insurance policies, funds held by business
8 associations, and property held in a safe-deposit box or
9 other safekeeping repository, respectively; amending s.
10 717.117, F.S.; revising reporting requirements for
11 unclaimed property; presuming certain accounts as
12 unclaimed under certain circumstances; amending s.
13 717.118, F.S.; providing requirements for notification of
14 apparent owners of unclaimed property; amending s.
15 717.119, F.S.; revising requirements for delivery of
16 certain unclaimed property; providing penalties for late
17 deliveries; amending s. 717.1201, F.S.; revising certain
18 holder payment and repayment requirements; amending s.
19 717.122, F.S.; revising certain public sale requirements;
20 authorizing the Department of Financial Services to deduct
21 certain auction fees, costs, and expenses; prohibiting
22 actions or proceedings against the department for certain
23 decisions relating to auctions of unclaimed property;
24 specifying that certain sales of unclaimed property are
25 not subject to the sales tax; amending s. 717.123, F.S.;
26 increasing a maximum amount of funds the department may
27 retain from certain funds received; amending s. 717.124,
28 F.S.; providing additional requirements for filing
29 unclaimed property claims; providing for the return or

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30 withdrawal of certain claims under certain circumstances;
31 specifying a time period for department determination of
32 claims; authorizing the department to deny claims under
33 certain circumstances; specifying an exclusive remedy for
34 subsequent claimants; revising requirements for a power of
35 attorney; requiring direct delivery of safe-deposit boxes
36 under certain circumstances; revising payment of fees and
37 costs requirements; creating s. 717.12403, F.S.; providing
38 presumptions for certain unclaimed demand, savings, or
39 checking accounts in financial institutions with more than
40 one beneficiary; creating s. 717.12404, F.S.; providing
41 requirements for claims for property reported in the name
42 of a dissolved corporation; creating s. 717.12405, F.S.;
43 providing requirements; for claims by estates; amending s.
44 717.1241, F.S.; revising requirements for remittance of
45 property subject to conflicting claims; amending s.
46 717.1242, F.S.; clarifying legislative intent relating to
47 filing certain claims; creating s. 717.1244, F.S.;
48 providing criteria for department determinations of
49 claims; amending s. 717.126, F.S.; providing a criterion
50 for proof of entitlement; specifying venue in certain
51 unclaimed property actions; creating s. 717.1261, F.S.;
52 requiring a death certificate in claiming entitlement to
53 certain unclaimed property; creating s. 717.1262, F.S.;
54 requiring certain court documents in claiming entitlement
55 to certain unclaimed property; amending s. 717.1301, F.S.;
56 revising certain fee and expense requirements for
57 investigations or examinations; providing for interest on
58 such amounts under certain circumstances; amending s.

59 717.1311, F.S.; deleting a requirement to pay certain
 60 amounts for failing to maintain certain records; amending
 61 s. 717.1315, F.S.; clarifying a record retention
 62 requirement for owner representatives; amending s.
 63 717.132, F.S.; specifying criteria for certain corrective
 64 actions; creating s. 717.1322, F.S.; specifying grounds
 65 for certain disciplinary actions; providing for certain
 66 disciplinary actions; amending s. 717.133, F.S.; deleting
 67 authorization for the department to enter into certain
 68 contracts for certain purposes; creating s. 717.1331,
 69 F.S.; providing for department actions against certain
 70 lienholders under certain circumstances; creating s.
 71 717.1332, F.S.; authorizing the department to enter into
 72 certain audit or examination contracts; exempting
 73 contingency fee contracts from certain competitive
 74 solicitation requirements; creating s. 717.1333, F.S.;
 75 providing for admitting certain documents into evidence in
 76 certain actions; amending s. 717.134, F.S.; authorizing
 77 the department to impose and collect penalties for failing
 78 to report certain information; authorizing the department
 79 waive such penalties under certain circumstances; creating
 80 s. 717.1341, F.S.; prohibiting receipt of unentitled
 81 unclaimed property; providing for liability for such
 82 property under certain circumstances; authorizing the
 83 department to maintain certain civil or administrative
 84 actions; providing for fines, costs, and attorney fees;
 85 prohibiting filing claims for unentitled unclaimed
 86 property; providing criminal penalties; amending s.
 87 717.135, F.S.; revising requirements for agreements to

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88 recover certain property; providing an agreement form;
 89 creating s. 717.1351, F.S.; providing requirements for
 90 acquisition of unclaimed property by certain persons;
 91 providing certain contract requirements; providing a
 92 contract form; creating s. 717.1400, F.S.; providing
 93 requiring certain licensed persons to register with the
 94 department for certain purposes; providing registration
 95 requirements; providing for denial of registration under
 96 certain circumstances; providing registration limitations;
 97 amending s. 212.02, F.S.; revising a definition to
 98 conform; amending ss. 322.142 and 395.3025, F.S. ;
 99 providing for disclosure of certain confidential
 100 information to the department under certain circumstances;
 101 providing an effective date.

102

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

104

105 Section 1. Subsection (15) of section 717.101, Florida
 106 Statutes, is renumbered as subsection (16) and amended,
 107 subsections (5) through (18) are renumbered as subsections (6)
 108 through (19), respectively, present subsection (19) is
 109 renumbered as subsection (21), and new subsections (5) and (20)
 110 are added to said section, to read:

111 717.101 Definitions.--As used in this chapter, unless the
 112 context otherwise requires:

113 (5) "Claimant" means the person on whose behalf a claim is
 114 filed.

115 (16)~~(15)~~ "Owner" means a depositor in the case of a
 116 deposit, a beneficiary in case of a trust or ~~or other than~~ a

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117 deposit in trust, ~~a claimant~~, or a payee in the case of other
 118 intangible property, or a person having a legal or equitable
 119 interest in property subject to this chapter or his or her legal
 120 representative.

121 (20) "Ultimate equitable owner" means a natural person
 122 who, directly or indirectly, owns or controls an ownership
 123 interest in a corporation, a foreign corporation, an alien
 124 business organization, or any other form of business
 125 organization, regardless of whether such natural person owns or
 126 controls such ownership interest through one or more natural
 127 persons or one or more proxies, powers of attorney, nominees,
 128 corporations, associations, partnerships, trusts, joint stock
 129 companies, or other entities or devices, or any combination
 130 thereof.

131 Section 2. Paragraphs (b), (d), (e), and (f) of subsection
 132 (1) of section 717.106, Florida Statutes, are amended to read:

133 717.106 Bank deposits and funds in financial
 134 organizations.--

135 (1) Any demand, savings, or matured time deposit with a
 136 banking or financial organization, including deposits that are
 137 automatically renewable, and any funds paid toward the purchase
 138 of shares, a mutual investment certificate, or any other
 139 interest in a banking or financial organization is presumed
 140 unclaimed unless the owner has, within 5 years:

141 (b) Communicated in writing or by telephone with the
 142 banking or financial organization concerning the property;

143 (d) Owned other property to which paragraph (a), paragraph
 144 (b), or paragraph (c) is applicable and if the banking or
 145 financial organization communicates in writing with the owner

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146 with regard to the property that would otherwise be presumed
 147 unclaimed under this subsection at the address to which
 148 communications regarding the other property regularly are sent;
 149 or

150 (e) Had another relationship with the banking or financial
 151 organization concerning which the owner has:

152 1. Communicated in writing with the banking or financial
 153 organization; or

154 2. Otherwise indicated an interest as evidenced by a
 155 memorandum or other record on file with the banking or financial
 156 organization and if the banking or financial organization
 157 communicates in writing with the owner with regard to the
 158 property that would otherwise be unclaimed under this subsection
 159 at the address to which communications regarding the other
 160 relationship regularly are sent; ~~or~~

161 ~~(f) Received first class mail from the banking or~~
 162 ~~financial organization or a subsidiary of such banking or~~
 163 ~~financial organization, which was not returned as undeliverable,~~
 164 ~~in the ordinary course of business at the address reflected in~~
 165 ~~the banking or financial organization's records.~~

166 Section 3. Subsection (1) of section 717.107, Florida
 167 Statutes, is amended to read:

168 717.107 Funds owing under life insurance policies.--

169 (1) Funds held or owing under any life or endowment
 170 insurance policy or annuity contract which has matured or
 171 terminated are presumed unclaimed if unclaimed for more than 5
 172 years after the funds became due and payable as established from
 173 the records of the insurance company holding or owing the funds,
 174 but property described in paragraph (3)(b) is presumed unclaimed

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175 if such property is not claimed for more than 2 years. The
 176 amount presumed unclaimed shall include any amount due and
 177 payable under s. 627.4615.

178 Section 4. Section 717.109, Florida Statutes, is amended
 179 to read:

180 717.109 Refunds held by business associations.--Except as
 181 ~~to the extent otherwise provided ordered by law the court or~~
 182 ~~administrative agency~~, any sum that a business association has
 183 been ordered to refund by a court or administrative agency which
 184 has been unclaimed by the owner for more than 1 year after it
 185 became payable in accordance with the final determination or
 186 order providing for the refund, regardless of whether the final
 187 determination or order requires any person entitled to a refund
 188 to make a claim for it, is presumed unclaimed.

189 Section 5. Section 717.116, Florida Statutes, is amended
 190 to read:

191 717.116 Contents of safe-deposit box or other safekeeping
 192 repository.--All tangible and intangible property held by a
 193 banking or financial organization in a safe-deposit box or any
 194 other safekeeping repository in this state in the ordinary
 195 course of the holder's business, and proceeds resulting from the
 196 sale of the property permitted by law, that has not been claimed
 197 by the owner for more than 3 years after the lease or rental
 198 period on the box or other repository has expired are presumed
 199 unclaimed.

200 Section 6. Subsections (1), (3), and (4) of section
 201 717.117, Florida Statutes, are amended to read:

202 717.117 Report of unclaimed property.--

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203 (1) Every person holding funds or other property, tangible
 204 or intangible, presumed unclaimed and subject to custody as
 205 unclaimed property under this chapter shall report to the
 206 department on such forms as the department may prescribe by
 207 rule. In lieu of forms, any the holder of unclaimed property
 208 belonging to 25 or more apparent owners must ~~may~~ submit the
 209 required information via electronic medium as the department may
 210 prescribe by rule. The report must include:

211 (a) Except for traveler's checks and money orders, the
 212 name, social security number or taxpayer identification number,
 213 and date of birth, if known, and last known address, if any, of
 214 each person appearing from the records of the holder to be the
 215 owner of any property which is presumed unclaimed and which has
 216 a value of \$50 or more.

