

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to unclaimed property; amending s.  
7 717.101, F.S.; revising and providing definitions;  
8 amending ss. 717.106, 717.107, 717.109, and 717.116, F.S.;  
9 revising criteria for presuming as unclaimed certain bank  
10 deposits and funds in financial organizations, funds owing  
11 under life insurance policies, funds held by business  
12 associations, and property held in a safe-deposit box or  
13 other safekeeping repository, respectively; amending s.  
14 717.117, F.S.; revising reporting requirements for  
15 unclaimed property; presuming certain accounts as  
16 unclaimed under certain circumstances; exempting  
17 intangible property under certain circumstances; amending  
18 s. 717.118, F.S.; providing requirements for notification  
19 of apparent owners of unclaimed property; amending s.  
20 717.119, F.S.; revising requirements for delivery of  
21 unclaimed property held in a safe-deposit box or other  
22 safekeeping repository; providing penalties for late  
23 deliveries; amending s. 717.1201, F.S.; revising certain

24 holder payment and repayment requirements; amending s.  
25 717.122, F.S.; revising certain public sale requirements;  
26 authorizing the Department of Financial Services to deduct  
27 certain auction fees, costs, and expenses; prohibiting  
28 actions or proceedings against the department for certain  
29 decisions relating to auctions of unclaimed property;  
30 specifying that certain sales of unclaimed property are  
31 not subject to the sales tax; amending s. 717.123, F.S.;  
32 increasing a maximum amount of funds the department may  
33 retain from certain funds received; amending s. 717.124,  
34 F.S.; providing additional requirements for filing  
35 unclaimed property claims; providing for the return or  
36 withdrawal of certain claims under certain circumstances;  
37 specifying a time period for department determination of  
38 claims; authorizing the department to deny claims under  
39 certain circumstances; specifying an exclusive remedy for  
40 subsequent claimants; revising requirements for a power of  
41 attorney; requiring direct delivery of safe-deposit boxes  
42 under certain circumstances; revising payment of fees and  
43 costs requirements; authorizing an alternative form of  
44 identification; creating s. 717.12403, F.S.; providing  
45 presumptions for certain unclaimed demand, savings, or  
46 checking accounts in financial institutions in the name of  
47 more than one person; creating s. 717.12404, F.S.;  
48 providing requirements for claims for property reported in  
49 the name of an active or dissolved corporation for which  
50 the last annual report is unavailable; creating s.  
51 717.12405, F.S.; providing requirements for claims by

52 | estates; amending s. 717.1241, F.S.; revising requirements  
53 | for remittance of property subject to conflicting claims;  
54 | amending s. 717.1242, F.S.; clarifying legislative intent  
55 | relating to filing certain claims; creating s. 717.1244,  
56 | F.S.; providing criteria for department determinations of  
57 | claims; amending s. 717.126, F.S.; providing a criterion  
58 | for proof of entitlement; specifying venue in certain  
59 | unclaimed property actions; creating s. 717.1261, F.S.;  
60 | requiring a death certificate in claiming entitlement to  
61 | certain unclaimed property; creating s. 717.1262, F.S.;  
62 | requiring certain court documents in claiming entitlement  
63 | to certain unclaimed property; amending s. 717.1301, F.S.;  
64 | revising certain fee and expense requirements for  
65 | investigations or examinations; providing for interest on  
66 | such amounts under certain circumstances; amending s.  
67 | 717.1315, F.S.; clarifying a record retention requirement  
68 | for owner representatives; amending s. 717.132, F.S.;  
69 | specifying criteria for certain corrective actions;  
70 | creating s. 717.1322, F.S.; specifying grounds for certain  
71 | administrative enforcement actions; providing for certain  
72 | administrative enforcement actions; subjecting registrants  
73 | to certain administrative enforcement actions for certain  
74 | violations; requiring the department to adopt disciplinary  
75 | guidelines applicable to such administrative enforcement  
76 | actions; providing requirements and criteria for such  
77 | guidelines; requiring the guidelines to specify penalties;  
78 | authorizing the department to impose penalties under  
79 | certain circumstances; requiring administrative law judges

80 | to follow such guidelines and penalties in certain  
81 | actions; authorizing the department to file civil actions  
82 | seeking civil legal remedies under certain circumstances;  
83 | creating s. 717.1331, F.S.; providing for department  
84 | actions against certain lienholders under certain  
85 | circumstances; creating s. 717.1333, F.S.; providing for  
86 | admitting certain documents into evidence in certain  
87 | actions; amending s. 717.134, F.S.; authorizing the  
88 | department to impose and collect penalties for failing to  
89 | report certain information; authorizing the department  
90 | waive such penalties under certain circumstances; creating  
91 | s. 717.1341, F.S.; prohibiting receipt of unentitled  
92 | unclaimed property; providing for liability for such  
93 | property under certain circumstances; authorizing the  
94 | department to maintain certain civil or administrative  
95 | actions; providing for fines, costs, and attorney fees;  
96 | prohibiting filing claims for unentitled unclaimed  
97 | property; providing criminal penalties; amending s.  
98 | 717.135, F.S.; revising requirements for agreements to  
99 | recover certain property; providing an agreement form;  
100 | creating s. 717.1351, F.S.; providing requirements for  
101 | acquisition of unclaimed property by certain persons;  
102 | providing certain contract requirements; providing a  
103 | contract form; creating s. 717.1400, F.S.; requiring  
104 | certain licensed persons to register with the department  
105 | for certain purposes; providing registration requirements;  
106 | providing for denial of registration under certain  
107 | circumstances; providing registration limitations;

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108 | amending s. 212.02, F.S.; revising a definition to  
 109 | conform; amending ss. 322.142 and 395.3025, F.S.;  
 110 | providing for disclosure of certain confidential  
 111 | information to the department under certain circumstances;  
 112 | providing an effective date.

113

114 | Be It Enacted by the Legislature of the State of Florida:

115

116 | Section 1. Subsection (15) of section 717.101, Florida  
 117 | Statutes, is renumbered as subsection (16) and amended,  
 118 | subsections (5) through (18) are renumbered as subsections (6)  
 119 | through (19), respectively, present subsection (19) is  
 120 | renumbered as subsection (21), and new subsections (5) and (20)  
 121 | are added to said section, to read:

122 | 717.101 Definitions.--As used in this chapter, unless the  
 123 | context otherwise requires:

124 | (5) "Claimant" means the person on whose behalf a claim is  
 125 | filed.

126 | (16)(15) "Owner" means a depositor in the case of a  
 127 | deposit, a beneficiary in case of a trust or ~~other than~~ a  
 128 | deposit in trust, a ~~claimant~~, or a payee in the case of other  
 129 | intangible property, or a person having a legal or equitable  
 130 | interest in property subject to this chapter or his or her legal  
 131 | representative.

132 | (20) "Ultimate equitable owner" means a natural person  
 133 | who, directly or indirectly, owns or controls an ownership  
 134 | interest in a corporation, a foreign corporation, an alien  
 135 | business organization, or any other form of business

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136 organization, regardless of whether such natural person owns or  
 137 controls such ownership interest through one or more natural  
 138 persons or one or more proxies, powers of attorney, nominees,  
 139 corporations, associations, partnerships, trusts, joint stock  
 140 companies, or other entities or devices, or any combination  
 141 thereof.

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

144 717.106 Bank deposits and funds in financial  
 145 organizations.--

146 (1) Any demand, savings, or matured time deposit with a  
 147 banking or financial organization, including deposits that are  
 148 automatically renewable, and any funds paid toward the purchase  
 149 of shares, a mutual investment certificate, or any other  
 150 interest in a banking or financial organization is presumed  
 151 unclaimed unless the owner has, within 5 years:

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

154 (d) Owned other property to which paragraph (a), paragraph  
 155 (b), or paragraph (c) is applicable and if the banking or  
 156 financial organization communicates in writing with the owner  
 157 with regard to the property that would otherwise be presumed  
 158 unclaimed under this subsection at the address to which  
 159 communications regarding the other property regularly are sent;  
 160 or

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

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163 1. Communicated in writing with the banking or financial  
164 organization; or

165 2. Otherwise indicated an interest as evidenced by a  
166 memorandum or other record on file with the banking or financial  
167 organization and if the banking or financial organization  
168 communicates in writing with the owner with regard to the  
169 property that would otherwise be unclaimed under this subsection  
170 at the address to which communications regarding the other  
171 relationship regularly are sent; ~~or~~

172 ~~(f) Received first class mail from the banking or~~  
173 ~~financial organization or a subsidiary of such banking or~~  
174 ~~financial organization, which was not returned as undeliverable,~~  
175 ~~in the ordinary course of business at the address reflected in~~  
176 ~~the banking or financial organization's records.~~

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

179 717.107 Funds owing under life insurance policies.--

180 (1) Funds held or owing under any life or endowment  
181 insurance policy or annuity contract which has matured or  
182 terminated are presumed unclaimed if unclaimed for more than 5  
183 years after the funds became due and payable as established from  
184 the records of the insurance company holding or owing the funds,  
185 but property described in paragraph (3)(b) is presumed unclaimed  
186 if such property is not claimed for more than 2 years. The  
187 amount presumed unclaimed shall include any amount due and  
188 payable under s. 627.4615.

189 Section 4. Section 717.109, Florida Statutes, is amended  
190 to read:

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191           717.109 Refunds held by business associations.--Except as  
 192 ~~to the extent~~ otherwise provided ~~ordered~~ by law ~~the court or~~  
 193 ~~administrative agency~~, any sum that a business association has  
 194 been ordered to refund by a court or administrative agency which  
 195 has been unclaimed by the owner for more than 1 year after it  
 196 became payable in accordance with the final determination or  
 197 order providing for the refund, regardless of whether the final  
 198 determination or order requires any person entitled to a refund  
 199 to make a claim for it, is presumed unclaimed.

