

1 A bill to be entitled
2 An act relating to unclaimed property; amending
3 s. 717.101, F.S.; providing definitions;
4 amending ss. 717.106, 717.107, 717.109, and
5 717.116, F.S.; revising criteria for presuming
6 as unclaimed certain bank deposits and funds in
7 financial organizations, funds owing under life
8 insurance policies, funds held by business
9 associations, and property held in a
10 safe-deposit box or other safekeeping
11 repository, respectively; amending s. 717.117,
12 F.S.; revising reporting requirements for
13 unclaimed property; presuming certain accounts
14 as unclaimed under certain circumstances;
15 providing that certain intangible property is
16 exempt from being reported as unclaimed
17 property under certain conditions; amending s.
18 717.118, F.S.; providing requirements for
19 notification of apparent owners of unclaimed
20 property; amending s. 717.119, F.S.; revising
21 requirements for delivery of certain unclaimed
22 property; providing penalties for late
23 deliveries; amending s. 717.1201, F.S.;
24 revising certain holder payment and repayment
25 requirements; amending s. 717.122, F.S.;
26 revising certain public sale requirements;
27 authorizing the Department of Financial
28 Services to deduct certain auction fees, costs,
29 and expenses; prohibiting actions or
30 proceedings against the department for certain
31 decisions relating to auctions of unclaimed

1 | property; specifying that certain sales of
2 | unclaimed property are not subject to the sales
3 | tax; amending s. 717.123, F.S.; increasing a
4 | maximum amount of funds the department may
5 | retain from certain funds received; amending s.
6 | 717.124, F.S.; providing additional
7 | requirements for filing unclaimed property
8 | claims; providing for the return or withdrawal
9 | of certain claims under certain circumstances;
10 | specifying a time period for department
11 | determination of claims; authorizing the
12 | department to deny claims under certain
13 | circumstances; specifying an exclusive remedy
14 | for subsequent claimants; revising requirements
15 | for a power of attorney; requiring direct
16 | delivery of safe-deposit boxes under certain
17 | circumstances; revising payment of fees and
18 | costs requirements; creating s. 717.12403,
19 | F.S.; providing presumptions for certain
20 | unclaimed demand, savings, or checking accounts
21 | in financial institutions with more than one
22 | beneficiary; creating s. 717.12404, F.S.;
23 | providing requirements for claims for property
24 | reported in the name of an active or dissolved
25 | corporation for which the last annual report is
26 | unavailable; creating s. 717.12405, F.S.;
27 | providing requirements; for claims by estates;
28 | amending s. 717.1241, F.S.; revising
29 | requirements for remittance of property subject
30 | to conflicting claims; amending s. 717.1242,
31 | F.S.; clarifying legislative intent relating to

1 filing certain claims; creating s. 717.1244,
2 F.S.; providing criteria for department
3 determinations of claims; amending s. 717.126,
4 F.S.; providing a criterion for proof of
5 entitlement; specifying venue in certain
6 unclaimed property actions; creating s.
7 717.1261, F.S.; requiring a death certificate
8 in claiming entitlement to certain unclaimed
9 property; creating s. 717.1262, F.S.; requiring
10 certain court documents in claiming entitlement
11 to certain unclaimed property; amending s.
12 717.1301, F.S.; revising certain fee and
13 expense requirements for investigations or
14 examinations; providing for interest on such
15 amounts under certain circumstances; amending
16 s. 717.1315, F.S.; clarifying a record
17 retention requirement for owner
18 representatives; amending s. 717.132, F.S.;
19 specifying criteria for certain corrective
20 actions; creating s. 717.1322, F.S.; specifying
21 grounds for certain disciplinary actions;
22 providing for certain disciplinary actions;
23 providing penalties; authorizing the department
24 to adopt rules with regard to disciplinary
25 guidelines; creating s. 717.1331, F.S.;
26 providing for department actions against
27 certain lienholders under certain
28 circumstances; creating s. 717.1333, F.S.;
29 providing for admitting certain documents into
30 evidence in certain actions; amending s.
31 717.134, F.S.; authorizing the department to