217 (b) For unclaimed funds which have a value of \$50 or more
 218 held or owing under any life or endowment insurance policy or
 219 annuity contract, the full name, taxpayer identification number
 220 or social security number, date of birth, if known, and last
 221 known address of the insured or annuitant and of the beneficiary
 222 according to records of the insurance company holding or owing
 223 the funds.

224 (c) For all tangible property held in a safe-deposit box
 225 or other safekeeping repository, a description of the property
 226 and the place where the property is held and may be inspected by
 227 the department, and any amounts owing to the holder. Contents of
 228 a safe-deposit box or other safekeeping repository which consist
 229 of documents or writings of a private nature and which have
 230 little or no apparent value shall not be presumed unclaimed.

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231 (d) The nature and identifying number, if any, or
 232 description of the property and the amount appearing from the
 233 records to be due. Items of value under \$50 each may be reported
 234 in the aggregate.

235 (e) The date the property became payable, demandable, or
 236 returnable, and the date of the last transaction with the
 237 apparent owner with respect to the property.

238 (f) Any person or business association or public
 239 corporation ~~entity~~ holding funds presumed unclaimed and having a
 240 total value of \$10 or less may file a zero balance report for
 241 that reporting period. The balance brought forward to the new
 242 reporting period is zero.

243 (g) Such other information as the department may prescribe
 244 by rule as necessary for the administration of this chapter.

245 (h) Credit balances, customer overpayments, security
 246 deposits, and refunds having a value of less than \$10 shall not
 247 be presumed unclaimed.

248 (3) The report must be filed before May 1 of each year.
 249 Such report shall apply to the preceding calendar year. ~~If such~~
 250 ~~report is not filed on or before the applicable filing date, the~~
 251 ~~holder shall pay to~~ The department may impose and collect a
 252 penalty of \$10 per day up to a maximum of ~~for each day the~~
 253 ~~report is delinquent, but such penalty shall not exceed \$500~~ for
 254 the failure to timely report or the failure to include in a
 255 report information required by this chapter. The penalty shall
 256 be remitted to the department within 30 days after the date of
 257 the notification to the holder that the penalty is due and
 258 owing. As necessary for proper administration of this chapter,
 259 the department may waive any penalty due with appropriate

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260 justification. On written request by any person required to file
 261 a report and upon a showing of good cause, the department may
 262 postpone the reporting date. The department must provide
 263 information contained in a report filed with the department to
 264 any person requesting a copy of the report or information
 265 contained in a report, to the extent the information requested
 266 is not confidential, within 90 days after the report has been
 267 processed and added to the unclaimed property data base
 268 subsequent to a determination that the report is accurate and
 269 that the reported property is the same as the remitted property.

270 (4) Holders of inactive accounts having a value of \$50 or
 271 more shall use due diligence to locate apparent owners.

272 (a) When an owner's account becomes inactive, the holder
 273 shall conduct at least one search for the apparent owner using
 274 due diligence. For purposes of this section, ~~except for banks,~~
 275 ~~credit unions, and state or federal savings associations,~~ an
 276 account is inactive if 2 years have transpired after the last
 277 owner-initiated account activity, if 2 years have transpired
 278 after the expiration date on the instrument or contract, or if 2
 279 years have transpired since first-class mail has been returned
 280 as undeliverable. ~~With respect to banks, credit unions, and~~
 281 ~~state or federal savings associations, an account is inactive if~~
 282 ~~2 years have transpired after the last owner-initiated account~~
 283 ~~activity and first-class mail has been returned as undeliverable~~
 284 ~~or 2 years after the expiration date on the instrument or~~
 285 ~~contract and first-class mail has been returned as~~
 286 ~~undeliverable.~~

287 (b)1- Within 180 days after an account becomes inactive,
 288 the holder shall conduct a search to locate the apparent owner

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289 of the property. The holder may satisfy such requirement by
 290 conducting one annual search for the owners of all accounts
 291 which have become inactive during the prior year.

292 (c)2. Within 30 days after receiving updated address
 293 information, the holder shall provide notice by telephone or
 294 first-class mail to the current address notifying the apparent
 295 owner that the holder is in possession of property which is
 296 presumed unclaimed and may be remitted to the department. The
 297 notice shall also provide the apparent owner with the address or
 298 the telephone number of an office where the apparent owner may
 299 claim the property or reestablish the inactive account.

300 (d) The account shall be presumed unclaimed if the holder
 301 is not able to contact the apparent owner by telephone, the
 302 first-class mail notice is returned to the holder as
 303 undeliverable, or the apparent owner does not contact the holder
 304 in response to the first-class mail notice.

305 ~~(b) The claim of the apparent owner is not barred by the~~
 306 ~~statute of limitations.~~

307 Section 7. Section 717.118, Florida Statutes, is amended
 308 to read:

309 717.118 Notification of apparent owners ~~Notice and~~
 310 ~~publication of lists~~ of unclaimed property.--

311 (1) It is specifically recognized that the state has an
 312 obligation to make an effort to notify owners of unclaimed
 313 property in a cost-effective manner. In order to provide all the
 314 citizens of this state an effective and efficient program for
 315 the recovery of unclaimed property, the department shall use
 316 cost-effective means to make at least one active attempt to
 317 notify owners of unclaimed property accounts valued at more than

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318 \$100 with a reported address or taxpayer identification number
 319 ~~the existence of unclaimed property held by the department.~~ Such
 320 active attempt to notify locate apparent owners shall include
 321 any attempt by the department to directly contact the owner.
 322 Other means of notification, such as publication of the names of
 323 owners in the newspaper, on television, on the Internet, or
 324 through other promotional efforts and items in which the
 325 department does not directly attempt to contact the owner are
 326 expressly declared to be passive attempts. Nothing in this
 327 subsection precludes other agencies or entities of state
 328 government from notifying owners of the existence of unclaimed
 329 property or attempting to notify locate apparent owners of
 330 unclaimed property.

331 (2) ~~The following notification requirements shall apply:~~

332 (a) ~~Notifications that are published or televised may~~
 333 ~~consist of the names of apparent owners of unclaimed property,~~
 334 ~~and information regarding recovery of unclaimed property from~~
 335 ~~the department. Such notification may be televised or published~~
 336 ~~in the county in which the last known address of the apparent~~
 337 ~~owner is located or, if the address is unknown, in the county in~~
 338 ~~which the holder has its principal place of business. Published~~
 339 ~~notifications may be in accordance with s. 50.011.~~

340 (b) Notification provided directly to individual apparent
 341 owners shall consist of a description of the property and
 342 information regarding recovery of unclaimed property from the
 343 department.

344 (3) ~~The department may publish in the notice any items of~~
 345 ~~more than \$100.~~

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346 ~~(3)~~(4) This section is not applicable to sums payable on
 347 traveler's checks, money orders, and other written instruments
 348 presumed unclaimed under s. 717.104.

349 Section 8. Subsection (5) of section 717.119, Florida
 350 Statutes, is amended to read:

351 717.119 Payment or delivery of unclaimed property.--

352 (5) All intangible and tangible property held in a safe-
 353 deposit box or any other safekeeping repository reported under
 354 s. 717.117 shall not be delivered to the department until 120
 355 days after the report due date. The delivery of the property,
 356 through the United States mail or any other carrier, shall be
 357 insured by the holder at an amount equal to the estimated value
 358 of the property. Each package shall be clearly marked on the
 359 outside "Deliver Unopened." A holder's safe-deposit box contents
 360 shall be delivered to the department in a single shipment.

361 (a) Holders may remit the value of cash and coins found in
 362 unclaimed safe-deposit boxes to the department by cashier's
 363 check or by electronic funds transfer, unless the cash or coins
 364 have a value above face value. The department shall identify by
 365 rule those cash and coin items having a numismatic value. Cash
 366 and coin items identified as having a numismatic value shall be
 367 remitted to the department in their original form.

368 (b) Any firearm or ammunition found in an unclaimed safe-
 369 deposit box or any other safekeeping repository shall be
 370 delivered by the holder to a law enforcement agency for
 371 disposal. However, the department is authorized to make a
 372 reasonable attempt to ascertain the historical value to
 373 collectors of any firearm that has been delivered to the
 374 department. Any firearm appearing to have historical value to

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375 collectors may be sold by the department pursuant to s. 717.122
 376 to a person having a federal firearms license. Any firearm which
 377 is not sold pursuant to s. 717.122 shall be delivered by the
 378 department to a law enforcement agency in this state for
 379 disposal. The department shall not be administratively, civilly,
 380 or criminally liable for any firearm delivered by the department
 381 to a law enforcement agency in this state for disposal.

382 (c) If such property is not paid or delivered to the
 383 department on or before the applicable payment or delivery date,
 384 the holder shall pay to the department a penalty ~~of \$10~~ for each
 385 safe-deposit box shipment received late, ~~but such penalty shall~~
 386 ~~not exceed \$1,000.~~ The penalty shall be \$100 for a safe-deposit
 387 box shipment container that is late 30 days or less. Thereafter,
 388 the penalty shall be \$500 for a safe-deposit box shipment
 389 container that is late for each additional successive 30-day
 390 period. The penalty assessed against a holder for a late safe-
 391 deposit box shipment container shall not exceed \$4,000 annually.
 392 The penalty shall be remitted to the department within 30 days
 393 after the date of the notification to the holder that the
 394 penalty is due and owing.

395 (d) The department may waive any penalty due with
 396 appropriate justification, as provided by rule.

397 ~~(e) Upon written request by any person required to deliver~~
 398 ~~safe-deposit box contents, the department may postpone the~~
 399 ~~delivery.~~

400 Section 9. Subsection (2) of section 717.1201, Florida
 401 Statutes, is amended to read:

402 717.1201 Custody by state; holder relieved from liability;
 403 reimbursement of holder paying claim; reclaiming for owner;

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404 defense of holder; payment of safe-deposit box or repository
 405 charges.--

406 (2) Any holder who has paid money to the department
 407 pursuant to this chapter may make payment to any person
 408 appearing to ~~the holder to~~ be entitled to payment and, upon
 409 filing ~~proof of payment and~~ proof that the payee is ~~was~~ entitled
 410 thereto, the department shall forthwith repay ~~reimburse~~ the
 411 holder ~~for the payment~~ without deduction of any fee or other
 412 charges. If repayment ~~reimbursement~~ is sought for a payment made
 413 on a negotiable instrument, including a traveler's check or
 414 money order, the holder must be repaid ~~reimbursed~~ under this
 415 subsection upon filing proof that the instrument was duly
 416 presented and that the payee is ~~payment was made to a person who~~
 417 ~~appeared to the holder to~~ be entitled to payment. The holder
 418 shall be repaid ~~reimbursed~~ for payment made under this
 419 subsection even if the payment was made to a person whose claim
 420 was barred under s. 717.129(1).