200           Section 5. Section 717.116, Florida Statutes, is amended  
 201 to read:

202           717.116 Contents of safe-deposit box or other safekeeping  
 203 repository.--All tangible and intangible property held by a  
 204 banking or financial organization in a safe-deposit box or any  
 205 other safekeeping repository in this state in the ordinary  
 206 course of the holder's business, and proceeds resulting from the  
 207 sale of the property permitted by law, that has not been claimed  
 208 by the owner for more than 3 years after the lease or rental  
 209 period on the box or other repository has expired are presumed  
 210 unclaimed.

211           Section 6. Subsections (1), (3), (4), and (7) of section  
 212 717.117, Florida Statutes, are amended to read:

213           717.117 Report of unclaimed property.--

214           (1) Every person holding funds or other property, tangible  
 215 or intangible, presumed unclaimed and subject to custody as  
 216 unclaimed property under this chapter shall report to the  
 217 department on such forms as the department may prescribe by  
 218 rule. In lieu of forms, any ~~the~~ holder of unclaimed property



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219 belonging to 25 or more apparent owners must ~~may~~ submit the  
 220 required information via electronic medium as the department may  
 221 prescribe by rule. The report must include:

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

228 (b) For unclaimed funds which have a value of \$50 or more  
 229 held or owing under any life or endowment insurance policy or  
 230 annuity contract, the full name, taxpayer identification number  
 231 or social security number, date of birth, if known, and last  
 232 known address of the insured or annuitant and of the beneficiary  
 233 according to records of the insurance company holding or owing  
 234 the funds.

235 (c) For all tangible property held in a safe-deposit box  
 236 or other safekeeping repository, a description of the property  
 237 and the place where the property is held and may be inspected by  
 238 the department, and any amounts owing to the holder. Contents of  
 239 a safe-deposit box or other safekeeping repository which consist  
 240 of documents or writings of a private nature and which have  
 241 little or no apparent value shall not be presumed unclaimed.

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

246 (e) The date the property became payable, demandable, or  
 247 returnable, and the date of the last transaction with the  
 248 apparent owner with respect to the property.

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

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

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

259 (3) The report must be filed before May 1 of each year.  
 260 Such report shall apply to the preceding calendar year. ~~If such~~  
 261 ~~report is not filed on or before the applicable filing date, the~~  
 262 ~~holder shall pay to~~ The department may impose and collect a  
 263 penalty of \$10 per day up to a maximum of ~~for each day the~~  
 264 ~~report is delinquent, but such penalty shall not exceed \$500 for~~  
 265 the failure to timely report or the failure to include in a  
 266 report information required by this chapter. The penalty shall  
 267 be remitted to the department within 30 days after the date of  
 268 the notification to the holder that the penalty is due and  
 269 owing. As necessary for proper administration of this chapter,  
 270 the department may waive any penalty due with appropriate  
 271 justification. On written request by any person required to file  
 272 a report and upon a showing of good cause, the department may  
 273 postpone the reporting date. The department must provide

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274 information contained in a report filed with the department to  
275 any person requesting a copy of the report or information  
276 contained in a report, to the extent the information requested  
277 is not confidential, within 90 days after the report has been  
278 processed and added to the unclaimed property database  
279 subsequent to a determination that the report is accurate and  
280 that the reported property is the same as the remitted property.

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

283 (a) When an owner's account becomes inactive, the holder  
284 shall conduct at least one search for the apparent owner using  
285 due diligence. For purposes of this section, ~~except for banks,~~  
286 ~~credit unions, and state or federal savings associations,~~ an  
287 account is inactive if 2 years have transpired after the last  
288 owner-initiated account activity, if 2 years have transpired  
289 after the expiration date on the instrument or contract, or if 2  
290 years have transpired since first-class mail has been returned  
291 as undeliverable. ~~With respect to banks, credit unions, and~~  
292 ~~state or federal savings associations, an account is inactive if~~  
293 ~~2 years have transpired after the last owner-initiated account~~  
294 ~~activity and first-class mail has been returned as undeliverable~~  
295 ~~or 2 years after the expiration date on the instrument or~~  
296 ~~contract and first-class mail has been returned as~~  
297 ~~undeliverable.~~

298 (b)1. Within 180 days after an account becomes inactive,  
299 the holder shall conduct a search to locate the apparent owner  
300 of the property. The holder may satisfy such requirement by

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301 conducting one annual search for the owners of all accounts  
302 which have become inactive during the prior year.

303 (c)2- Within 30 days after receiving updated address  
304 information, the holder shall provide notice by telephone or  
305 first-class mail to the current address notifying the apparent  
306 owner that the holder is in possession of property which is  
307 presumed unclaimed and may be remitted to the department. The  
308 notice shall also provide the apparent owner with the address or  
309 the telephone number of an office where the apparent owner may  
310 claim the property or reestablish the inactive account.

311 (d) The account shall be presumed unclaimed if the holder  
312 is not able to contact the apparent owner by telephone, the  
313 first-class mail notice is returned to the holder as  
314 undeliverable, or the apparent owner does not contact the holder  
315 in response to the first-class mail notice.

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

318 (7)(a) This section shall not apply to the unclaimed  
319 patronage refunds as provided for by contract or through bylaw  
320 provisions of entities organized under chapter 425.

321 (b) This section shall not apply to intangible property  
322 held, issued, or owed by a business association subject to the  
323 jurisdiction of the United States Surface Transportation Board  
324 or its successor federal agency if the apparent owner of such  
325 intangible property is a business association. The holder of  
326 such property shall have no obligation to report, to pay, or to  
327 deliver such property to the department.

328 Section 7. Section 717.118, Florida Statutes, is amended  
329 to read:

330 717.118 Notification of apparent owners ~~Notice and~~  
331 ~~publication of lists~~ of unclaimed property.--

332 (1) It is specifically recognized that the state has an  
333 obligation to make an effort to notify owners of unclaimed  
334 property in a cost-effective manner. In order to provide all the  
335 citizens of this state an effective and efficient program for  
336 the recovery of unclaimed property, the department shall use  
337 cost-effective means to make at least one active attempt to  
338 notify owners of unclaimed property accounts valued at more than  
339 \$100 with a reported address or taxpayer identification number  
340 ~~the existence of unclaimed property held by the department~~. Such  
341 active attempt to notify ~~locate~~ apparent owners shall include  
342 any attempt by the department to directly contact the owner.  
343 Other means of notification, such as publication of the names of  
344 owners in the newspaper, on television, on the Internet, or  
345 through other promotional efforts and items in which the  
346 department does not directly attempt to contact the owner are  
347 expressly declared to be passive attempts. Nothing in this  
348 subsection precludes other agencies or entities of state  
349 government from notifying owners of the existence of unclaimed  
350 property or attempting to notify ~~locate~~ apparent owners of  
351 unclaimed property.

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

353 (a) ~~Notifications that are published or televised may~~  
354 ~~consist of the names of apparent owners of unclaimed property,~~  
355 ~~and information regarding recovery of unclaimed property from~~

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356 ~~the department. Such notification may be televised or published~~  
 357 ~~in the county in which the last known address of the apparent~~  
 358 ~~owner is located or, if the address is unknown, in the county in~~  
 359 ~~which the holder has its principal place of business. Published~~  
 360 ~~notifications may be in accordance with s. 50.011.~~

361 ~~(b)~~ Notification provided directly to individual apparent  
 362 owners shall consist of a description of the property and  
 363 information regarding recovery of unclaimed property from the  
 364 department.

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

367 ~~(3)(4)~~ This section is not applicable to sums payable on  
 368 traveler's checks, money orders, and other written instruments  
 369 presumed unclaimed under s. 717.104.

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

372 717.119 Payment or delivery of unclaimed property.--

373 (5) All intangible and tangible property held in a safe-  
 374 deposit box or any other safekeeping repository reported under  
 375 s. 717.117 shall not be delivered to the department until 120  
 376 days after the report due date. The delivery of the property,  
 377 through the United States mail or any other carrier, shall be  
 378 insured by the holder at an amount equal to the estimated value  
 379 of the property. Each package shall be clearly marked on the  
 380 outside "Deliver Unopened." A holder's safe-deposit box contents  
 381 shall be delivered to the department in a single shipment. In  
 382 lieu of a single shipment, holders may provide the department  
 383 with a single detailed shipping schedule that includes package

384 tracking information for all packages being sent pursuant to  
 385 this section.

386 (a) Holders may remit the value of cash and coins found in  
 387 unclaimed safe-deposit boxes to the department by cashier's  
 388 check or by electronic funds transfer, unless the cash or coins  
 389 have a value above face value. The department shall identify by  
 390 rule those cash and coin items having a numismatic value. Cash  
 391 and coin items identified as having a numismatic value shall be  
 392 remitted to the department in their original form.

393 (b) Any firearm or ammunition found in an unclaimed safe-  
 394 deposit box or any other safekeeping repository shall be  
 395 delivered by the holder to a law enforcement agency for  
 396 disposal. However, the department is authorized to make a  
 397 reasonable attempt to ascertain the historical value to  
 398 collectors of any firearm that has been delivered to the  
 399 department. Any firearm appearing to have historical value to  
 400 collectors may be sold by the department pursuant to s. 717.122  
 401 to a person having a federal firearms license. Any firearm which  
 402 is not sold pursuant to s. 717.122 shall be delivered by the  
 403 department to a law enforcement agency in this state for  
 404 disposal. The department shall not be administratively, civilly,  
 405 or criminally liable for any firearm delivered by the department  
 406 to a law enforcement agency in this state for disposal.