1 impose and collect penalties for failing to
2 report certain information; authorizing the
3 department waive such penalties under certain
4 circumstances; creating s. 717.1341, F.S.;
5 prohibiting receipt of unentitled unclaimed
6 property; providing for liability for such
7 property under certain circumstances;
8 authorizing the department to maintain certain
9 civil or administrative actions; providing for
10 fines, costs, and attorney fees; prohibiting
11 filing claims for unentitled unclaimed
12 property; providing criminal penalties;
13 amending s. 717.135, F.S.; revising
14 requirements for agreements to recover certain
15 property; providing an agreement form; creating
16 s. 717.1351, F.S.; providing requirements for
17 acquisition of unclaimed property by certain
18 persons; providing certain contract
19 requirements; providing a contract form;
20 creating s. 717.1400, F.S.; requiring certain
21 licensed persons to register with the
22 department for certain purposes; providing
23 registration requirements; providing for denial
24 of registration under certain circumstances;
25 providing registration limitations; amending s.
26 212.02, F.S.; revising a definition to conform;
27 amending ss. 322.142 and 395.3025, F.S.;
28 providing for disclosure of certain
29 confidential information to the department
30 under certain circumstances; amending s.
31 723.103, F.S.; authorizing the court, under

1 specified conditions, to extend the right of
2 succession to surviving heirs when the
3 decedent's lineage cannot be fully documented
4 because it includes a Holocaust victim;
5 limiting the application of statutes of
6 limitation under certain circumstances;
7 defining the term "Holocaust victim"; providing
8 an effective date.
9

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

11
12 Section 1. Subsection (15) of section 717.101, Florida
13 Statutes, is renumbered as subsection (16) and amended,
14 subsections (5) through (18) are renumbered as subsections (6)
15 through (19), respectively, present subsection (19) is
16 renumbered as subsection (21), and new subsections (5) and
17 (20) are added to that section, to read:

18 717.101 Definitions.--As used in this chapter, unless
19 the context otherwise requires:

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

22 (16)(15) "Owner" means a depositor in the case of a
23 deposit, a beneficiary in case of a trust or other than a
24 deposit in trust, a claimant, or a payee in the case of other
25 intangible property, or a person having a legal or equitable
26 interest in property subject to this chapter or his or her
27 legal representative.

28 (20) "Ultimate equitable owner" means a natural person
29 who, directly or indirectly, owns or controls an ownership
30 interest in a corporation, a foreign corporation, an alien
31 business organization, or any other form of business

1 organization, regardless of whether such natural person owns
2 or controls such ownership interest through one or more
3 natural persons or one or more proxies, powers of attorney,
4 nominees, corporations, associations, partnerships, trusts,
5 joint stock companies, or other entities or devices, or any
6 combination thereof.

7 Section 2. Subsection (1) of section 717.106, Florida
8 Statutes, are amended to read:

9 717.106 Bank deposits and funds in financial
10 organizations.--

11 (1) Any demand, savings, or matured time deposit with
12 a banking or financial organization, including deposits that
13 are automatically renewable, and any funds paid toward the
14 purchase of shares, a mutual investment certificate, or any
15 other interest in a banking or financial organization is
16 presumed unclaimed unless the owner has, within 5 years:

17 (a) Increased or decreased the amount of the deposit
18 or presented the passbook or other similar evidence of the
19 deposit for the crediting of interest;

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

22 (c) Otherwise indicated an interest in the property as
23 evidenced by a memorandum or other record on file with the
24 banking or financial organization;

25 (d) Owned other property to which paragraph (a),
26 paragraph (b), or paragraph (c) is applicable and if the
27 banking or financial organization communicates in writing with
28 the owner with regard to the property that would otherwise be
29 presumed unclaimed under this subsection at the address to
30 which communications regarding the other property regularly
31 are sent; or