421 Section 10. Subsections (1) and (3) of section 717.122,
 422 Florida Statutes, are amended, and subsection (5) is added to
 423 said section, to read:

424 717.122 Public sale of unclaimed property.--

425 (1) Except as provided in subsection (2), the department
 426 after the receipt of unclaimed property shall sell it to the
 427 highest bidder at public sale on the Internet or at a specified
 428 physical location wherever in the judgment of the department the
 429 most favorable market for the property involved exists. The
 430 department may decline the highest bid and reoffer the property
 431 for sale if in the judgment of the department the bid is
 432 insufficient. The department shall have the discretion to

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433 withhold from sale any unclaimed property that the department
 434 deems to be of benefit to the people of the state. If in the
 435 judgment of the department the probable cost of sale exceeds the
 436 value of the property, it need not be offered for sale and may
 437 be disposed of as the department determines appropriate. Any
 438 sale at a specified physical location held under this section
 439 must be preceded by a single publication of notice, at least 3
 440 weeks in advance of sale, in a newspaper of general circulation
 441 in the county in which the property is to be sold. The
 442 department shall proportionately deduct auction fees,
 443 preparation costs, and expenses from the amount posted to the
 444 owner's account when safe-deposit box contents are sold. No
 445 action or proceeding may be maintained against the department
 446 for or on account of any decision to decline the highest bid or
 447 withhold any unclaimed property from sale.

448 (3) Unless the department deems it to be in the public
 449 interest to do otherwise, all securities presumed unclaimed and
 450 delivered to the department may be sold upon receipt. Any person
 451 making a claim pursuant to this chapter is entitled to receive
 452 either the securities delivered to the department by the holder,
 453 if they still remain in the hands of the department, or the
 454 proceeds received from sale, ~~less any amounts deducted pursuant~~
 455 ~~to subsection (2),~~ but no person has any claim under this
 456 chapter against the state, the holder, any transfer agent, any
 457 registrar, or any other person acting for or on behalf of a
 458 holder for any appreciation in the value of the property
 459 occurring after delivery by the holder to the state.

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460 (5) The sale of unclaimed tangible personal property is
 461 not subject to tax under chapter 212 when such property is sold
 462 by or on behalf of the department pursuant to this section.

463 Section 11. Subsection (1) of section 717.123, Florida
 464 Statutes, is amended to read:

465 717.123 Deposit of funds.--

466 (1) All funds received under this chapter, including the
 467 proceeds from the sale of unclaimed property under s. 717.122,
 468 shall forthwith be deposited by the department in the Unclaimed
 469 Property Trust Fund. The department shall retain, from funds
 470 received under this chapter, an amount not exceeding \$15 ~~\$8~~
 471 million from which the department shall make prompt payment of
 472 claims allowed by the department and shall pay the costs
 473 incurred by the department in administering and enforcing this
 474 chapter. All remaining funds received by the department under
 475 this chapter shall be deposited by the department into the State
 476 School Fund.

477 Section 12. Section 717.124, Florida Statutes, is amended
 478 to read:

479 717.124 Unclaimed property claims ~~Filing of claim with~~
 480 ~~department~~.--

481 (1) Any person, excluding another state, claiming an
 482 interest in any property paid or delivered to the department
 483 under this chapter may file with the department a claim on a
 484 form prescribed by the department and verified by the claimant
 485 or the claimant's representative. The claimant's representative
 486 must be an attorney licensed to practice law in this state, a
 487 licensed Florida-certified public accountant, or a private
 488 investigator licensed under chapter 493. The claimant's

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489 representative must be registered with the department under this
 490 chapter. The claimant, or the claimant's representative, shall
 491 provide the department with a legible copy of a valid driver's
 492 license of the claimant at the time the original claim form is
 493 filed. If the claimant has not been issued a valid driver's
 494 license at the time the original claim form is filed, the
 495 department shall be provided with a legible copy of a
 496 photographic identification of the claimant issued by the United
 497 States or a foreign nation, a state or territory of the United
 498 States or foreign nation, or a political subdivision or agency
 499 thereof. Any claim filed without the required identification
 500 with the original claim form and the original power of attorney,
 501 if applicable, is void.

502 (a) Within 90 days after receipt of a claim, the
 503 department may return any claim that provides for the receipt of
 504 fees and costs greater than that permitted under this chapter or
 505 that contains any apparent errors or omissions. The department
 506 may also request that the claimant or the claimant's
 507 representative provide additional information. The department
 508 shall retain a copy or electronic image of the claim.

509 (b) A claimant or the claimant's representative shall be
 510 deemed to have withdrawn a claim if no response to the
 511 department's request for additional information is received by
 512 the department within 60 days after the notification of any
 513 apparent errors or omissions.

514 (c) Within 90 days after receipt of the claim, or the
 515 response of the claimant or the claimant's representative to the
 516 department's request for additional information, which ever is
 517 later, the department shall determine each claim ~~within 90 days~~

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518 ~~after it is filed.~~ Such determination shall contain a notice of
 519 rights provided by ss. 120.569 and 120.57. The 90-day period
 520 shall be extended by 60 days if the department has good cause to
 521 need additional time or if the unclaimed property:

522 1. Is owned by a person who has been a debtor in
 523 bankruptcy;

524 2. Was reported with an address outside of the United
 525 States;

526 3. Is being claimed by a person outside of the United
 527 States; or

528 4. Contains documents filed in support of the claim that
 529 are not in the English language and have not been accompanied by
 530 an English language translation.

531 (d) The department shall deny any claim under which the
 532 claimant's representative has refused to authorize the
 533 department to reduce the fees and costs to the maximum permitted
 534 under this chapter.

535 (2) A claim for a cashier's check or a stock certificate
 536 without the original instrument may require an indemnity bond
 537 equal to the value of the claim to be provided prior to issue of
 538 the stock or payment of the claim by the department.

539 (3) The department may require an affidavit swearing to
 540 the authenticity of the claim, lack of documentation, and an
 541 agreement to allow the department to provide the name and
 542 address of the claimant to subsequent claimants coming forward
 543 with substantiated proof to claim the account. This shall apply
 544 to claims equal to or less than \$250. The exclusive remedy of a
 545 subsequent claimant to the property shall be against the person
 546 who received the property from the department.

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547 (4)(a) Except as otherwise provided in this chapter, if a
 548 claim is determined in favor of the claimant, the department
 549 shall deliver or pay over to the claimant the property or the
 550 amount the department actually received or the proceeds if it
 551 has been sold by the department, together with any additional
 552 amount required by s. 717.121.

553 ~~(b)(5)(a)~~ If an owner authorizes an attorney licensed to
 554 practice law in this state, Florida-certified public accountant,
 555 or private investigator licensed under chapter 493, and
 556 registered with the department under this chapter, ~~investigative~~
 557 ~~agency which is duly licensed to do business in this state to~~
 558 claim the unclaimed property on the owner's behalf, the
 559 department is authorized to make distribution of the property or
 560 money in accordance with such power of attorney. The original
 561 power of attorney must be executed by the owner and must be
 562 filed with the department.

563 ~~(c)(b)1.~~ Payments of approved claims for unclaimed cash
 564 accounts shall be made to the owner after deducting any fees and
 565 costs authorized pursuant to a written power of attorney. The
 566 contents of a safe-deposit box shall be delivered directly to
 567 the claimant notwithstanding any agreement to the contrary.

568 2. Payments of fees and costs authorized pursuant to a
 569 written power of attorney for approved ~~each~~ claims shall be made
 570 or issued ~~forwarded~~ to the law firm employer of the designated
 571 attorney licensed to practice law in this state, the public
 572 accountancy firm employer of the licensed Florida-certified
 573 public accountant, or the designated employing private
 574 investigative agency licensed by this state. Such payments shall
 575 ~~may~~ be made by electronic funds transfer and may be made on such

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576 periodic schedule as the department may define by rule, provided
 577 the payment intervals do not exceed 31 days.

578 ~~3. Payments of approved claims for unclaimed securities~~
 579 ~~and other intangible ownership interests made to an attorney,~~
 580 ~~Florida-certified public accountant, or private investigative~~
 581 ~~agency shall be promptly deposited into a trust or escrow~~
 582 ~~account which is regularly maintained by the attorney, Florida-~~
 583 ~~certified public accountant, or the private investigative agency~~
 584 ~~in a financial institution authorized to accept such deposits~~
 585 ~~and located in this state.~~

586 ~~(c) Distribution of unclaimed property by the attorney,~~
 587 ~~Florida-certified public accountant, or private investigative~~
 588 ~~agency to the claimant shall be made within 10 days following~~
 589 ~~final credit of the deposit into the trust or escrow account at~~
 590 ~~the financial institution, unless a party to the agreement~~
 591 ~~protests in writing such distribution before it is made.~~

592 (5)~~(6)~~ The department shall not be administratively,
 593 civilly, or criminally liable for any property or funds
 594 distributed pursuant to this section, provided such distribution
 595 is made in good faith.

596 (6) This section does not supersede the licensing
 597 requirements of chapter 493.

598 Section 13. Section 717.12403, Florida Statutes, is
 599 created to read:

600 717.12403 Unclaimed demand, savings, or checking account
 601 in a financial institution held in the name of more than one
 602 person.--

603 (1)(a) If an unclaimed demand, savings, or checking
 604 account in a financial institution is reported as an "and"

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605 account in the name of two or more persons who are not
606 beneficiaries, it is presumed that each person must claim the
607 account in order for the claim to be approved by the department.
608 This presumption may be rebutted by showing that entitlement to
609 the account has been transferred to another person or by clear
610 and convincing evidence demonstrating that the account should
611 have been reported by the financial institution as an "or"
612 account.