407 (c) If such property is not paid or delivered to the  
 408 department on or before the applicable payment or delivery date,  
 409 the holder shall pay to the department a penalty ~~of \$10~~ for each  
 410 safe-deposit box shipment received late, ~~but such penalty shall~~  
 411 ~~not exceed \$1,000.~~ The penalty shall be \$100 for a safe-deposit

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412 box shipment container that is late 30 days or less. Thereafter,  
 413 the penalty shall be \$500 for a safe-deposit box shipment  
 414 container that is late for each additional successive 30-day  
 415 period. The penalty assessed against a holder for a late safe-  
 416 deposit box shipment container shall not exceed \$4,000 annually.  
 417 The penalty shall be remitted to the department within 30 days  
 418 after the date of the notification to the holder that the  
 419 penalty is due and owing.

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

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

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

427 717.1201 Custody by state; holder relieved from liability;  
 428 repayment reimbursement of holder paying claim; reclaiming for  
 429 owner; defense of holder; payment of safe-deposit box or  
 430 repository charges.--

431 (2) Any holder who has paid money to the department  
 432 pursuant to this chapter may make payment to any person  
 433 appearing to ~~the holder~~ to be entitled to payment and, upon  
 434 filing ~~proof of payment and~~ proof that the payee is ~~was~~ entitled  
 435 thereto, the department shall forthwith repay ~~reimburse~~ the  
 436 holder ~~for the payment~~ without deduction of any fee or other  
 437 charges. If repayment reimbursement is sought for a payment made  
 438 on a negotiable instrument, including a traveler's check or  
 439 money order, the holder must be repaid ~~reimbursed~~ under this



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440 subsection upon filing proof that the instrument was duly  
 441 presented and that the payee is ~~payment was made to a person who~~  
 442 ~~appeared to the holder to be~~ entitled to payment. The holder  
 443 shall be repaid ~~reimbursed~~ for payment made under this  
 444 subsection even if the payment was made to a person whose claim  
 445 was barred under s. 717.129(1).

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

449 717.122 Public sale of unclaimed property.--

450 (1) Except as provided in subsection (2), the department  
 451 after the receipt of unclaimed property shall sell it to the  
 452 highest bidder at public sale on the Internet or at a specified  
 453 physical location wherever in the judgment of the department the  
 454 most favorable market for the property involved exists. The  
 455 department may decline the highest bid and reoffer the property  
 456 for sale if in the judgment of the department the bid is  
 457 insufficient. The department shall have the discretion to  
 458 withhold from sale any unclaimed property that the department  
 459 deems to be of benefit to the people of the state. If in the  
 460 judgment of the department the probable cost of sale exceeds the  
 461 value of the property, it need not be offered for sale and may  
 462 be disposed of as the department determines appropriate. Any  
 463 sale at a specified physical location held under this section  
 464 must be preceded by a single publication of notice, at least 3  
 465 weeks in advance of sale, in a newspaper of general circulation  
 466 in the county in which the property is to be sold. The  
 467 department shall proportionately deduct auction fees,

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468 preparation costs, and expenses from the amount posted to the  
 469 owner's account when safe-deposit box contents are sold. No  
 470 action or proceeding may be maintained against the department  
 471 for or on account of any decision to decline the highest bid or  
 472 withhold any unclaimed property from sale.

473 (3) Unless the department deems it to be in the public  
 474 interest to do otherwise, all securities presumed unclaimed and  
 475 delivered to the department may be sold upon receipt. Any person  
 476 making a claim pursuant to this chapter is entitled to receive  
 477 either the securities delivered to the department by the holder,  
 478 if they still remain in the hands of the department, or the  
 479 proceeds received from sale, ~~less any amounts deducted pursuant~~  
 480 ~~to subsection (2),~~ but no person has any claim under this  
 481 chapter against the state, the holder, any transfer agent, any  
 482 registrar, or any other person acting for or on behalf of a  
 483 holder for any appreciation in the value of the property  
 484 occurring after delivery by the holder to the state.

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

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

490 717.123 Deposit of funds.--

491 (1) All funds received under this chapter, including the  
 492 proceeds from the sale of unclaimed property under s. 717.122,  
 493 shall forthwith be deposited by the department in the Unclaimed  
 494 Property Trust Fund. The department shall retain, from funds  
 495 received under this chapter, an amount not exceeding \$15 ~~\$8~~

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496 million from which the department shall make prompt payment of  
 497 claims allowed by the department and shall pay the costs  
 498 incurred by the department in administering and enforcing this  
 499 chapter. All remaining funds received by the department under  
 500 this chapter shall be deposited by the department into the State  
 501 School Fund.

502 Section 12. Section 717.124, Florida Statutes, is amended  
 503 to read:

504 717.124 Unclaimed property claims ~~Filing of claim with~~  
 505 ~~department.~~--

506 (1) Any person, excluding another state, claiming an  
 507 interest in any property paid or delivered to the department  
 508 under this chapter may file with the department a claim on a  
 509 form prescribed by the department and verified by the claimant  
 510 or the claimant's representative. The claimant's representative  
 511 must be an attorney licensed to practice law in this state, a  
 512 licensed Florida-certified public accountant, or a private  
 513 investigator licensed under chapter 493. The claimant's  
 514 representative must be registered with the department under this  
 515 chapter. The claimant, or the claimant's representative, shall  
 516 provide the department with a legible copy of a valid driver's  
 517 license of the claimant at the time the original claim form is  
 518 filed. If the claimant has not been issued a valid driver's  
 519 license at the time the original claim form is filed, the  
 520 department shall be provided with a legible copy of a  
 521 photographic identification of the claimant issued by the United  
 522 States or a foreign nation, a state or territory of the United  
 523 States or foreign nation, or a political subdivision or agency

524 thereof. In lieu of photographic identification, a notarized  
 525 sworn statement by the claimant may be provided which affirms  
 526 the claimant's identity and states the claimant's full name and  
 527 address. Any claim filed without the required identification or  
 528 the sworn statement with the original claim form and the  
 529 original power of attorney, if applicable, is void.

530 (a) Within 90 days after receipt of a claim, the  
 531 department may return any claim that provides for the receipt of  
 532 fees and costs greater than that permitted under this chapter or  
 533 that contains any apparent errors or omissions. The department  
 534 may also request that the claimant or the claimant's  
 535 representative provide additional information. The department  
 536 shall retain a copy or electronic image of the claim.

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

542 (c) Within 90 days after receipt of the claim, or the  
 543 response of the claimant or the claimant's representative to the  
 544 department's request for additional information, whichever is  
 545 later, the department shall determine each claim ~~within 90 days~~  
 546 after it is filed. Such determination shall contain a notice of  
 547 rights provided by ss. 120.569 and 120.57. The 90-day period  
 548 shall be extended by 60 days if the department has good cause to  
 549 need additional time or if the unclaimed property:

550 1. Is owned by a person who has been a debtor in  
 551 bankruptcy;

552        2. Was reported with an address outside of the United  
 553 States;

554        3. Is being claimed by a person outside of the United  
 555 States; or

556        4. Contains documents filed in support of the claim that  
 557 are not in the English language and have not been accompanied by  
 558 an English language translation.

559        (d) The department shall deny any claim under which the  
 560 claimant's representative has refused to authorize the  
 561 department to reduce the fees and costs to the maximum permitted  
 562 under this chapter.

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

567        (3) The department may require an affidavit swearing to  
 568 the authenticity of the claim, lack of documentation, and an  
 569 agreement to allow the department to provide the name and  
 570 address of the claimant to subsequent claimants coming forward  
 571 with substantiated proof to claim the account. This shall apply  
 572 to claims equal to or less than \$250. The exclusive remedy of a  
 573 subsequent claimant to the property shall be against the person  
 574 who received the property from the department.

575        (4)(a) Except as otherwise provided in this chapter, if a  
 576 claim is determined in favor of the claimant, the department  
 577 shall deliver or pay over to the claimant the property or the  
 578 amount the department actually received or the proceeds if it

579 | has been sold by the department, together with any additional  
580 | amount required by s. 717.121.

581 |        ~~(b)(5)(a)~~ If an owner authorizes an attorney licensed to  
582 | practice law in this state, Florida-certified public accountant,  
583 | or private investigator licensed under chapter 493, and  
584 | registered with the department under this chapter, ~~investigative~~  
585 | ~~agency which is duly licensed to do business in this state to~~  
586 | claim the unclaimed property on the owner's behalf, the  
587 | department is authorized to make distribution of the property or  
588 | money in accordance with such power of attorney. The original  
589 | power of attorney must be executed by the owner and must be  
590 | filed with the department.

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

596 |        2. Payments of fees and costs authorized pursuant to a  
597 | written power of attorney for approved ~~each~~ claims shall be made  
598 | or issued ~~forwarded~~ to the law firm employer of the designated  
599 | attorney licensed to practice law in this state, the public  
600 | accountancy firm employer of the licensed Florida-certified  
601 | public accountant, or the designated employing private  
602 | investigative agency licensed by this state. Such payments shall  
603 | ~~may~~ be made by electronic funds transfer and may be made on such  
604 | periodic schedule as the department may define by rule, provided  
605 | the payment intervals do not exceed 31 days. Payment made to an  
606 | attorney licensed in this state, a Florida-certified public

607 accountant, or a private investigator licensed under chapter  
 608 493, operating individually or as a sole practitioner, shall be  
 609 to the attorney, accountant, or investigator.