1 (e) Had another relationship with the banking or
 2 financial organization concerning which the owner has:
 3 1. Communicated in writing with the banking or
 4 financial organization; or
 5 2. Otherwise indicated an interest as evidenced by a
 6 memorandum or other record on file with the banking or
 7 financial organization and if the banking or financial
 8 organization communicates in writing with the owner with
 9 regard to the property that would otherwise be unclaimed under
 10 this subsection at the address to which communications
 11 regarding the other relationship regularly are sent; ~~or~~

12 ~~(f) Received first class mail from the banking or~~
 13 ~~financial organization or a subsidiary of such banking or~~
 14 ~~financial organization, which was not returned as~~
 15 ~~undeliverable, in the ordinary course of business at the~~
 16 ~~address reflected in the banking or financial organization's~~
 17 ~~records.~~

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

20 717.107 Funds owing under life insurance policies.--

21 (1) Funds held or owing under any life or endowment
 22 insurance policy or annuity contract which has matured or
 23 terminated are presumed unclaimed if unclaimed for more than 5
 24 years after the funds became due and payable as established
 25 from the records of the insurance company holding or owing the
 26 funds, but property described in paragraph (3)(b) is presumed
 27 unclaimed if such property is not claimed for more than 2
 28 years. The amount presumed unclaimed shall include any amount
 29 due and payable under s. 627.4615.

30 Section 4. Section 717.109, Florida Statutes, is
 31 amended to read:

1 717.109 Refunds held by business associations.--Except
2 ~~as to the extent~~ otherwise provided ~~ordered by law the court~~
3 ~~or administrative agency~~, any sum that a business association
4 has been ordered to refund by a court or administrative agency
5 which has been unclaimed by the owner for more than 1 year
6 after it became payable in accordance with the final
7 determination or order providing for the refund, regardless of
8 whether the final determination or order requires any person
9 entitled to a refund to make a claim for it, is presumed
10 unclaimed.

11 Section 5. Section 717.116, Florida Statutes, is
12 amended to read:

13 717.116 Contents of safe-deposit box or other
14 safekeeping repository.--All tangible and intangible property
15 held by a banking or financial organization in a safe-deposit
16 box or any other safekeeping repository in this state in the
17 ordinary course of the holder's business, and proceeds
18 resulting from the sale of the property permitted by law, that
19 has not been claimed by the owner for more than 3 years after
20 the lease or rental period on the box or other repository has
21 expired are presumed unclaimed.

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

24 717.117 Report of unclaimed property.--

25 (1) Every person holding funds or other property,
26 tangible or intangible, presumed unclaimed and subject to
27 custody as unclaimed property under this chapter shall report
28 to the department on such forms as the department may
29 prescribe by rule. In lieu of forms, a report identifying 25
30 or more different apparent owners must be submitted by the
31 holder ~~may submit the required information~~ via electronic

1 medium as the department may prescribe by rule. The report
2 must include:

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

9 (b) For unclaimed funds which have a value of \$50 or
10 more held or owing under any life or endowment insurance
11 policy or annuity contract, the full name, taxpayer
12 identification number or social security number, date of
13 birth, if known, and last known address of the insured or
14 annuitant and of the beneficiary according to records of the
15 insurance company holding or owing the funds.

16 (c) For all tangible property held in a safe-deposit
17 box or other safekeeping repository, a description of the
18 property and the place where the property is held and may be
19 inspected by the department, and any amounts owing to the
20 holder. Contents of a safe-deposit box or other safekeeping
21 repository which consist of documents or writings of a private
22 nature and which have little or no apparent value shall not be
23 presumed unclaimed.

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

28 (e) The date the property became payable, demandable,
29 or returnable, and the date of the last transaction with the
30 apparent owner with respect to the property.