613 (b) If an unclaimed demand, savings, or checking account
614 in a financial institution is reported as an "and" account and
615 one of the persons on the account is deceased, it is presumed
616 that the account is a survivorship account. This presumption may
617 be rebutted by showing that entitlement to the account has been
618 transferred to another person or by clear and convincing
619 evidence demonstrating that the account is not a survivorship
620 account.

621 (2) If an unclaimed demand, savings, or checking account
622 in a financial institution is reported as an "or" account in the
623 name of two or more persons who are not beneficiaries, it is
624 presumed that either person listed on the account may claim the
625 entire amount held in the account. This presumption may be
626 rebutted by showing that entitlement to the account has been
627 transferred to another person or by clear and convincing
628 evidence demonstrating that the account should have been
629 reported by the financial institution as an "and" account.

630 (3) If an unclaimed demand, savings, or checking account
631 in a financial institution is reported in the name of two or
632 more persons who are not beneficiaries without identifying
633 whether the account is an "and" account or an "or" account, it

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634 is presumed that the account is an "or" account. This
 635 presumption may be rebutted by showing that entitlement to the
 636 account has been transferred to another person or by clear and
 637 convincing evidence demonstrating that the account should have
 638 been reported by the financial institution as an "and" account.

639 (4) The department shall be deemed to have made a
 640 distribution in good faith if the department remits funds
 641 consistent with this section.

642 Section 14. Section 717.12404, Florida Statutes, is
 643 created to read:

644 717.12404 Claims for property reported in the name of a
 645 dissolved corporation.--

646 (1) Claims for property reported in the name of a
 647 dissolved corporation, the last annual report of which is not
 648 available from the Department of State through the Internet,
 649 shall be accompanied by a microfiche copy of the records on file
 650 with the Department of State or, if the dissolved corporation
 651 has not made a corporate filing with the Department of State, a
 652 duly authenticated copy of the last corporate filing identifying
 653 the officers and directors from the appropriate authorized
 654 official of the state of incorporation shall be filed with the
 655 claim.

656 (2) Claims for property reported in the name of a
 657 dissolved corporation must be made by a majority of the then
 658 living officers and directors identified on the last corporate
 659 filing with the Department of State or, if the dissolved
 660 corporation has not made a corporate filing with the Department
 661 of State, with the appropriate authorized official of the state
 662 of incorporation. Prima facie evidence that an officer or

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663 director of the dissolved corporation is deceased must include a
 664 copy of the death certificate of the decedent that has been
 665 certified as being authentic by the issuing governmental agency.

666 Section 15. Section 717.12405, Florida Statutes, is
 667 created to read:

668 717.12405 Claims by estates.--An estate or any person
 669 representing an estate or acting on behalf of an estate may
 670 claim unclaimed property only after the heir or legatee of the
 671 decedent entitled to the property has been located. Any estate,
 672 or any person representing an estate or acting on behalf of an
 673 estate, that receives unclaimed property before the heir or
 674 legatee of the decedent entitled to the property has been
 675 located, is personally liable for the unclaimed property and
 676 must immediately return the full amount of the unclaimed
 677 property or the value thereof to the department in accordance
 678 with s. 717.1341. This section applies to unclaimed property
 679 claimed prior to, on, or subsequent to the effective date of
 680 this section.

681 Section 16. Subsection (1) of section 717.1241, Florida
 682 Statutes, is amended, and subsection (3) is added to said
 683 section, to read:

684 717.1241 Conflicting claims.--

685 (1) ~~When ownership has been established but~~ conflicting
 686 claims have been received by the department, the property shall
 687 be remitted as follows, notwithstanding the withdrawal of a
 688 claim to the:

689 (a) As between an owner and an owner's representative:

690 1. To the person submitting the first claim that is
 691 complete or made complete ~~received by the department; or~~

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692 2. If an owner's claim and an owner's representative's
 693 claim are received by the department on the same day and both
 694 claims are complete, to the owner;

695 (b) As between two or more owner's representatives, to the
 696 owner's representative who has submitted the first claim that is
 697 complete or made complete ~~Owner if an owner's claim and an~~
 698 ~~owner's representative's claim are received by the department on~~
 699 ~~the same day; or~~

700 (c) As between two or more owner's representatives whose
 701 claims were complete on the same day, to the owner's
 702 representative who has agreed to receive the lowest fee. If two
 703 or more owner's representatives whose claims were complete on
 704 the same day are charging the same lowest fee, the fees shall be
 705 divided equally between the owner's representatives ~~Owner's~~
 706 ~~representative who has the earliest dated contract with the~~
 707 ~~owner if claims by two or more owner's representatives are~~
 708 ~~received by the department on the same day.~~

709 (3) A claim is complete when entitlement to the unclaimed
 710 property has been established.

711 Section 17. Subsection (1) of section 717.1242, Florida
 712 Statutes, is amended to read:

713 717.1242 Restatement of jurisdiction of the circuit court
 714 sitting in probate and the department.--

715 (1) It is and has been the intent of the Legislature that,
 716 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 717 proceedings relating to the settlement of the estates of
 718 decedents and other jurisdiction usually pertaining to courts of
 719 probate. It is and has been the intent of the Legislature that,
 720 pursuant to s. 717.124, the department determines the merits of

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721 claims for property paid or delivered to the department under
 722 this chapter. Consistent with this legislative intent, any
 723 estate or beneficiary, as defined in s. 731.201, ~~heir~~ of an
 724 estate seeking to obtain property paid or delivered to the
 725 department under this chapter must file a claim with the
 726 department as provided in s. 717.124.

727 Section 18. Section 717.1244, Florida Statutes, is created
 728 to read:

729 717.1244 Determinations of unclaimed property claims.--In
 730 rendering a determination regarding the merits of an unclaimed
 731 property claim, the department shall rely on the applicable
 732 statutory, regulatory, common, and case law. Agency statements
 733 applying the statutory, regulatory, common, and case law to
 734 unclaimed property claims are not agency statements subject to
 735 s. 120.56(4).

736 Section 19. Section 717.126, Florida Statutes, is amended
 737 to read:

738 717.126 Administrative hearing; burden of proof; proof of
 739 entitlement; venue.--

740 (1) Any person aggrieved by a decision of the department
 741 may petition for a hearing as provided in ss. 120.569 and
 742 120.57. In any proceeding for determination of a claim to
 743 property paid or delivered to the department under this chapter,
 744 the burden shall be upon the claimant to establish entitlement
 745 to the property by a preponderance of evidence. Having the same
 746 name as that reported to the department is not sufficient to
 747 prove entitlement to unclaimed property.

748 (2) Unless otherwise agreed by the parties, venue shall be
 749 in Tallahassee, Leon County, Florida. However, upon the request

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750 of a party, the presiding officer may, in the presiding
 751 officer's discretion, conduct the hearing at an alternative
 752 remote video location.

753 Section 20. Section 717.1261, Florida Statutes, is created
 754 to read:

755 717.1261 Death certificates.--Any person who claims
 756 entitlement to unclaimed property by means of the death of one
 757 or more persons shall file a copy of the death certificate of
 758 the decedent or decedents that has been certified as being
 759 authentic by the issuing governmental agency.

760 Section 21. Section 717.1262, Florida Statutes, is created
 761 to read:

762 717.1262 Court documents.--Any person who claims
 763 entitlement to unclaimed property by reason of a court document
 764 shall file a certified copy of the court document with the
 765 department.

766 Section 22. Subsections (1) and (6) of section 717.1301,
 767 Florida Statutes, are amended to read:

768 717.1301 Investigations; examinations; subpoenas.--

769 (1) The department may make investigations and
 770 examinations within or outside this state of claims, reports,
 771 and other records ~~within or outside this state~~ as it deems
 772 necessary to administer and enforce the provisions of this
 773 chapter. In such investigations and examinations the department
 774 may administer oaths, examine witnesses, issue subpoenas, and
 775 otherwise gather evidence. The department may request any person
 776 who has not filed a report under s. 717.117 to file a verified
 777 report stating whether or not the person is holding any
 778 unclaimed property reportable or deliverable under this chapter.

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779 (6) If an investigation or an examination of the records
 780 of any person results in the disclosure of property reportable
 781 and deliverable under this chapter, the department may assess
 782 the cost of investigation or the examination against the holder
 783 at the rate of \$100 per 8-hour day for each ~~per~~ investigator or
 784 examiner. Such fee shall be calculated on an hourly basis and
 785 shall be rounded to the nearest hour. The person shall also pay
 786 the travel expense and per diem subsistence allowance provided
 787 for state employees in s. 112.061. The person shall not be
 788 required to pay a per diem fee and expenses of an examination or
 789 investigation which shall consume more than 30 worker-days in
 790 any one year unless such examination or investigation is due to
 791 fraudulent practices of the person, in which case such person
 792 shall be required to pay the entire cost regardless of time
 793 consumed. The fee shall be remitted to the department within 30
 794 days after the date of the notification that the fee is due and
 795 owing. Any person who fails to pay the fee within 30 days after
 796 the date of the notification that the fee is due and owing shall
 797 pay to the department interest at the rate of 12 percent per
 798 annum on such fee from the date of the notification.

799 Section 23. Subsection (3) of section 717.1311, Florida
 800 Statutes, is amended to read:

801 717.1311 Retention of records.--

802 ~~(3) If a holder fails to maintain the records required by~~
 803 ~~this section and the records of the holder which are available~~
 804 ~~for the periods subject to this chapter are insufficient to~~
 805 ~~permit the preparation of a report, the holder shall be required~~
 806 ~~to report and pay such amounts as may reasonably be estimated~~
 807 ~~from any available records.~~

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808 Section 24. Subsection (2) of section 717.1315, Florida
 809 Statutes, is amended to read:

810 717.1315 Retention of records by owner's representative.--

811 (2) An owner's representative, operating at two or more
 812 places of business in this state, may maintain the books,
 813 accounts, and records of all such offices at any one of such
 814 offices, or at any other office maintained by such owner's
 815 representative, upon the filing of a written notice with the
 816 department designating in the written notice the office at which
 817 such records are maintained.

818 (3) An ~~However, the~~ owner's representative shall make all
 819 books, accounts, and records available at a convenient location
 820 in this state upon request of the department.