610 ~~3. Payments of approved claims for unclaimed securities~~  
 611 ~~and other intangible ownership interests made to an attorney,~~  
 612 ~~Florida-certified public accountant, or private investigative~~  
 613 ~~agency shall be promptly deposited into a trust or escrow~~  
 614 ~~account which is regularly maintained by the attorney, Florida-~~  
 615 ~~certified public accountant, or the private investigative agency~~  
 616 ~~in a financial institution authorized to accept such deposits~~  
 617 ~~and located in this state.~~

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

624 (5)(6) The department shall not be administratively,  
 625 civilly, or criminally liable for any property or funds  
 626 distributed pursuant to this section, provided such distribution  
 627 is made in good faith.

628 (6) This section does not supersede the licensing  
 629 requirements of chapter 493.

630 Section 13. Section 717.12403, Florida Statutes, is  
 631 created to read:

632 717.12403 Unclaimed demand, savings, or checking account  
 633 in a financial institution held in the name of more than one  
 634 person.--

635       (1)(a) If an unclaimed demand, savings, or checking  
636 account in a financial institution is reported as an "and"  
637 account in the name of two or more persons who are not  
638 beneficiaries, it is presumed that each person must claim the  
639 account in order for the claim to be approved by the department.  
640 This presumption may be rebutted by showing that entitlement to  
641 the account has been transferred to another person or by clear  
642 and convincing evidence demonstrating that the account should  
643 have been reported by the financial institution as an "or"  
644 account.

645       (b) If an unclaimed demand, savings, or checking account  
646 in a financial institution is reported as an "and" account and  
647 one of the persons on the account is deceased, it is presumed  
648 that the account is a survivorship account. This presumption may  
649 be rebutted by showing that entitlement to the account has been  
650 transferred to another person or by clear and convincing  
651 evidence demonstrating that the account is not a survivorship  
652 account.

653       (2) If an unclaimed demand, savings, or checking account  
654 in a financial institution is reported as an "or" account in the  
655 name of two or more persons who are not beneficiaries, it is  
656 presumed that either person listed on the account may claim the  
657 entire amount held in the account. This presumption may be  
658 rebutted by showing that entitlement to the account has been  
659 transferred to another person or by clear and convincing  
660 evidence demonstrating that the account should have been  
661 reported by the financial institution as an "and" account.



662        (3) If an unclaimed demand, savings, or checking account  
 663 in a financial institution is reported in the name of two or  
 664 more persons who are not beneficiaries without identifying  
 665 whether the account is an "and" account or an "or" account, it  
 666 is presumed that the account is an "or" account. This  
 667 presumption may be rebutted by showing that entitlement to the  
 668 account has been transferred to another person or by clear and  
 669 convincing evidence demonstrating that the account should have  
 670 been reported by the financial institution as an "and" account.

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

674        Section 14. Section 717.12404, Florida Statutes, is  
 675 created to read:

676        717.12404 Claims on behalf of a business entity or  
 677 trust.--

678        (1) Claims on behalf of an active or dissolved corporation  
 679 for which the last annual report is not available from the  
 680 Department of State through the Internet shall be accompanied by  
 681 a microfiche copy of the records on file with the Department of  
 682 State or, if the corporation has not made a corporate filing  
 683 with the Department of State, an authenticated copy of the last  
 684 corporate filing identifying the officers and directors from the  
 685 appropriate authorized official of the state of incorporation. A  
 686 claim on behalf of a corporation must be made by an officer or  
 687 director identified on the last corporate filing.

688        (2) Claims on behalf of a dissolved corporation, a  
 689 business entity other than an active corporation, or a trust

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690 must include a legible copy of a valid driver's license of the  
 691 person acting on behalf of the dissolved corporation, business  
 692 entity other than an active corporation, or trust. If the person  
 693 has not been issued a valid driver's license, the department  
 694 shall be provided with a legible copy of a photographic  
 695 identification of the person issued by the United States or a  
 696 foreign nation, or a political subdivision or agency thereof.  
 697 Any claim filed without the required identification with the  
 698 original claim form and the original power of attorney, if  
 699 applicable, is void.

700 Section 15. Section 717.12405, Florida Statutes, is  
 701 created to read:

702 717.12405 Claims by estates.--An estate, or any person  
 703 representing an estate or acting on behalf of an estate, may  
 704 claim unclaimed property only after the heir or legatee of the  
 705 decedent entitled to the property has been located. Any estate,  
 706 or any person representing an estate or acting on behalf of an  
 707 estate, that receives unclaimed property before the heir or  
 708 legatee of the decedent entitled to the property has been  
 709 located is personally liable for the unclaimed property and must  
 710 immediately return the full amount of the unclaimed property or  
 711 the value thereof to the department in accordance with s.  
 712 717.1341.

713 Section 16. Subsection (1) of section 717.1241, Florida  
 714 Statutes, is amended, and subsection (3) is added to said  
 715 section, to read:

716 717.1241 Conflicting claims.--

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717           (1) When ~~ownership has been established but~~ conflicting  
718 claims have been received by the department, the property shall  
719 be remitted as follows, notwithstanding the withdrawal of a  
720 claim to the:

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

722           1. To the person submitting the first claim that is  
723 complete or made complete received by the department; or

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

727           (b) As between two or more owners' representatives, to the  
728 owner's representative who has submitted the first claim that is  
729 complete or made complete ~~Owner if an owner's claim and an~~  
730 ~~owner's representative's claim are received by the department on~~  
731 ~~the same day; or~~

732           (c) As between two or more owners' representatives whose  
733 claims were complete on the same day, to the owner's  
734 representative who has agreed to receive the lowest fee. If two  
735 or more owners' representatives whose claims were complete on  
736 the same day are charging the same lowest fee, the fees shall be  
737 divided equally between the owners' representatives ~~Owner's~~  
738 ~~representative who has the earliest dated contract with the~~  
739 ~~owner if claims by two or more owner's representatives are~~  
740 ~~received by the department on the same day.~~

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

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

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745           717.1242 Restatement of jurisdiction of the circuit court  
746 sitting in probate and the department.--

747           (1) It is and has been the intent of the Legislature that,  
748 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of  
749 proceedings relating to the settlement of the estates of  
750 decedents and other jurisdiction usually pertaining to courts of  
751 probate. It is and has been the intent of the Legislature that,  
752 pursuant to s. 717.124, the department determines the merits of  
753 claims for property paid or delivered to the department under  
754 this chapter. Consistent with this legislative intent, any  
755 estate or beneficiary, as defined in s. 731.201, ~~heir~~ of an  
756 estate seeking to obtain property paid or delivered to the  
757 department under this chapter must file a claim with the  
758 department as provided in s. 717.124.

759           Section 18. Section 717.1244, Florida Statutes, is created  
760 to read:

761           717.1244 Determinations of unclaimed property claims.--In  
762 rendering a determination regarding the merits of an unclaimed  
763 property claim, the department shall rely on the applicable  
764 statutory, regulatory, common, and case law. Agency statements  
765 applying the statutory, regulatory, common, and case law to  
766 unclaimed property claims are not agency statements subject to  
767 s. 120.56(4).

768           Section 19. Section 717.126, Florida Statutes, is amended  
769 to read:

770           717.126 Administrative hearing; burden of proof; proof of  
771 entitlement; venue.--

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772           (1) Any person aggrieved by a decision of the department  
 773 may petition for a hearing as provided in ss. 120.569 and  
 774 120.57. In any proceeding for determination of a claim to  
 775 property paid or delivered to the department under this chapter,  
 776 the burden shall be upon the claimant to establish entitlement  
 777 to the property by a preponderance of evidence. Having the same  
 778 name as that reported to the department is not sufficient, in  
 779 the absence of other evidence, to prove entitlement to unclaimed  
 780 property.

781           (2) Unless otherwise agreed by the parties, venue shall be  
 782 in Tallahassee, Leon County, Florida. However, upon the request  
 783 of a party, the presiding officer may, in the presiding  
 784 officer's discretion, conduct the hearing at an alternative  
 785 remote video location.

786           Section 20. Section 717.1261, Florida Statutes, is created  
 787 to read:

788           717.1261 Death certificates.--Any person who claims  
 789 entitlement to unclaimed property by means of the death of one  
 790 or more persons shall file a copy of the death certificate of  
 791 the decedent or decedents that has been certified as being  
 792 authentic by the issuing governmental agency.

793           Section 21. Section 717.1262, Florida Statutes, is created  
 794 to read:

795           717.1262 Court documents.--Any person who claims  
 796 entitlement to unclaimed property by reason of a court document  
 797 shall file a certified copy of the court document with the  
 798 department.

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

801 717.1301 Investigations; examinations; subpoenas.--

802 (1) The department may make investigations and  
803 examinations within or outside this state of claims, reports,  
804 and other records ~~within or outside this state~~ as it deems  
805 necessary to administer and enforce the provisions of this  
806 chapter. In such investigations and examinations the department  
807 may administer oaths, examine witnesses, issue subpoenas, and  
808 otherwise gather evidence. The department may request any person  
809 who has not filed a report under s. 717.117 to file a verified  
810 report stating whether or not the person is holding any  
811 unclaimed property reportable or deliverable under this chapter.

812 (6) If an investigation or an examination of the records  
813 of any person results in the disclosure of property reportable  
814 and deliverable under this chapter, the department may assess  
815 the cost of investigation or the examination against the holder  
816 at the rate of \$100 per 8-hour day for each ~~per~~ investigator or  
817 examiner. Such fee shall be calculated on an hourly basis and  
818 shall be rounded to the nearest hour. The person shall also pay  
819 the travel expense and per diem subsistence allowance provided  
820 for state employees in s. 112.061. The person shall not be  
821 required to pay a per diem fee and expenses of an examination or  
822 investigation which shall consume more than 30 workdays in any  
823 one year unless such examination or investigation is due to  
824 fraudulent practices of the person, in which case such person  
825 shall be required to pay the entire cost regardless of time  
826 consumed. The fee shall be remitted to the department within 30

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827 days after the date of the notification that the fee is due and  
 828 owing. Any person who fails to pay the fee within 30 days after  
 829 the date of the notification that the fee is due and owing shall  
 830 pay to the department interest at the rate of 12 percent per  
 831 annum on such fee from the date of the notification.