31

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

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

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

12 (3) The report must be filed before May 1 of each
13 year. Such report shall apply to the preceding calendar year.
14 ~~If such report is not filed on or before the applicable filing~~
15 ~~date, the holder shall pay to~~ The department may impose and
16 collect a penalty of \$10 per day up to a maximum of ~~for each~~
17 ~~day the report is delinquent, but such penalty shall not~~
18 ~~exceed~~ \$500 for the failure to timely report or the failure to
19 include in a report information required by this chapter. The
20 penalty shall be remitted to the department within 30 days
21 after the date of the notification to the holder that the
22 penalty is due and owing. As necessary for proper
23 administration of this chapter, the department may waive any
24 penalty due with appropriate justification. On written request
25 by any person required to file a report and upon a showing of
26 good cause, the department may postpone the reporting date.
27 The department must provide information contained in a report
28 filed with the department to any person requesting a copy of
29 the report or information contained in a report, to the extent
30 the information requested is not confidential, within 90 days
31 after the report has been processed and added to the unclaimed

1 property data base subsequent to a determination that the
2 report is accurate and that the reported property is the same
3 as the remitted property.

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

6 (a) When an owner's account becomes inactive, the
7 holder shall conduct at least one search for the apparent
8 owner using due diligence. For purposes of this section,
9 ~~except for banks, credit unions, and state or federal savings~~
10 ~~associations,~~ an account is inactive if 2 years have
11 transpired after the last owner-initiated account activity, if
12 2 years have transpired after the expiration date on the
13 instrument or contract, or if 2 years have transpired since
14 first-class mail has been returned as undeliverable. ~~With~~
15 ~~respect to banks, credit unions, and state or federal savings~~
16 ~~associations, an account is inactive if 2 years have~~
17 ~~transpired after the last owner initiated account activity and~~
18 ~~first class mail has been returned as undeliverable or 2 years~~
19 ~~after the expiration date on the instrument or contract and~~
20 ~~first class mail has been returned as undeliverable.~~

21 ~~(b)1-~~ Within 180 days after an account becomes
22 inactive, the holder shall conduct a search to locate the
23 apparent owner of the property. The holder may satisfy such
24 requirement by conducting one annual search for the owners of
25 all accounts which have become inactive during the prior year.

26 ~~(c)2-~~ Within 30 days after receiving updated address
27 information, the holder shall provide notice by telephone or
28 first-class mail to the current address notifying the apparent
29 owner that the holder is in possession of property which is
30 presumed unclaimed and may be remitted to the department. The
31 notice shall also provide the apparent owner with the address

1 or the telephone number of an office where the apparent owner
2 may claim the property or reestablish the inactive account.

3 (d) The account shall be presumed unclaimed if the
4 holder is not able to contact the apparent owner by telephone,
5 the first-class mail notice is returned to the holder as
6 undeliverable, or the apparent owner does not contact the
7 holder in response to the first-class mail notice.

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

10 (7)(a) This section does ~~shall~~ not apply to the
11 unclaimed patronage refunds as provided for by contract or
12 through bylaw provisions of entities organized under chapter
13 425.

14 (b) This section does not apply to intangible property
15 held, issued, or owing by a business association subject to
16 the jurisdiction of the United States Surface Transportation
17 Board or its successor federal agency if the apparent owner of
18 such intangible property is a business association. The holder
19 of such property does not have any obligation to report, to
20 pay, or to deliver such property to the department.

21 Section 7. Section 717.118, Florida Statutes, is
22 amended to read:

23 717.118 Notification of apparent owners ~~Notice and~~
24 ~~publication of lists~~ of unclaimed property.--

25 (1) It is specifically recognized that the state has
26 an obligation to make an effort to notify owners of unclaimed
27 property in a cost-effective manner. In order to provide all
28 the citizens of this state an effective and efficient program
29 for the recovery of unclaimed property, the department shall
30 use cost-effective means to make at least one active attempt
31 to notify owners of unclaimed property accounts valued at more

1 than \$100 with a reported address or taxpayer identification
2 number ~~the existence of unclaimed property held by the~~
3 ~~department~~. Such active attempt to notify ~~locate~~ apparent
4 owners shall include any attempt by the department to directly
5 contact the owner. Other means of notification, such as
6 publication of the names of owners in the newspaper, on
7 television, on the Internet, or through other promotional
8 efforts and items in which the department does not directly
9 attempt to contact the owner are expressly declared to be
10 passive attempts. Nothing in this subsection precludes other
11 agencies or entities of state government from notifying owners
12 of the existence of unclaimed property or attempting to notify
13 ~~locate~~ apparent owners of unclaimed property.