821 Section 25. Subsection (2) of section 717.132, Florida
 822 Statutes, is amended to read:

823 717.132 Enforcement; cease and desist orders;
 824 administrative fines.--

825 (2) In addition to any other powers conferred upon it to
 826 enforce and administer the provisions of this chapter, the
 827 department may issue and serve upon a person an order to cease
 828 and desist and to take corrective action whenever the department
 829 finds that such person is violating, has violated, or is about
 830 to violate any provision of this chapter, any rule or order
 831 promulgated under this chapter, or any written agreement entered
 832 into with the department. For purposes of this subsection, the
 833 term "corrective action" includes refunding excessive charges,
 834 requiring a person to return unclaimed property, requiring a
 835 holder to remit unclaimed property, and requiring a holder to
 836 correct a report that contains errors or omissions. Any such

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837 order shall contain a notice of rights provided by ss. 120.569
 838 and 120.57.

839 Section 26. Section 717.1322, Florida Statutes, is created
 840 to read:

841 717.1322 Grounds for disciplinary action.--

842 (1) The following acts are violations of this chapter and
 843 constitute grounds for the disciplinary actions specified in
 844 subsection (2):

845 (a) Failure to comply with any provision of this chapter,
 846 any rule or order adopted pursuant to this chapter, or any
 847 written agreement entered into with the department.

848 (b) Fraud, misrepresentation, deceit, or gross negligence
 849 in any matter within the jurisdiction of the department.

850 (c) Fraudulent misrepresentation, circumvention, or
 851 concealment of any matter required to be stated or furnished to
 852 an owner or apparent owner pursuant to this chapter, regardless
 853 of reliance by or damage to the owner or apparent owner.

854 (d) Imposition of illegal or excessive charges in any
 855 unclaimed property transaction.

856 (e) False, deceptive, or misleading solicitation or
 857 advertising.

858 (f) Failure to maintain, preserve, and keep available for
 859 examination, all books, accounts, or other documents required by
 860 this chapter, by any rule or order adopted pursuant to this
 861 chapter, or by any agreement entered into with the department.

862 (g) Refusal to permit inspection of books and records in
 863 an investigation or examination by the department or refusal to
 864 comply with a subpoena issued by the department.

865 (h) Criminal conduct in the course of a person's business.

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866 (i) Failure to timely pay any fee, charge, or fine imposed
 867 or assessed pursuant to this chapter or any rule adopted under
 868 this chapter.

869 (j) For compensation or gain or in the expectation of
 870 compensation or gain, filing a claim for unclaimed property
 871 owned by another unless such person is a registered attorney
 872 licensed to practice law in this state, registered Florida-
 873 certified public accountant, or a registered private
 874 investigator licensed under chapter 493. This subsection shall
 875 not apply to a person who has been granted a durable power of
 876 attorney to convey and receive all of the real and personal
 877 property of the owner, is the court-appointed guardian of the
 878 owner, has been employed as an attorney or qualified
 879 representative to contest the department's denial of a claim, or
 880 has been employed as an attorney to probate the estate of the
 881 owner or an heir or legatee of the owner.

882 (k) Commission of fraud, misrepresentation, concealment,
 883 dishonest dealing by trick, scheme, or device, culpable
 884 negligence, or breach of trust in any business transaction in
 885 any state, nation, or territory; or aiding, assisting, or
 886 conspiring with any other person engaged in any such misconduct
 887 and in furtherance thereof.

888 (l) Failing to maintain the required net worth or surety
 889 bond.

890 (m) Failing to authorize the release of records in the
 891 possession of a third party after being requested to do so by
 892 the department regarding a pending examination or investigation.

893 (n) Receiving or soliciting consideration to be paid in
 894 advance of the approval of a claim under this chapter.

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895 (2) Upon a finding by the department that any person has
 896 committed any of the acts set forth in subsection (1), the
 897 department may enter an order:

898 (a) Denying a registration pursuant to this chapter based
 899 on an act that occurred before, on or after the effective date
 900 of this section;

901 (b) Revoking or suspending a registration previously
 902 granted pursuant to this chapter;

903 (c) Placing a registrant or an applicant for a
 904 registration on probation for a period of time and subject to
 905 such conditions as the department may specify;

906 (d) Placing permanent restrictions or conditions upon
 907 issuance or maintenance of a registration pursuant to this
 908 chapter;

909 (e) Issuing a reprimand;

910 (f) Imposing an administrative fine not to exceed \$2,000
 911 for each such act; or

912 (g) Prohibiting any person from being an agent, employee,
 913 or ultimate equitable owner of a registrant.

914 (3) In addition to the acts specified in subsection (1),
 915 the following shall be grounds for revocation, suspension, or
 916 restriction of a registration previously granted:

917 (a) A material misstatement of fact in an application for
 918 a registration;

919 (b) Having a license, registration, or the equivalent, to
 920 practice any profession or occupation denied, suspended,
 921 revoked, or otherwise acted against by a licensing authority in
 922 any jurisdiction for fraud, dishonest dealing, or any act of
 923 moral turpitude;

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924 (c) Pleading nolo contendere to, or having been convicted
 925 or found guilty of, a crime involving fraud, dishonest dealing,
 926 or any act of moral turpitude, regardless of whether
 927 adjudication is withheld; or

928 (d) Being insolvent or having a demonstrated lack of
 929 honesty or financial responsibility.

930 (4) A person is subject to the disciplinary actions
 931 specified in subsection (2) for violations of subsection (1) by
 932 an agent or employee of such person.

933 (5) A person who has designated an agent or employee to
 934 act on his or her behalf is subject to the disciplinary actions
 935 specified in subsection (2) for violations of subsection (1) by
 936 a designated agent or designated employee.

937 Section 27. Subsection (5) of section 717.133, Florida
 938 Statutes, is amended to read:

939 717.133 Interstate agreements and cooperation; joint and
 940 reciprocal actions with other states.--

941 ~~(5) As necessary for proper administration of this~~
 942 ~~chapter, the department may enter into contracts for the~~
 943 ~~location or collection of property subject to payment or~~
 944 ~~delivery to the department under this chapter.~~

945 Section 28. Section 717.1331, Florida Statutes, is created
 946 to read:

947 717.1331 Actions against holders.--The department may
 948 initiate, or cause to be initiated, an action against a holder
 949 to recover unclaimed property. If the department prevails in a
 950 civil or administrative action to recover unclaimed property
 951 initiated by or on behalf of the department, the holder shall be

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952 ordered to pay the department reasonable costs and attorney's
 953 fees.

954 Section 29. Section 717.1332, Florida Statutes, is created
 955 to read:

956 717.1332 Services for auditing or examining holders of
 957 unclaimed property.--The department may enter into contracts to
 958 audit or examine holders of unclaimed property. Contingency fee
 959 contracts under this section are not subject to the competitive
 960 solicitation requirements of s. 287.057 provided the department
 961 enters into contingency fee contracts for the same fee with two
 962 or more providers.

963 Section 30. Section 717.1333, Florida Statutes, is created
 964 to read:

965 717.1333 Evidence; audit reports; examiner's worksheets,
 966 investigative reports, other related documents, and
 967 estimations.--

968 (1) In any proceeding under s. 120.569 or s. 120.57 in
 969 which an auditor, examiner, or investigator acting under
 970 authority of this chapter is available for cross-examination,
 971 any official written report, worksheet, or other related paper,
 972 or copy thereof, compiled, prepared, drafted, or otherwise made
 973 or received by the auditor, examiner, or investigator, after
 974 being duly authenticated by the auditor, examiner, or
 975 investigator, may be admitted as competent evidence upon the
 976 oath of the auditor, examiner, or investigator that the report,
 977 worksheet, or related paper was prepared or received as a result
 978 of an audit, examination, or investigation of the books and
 979 records of the person audited, examined, or investigated, or the
 980 agent thereof.

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981 (2) If the records of the holder that are available for
 982 the periods subject to this chapter are insufficient to permit
 983 the preparation of a report of the unclaimed property due and
 984 owing by a holder, the amount due may be reasonably estimated.

985 Section 31. Subsections (5) is added to section 717.134,
 986 Florida Statutes, to read:

987 717.134 Penalties and interest.--

988 (5) The department may impose and collect a penalty of
 989 \$500 per day up to a maximum of \$5,000 and 25 percent of the
 990 value of property willfully not reported with all of the
 991 information required by this chapter. Upon a holder's showing of
 992 good cause, the department may waive the penalty or any portion
 993 thereof. If the holder acted in good faith and without
 994 negligence, the department shall waive the penalty provided
 995 herein.

996 Section 32. Section 717.1341, Florida Statutes, is created
 997 to read:

998 717.1341 Invalid claims, recovery of property, interest
 999 and penalties.--

1000 (1)(a) No person shall receive unclaimed property that the
 1001 person is not entitled to receive. Any person who receives, or
 1002 assists another person to receive, unclaimed property that the
 1003 person is not entitled to receive is strictly, jointly,
 1004 personally, and severally liable for the unclaimed property and
 1005 shall immediately return the property, or the reasonable value
 1006 of the property if the property has been damaged or disposed of,
 1007 to the department plus interest at a rate of 12 percent per
 1008 annum of the value of the property. Assisting another person to
 1009 receive unclaimed property includes executing a claim form on

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1010 the person's behalf.

1011 (b)1. In the case of stocks or bonds which have been sold,
 1012 the proceeds from the sale shall be returned to the department
 1013 plus any dividends or interest received thereon plus an amount
 1014 equal to the brokerage fee plus interest at a rate of 12 percent
 1015 per annum on the proceeds from the sale of the stocks or bonds,
 1016 the dividends or interest received, and the brokerage fee.

1017 2. In the case of stocks or bonds which have not been
 1018 sold, the stocks or bonds and any dividends or interest received
 1019 thereon shall be returned to the department, together with
 1020 interest on the dividends or interest received, at a rate of 12
 1021 percent per annum of the value of the property.

1022 (2) The department may maintain a civil or administrative
 1023 action:

1024 (a) To recover unclaimed property that was paid or
 1025 remitted to a person who was not entitled to the unclaimed
 1026 property;

1027 (b) Against a person who assists another person in
 1028 receiving, or attempting to receive, unclaimed property that the
 1029 person is not entitled to receive; or

1030 (c) Against a person who attempts to receive unclaimed
 1031 property that the person is not entitled to receive.

1032 (3) If the department prevails in any proceeding under
 1033 subsection (2), a fine not to exceed three times the value of
 1034 the property received or sought to be received may be imposed on
 1035 any person who knowingly, or with reckless disregard or
 1036 deliberate ignorance of the truth, violated this section. If the
 1037 department prevails in a civil or administrative proceeding
 1038 under subsection (2), the person who violated subsection (1)

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1039 shall be ordered to pay the department reasonable costs and
 1040 attorney's fees.