832 Section 23. Subsection (2) of section 717.1315, Florida  
 833 Statutes, is amended to read:

834 717.1315 Retention of records by owner's representative.--

835 (2) An owner's representative, operating at two or more  
 836 places of business in this state, may maintain the books,  
 837 accounts, and records of all such offices at any one of such  
 838 offices, or at any other office maintained by such owner's  
 839 representative, upon the filing of a written notice with the  
 840 department designating in the written notice the office at which  
 841 such records are maintained.

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

845 Section 24. Subsection (2) of section 717.132, Florida  
 846 Statutes, is amended to read:

847 717.132 Enforcement; cease and desist orders;  
 848 administrative fines.--

849 (2) In addition to any other powers conferred upon it to  
 850 enforce and administer the provisions of this chapter, the  
 851 department may issue and serve upon a person an order to cease  
 852 and desist and to take corrective action whenever the department  
 853 finds that such person is violating, has violated, or is about  
 854 to violate any provision of this chapter, any rule or order

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855 promulgated under this chapter, or any written agreement entered  
 856 into with the department. For purposes of this subsection, the  
 857 term "corrective action" includes refunding excessive charges,  
 858 requiring a person to return unclaimed property, requiring a  
 859 holder to remit unclaimed property, and requiring a holder to  
 860 correct a report that contains errors or omissions. Any such  
 861 order shall contain a notice of rights provided by ss. 120.569  
 862 and 120.57.

863 Section 25. Section 717.1322, Florida Statutes, is created  
 864 to read:

865 717.1322 Administrative enforcement.--

866 (1) The following acts are violations of this chapter and  
 867 constitute grounds for an administrative enforcement action by  
 868 the department in accordance with chapter 120:

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

872 (b) Fraud, misrepresentation, deceit, or gross negligence  
 873 in any matter within the scope of this chapter.

874 (c) Fraudulent misrepresentation, circumvention, or  
 875 concealment of any matter required to be stated or furnished to  
 876 an owner or apparent owner pursuant to this chapter, regardless  
 877 of reliance by or damage to the owner or apparent owner.

878 (d) Willful imposition of illegal or excessive charges in  
 879 any unclaimed property transaction.

880 (e) False, deceptive, or misleading solicitation or  
 881 advertising within the scope of this chapter.



882        (f) Failure to maintain, preserve, and keep available for  
 883 examination all books, accounts, or other documents required by  
 884 this chapter, by any rule or order adopted pursuant to this  
 885 chapter, or by any agreement entered into with the department  
 886 pursuant to this chapter.

887        (g) Refusal to permit inspection of books and records in  
 888 an investigation or examination by the department or refusal to  
 889 comply with a subpoena issued by the department pursuant to this  
 890 chapter.

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

892        (i) Failure to timely pay any fee, charge, or fine imposed  
 893 or assessed pursuant to this chapter or any rule adopted  
 894 pursuant to this chapter.

895        (j) For compensation or gain or in the expectation of  
 896 compensation or gain, filing a claim for unclaimed property  
 897 owned by another unless such person is a registered attorney  
 898 licensed to practice law in this state, a registered Florida-  
 899 certified public accountant, or a registered private  
 900 investigator licensed under chapter 493. This subsection shall  
 901 not apply to a person who has been granted a durable power of  
 902 attorney to convey and receive all of the real and personal  
 903 property of the owner, is the court-appointed guardian of the  
 904 owner, has been employed as an attorney or qualified  
 905 representative to contest the department's denial of a claim, or  
 906 has been employed as an attorney to probate the estate of the  
 907 owner.

908        (k) Failing to authorize the release of records in the  
 909 possession of a third party after being requested to do so by  
 910 the department regarding a pending examination or investigation.

911        (1) Receiving or soliciting consideration to be paid in  
 912 advance of the approval of a claim under this chapter.

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

916            (a) Revoking or suspending a registration previously  
 917 granted pursuant to this chapter;

918            (b) Placing a registrant or an applicant for a  
 919 registration on probation for a period of time and subject to  
 920 such conditions as the department may specify;

921            (c) Placing permanent restrictions or conditions upon  
 922 issuance or maintenance of a registration pursuant to this  
 923 chapter;

924            (d) Issuing a reprimand;

925            (e) Imposing an administrative fine not to exceed \$2,000  
 926 for each such act; or

927            (f) Prohibiting any person from being an agent, employee,  
 928 or ultimate equitable owner of a 10-percent or greater interest  
 929 of an employer of a registrant.

930        (3) A registrant is subject to the administrative  
 931 enforcement actions specified in subsection (2) for violations  
 932 of subsection (1) by an agent or employee of the registrant's  
 933 employer if the registrant knew or should have known that such  
 934 agent or employee was violating any provision of this chapter.

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935       (4)(a) The department shall adopt by rule and periodically  
936 review the disciplinary guidelines applicable to each ground for  
937 administrative enforcement action which may be imposed by the  
938 department pursuant to this chapter.

939       (b) The disciplinary guidelines shall specify a meaningful  
940 range of designated penalties based upon the severity or  
941 repetition of specific offenses, or both, the legislative intent  
942 being that minor violations be distinguished from more serious  
943 violations; that such guidelines consider the amount of the  
944 claim involved, the complexity of locating the owner, the steps  
945 taken to ensure the accuracy of the claim by the person filing  
946 the claim, the acts of commission and omission of the ultimate  
947 owner in establishing himself or herself as rightful owner of  
948 the funds, the acts of commission or omission of the agent or  
949 employee of an employer in the filing of the claim, the actual  
950 knowledge of the agent, employee, employer, or owner in the  
951 filing of the claim, the departure, if any, by the agent or  
952 employee from the internal controls and procedures established  
953 by the employer with regard to the filing of a claim, the number  
954 of defective claims previously filed by the agent, employee,  
955 employer or owner; that such guidelines provide reasonable and  
956 meaningful notice of likely penalties which may be imposed for  
957 proscribed conduct; and that such penalties be consistently  
958 applied by the department.

959       (c) A specific finding of mitigating or aggravating  
960 circumstances shall allow the department to impose a penalty  
961 other than that provided for in such guidelines. The department  
962 shall adopt by rule disciplinary guidelines to designate

963 possible mitigating and aggravating circumstances and the  
 964 variation and range of penalties permitted for such  
 965 circumstances. Such mitigating and aggravating circumstances  
 966 shall also provide for consideration of, and be consistent with,  
 967 the legislative intent expressed in paragraph (b).

968 (d) In any proceeding brought pursuant to the provisions  
 969 of this chapter, the administrative law judge, in recommending  
 970 penalties in any recommended order, must follow the penalty  
 971 guidelines established by the department and must state in  
 972 writing any mitigating or aggravating circumstances upon which  
 973 the recommended penalty is based.

974 (5) The department may seek any appropriate civil legal  
 975 remedy available to the department by filing a civil action in a  
 976 court of competent jurisdiction against any person who has,  
 977 directly or through an owner's representative, wrongfully  
 978 submitted a claim as the ultimate owner of property and  
 979 improperly received funds from the department in violation of  
 980 any of the parts of this chapter.

981 Section 26. Section 717.1331, Florida Statutes, is created  
 982 to read:

983 717.1331 Actions against holders.--The department may  
 984 initiate, or cause to be initiated, an action against a holder  
 985 to recover unclaimed property. If the department prevails in a  
 986 civil or administrative action to recover unclaimed property  
 987 initiated by or on behalf of the department, the holder shall be  
 988 ordered to pay the department reasonable costs and attorney's  
 989 fees.

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990 Section 27. Section 717.1333, Florida Statutes, is created  
991 to read:

992 717.1333 Evidence; audit reports; examiner's worksheets,  
993 investigative reports, and other related documents.--In any  
994 proceeding under s. 120.569 or s. 120.57 in which an auditor,  
995 examiner, or investigator acting under authority of this chapter  
996 is available for cross-examination, any official written report,  
997 worksheet, or other related paper, or copy thereof, compiled,  
998 prepared, drafted, or otherwise made or received by the auditor,  
999 examiner, or investigator, after being duly authenticated by the  
1000 auditor, examiner, or investigator, may be admitted as competent  
1001 evidence upon the oath of the auditor, examiner, or investigator  
1002 that the report, worksheet, or related paper was prepared or  
1003 received as a result of an audit, examination, or investigation  
1004 of the books and records of the person audited, examined, or  
1005 investigated, or the agent thereof.

1006 Section 28. Subsection (5) is added to section 717.134,  
1007 Florida Statutes, to read:

1008 717.134 Penalties and interest.--

1009 (5) The department may impose and collect a penalty of  
1010 \$500 per day up to a maximum of \$5,000 and 25 percent of the  
1011 value of property willfully not reported with all of the  
1012 information required by this chapter. Upon a holder's showing of  
1013 good cause, the department may waive the penalty or any portion  
1014 thereof. If the holder acted in good faith and without  
1015 negligence, the department shall waive the penalty provided  
1016 herein.