14 (2) ~~The following notification requirements shall~~
15 ~~apply:~~

16 (a) ~~Notifications that are published or televised may~~
17 ~~consist of the names of apparent owners of unclaimed property,~~
18 ~~and information regarding recovery of unclaimed property from~~
19 ~~the department. Such notification may be televised or~~
20 ~~published in the county in which the last known address of the~~
21 ~~apparent owner is located or, if the address is unknown, in~~
22 ~~the county in which the holder has its principal place of~~
23 ~~business. Published notifications may be in accordance with s.~~
24 ~~50.011.~~

25 (b) Notification provided directly to individual
26 apparent owners shall consist of a description of the property
27 and information regarding recovery of unclaimed property from
28 the department.

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

31

1 ~~(3)(4)~~ This section is not applicable to sums payable
2 on traveler's checks, money orders, and other written
3 instruments presumed unclaimed under s. 717.104.

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

6 717.119 Payment or delivery of unclaimed property.--

7 (5) All intangible and tangible property held in a
8 safe-deposit box or any other safekeeping repository reported
9 under s. 717.117 shall not be delivered to the department
10 until 120 days after the report due date. The delivery of the
11 property, through the United States mail or any other carrier,
12 shall be insured by the holder at an amount equal to the
13 estimated value of the property. Each package shall be clearly
14 marked on the outside "Deliver Unopened." A holder's
15 safe-deposit box contents shall be delivered to the department
16 in a single shipment. In lieu of a single shipment, holders
17 may provide the department with a single detailed shipping
18 schedule that includes package tracking information for all
19 packages being sent pursuant to this section.

20 (a) Holders may remit the value of cash and coins
21 found in unclaimed safe-deposit boxes to the department by
22 cashier's check or by electronic funds transfer, unless the
23 cash or coins have a value above face value. The department
24 shall identify by rule those cash and coin items having a
25 numismatic value. Cash and coin items identified as having a
26 numismatic value shall be remitted to the department in their
27 original form.

28 (b) Any firearm or ammunition found in an unclaimed
29 safe-deposit box or any other safekeeping repository shall be
30 delivered by the holder to a law enforcement agency for
31 disposal. However, the department is authorized to make a

1 reasonable attempt to ascertain the historical value to
2 collectors of any firearm that has been delivered to the
3 department. Any firearm appearing to have historical value to
4 collectors may be sold by the department pursuant to s.
5 717.122 to a person having a federal firearms license. Any
6 firearm which is not sold pursuant to s. 717.122 shall be
7 delivered by the department to a law enforcement agency in
8 this state for disposal. The department shall not be
9 administratively, civilly, or criminally liable for any
10 firearm delivered by the department to a law enforcement
11 agency in this state for disposal.

12 (c) If such property is not paid or delivered to the
13 department on or before the applicable payment or delivery
14 date, the holder shall pay to the department a penalty ~~of \$10~~
15 for each safe-deposit box shipment received late, ~~but such~~
16 ~~penalty shall not exceed \$1,000. The penalty shall be \$100 for~~
17 a safe-deposit box shipment container that is late 30 days or
18 less. Thereafter, the penalty shall be \$500 for a safe-deposit
19 box shipment container that is late for each additional
20 successive 30-day period. The penalty assessed against a
21 holder for a late safe-deposit box shipment container shall
22 not exceed \$4,000 annually. The penalty shall be remitted to
23 the department within 30 days after the date of the
24 notification to the holder that the penalty is due and owing.