1041 (4) No person shall knowingly file, knowingly conspire to
 1042 file, or knowingly assist in filing, a claim for unclaimed
 1043 property the person is not entitled to receive. Any person who
 1044 violates this subsection regarding unclaimed property of an
 1045 aggregate value:

1046 (a) Greater than \$50,000, is guilty of a felony of the
 1047 first degree, punishable as provided in s. 775.082, s. 775.083,
 1048 or s. 775.084;

1049 (b) Greater than \$10,000 up to \$50,000, is guilty of a
 1050 felony of the second degree, punishable as provided in s.
 1051 775.082, s. 775.083, or s. 775.084;

1052 (c) Greater than \$250 up to \$10,000, is guilty of a felony
 1053 of the third degree, punishable as provided in s. 775.082, s.
 1054 775.083, or s. 775.084;

1055 (d) Greater than \$50 up to \$250, is guilty of a
 1056 misdemeanor of the first degree, punishable as provided in s.
 1057 775.082 or s. 775.083; or

1058 (e) Up to \$50, is guilty of a misdemeanor of the second
 1059 degree, punishable as provided in s. 775.082 or s. 775.083.

1060 Section 33. Section 717.135, Florida Statutes, is amended
 1061 to read:

1062 717.135 Agreement to recover ~~locate~~ reported property in
 1063 the custody of the department.--

1064 (1) All agreements between a claimant's ~~an owner's~~
 1065 representative and a claimant ~~an owner~~ for compensation to
 1066 recover or assist in the recovery of property reported to the

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1067 department under s. 717.117 shall be in 11-point type or greater
 1068 and either:

1069 (a) Limit the fees and costs for services ~~for each owner~~
 1070 ~~contract to \$25 for all contracts relating to unclaimed property~~
 1071 ~~with a dollar value below \$250. For all contracts relating to~~
 1072 ~~unclaimed property with a dollar value of \$250 and above, fees~~
 1073 ~~shall be limited to 20 15 percent per unclaimed~~ on property
 1074 account held by the department ~~for 24 months or less and 25~~
 1075 ~~percent on property held by the department for more than 24~~
 1076 ~~months. Fees and costs~~ for cash accounts shall be based on the
 1077 value of the property at the time the agreement for recovery is
 1078 signed by the claimant ~~apparent owner~~. Fees and costs for
 1079 accounts containing securities or other intangible ownership
 1080 interests, which securities or interests are not converted to
 1081 cash, shall be based on the purchase price of the security as
 1082 quoted on a national exchange or other market on which the
 1083 property ownership interest is regularly traded at the time the
 1084 securities or other ownership interest is remitted to the
 1085 claimant ~~owner~~ or the claimant's ~~owner's~~ representative. Fees
 1086 and costs for tangible property or safe-deposit box accounts
 1087 shall be based on the value of the tangible property or contents
 1088 of the safe-deposit box at the time the ownership interest is
 1089 transferred or remitted to the claimant ~~owner or the owner's~~
 1090 ~~representative; or~~

1091 (b) Disclose, on such form as the department shall
 1092 prescribe by rule, that the property is held by the Bureau of
 1093 Unclaimed Property of the Department of Financial Services
 1094 pursuant to this chapter, the person or name of the entity that
 1095 held the property prior to the property becoming unclaimed, the

CODING: Words **stricken** are deletions; words **underlined** are additions.

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1096 date of the holder's last contact with the owner, if known, and
 1097 the approximate value of the property, and identify which of the
 1098 following categories of unclaimed property the owner's
 1099 representative is seeking to recover, as reported by the holder:

- 1100 1. Cash accounts.
- 1101 2. Stale dated checks.
- 1102 3. Life insurance or annuity contract assets.
- 1103 4. Utility deposits.
- 1104 5. Securities or other interests in business associations.
- 1105 6. Wages.
- 1106 7. Accounts receivable.
- 1107 8. Contents of safe-deposit boxes.

1108
 1109 Such disclosure shall be on a page signed and dated by the
 1110 person asserting entitlement to the unclaimed property ~~However,~~
 1111 ~~this section shall not apply to contracts made in connection~~
 1112 ~~with guardianship proceedings or the probate of an estate.~~

1113 (2)(a) Agreements for recovery of cash accounts shall
 1114 state the value of the unclaimed property, the unclaimed
 1115 property account number, and the percentage ~~dollar~~ value of the
 1116 unclaimed property account to be paid to the claimant ~~owner~~ and
 1117 shall also state the percentage ~~dollar~~ value of compensation to
 1118 be paid to the claimant's ~~owner's~~ representative.

1119 (b) Agreements for recovery of accounts containing
 1120 securities, safe-deposit box accounts, other intangible or
 1121 tangible ownership interests, or other types of accounts, except
 1122 cash accounts, shall state the unclaimed property account
 1123 number, the number of share of stock, if applicable, the
 1124 approximate value of the unclaimed property, and the percentage

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1125 value of compensation to be paid to the claimant's ~~owner's~~
 1126 representative.

1127 (c) All disclosures and agreements shall include the name,
 1128 address, and professional license number of the claimant's
 1129 ~~owner's~~ representative, and, if available, the taxpayer
 1130 identification number or social security number, address, and
 1131 telephone number of the claimant ~~owner~~. The original of all such
 1132 disclosures and agreements to pay compensation shall be signed
 1133 and dated by the claimant ~~owner~~ of the property and shall be
 1134 filed by the owner's representative with the claim form.

1135 (d) All agreements between a claimant's representative and
 1136 a claimant, who is a natural person, trust, or a dissolved
 1137 corporation, for compensation to recover or assist in the
 1138 recovery of property reported to the department under s. 717.117
 1139 must use the following form on 8 and 1/2 inch by 11 inch paper
 1140 with all of the text on one side of the paper and with the other
 1141 side of the paper left blank. The agreement must be accurately
 1142 completed and executed. No other writing or information shall be
 1143 printed on the agreement. The title of the agreement shall be in
 1144 bold 14-point type and underlined. The rest of the agreement
 1145 shall be in 10-point type or greater. All unclaimed property
 1146 accounts claimed must be identified on the agreement. The
 1147 agreement must state:

1148 RECOVERY AGREEMENT

1149 \$_____ = APPROXIMATE DOLLAR VALUE OF UNCLAIMED PROPERTY

1150 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

1151 APPLICABLE): _____

1152 PROPERTY ACCOUNT

1153 NUMBERS: _____

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1154 _____
 1155 =
 1156 _____ PERCENT TO BE PAID AS COMPENSATION TO THE
 1157 CLAIMANT'S REPRESENTATIVE
 1158 \$ _____ = NET AMOUNT TO BE PAID TO CLAIMANT
 1159 \$ _____ = AMOUNT TO BE PAID TO CLAIMANT'S REPRESENTATIVE
 1160 THIS AGREEMENT is
 1161 between: _____
 1162 (hereinafter, CLAIMANT)
 1163 and _____
 1164 (hereinafter, CLAIMANT'S REPRESENTATIVE) who agree to the
 1165 following:
 1166 (1) As consideration for the research efforts in locating
 1167 and identifying assets due to the CLAIMANT and for assistance in
 1168 procuring payment of the assets to the CLAIMANT, the CLAIMANT
 1169 authorizes the government to pay to the CLAIMANT'S
 1170 REPRESENTATIVE a fee of _____ percent of all assets
 1171 recovered. NO FEES ARE TO BE PAID IN ADVANCE.
 1172 (2) I have read this agreement and in consideration
 1173 thereof, do hereby grant the CLAIMANT'S REPRESENTATIVE a limited
 1174 power of attorney to demand, collect, recover and receive the
 1175 above compensation from the government in accordance with this
 1176 agreement.
 1177 (3) IT IS HEREBY ACKNOWLEDGED BY ALL PARTIES TO THIS
 1178 AGREEMENT THAT UNLESS THESE ASSETS ARE RECOVERED, NO FEES, NO
 1179 COSTS OR CHARGES ARE DUE TO THE CLAIMANT'S REPRESENTATIVE, ITS
 1180 AGENTS OR ATTORNEYS, AND THIS AGREEMENT WILL BECOME NULL AND
 1181 VOID.
 1182 Original Signature of

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1183 CLAIMANT: _____
 1184 DATE: _____
 1185 CLAIMANT'S Social Security Number or FEID
 1186 number: _____
 1187 Make the CLAIMANT'S check payable
 1188 to: _____
 1189 Mail check to this
 1190 address: _____
 1191 The CLAIMANT'S telephone number
 1192 is: _____
 1193 Original Signature of CLAIMANT'S
 1194 REPRESENTATIVE: _____
 1195 FEID Number of CLAIMANT'S
 1196 REPRESENTATIVE: _____
 1197 DATE: _____
 1198 Address of CLAIMANT'S
 1199 REPRESENTATIVE: _____
 1200 _____
 1201 =
 1202 Telephone number of CLAIMANT'S
 1203 REPRESENTATIVE: _____
 1204 Professional license number of CLAIMANT'S
 1205 REPRESENTATIVE: _____
 1206 (3) As used in this section, "claimant" means the person
 1207 on whose behalf a claim is filed.
 1208 (4) This section does not supersede the licensing
 1209 requirements of chapter 493.
 1210 Section 34. Section 717.1351, Florida Statutes, is created
 1211 to read:

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1212 717.1351 Acquisition of unclaimed property.--

1213 (1) A person desiring to acquire ownership or entitlement
 1214 of property reported to the department under s. 717.117 must be
 1215 an attorney licensed to practice law in this state, a licensed
 1216 Florida-certified public accountant, a private investigator
 1217 licensed under chapter 493, or an employer of a licensed private
 1218 investigator which employer possesses a Class "A" license under
 1219 chapter 493 and must be registered with the department under
 1220 this chapter.