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1017 Section 29. Section 717.1341, Florida Statutes, is created  
1018 to read:

1019 717.1341 Invalid claims, recovery of property, interest  
1020 and penalties.--

1021 (1)(a) No person shall receive unclaimed property that the  
1022 person is not entitled to receive. Any person who receives, or  
1023 assists another person to receive, unclaimed property that the  
1024 person is not entitled to receive is strictly, jointly,  
1025 personally, and severally liable for the unclaimed property and  
1026 shall immediately return the property, or the reasonable value  
1027 of the property if the property has been damaged or disposed of,  
1028 to the department plus interest at the rate set annually in  
1029 accordance with s. 55.03(1). Assisting another person to receive  
1030 unclaimed property includes executing a claim form on the  
1031 person's behalf.

1032 (b)1. In the case of stocks or bonds which have been sold,  
1033 the proceeds from the sale shall be returned to the department  
1034 plus any dividends or interest received thereon plus an amount  
1035 equal to the brokerage fee plus interest at the rate set  
1036 annually in accordance with s. 55.03(1) on the proceeds from the  
1037 sale of the stocks or bonds, the dividends or interest received,  
1038 and the brokerage fee.

1039 2. In the case of stocks or bonds which have not been  
1040 sold, the stocks or bonds and any dividends or interest received  
1041 thereon shall be returned to the department, together with  
1042 interest on the dividends or interest received, at the rate set  
1043 annually in accordance with s. 55.03(1) of the value of the  
1044 property.

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1045       (2) The department may maintain a civil or administrative  
1046 action:

1047       (a) To recover unclaimed property that was paid or  
1048 remitted to a person who was not entitled to the unclaimed  
1049 property or to offset amounts owed to the department against  
1050 amounts owed to an owner representative;

1051       (b) Against a person who assists another person in  
1052 receiving, or attempting to receive, unclaimed property that the  
1053 person is not entitled to receive; or

1054       (c) Against a person who attempts to receive unclaimed  
1055 property that the person is not entitled to receive.

1056       (3) If the department prevails in any proceeding under  
1057 subsection (2), a fine not to exceed three times the value of  
1058 the property received or sought to be received may be imposed on  
1059 any person who knowingly, or with reckless disregard or  
1060 deliberate ignorance of the truth, violated this section. If the  
1061 department prevails in a civil or administrative proceeding  
1062 under subsection (2), the person who violated subsection (1)  
1063 shall be ordered to pay the department reasonable costs and  
1064 attorney's fees.

1065       (4) No person shall knowingly file, knowingly conspire to  
1066 file, or knowingly assist in filing, a claim for unclaimed  
1067 property the person is not entitled to receive. Any person who  
1068 violates this subsection regarding unclaimed property of an  
1069 aggregate value:

1070       (a) Greater than \$50,000, commits a felony of the first  
1071 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1072 775.084;

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1073           (b) Greater than \$10,000 up to \$50,000, commits a felony  
 1074 of the second degree, punishable as provided in s. 775.082, s.  
 1075 775.083, or s. 775.084;

1076           (c) Greater than \$250 up to \$10,000, commits a felony of  
 1077 the third degree, punishable as provided in s. 775.082, s.  
 1078 775.083, or s. 775.084;

1079           (d) Greater than \$50 up to \$250, commits a misdemeanor of  
 1080 the first degree, punishable as provided in s. 775.082 or s.  
 1081 775.083; or

1082           (e) Up to \$50, commits a misdemeanor of the second degree,  
 1083 punishable as provided in s. 775.082 or s. 775.083.

1084           Section 30. Section 717.135, Florida Statutes, is amended  
 1085 to read:

1086           717.135 Agreement to recover ~~locate~~ reported property in  
 1087 the custody of the department.--

1088           (1) All agreements between a claimant's ~~an owner's~~  
 1089 representative and a claimant ~~an owner~~ for compensation to  
 1090 recover or assist in the recovery of property reported to the  
 1091 department under s. 717.117 shall be in 11-point type or greater  
 1092 and either:

1093           (a) Limit the fees and costs for services ~~for each owner~~  
 1094 ~~contract to \$25 for all contracts relating to unclaimed property~~  
 1095 ~~with a dollar value below \$250. For all contracts relating to~~  
 1096 ~~unclaimed property with a dollar value of \$250 and above, fees~~  
 1097 ~~shall be limited to 20~~ 15 percent per unclaimed ~~on~~ property  
 1098 account held by the department ~~for 24 months or less and 25~~  
 1099 ~~percent on property held by the department for more than 24~~  
 1100 ~~months.~~ Fees and costs for cash accounts shall be based on the



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1101 value of the property at the time the agreement for recovery is  
 1102 signed by the claimant ~~apparent owner~~. Fees and costs for  
 1103 accounts containing securities or other intangible ownership  
 1104 interests, which securities or interests are not converted to  
 1105 cash, shall be based on the purchase price of the security as  
 1106 quoted on a national exchange or other market on which the  
 1107 property ownership interest is regularly traded at the time the  
 1108 securities or other ownership interest is remitted to the  
 1109 claimant ~~owner~~ or the claimant's ~~owner's~~ representative. Fees  
 1110 and costs for tangible property or safe-deposit box accounts  
 1111 shall be based on the value of the tangible property or contents  
 1112 of the safe-deposit box at the time the ownership interest is  
 1113 transferred or remitted to the claimant ~~owner or the owner's~~  
 1114 ~~representative~~; or

1115 (b) Disclose, on such form as the department shall  
 1116 prescribe by rule, that the property is held by the Bureau of  
 1117 Unclaimed Property of the Department of Financial Services  
 1118 pursuant to this chapter, the person or name of the entity that  
 1119 held the property prior to the property becoming unclaimed, the  
 1120 date of the holder's last contact with the owner, if known, and  
 1121 the approximate value of the property, and identify which of the  
 1122 following categories of unclaimed property the owner's  
 1123 representative is seeking to recover, as reported by the holder:

- 1124 1. Cash accounts.
- 1125 2. Stale dated checks.
- 1126 3. Life insurance or annuity contract assets.
- 1127 4. Utility deposits.
- 1128 5. Securities or other interests in business associations.

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- 1129 6. Wages.
- 1130 7. Accounts receivable.
- 1131 8. Contents of safe-deposit boxes.

1132  
 1133 Such disclosure shall be on a page signed and dated by the  
 1134 person asserting entitlement to the unclaimed property. However,  
 1135 paragraph (a) or paragraph (b) ~~this section~~ shall not apply if  
 1136 probate proceedings must be initiated on behalf of a claimant  
 1137 for an estate that has never been probated ~~to contracts made in~~  
 1138 connection with guardianship proceedings or the probate of an  
 1139 estate.

1140 (2)(a) Agreements for recovery of cash accounts shall  
 1141 state the value of the unclaimed property, the unclaimed  
 1142 property account number, and the percentage ~~dollar~~ value of the  
 1143 unclaimed property account to be paid to the claimant ~~owner~~ and  
 1144 shall also state the percentage ~~dollar~~ value of compensation to  
 1145 be paid to the claimant's ~~owner's~~ representative.

1146 (b) Agreements for recovery of accounts containing  
 1147 securities, safe-deposit box accounts, other intangible or  
 1148 tangible ownership interests, or other types of accounts, except  
 1149 cash accounts, shall state the unclaimed property account  
 1150 number, the number of shares of stock, if applicable, the  
 1151 approximate value of the unclaimed property, and the percentage  
 1152 value of compensation to be paid to the claimant's ~~owner's~~  
 1153 representative.

1154 (c) All disclosures and agreements shall include the name,  
 1155 address, and professional license number of the claimant's  
 1156 ~~owner's~~ representative, and, if available, the taxpayer

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1157 identification number or social security number, address, and  
 1158 telephone number of the claimant owner. The original of all such  
 1159 disclosures and agreements to pay compensation shall be signed  
 1160 and dated by the claimant owner of the property and shall be  
 1161 filed ~~by the owner's representative~~ with the claim form.

1162 (d) All agreements between a claimant's representative and  
 1163 a claimant, who is a natural person, a trust, or a dissolved  
 1164 corporation, for compensation to recover or assist in the  
 1165 recovery of property reported to the department under s. 717.117  
 1166 must use the following form on 8 1/2-inch by 11-inch paper or on  
 1167 8 1/2-inch by 14-inch paper with all of the text on one side of  
 1168 the paper and with the other side of the paper left blank,  
 1169 except, at the option of the owner representative, the  
 1170 department disclosure form may be placed on the reverse side of  
 1171 the agreement. The agreement must be accurately completed and  
 1172 executed. No other writing or information shall be printed on  
 1173 the agreement. The title of the agreement shall be in bold 14-  
 1174 point type and underlined. The rest of the agreement shall be in  
 1175 10-point type or greater. All unclaimed property accounts  
 1176 claimed must be identified on the agreement. The agreement must  
 1177 state:

1178 RECOVERY AGREEMENT

1179  
 1180 \$\_\_\_\_\_ = APPROXIMATE DOLLAR VALUE OF UNCLAIMED PROPERTY  
 1181 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF  
 1182 APPLICABLE): \_\_\_\_\_

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1184 PROPERTY ACCOUNT

1185 NUMBERS: \_\_\_\_\_

1186 \_\_\_\_\_

1187 \_\_\_\_\_

1188 \_\_\_\_\_ PERCENT TO BE PAID AS COMPENSATION TO THE

1189 CLAIMANT'S REPRESENTATIVE

1190 \_\_\_\_\_

1191 \$ \_\_\_\_\_ = NET AMOUNT TO BE PAID TO CLAIMANT

1192 \$ \_\_\_\_\_ = AMOUNT TO BE PAID TO CLAIMANT'S REPRESENTATIVE

1193 \_\_\_\_\_

1194 \_\_\_\_\_

1195 \_\_\_\_\_

1196 THIS AGREEMENT is between:

1197 \_\_\_\_\_

1198 \_\_\_\_\_

1199 (hereinafter, CLAIMANT)

1200 \_\_\_\_\_

1201 and \_\_\_\_\_

1202 (hereinafter, CLAIMANT'S REPRESENTATIVE)

1203 \_\_\_\_\_

1204 who agree to the following:

1205 (1) As consideration for the research efforts in locating

1206 and identifying assets due to the CLAIMANT and for assistance in

1207 procuring payment of the assets to the CLAIMANT, the CLAIMANT

1208 authorizes the government to pay to the CLAIMANT'S

1209 REPRESENTATIVE a fee of \_\_\_\_\_ percent of all assets

1210 recovered. NO FEES ARE TO BE PAID IN ADVANCE.