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

27 ~~(e) Upon written request by any person required to~~
28 ~~deliver safe deposit box contents, the department may postpone~~
29 ~~the delivery.~~

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

1 717.1201 Custody by state; holder relieved from
2 liability; reimbursement of holder paying claim; reclaiming
3 for owner; defense of holder; payment of safe-deposit box or
4 repository charges.--

5 (2) Any holder who has paid money to the department
6 pursuant to this chapter may make payment to any person
7 appearing to ~~the holder to~~ be entitled to payment and, upon
8 filing ~~proof of payment and~~ proof that the payee is was
9 entitled thereto, the department shall forthwith repay
10 ~~reimburse~~ the holder ~~for the payment~~ without deduction of any
11 fee or other charges. If repayment ~~reimbursement~~ is sought for
12 a payment made on a negotiable instrument, including a
13 traveler's check or money order, the holder must be repaid
14 ~~reimbursed~~ under this subsection upon filing proof that the
15 instrument was duly presented and that the payee is ~~payment~~
16 ~~was made to a person who appeared to the holder to be~~ entitled
17 to payment. The holder shall be repaid ~~reimbursed~~ for payment
18 made under this subsection even if the payment was made to a
19 person whose claim was barred under s. 717.129(1).

20 Section 10. Subsections (1) and (3) of section
21 717.122, Florida Statutes, are amended, and subsection (5) is
22 added to that section, to read:

23 717.122 Public sale of unclaimed property.--

24 (1) Except as provided in subsection (2), the
25 department after the receipt of unclaimed property shall sell
26 it to the highest bidder at public sale on the Internet or at
27 a specified physical location wherever in the judgment of the
28 department the most favorable market for the property involved
29 exists. The department may decline the highest bid and reoffer
30 the property for sale if in the judgment of the department the
31 bid is insufficient. The department shall have the discretion

1 to withhold from sale any unclaimed property that the
2 department deems to be of benefit to the people of the state.
3 If in the judgment of the department the probable cost of sale
4 exceeds the value of the property, it need not be offered for
5 sale and may be disposed of as the department determines
6 appropriate. Any sale at a specified physical location held
7 under this section must be preceded by a single publication of
8 notice, at least 3 weeks in advance of sale, in a newspaper of
9 general circulation in the county in which the property is to
10 be sold. The department shall proportionately deduct auction
11 fees, preparation costs, and expenses from the amount posted
12 to the owner's account when safe-deposit box contents are
13 sold. No action or proceeding may be maintained against the
14 department for or on account of any decision to decline the
15 highest bid or withhold any unclaimed property from sale.

16 (3) Unless the department deems it to be in the public
17 interest to do otherwise, all securities presumed unclaimed
18 and delivered to the department may be sold upon receipt. Any
19 person making a claim pursuant to this chapter is entitled to
20 receive either the securities delivered to the department by
21 the holder, if they still remain in the hands of the
22 department, or the proceeds received from sale, ~~less any~~
23 ~~amounts deducted pursuant to subsection (2)~~, but no person has
24 any claim under this chapter against the state, the holder,
25 any transfer agent, any registrar, or any other person acting
26 for or on behalf of a holder for any appreciation in the value
27 of the property occurring after delivery by the holder to the
28 state.

29 (5) The sale of unclaimed tangible personal property
30 is not subject to tax under chapter 212 when such property is
31

1 sold by or on behalf of the department pursuant to this
 2 section.

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

5 717.123 Deposit of funds.--

6 (1) All funds received under this chapter, including
 7 the proceeds from the sale of unclaimed property under s.
 8 717.122, shall forthwith be deposited by the department in the
 9 Unclaimed Property Trust Fund. The department shall retain,
 10 from funds received under this chapter, an amount not
 11 exceeding ~~\$15.58~~ million from which the department shall make
 12 prompt payment of claims allowed by the department and shall
 13 pay the costs incurred by the department in administering and
 14 enforcing this chapter. All remaining funds received by the
 15 department under this chapter shall be deposited by the
 16 department into the State School Fund.