1221 (2) All contracts to acquire ownership or entitlement of
 1222 unclaimed property from the person or persons entitled to the
 1223 unclaimed property must be in 10-point type or greater and must:

1224 (a) Have a purchase price that discounts the value of the
 1225 unclaimed property at the time the agreement is executed by the
 1226 seller at no greater than 20 percent per account held by the
 1227 department; or

1228 (b) Disclose, on such form as the department shall
 1229 prescribe by rule, that the property is held by the Bureau of
 1230 Unclaimed Property of the Department of Financial Services
 1231 pursuant to this chapter, the person or name of the entity that
 1232 held the property prior to the property becoming unclaimed, the
 1233 date of the holder's last contact with the owner, if known, and
 1234 the approximate value of the property, and identify which of the
 1235 following categories of unclaimed property buyer is seeking to
 1236 purchase as reported by the holder:

- 1237 1. Cash accounts.
- 1238 2. Stale dated checks.
- 1239 3. Life insurance or annuity contract assets.
- 1240 4. Utility deposits.

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- 1241 5. Securities or other interests in business associations.
- 1242 6. Wages.
- 1243 7. Accounts receivable.
- 1244 8. Contents of safe-deposit boxes.

1245

1246 Such disclosure shall be on a page signed and dated by the
 1247 seller of the unclaimed property.

1248 (3) The originals of all such disclosures and agreements
 1249 to transfer ownership or entitlement to unclaimed property shall
 1250 be signed and dated by the seller and shall be filed with the
 1251 claim form.

1252 (4) Any contract to acquire ownership or entitlement of
 1253 unclaimed property from the person or persons entitled to the
 1254 unclaimed property must provide for the purchase price to be
 1255 remitted to the seller or sellers within 10 days after the
 1256 execution of the contract by the seller or sellers. The contract
 1257 must specify the unclaimed property account number, the value of
 1258 the unclaimed property account, and the number of shares of
 1259 stock, if applicable. Proof of payment by canceled check must be
 1260 filed with the department with the claim.

1261 (5) All agreements to purchase unclaimed property from an
 1262 owner, who is a natural person, a trust, or a dissolved
 1263 corporation must use the following form on 8 and ½ inch by 11
 1264 inch paper with all of the text on one side of the paper and
 1265 with the other side of the paper left blank. The agreement must
 1266 be accurately completed and executed. No other writing or
 1267 information shall be printed on the agreement. The title of the
 1268 agreement shall be in bold 14-point type and underlined. The
 1269 rest of the agreement shall be in 10-point type or greater. All

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1270 unclaimed property accounts to be purchased must be identified

1271 on the agreement. The agreement must state:

1272 PURCHASE AGREEMENT

1273 \$_____ = APPROXIMATE DOLLAR VALUE OF THE UNCLAIMED

1274 PROPERTY

1275 PROPERTY ACCOUNT

1276 NUMBER(S): _____

1277 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

1278 APPLICABLE): _____

1279 _____ PERCENT OF UNCLAIMED PROPERTY TO BE PAID TO THE

1280 BUYER

1281 \$_____ = NET AMOUNT TO BE PAID TO OWNER

1282 \$_____ = AMOUNT TO BE PAID TO BUYER

1283 THIS AGREEMENT is

1284 between: _____

1285 (hereinafter, OWNER)

1286 and _____

1287 (hereinafter, BUYER) who agree that the OWNER transfers to the

1288 BUYER for a purchase price of \$_____ all rights to the

1289 above identified unclaimed property accounts.

1290 Original Signature of

1291 OWNER: _____ DATE: _____

1292 OWNER'S Social Security Number or FEID

1293 number: _____

1294 Within 10 days after the execution of this Purchase Agreement by

1295 the Owner, Buyer shall remit the OWNER'S check payable

1296 to: _____

1297 _____

1298 =

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1299 Mail check to this
 1300 address:_____
 1301 _____
 1302 =
 1303 The OWNER'S telephone number
 1304 is:_____
 1305 Original Signature of
 1306 BUYER:_____
 1307 FEID Number of
 1308 BUYER:_____ DATE:_____
 1309 Address of
 1310 BUYER:_____
 1311 _____
 1312 =
 1313 Telephone number of BUYER:
 1314 _____
 1315 Professional license number of
 1316 BUYER:_____
 1317 (6) This section does not supersede the licensing
 1318 requirements of chapter 493.
 1319 Section 35. Section 717.1400, Florida Statutes, is created
 1320 to read:
 1321 717.1400 Registration.--
 1322 (1) A private investigator holding a Class "C" individual
 1323 license under chapter 493 must register with the department on
 1324 such form as the department shall prescribe by rule, and
 1325 verified by the applicant. To register with the department, a
 1326 private investigator must provide:
 1327 (a) A legible copy of the applicant's Class "A" business

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1328 license under chapter 493 or that of the applicant's employer
 1329 which holds a Class "A" business license under chapter 493.

1330 (b) A legible copy of the applicant's Class "C" individual
 1331 license issued under chapter 493.

1332 (c) The applicant's business address and telephone number.

1333 (d) The names of agents or employees, if any, who are
 1334 designated to act on behalf of the private investigator together
 1335 with a legible copy of their photo-identification issued by an
 1336 agency of the United States, or a state, or a political
 1337 subdivision thereof.

1338 (e) Sufficient information to enable the department to
 1339 disburse funds by electronic funds transfer.

1340 (f) The private investigator's applicable tax
 1341 identification number if the applicant desires to have the
 1342 applicant's fees sent directly to the private investigator, or
 1343 the private investigator's employer which holds a Class "A"
 1344 business license under chapter 493.

1345 (g) One of the following:

1346 1. Audited financial statements, which documents disclose
 1347 that the applicant or the employer of the applicant, which
 1348 employer holds a Class "A" business license under chapter 493,
 1349 has a bona fide and verifiable net worth, pursuant to generally
 1350 accepted accounting principles, of at least \$100,000, which must
 1351 be continuously maintained as a condition of registration.

1352 Assets considered as part of the net worth must be owned solely
 1353 by the applicant or the applicant's employer which holds a Class
 1354 "A" business license under chapter 493 and must not be title 11
 1355 U.S.C. s. 522 exempt property; or

1356 2. A surety bond purchased by the employer which holds a

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1357 Class "A" business license under chapter 493, on such form as
 1358 the department shall prescribe by rule, in the amount of
 1359 \$100,000, payable to the state and conditioned upon compliance
 1360 with chapter 717, which inures to the department and which must
 1361 be continuously maintained thereafter in full force as a
 1362 condition of registration.

1363
 1364 The audited financial statement or bond must be provided to the
 1365 department on an annual basis at a time to be determined by the
 1366 department by rule. Any registration made under this section is
 1367 void if the person fails to maintain the required net worth of
 1368 \$100,000 or the surety bond in the amount of \$100,000.

1369 (2) A Florida-certified public accountant must register
 1370 with the department on such form as the department shall
 1371 prescribe by rule, and must be verified by the applicant. To
 1372 register with the department a Florida-certified public
 1373 accountant must provide:

1374 (a) The applicant's Florida Board of Accountancy number.

1375 (b) A legible copy of the applicant's current driver's
 1376 license showing the full name and current address of such
 1377 person. If a current driver's license is not available, another
 1378 form of identification showing full name and current address of
 1379 such person or persons shall be filed with the department.

1380 (c) The applicant's business address and telephone number.

1381 (d) The names of agents or employees, if any, who are
 1382 designated to act on behalf of the Florida-certified public
 1383 accountant together with a legible copy of their photo-
 1384 identification issued by an agency of the United States, or a
 1385 state, or a political subdivision thereof.

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1386 (e) Sufficient information to enable the department to
 1387 disburse funds by electronic funds transfer.

1388 (f) The Florida-certified public accountant's applicable
 1389 tax identification number if the applicant desires to have the
 1390 applicant's fees sent directly to such accountant, or such
 1391 accountant's public accounting firm employer.

1392 (g) One of the following:

1393 1. Audited financial statements, which documents disclose
 1394 that the applicant or the public accounting firm employer of the
 1395 applicant has a bona fide and verifiable net worth, pursuant to
 1396 generally accepted accounting principles, of at least \$100,000,
 1397 which must be continuously maintained as a condition of
 1398 registration. Assets considered as part of the net worth must be
 1399 owned solely by the applicant or the applicant's public
 1400 accounting firm employer and must not be title 11 U.S.C. s. 522
 1401 exempt property; or

1402 2. A surety bond purchased by the applicant's public
 1403 accounting firm employer, on such form as the department shall
 1404 prescribe by rule, in the amount of \$100,000, payable to the
 1405 state and conditioned upon compliance with chapter 717, which
 1406 inures to the department and which must be continuously
 1407 maintained thereafter in full force as a condition of
 1408 registration.

1409
 1410 The audited financial statement or bond must be provided to the
 1411 department on an annual basis at a time to be determined by the
 1412 department by rule. Any registration made under this section is
 1413 void if the person fails to maintain the required net worth of
 1414 \$100,000 or the surety bond in the amount of \$100,000.

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1415 (3) An attorney licensed to practice in this state must
1416 register with the department on such form as the department
1417 shall prescribe by rule, and must be verified by the applicant.
1418 To register with the department, such attorney must provide:
1419 (a) The applicant's Florida Bar number.
1420 (b) A legible copy of the applicant's current driver's
1421 license showing the full name and current address of such
1422 person. If a current driver's license is not available, another
1423 form of identification showing full name and current address of
1424 such person or persons shall be filed with the department.
1425 (c) The applicant's business address and telephone number.
1426 (d) The names of agents or employees, if any, who are
1427 designated to act on behalf of the attorney, together with a
1428 legible copy of their photo-identification issued by an agency
1429 of the United States, or a state, or a political subdivision
1430 thereof.
1431 (e) Sufficient information to enable the department to
1432 disburse funds by electronic funds transfer.
1433 (f) The attorney's applicable tax identification number if
1434 the applicant desires to have the applicant's fees sent directly
1435 to such lawyer, or to such lawyer's law firm employer.
1436 (g) One of the following:
1437 1. Audited financial statements, which documents disclose
1438 that the applicant or the law firm employer of the applicant has
1439 a bona fide and verifiable net worth, pursuant to generally
1440 accepted accounting principles, of at least \$100,000, which must
1441 be continuously maintained as a condition of registration.
1442 Assets considered as part of the net worth must be owned solely
1443 by the applicant or the applicant's law firm employer and must

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1444 not be title 11 U.S.C. s. 522 exempt property; or

1445 2. A surety bond purchased by the applicant's law firm
1446 employer, on such form as the department shall prescribe by
1447 rule, in the amount of \$100,000, payable to the state and
1448 conditioned upon compliance with chapter 717, which inures to
1449 the department and which must be continuously maintained
1450 thereafter in full force as a condition of registration.