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1211        (2) I have read this agreement and in consideration  
1212 thereof do hereby grant the CLAIMANT'S REPRESENTATIVE a limited  
1213 power of attorney to demand, collect, recover, and receive the  
1214 above compensation from the government in accordance with this  
1215 agreement.

1216        (3) IT IS HEREBY ACKNOWLEDGED BY ALL PARTIES TO THIS  
1217 AGREEMENT THAT UNLESS THESE ASSETS ARE RECOVERED, NO FEES, NO  
1218 COSTS, OR NO CHARGES ARE DUE TO THE CLAIMANT'S REPRESENTATIVE,  
1219 ITS AGENTS, OR ITS ATTORNEYS, AND THIS AGREEMENT WILL BECOME  
1220 NULL AND VOID.

1221  
1222 Original Signature of CLAIMANT:\_\_\_\_\_

1223  
1224 DATE:\_\_\_\_\_

1225  
1226 CLAIMANT'S Social Security Number or FEID number:\_\_\_\_\_

1227  
1228 Make the CLAIMANT'S check payable to:\_\_\_\_\_

1229  
1230 Mail check to this address:\_\_\_\_\_

1231  
1232 \_\_\_\_\_

1233  
1234 The CLAIMANT'S telephone number is:\_\_\_\_\_

1235  
1236 Original Signature of CLAIMANT'S REPRESENTATIVE:\_\_\_\_\_

1237  
1238 FEID Number of CLAIMANT'S REPRESENTATIVE:\_\_\_\_\_

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DATE: \_\_\_\_\_

Address of CLAIMANT'S REPRESENTATIVE: \_\_\_\_\_

Telephone number of CLAIMANT'S REPRESENTATIVE: \_\_\_\_\_

Professional license number of CLAIMANT'S REPRESENTATIVE: \_\_\_\_\_

(3) As used in this section, "claimant" means the person on whose behalf a claim is filed.

(4) This section does not supersede the licensing requirements of chapter 493.

Section 31. Section 717.1351, Florida Statutes, is created to read:

717.1351 Acquisition of unclaimed property.--

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

1267        (2) All contracts to acquire ownership or entitlement of  
 1268 unclaimed property from the person or persons entitled to the  
 1269 unclaimed property must be in 10-point type or greater and must:

1270        (a) Have a purchase price that discounts the value of the  
 1271 unclaimed property at the time the agreement is executed by the  
 1272 seller at no greater than 20 percent per account held by the  
 1273 department; or

1274        (b) Disclose, on such form as the department shall  
 1275 prescribe by rule, that the property is held by the Bureau of  
 1276 Unclaimed Property of the Department of Financial Services  
 1277 pursuant to this chapter, the person or name of the entity that  
 1278 held the property prior to the property's becoming unclaimed,  
 1279 the date of the holder's last contact with the owner, if known,  
 1280 and the approximate value of the property, and shall identify  
 1281 which of the following categories of unclaimed property the  
 1282 buyer is seeking to purchase as reported by the holder:

- 1283        1. Cash accounts.
- 1284        2. Stale dated checks.
- 1285        3. Life insurance or annuity contract assets.
- 1286        4. Utility deposits.
- 1287        5. Securities or other interests in business associations.
- 1288        6. Wages.
- 1289        7. Accounts receivable.
- 1290        8. Contents of safe-deposit boxes.

1291

1292 Such disclosure shall be on a page signed and dated by the  
 1293 seller of the unclaimed property.

1294       (3) The originals of all such disclosures and agreements  
 1295 to transfer ownership or entitlement to unclaimed property shall  
 1296 be signed and dated by the seller and shall be filed with the  
 1297 claim form. The claimant shall provide the department with a  
 1298 legible copy of a valid driver's license of the seller at the  
 1299 time the original claim form is filed. If a seller has not been  
 1300 issued a valid driver's license at the time the original claim  
 1301 form is filed, the department shall be provided with a legible  
 1302 copy of a photographic identification of the seller issued by  
 1303 the United States or a foreign nation, a state or territory of  
 1304 the United States or foreign nation, or a political subdivision  
 1305 or agency thereof. If a claim is filed without the required  
 1306 identification with the original claim form and the original  
 1307 agreement to acquire ownership or entitlement to the unclaimed  
 1308 property, the claim is void.

1309       (4) Any contract to acquire ownership or entitlement of  
 1310 unclaimed property from the person or persons entitled to the  
 1311 unclaimed property must provide for the purchase price to be  
 1312 remitted to the seller or sellers within 10 days after the  
 1313 execution of the contract by the seller or sellers. The contract  
 1314 must specify the unclaimed property account number, the value of  
 1315 the unclaimed property account, and the number of shares of  
 1316 stock, if applicable. Proof of payment by check must be filed  
 1317 with the department with the claim.

1318       (5) All agreements to purchase unclaimed property from an  
 1319 owner who is a natural person, a trust, or a dissolved  
 1320 corporation must use the following form on 8 1/2-inch by 11-inch  
 1321 paper or on 8 1/2-inch by 14-inch paper with all of the text on



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1322 one side of the paper and with the other side of the paper left  
 1323 blank, except that, at the option of the owner representative,  
 1324 the department disclosure form may be placed on the reverse side  
 1325 of the agreement. The agreement must be accurately completed and  
 1326 executed. No other writing or information shall be printed on  
 1327 the agreement. The title of the agreement shall be in bold 14-  
 1328 point type and underlined. The rest of the agreement shall be in  
 1329 10-point type or greater. All unclaimed property accounts to be  
 1330 purchased must be identified on the agreement. The agreement  
 1331 must state:

1332 PURCHASE AGREEMENT

1333 \$\_\_\_\_\_ = APPROXIMATE DOLLAR VALUE OF THE UNCLAIMED

1334 PROPERTY

1335 PROPERTY ACCOUNT NUMBER(S):\_\_\_\_\_

1337 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

1338 APPLICABLE):\_\_\_\_\_

1340 \_\_\_\_\_ PERCENT OF UNCLAIMED PROPERTY TO BE PAID TO THE

1341 BUYER

1343 \$\_\_\_\_\_ = NET AMOUNT TO BE PAID TO OWNER

1345 \$\_\_\_\_\_ = AMOUNT TO BE PAID TO BUYER

1347 THIS AGREEMENT is between:\_\_\_\_\_

1348 (hereinafter, OWNER)

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and \_\_\_\_\_  
(hereinafter, BUYER)

who agree that the OWNER transfers to the BUYER for a purchase price of \$ \_\_\_\_\_ all rights to the above identified unclaimed property accounts.

Original Signature of OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

OWNER'S Social Security Number or FEID number: \_\_\_\_\_

Within 10 days after the execution of this Purchase Agreement by the Owner, Buyer shall remit the OWNER'S check payable to: \_\_\_\_\_

Mail check to this address: \_\_\_\_\_

The OWNER'S telephone number is: \_\_\_\_\_

Original Signature of BUYER: \_\_\_\_\_

FEID Number of BUYER: \_\_\_\_\_ DATE: \_\_\_\_\_

Address of BUYER: \_\_\_\_\_

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1378 Telephone number of BUYER: \_\_\_\_\_

1379

1380 Professional license number of BUYER: \_\_\_\_\_

1381

1382 (6) This section does not supersede the licensing  
 1383 requirements of chapter 493.

1384 Section 32. Section 717.1400, Florida Statutes, is created  
 1385 to read:

1386 717.1400 Registration.--

1387 (1) A private investigator holding a Class "C" individual  
 1388 license under chapter 493 must register with the department on  
 1389 such form as the department shall prescribe by rule. To register  
 1390 with the department, a private investigator must provide:

1391 (a) A legible copy of the applicant's Class "A" business  
 1392 license under chapter 493 or that of the applicant's employer  
 1393 which holds a Class "A" business license under chapter 493.

1394 (b) A legible copy of the applicant's Class "C" individual  
 1395 license issued under chapter 493.

1396 (c) The applicant's business address and telephone number.

1397 (d) The names of agents or employees, if any, who are  
 1398 designated to act on behalf of the private investigator together  
 1399 with a legible copy of the agent's or employee's photo-  
 1400 identification issued by an agency of the United States or a  
 1401 state or a political subdivision thereof.

1402 (e) Sufficient information to enable the department to  
 1403 disburse funds by electronic funds transfer.

1404       (f) The tax identification number of the private  
 1405 investigator's employer which holds a Class "A" business license  
 1406 under chapter 493 and by whom the agent or employee is employed.

1407       (2) A Florida-certified public accountant must register  
 1408 with the department on such form as the department shall  
 1409 prescribe by rule and must be verified by the applicant. To  
 1410 register with the department, a Florida-certified public  
 1411 accountant must provide:

1412           (a) The applicant's Florida Board of Accountancy number.