17 Section 12. Section 717.124, Florida Statutes, is
 18 amended to read:

19 717.124 Unclaimed property claims ~~Filing of claim with~~
 20 ~~department.~~--

21 (1) Any person, excluding another state, claiming an
 22 interest in any property paid or delivered to the department
 23 under this chapter may file with the department a claim on a
 24 form prescribed by the department and verified by the claimant
 25 or the claimant's representative. The claimant's
 26 representative must be an attorney licensed to practice law in
 27 this state, a licensed Florida-certified public accountant, or
 28 a private investigator licensed under chapter 493. The
 29 claimant's representative must be registered with the
 30 department under this chapter. The claimant, or the claimant's
 31 representative, shall provide the department with a legible

1 copy of a valid driver's license of the claimant at the time
2 the original claim form is filed. If the claimant has not been
3 issued a valid driver's license at the time the original claim
4 form is filed, the department shall be provided with a legible
5 copy of a photographic identification of the claimant issued
6 by the United States or a foreign nation, a state or territory
7 of the United States or foreign nation, or a political
8 subdivision or agency thereof. In lieu of photographic
9 identification, a notarized sworn statement by the claimant
10 may be provided which affirms the claimant's identity and
11 states the claimant's full name and address. Any claim filed
12 without the required identification or the sworn statement
13 with the original claim form and the original power of
14 attorney, if applicable, is void.

15 (a) Within 90 days after receipt of a claim, the
16 department may return any claim that provides for the receipt
17 of fees and costs greater than that permitted under this
18 chapter or that contains any apparent errors or omissions. The
19 department may also request that the claimant or the
20 claimant's representative provide additional information. The
21 department shall retain a copy or electronic image of the
22 claim.

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

28 (c) Within 90 days after receipt of the claim, or the
29 response of the claimant or the claimant's representative to
30 the department's request for additional information, whichever
31 is later, the department shall determine each claim ~~within 90~~

1 ~~days after it is filed.~~ Such determination shall contain a
2 notice of rights provided by ss. 120.569 and 120.57. The
3 90-day period shall be extended by 60 days if the department
4 has good cause to need additional time or if the unclaimed
5 property:

6 1. Is owned by a person who has been a debtor in
7 bankruptcy;

8 2. Was reported with an address outside of the United
9 States;

10 3. Is being claimed by a person outside of the United
11 States; or

12 4. Contains documents filed in support of the claim
13 that are not in the English language and have not been
14 accompanied by an English language translation.

15 (d) The department shall deny any claim under which
16 the claimant's representative has refused to authorize the
17 department to reduce the fees and costs to the maximum
18 permitted under this chapter.

19 (2) A claim for a cashier's check or a stock
20 certificate without the original instrument may require an
21 indemnity bond equal to the value of the claim to be provided
22 prior to issue of the stock or payment of the claim by the
23 department.

24 (3) The department may require an affidavit swearing
25 to the authenticity of the claim, lack of documentation, and
26 an agreement to allow the department to provide the name and
27 address of the claimant to subsequent claimants coming forward
28 with substantiated proof to claim the account. This shall
29 apply to claims equal to or less than \$250. The exclusive
30 remedy of a subsequent claimant to the property shall be
31

1 against the person who received the property from the
2 department.

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

9 ~~(b)(5)(a)~~ If an owner authorizes an attorney licensed
10 to practice law in this state, Florida-certified public
11 accountant, or private investigator licensed under chapter
12 493, and registered with the department under this chapter,
13 ~~investigative agency which is duly licensed to do business in~~
14 ~~this state~~ to claim the unclaimed property on the owner's
15 behalf, the department is authorized to make distribution of
16 the property or money in accordance with such power of
17 attorney. The original power of attorney must be executed by
18 the owner and must be filed with the department.

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

25 2. Payments of fees and costs authorized pursuant to a
26 written power of attorney for approved ~~cash~~ claims shall be
27 made or issued forwarded to the law firm employer of the
28 designated attorney licensed to practice law in this state,
29 the public accountancy firm employer of the licensed
30 Florida-certified public accountant, or the designated
31 employing private investigative agency licensed by this state.