1451
1452 The audited financial statement or bond must be provided to the
1453 department on an annual basis at a time to be determined by the
1454 department by rule. Any registration made under this section is
1455 void if the person fails to maintain the required net worth of
1456 \$100,000 or the surety bond in the amount of \$100,000.

1457 (4) Information and documents already on file with the
1458 department prior to the effective date of this provision need
1459 not be resubmitted in order to complete the registration.

1460 (5) If a material change in the status of a registration
1461 occurs, a registrant must within 15 days provide the department
1462 with the updated documentation and information in writing.
1463 Material changes include, but are not limited to, a designated
1464 agent or employee ceasing to act on behalf of the designating
1465 person, a surrender, suspension, or revocation of a license, or
1466 a license renewal.

1467 (a) If a designated agent or employee ceases to act on
1468 behalf of the person who has designated the agent or employee to
1469 act on such person's behalf, the designating person must within
1470 15 days inform the Bureau of Unclaimed Property in writing of
1471 the termination of agency or employment.

1472 (b) If a registrant surrenders the registrant's license or

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1473 the license is suspended or revoked, the registrant must within
1474 15 days inform the bureau in writing of the surrender,
1475 suspension, or revocation.

1476 (c) If a private investigator's Class "C" individual
1477 license under chapter 493, or if a private investigator's
1478 employer's Class "A" business license under chapter 493, is
1479 renewed, the private investigator must provide a copy of the
1480 renewed license to the department within 30 days after the
1481 receipt of the renewed license by the private investigator or
1482 the private investigator's employer.

1483 (6) It is a ground for denial of registration if the
1484 applicant has committed any violation specified in ss. 717.001-
1485 717.1401 or has pending against her or him any criminal
1486 prosecution or administrative enforcement action, in any
1487 jurisdiction, which alleges fraud, dishonest dealing, or any
1488 other act of moral turpitude.

1489 (7) Any registration made under this section by any person
1490 based upon the presentation by such person of inaccurate or
1491 false information material to such registration is void. The
1492 registration shall be reinstated once the department has been
1493 provided the correct information in writing.

1494 (8) Any registration made under this section is void if
1495 the person fails to timely report a material change in the
1496 status of a registration to the department. The registration
1497 shall be reinstated after the department has been notified in
1498 writing of the material change.

1499 (9) Any registration made under this section is void if
1500 the person has had a license, registration, or the equivalent,
1501 to practice any profession or occupation denied, suspended,

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1502 revoked, or otherwise acted against by a licensing authority in
 1503 any jurisdiction for theft, fraud, misrepresentation, dishonest
 1504 dealing, or any act of moral turpitude, unless the effect of the
 1505 suspension or revocation has been stayed.

1506 (10) Any registration made under this section is void if
 1507 the person has plead nolo contendere to, or has been convicted
 1508 or found guilty of, a crime involving theft, fraud,
 1509 misrepresentation, dishonest dealing, or any act of moral
 1510 turpitude, regardless of whether adjudication is withheld.

1511 (11) No registrant or applicant for registration may have
 1512 a name that might lead another person to conclude that the
 1513 registrant is affiliated or associated with the United States or
 1514 any agency thereof, or a state or an agency or political
 1515 subdivision of a state. The department shall deny an application
 1516 for registration or revoke a registration if the applicant or
 1517 registrant has a name that might lead another person to conclude
 1518 that the applicant or registrant is affiliated or associated
 1519 with the United States or an agency thereof, or a state or an
 1520 agency or political subdivision of a state. Names that might
 1521 lead another person to conclude that the applicant or registrant
 1522 is affiliated or associated with the United States or an agency
 1523 thereof, or a state or an agency or political subdivision of a
 1524 state, include, but are not limited to, the use of the words
 1525 United States, Florida, state, bureau, division, department, or
 1526 government.

1527 (12)(a) The department shall deny an application of any
 1528 person who assisted another person to receive unclaimed property
 1529 that the person was not entitled to receive in the aggregate
 1530 amount of greater than \$50,000 during a 5-year period or if the

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1531 applicant has an agent, employee, or ultimate equitable owner
 1532 who assisted another person to receive unclaimed property that
 1533 the person was not entitled to receive in the aggregate amount
 1534 of greater than \$50,000 during a 5-year period. Assisting
 1535 another person to receive unclaimed property includes executing
 1536 a claim form on the person's behalf.

1537 (b) This subsection does not apply if the applicant has
 1538 remitted to the department all funds paid by the department when
 1539 the applicant, or an agent, employee, or ultimate equitable
 1540 owner thereof, assisted another person to receive unclaimed
 1541 property that the person was not entitled to receive.

1542 (13) Any person having a registration file with the
 1543 department as of the effective date of this act may continue to
 1544 file claims prior to either the issuance of a registration by
 1545 the department or proposed agency action to deny the
 1546 application.

1547 Section 36. Subsection (2) of section 212.02, Florida
 1548 Statutes, is amended to read:

1549 212.02 Definitions.--The following terms and phrases when
 1550 used in this chapter have the meanings ascribed to them in this
 1551 section, except where the context clearly indicates a different
 1552 meaning:

1553 (2) "Business" means any activity engaged in by any
 1554 person, or caused to be engaged in by him or her, with the
 1555 object of private or public gain, benefit, or advantage, either
 1556 direct or indirect. Except for the sales of any aircraft, boat,
 1557 mobile home, or motor vehicle, the term "business" shall not be
 1558 construed in this chapter to include occasional or isolated
 1559 sales or transactions involving tangible personal property or

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1560 services by a person who does not hold himself or herself out as
 1561 engaged in business or sales of unclaimed tangible personal
 1562 property under s. 717.122, but includes other charges for the
 1563 sale or rental of tangible personal property, sales of services
 1564 taxable under this chapter, sales of or charges of admission,
 1565 communication services, all rentals and leases of living
 1566 quarters, other than low-rent housing operated under chapter
 1567 421, sleeping or housekeeping accommodations in hotels,
 1568 apartment houses, roominghouses, tourist or trailer camps, and
 1569 all rentals of or licenses in real property, other than low-rent
 1570 housing operated under chapter 421, all leases or rentals of or
 1571 licenses in parking lots or garages for motor vehicles, docking
 1572 or storage spaces for boats in boat docks or marinas as defined
 1573 in this chapter and made subject to a tax imposed by this
 1574 chapter. The term "business" shall not be construed in this
 1575 chapter to include the leasing, subleasing, or licensing of real
 1576 property by one corporation to another if all of the stock of
 1577 both such corporations is owned, directly or through one or more
 1578 wholly owned subsidiaries, by a common parent corporation; the
 1579 property was in use prior to July 1, 1989, title to the property
 1580 was transferred after July 1, 1988, and before July 1, 1989,
 1581 between members of an affiliated group, as defined in s. 1504(a)
 1582 of the Internal Revenue Code of 1986, which group included both
 1583 such corporations and there is no substantial change in the use
 1584 of the property following the transfer of title; the leasing,
 1585 subleasing, or licensing of the property was required by an
 1586 unrelated lender as a condition of providing financing to one or
 1587 more members of the affiliated group; and the corporation to
 1588 which the property is leased, subleased, or licensed had sales

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1589 subject to the tax imposed by this chapter of not less than \$667
 1590 million during the most recent 12-month period ended June 30.
 1591 Any tax on such sales, charges, rentals, admissions, or other
 1592 transactions made subject to the tax imposed by this chapter
 1593 shall be collected by the state, county, municipality, any
 1594 political subdivision, agency, bureau, or department, or other
 1595 state or local governmental instrumentality in the same manner
 1596 as other dealers, unless specifically exempted by this chapter.

1597 Section 37. Subsection (4) of section 322.142, Florida
 1598 Statutes, is amended to read:

1599 322.142 Color photographic or digital imaged licenses.--

1600 (4) The department may maintain a film negative or print
 1601 file. The department shall maintain a record of the digital
 1602 image and signature of the licensees, together with other data
 1603 required by the department for identification and retrieval.
 1604 Reproductions from the file or digital record shall be made and
 1605 issued only for departmental administrative purposes, for the
 1606 issuance of duplicate licenses, in response to law enforcement
 1607 agency requests, ~~or~~ to the Department of Revenue pursuant to an
 1608 interagency agreement to facilitate service of process in Title
 1609 IV-D cases, or to the Department of Financial Services pursuant
 1610 to an interagency agreement to facilitate the location of owners
 1611 of unclaimed property, the validation of unclaimed property
 1612 claims, and the identification of fraudulent or false claims,
 1613 and are exempt from the provisions of s. 119.07(1).

1614 Section 38. Paragraph (1) is added to subsection (4) of
 1615 section 395.3025, Florida Statutes, and subsection (10) of said
 1616 section is amended, to read:

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1617 395.3025 Patient and personnel records; copies;
 1618 examination.--

1619 (4) Patient records are confidential and must not be
 1620 disclosed without the consent of the person to whom they
 1621 pertain, but appropriate disclosure may be made without such
 1622 consent to:

1623 (1) The Department of Financial Services, or an agent,
 1624 employee, or independent contractor of the department who is
 1625 auditing for unclaimed property pursuant to chapter 717.

1626 (10) The home addresses, telephone numbers, social
 1627 security numbers, and photographs of employees of any licensed
 1628 facility who provide direct patient care or security services;
 1629 the home addresses, telephone numbers, social security numbers,
 1630 photographs, and places of employment of the spouses and
 1631 children of such persons; and the names and locations of schools
 1632 and day care facilities attended by the children of such persons
 1633 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 1634 I of the State Constitution. However, any state or federal
 1635 agency that is authorized to have access to such information by
 1636 any provision of law shall be granted such access in the
 1637 furtherance of its statutory duties, notwithstanding the
 1638 provisions of this subsection. The Department of Financial
 1639 Services, or an agent, employee, or independent contractor of
 1640 the department who is auditing for unclaimed property pursuant
 1641 to chapter 717, shall be granted access to the name, address,
 1642 and social security number of any employee owed unclaimed
 1643 property. This subsection is subject to the Open Government
 1644 Sunset Review Act of 1995 in accordance with s. 119.15, and

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2004

1645 shall stand repealed on October 2, 2004, unless reviewed and
1646 saved from repeal through reenactment by the Legislature.

1647 Section 39. This act shall take effect October 1, 2004.