1413           (b) A legible copy of the applicant's current driver's  
 1414 license showing the full name and current address of such  
 1415 person. If a current driver's license is not available, another  
 1416 form of identification showing the full name and current address  
 1417 of such person or persons shall be filed with the department.

1418           (c) The applicant's business address and telephone number.

1419           (d) The names of agents or employees, if any, who are  
 1420 designated to act on behalf of the Florida-certified public  
 1421 accountant together with a legible copy of the agent's or  
 1422 employee's photo-identification issued by an agency of the  
 1423 United States or a state or a political subdivision thereof.

1424           (e) Sufficient information to enable the department to  
 1425 disburse funds by electronic funds transfer.

1426           (f) The tax identification number of the accountant's  
 1427 public accounting firm employer.

1428       (3) An attorney licensed to practice in this state must  
 1429 register with the department on such form as the department  
 1430 shall prescribe by rule and must be verified by the applicant.  
 1431 To register with the department, such attorney must provide:

- 1432        (a) The applicant's Florida Bar number.
- 1433        (b) A legible copy of the applicant's current driver's  
 1434 license showing the full name and current address of such  
 1435 person. If a current driver's license is not available, another  
 1436 form of identification showing the full name and current address  
 1437 of such person or persons shall be filed with the department.
- 1438        (c) The applicant's business address and telephone number.
- 1439        (d) The names of agents or employees, if any, who are  
 1440 designated to act on behalf of the attorney, together with a  
 1441 legible copy of the agent's or employee's photo-identification  
 1442 issued by an agency of the United States or a state or a  
 1443 political subdivision thereof.
- 1444        (e) Sufficient information to enable the department to  
 1445 disburse funds by electronic funds transfer.
- 1446        (f) The tax identification number of the lawyer's law firm  
 1447 employer.
- 1448        (4) Information and documents already on file with the  
 1449 department prior to the effective date of this provision need  
 1450 not be resubmitted in order to complete the registration.
- 1451        (5) If a material change in the status of a registration  
 1452 occurs, a registrant must within 30 days provide the department  
 1453 with the updated documentation and information in writing.  
 1454 Material changes include, but are not limited to, a designated  
 1455 agent or employee ceasing to act on behalf of the designating  
 1456 person, a surrender, suspension, or revocation of a license, or  
 1457 a license renewal.
- 1458        (a) If a designated agent or employee ceases to act on  
 1459 behalf of the person who has designated the agent or employee to

1460 act on such person's behalf, the designating person must within  
 1461 30 days inform the Bureau of Unclaimed Property in writing of  
 1462 the termination of agency or employment.

1463 (b) If a registrant surrenders the registrant's license or  
 1464 the license is suspended or revoked, the registrant must within  
 1465 30 days inform the bureau in writing of the surrender,  
 1466 suspension, or revocation.

1467 (c) If a private investigator's Class "C" individual  
 1468 license under chapter 493, or if a private investigator's  
 1469 employer's Class "A" business license under chapter 493, is  
 1470 renewed, the private investigator must provide a copy of the  
 1471 renewed license to the department within 30 days after the  
 1472 receipt of the renewed license by the private investigator or  
 1473 the private investigator's employer.

1474 (6) No registrant or applicant for registration may have a  
 1475 name that might lead another person to conclude that the  
 1476 registrant is affiliated or associated with the United States or  
 1477 any agency thereof or a state or an agency or political  
 1478 subdivision of a state. The department shall deny an application  
 1479 for registration or revoke a registration if the applicant or  
 1480 registrant has a name that might lead another person to conclude  
 1481 that the applicant or registrant is affiliated or associated  
 1482 with the United States or an agency thereof or a state or an  
 1483 agency or political subdivision of a state. Names that might  
 1484 lead another person to conclude that the applicant or registrant  
 1485 is affiliated or associated with the United States or an agency  
 1486 thereof or a state or an agency or political subdivision of a  
 1487 state include, but are not limited to, the use of the words

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1488 United States, Florida, state, bureau, division, department, or  
1489 government.

1490 Section 33. Subsection (2) of section 212.02, Florida  
1491 Statutes, is amended to read:

1492 212.02 Definitions.--The following terms and phrases when  
1493 used in this chapter have the meanings ascribed to them in this  
1494 section, except where the context clearly indicates a different  
1495 meaning:

1496 (2) "Business" means any activity engaged in by any  
1497 person, or caused to be engaged in by him or her, with the  
1498 object of private or public gain, benefit, or advantage, either  
1499 direct or indirect. Except for the sales of any aircraft, boat,  
1500 mobile home, or motor vehicle, the term "business" shall not be  
1501 construed in this chapter to include occasional or isolated  
1502 sales or transactions involving tangible personal property or  
1503 services by a person who does not hold himself or herself out as  
1504 engaged in business or sales of unclaimed tangible personal  
1505 property under s. 717.122, but includes other charges for the  
1506 sale or rental of tangible personal property, sales of services  
1507 taxable under this chapter, sales of or charges of admission,  
1508 communication services, all rentals and leases of living  
1509 quarters, other than low-rent housing operated under chapter  
1510 421, sleeping or housekeeping accommodations in hotels,  
1511 apartment houses, roominghouses, tourist or trailer camps, and  
1512 all rentals of or licenses in real property, other than low-rent  
1513 housing operated under chapter 421, all leases or rentals of or  
1514 licenses in parking lots or garages for motor vehicles, docking  
1515 or storage spaces for boats in boat docks or marinas as defined

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1516 | in this chapter and made subject to a tax imposed by this  
 1517 | chapter. The term "business" shall not be construed in this  
 1518 | chapter to include the leasing, subleasing, or licensing of real  
 1519 | property by one corporation to another if all of the stock of  
 1520 | both such corporations is owned, directly or through one or more  
 1521 | wholly owned subsidiaries, by a common parent corporation; the  
 1522 | property was in use prior to July 1, 1989, title to the property  
 1523 | was transferred after July 1, 1988, and before July 1, 1989,  
 1524 | between members of an affiliated group, as defined in s. 1504(a)  
 1525 | of the Internal Revenue Code of 1986, which group included both  
 1526 | such corporations and there is no substantial change in the use  
 1527 | of the property following the transfer of title; the leasing,  
 1528 | subleasing, or licensing of the property was required by an  
 1529 | unrelated lender as a condition of providing financing to one or  
 1530 | more members of the affiliated group; and the corporation to  
 1531 | which the property is leased, subleased, or licensed had sales  
 1532 | subject to the tax imposed by this chapter of not less than \$667  
 1533 | million during the most recent 12-month period ended June 30.  
 1534 | Any tax on such sales, charges, rentals, admissions, or other  
 1535 | transactions made subject to the tax imposed by this chapter  
 1536 | shall be collected by the state, county, municipality, any  
 1537 | political subdivision, agency, bureau, or department, or other  
 1538 | state or local governmental instrumentality in the same manner  
 1539 | as other dealers, unless specifically exempted by this chapter.

1540 |       Section 34. Subsection (4) of section 322.142, Florida  
 1541 | Statutes, is amended to read:

1542 |             322.142 Color photographic or digital imaged licenses.--



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1543 (4) The department may maintain a film negative or print  
 1544 file. The department shall maintain a record of the digital  
 1545 image and signature of the licensees, together with other data  
 1546 required by the department for identification and retrieval.  
 1547 Reproductions from the file or digital record shall be made and  
 1548 issued only for departmental administrative purposes, for the  
 1549 issuance of duplicate licenses, in response to law enforcement  
 1550 agency requests, ~~or to the Department of Revenue pursuant to an~~  
 1551 interagency agreement to facilitate service of process in Title  
 1552 IV-D cases, or to the Department of Financial Services pursuant  
 1553 to an interagency agreement to facilitate the location of owners  
 1554 of unclaimed property, the validation of unclaimed property  
 1555 claims, and the identification of fraudulent or false claims,  
 1556 and are exempt from the provisions of s. 119.07(1).

1557 Section 35. Paragraph (1) is added to subsection (4) of  
 1558 section 395.3025, Florida Statutes, and subsection (10) of said  
 1559 section is amended, to read:

1560 395.3025 Patient and personnel records; copies;  
 1561 examination.--

1562 (4) Patient records are confidential and must not be  
 1563 disclosed without the consent of the person to whom they  
 1564 pertain, but appropriate disclosure may be made without such  
 1565 consent to:

1566 (1) The Department of Financial Services, or an agent,  
 1567 employee, or independent contractor of the department who is  
 1568 auditing for unclaimed property pursuant to chapter 717.

1569 (10) The home addresses, telephone numbers, social  
 1570 security numbers, and photographs of employees of any licensed

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1571 facility who provide direct patient care or security services;  
 1572 the home addresses, telephone numbers, social security numbers,  
 1573 photographs, and places of employment of the spouses and  
 1574 children of such persons; and the names and locations of schools  
 1575 and day care facilities attended by the children of such persons  
 1576 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 1577 I of the State Constitution. However, any state or federal  
 1578 agency that is authorized to have access to such information by  
 1579 any provision of law shall be granted such access in the  
 1580 furtherance of its statutory duties, notwithstanding the  
 1581 provisions of this subsection. The Department of Financial  
 1582 Services, or an agent, employee, or independent contractor of  
 1583 the department who is auditing for unclaimed property pursuant  
 1584 to chapter 717, shall be granted access to the name, address,  
 1585 and social security number of any employee owed unclaimed  
 1586 property. This subsection is subject to the Open Government  
 1587 Sunset Review Act of 1995 in accordance with s. 119.15, and  
 1588 shall stand repealed on October 2, 2004, unless reviewed and  
 1589 saved from repeal through reenactment by the Legislature.  
 1590 Section 36. This act shall take effect October 1, 2004.