1 Such payments shall ~~may~~ be made by electronic funds transfer
2 and may be made on such periodic schedule as the department
3 may define by rule, provided the payment intervals do not
4 exceed 31 days. Payment made to an attorney licensed in this
5 state, a Florida-certified public accountant, or a private
6 investigator licensed under chapter 493, operating
7 individually or as a sole practitioner, shall be to the
8 attorney, certified public accountant, or private
9 investigator.

10 ~~3. Payments of approved claims for unclaimed~~
11 ~~securities and other intangible ownership interests made to an~~
12 ~~attorney, Florida certified public accountant, or private~~
13 ~~investigative agency shall be promptly deposited into a trust~~
14 ~~or escrow account which is regularly maintained by the~~
15 ~~attorney, Florida certified public accountant, or the private~~
16 ~~investigative agency in a financial institution authorized to~~
17 ~~accept such deposits and located in this state.~~

18 ~~(c) Distribution of unclaimed property by the~~
19 ~~attorney, Florida certified public accountant, or private~~
20 ~~investigative agency to the claimant shall be made within 10~~
21 ~~days following final credit of the deposit into the trust or~~
22 ~~escrow account at the financial institution, unless a party to~~
23 ~~the agreement protests in writing such distribution before it~~
24 ~~is made.~~

25 ~~(5)(6)~~ The department shall not be administratively,
26 civilly, or criminally liable for any property or funds
27 distributed pursuant to this section, provided such
28 distribution is made in good faith.

29 (6) This section does not supersede the licensing
30 requirements of chapter 493.

31

1 Section 13. Section 717.12403, Florida Statutes, is
2 created to read:

3 717.12403 Unclaimed demand, savings, or checking
4 account in a financial institution held in the name of more
5 than one person.--

6 (1)(a) If an unclaimed demand, savings, or checking
7 account in a financial institution is reported as an "and"
8 account in the name of two or more persons who are not
9 beneficiaries, it is presumed that each person must claim the
10 account in order for the claim to be approved by the
11 department. This presumption may be rebutted by showing that
12 entitlement to the account has been transferred to another
13 person or by clear and convincing evidence demonstrating that
14 the account should have been reported by the financial
15 institution as an "or" account.

16 (b) If an unclaimed demand, savings, or checking
17 account in a financial institution is reported as an "and"
18 account and one of the persons on the account is deceased, it
19 is presumed that the account is a survivorship account. This
20 presumption may be rebutted by showing that entitlement to the
21 account has been transferred to another person or by clear and
22 convincing evidence demonstrating that the account is not a
23 survivorship account.

24 (2) If an unclaimed demand, savings, or checking
25 account in a financial institution is reported as an "or"
26 account in the name of two or more persons who are not
27 beneficiaries, it is presumed that either person listed on the
28 account may claim the entire amount held in the account. This
29 presumption may be rebutted by showing that entitlement to the
30 account has been transferred to another person or by clear and
31 convincing evidence demonstrating that the account should have

1 been reported by the financial institution as an "and"
2 account.

3 (3) If an unclaimed demand, savings, or checking
4 account in a financial institution is reported in the name of
5 two or more persons who are not beneficiaries without
6 identifying whether the account is an "and" account or an "or"
7 account, it is presumed that the account is an "or" account.
8 This presumption may be rebutted by showing that entitlement
9 to the account has been transferred to another person or by
10 clear and convincing evidence demonstrating that the account
11 should have been reported by the financial institution as an
12 "and" account.

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

16 Section 14. Section 717.12404, Florida Statutes, is
17 created to read:

18 717.12404 Claims on behalf of a business entity or
19 trust.--

20 (1) Claims on behalf of an active or dissolved
21 corporation, for which the last annual report is not available
22 from the Department of State through the Internet, must be
23 accompanied by a microfiche copy of the records on file with
24 the Department of State or, if the corporation has not made a
25 corporate filing with the Department of State, an
26 authenticated copy of the last corporate filing identifying
27 the officers and directors from the appropriate authorized
28 official of the state of incorporation. A claim on behalf of a
29 corporation must be made by an officer or director identified
30 on the last corporate filing.

31

1 (2) Claims on behalf of a dissolved corporation, a
2 business entity other than an active corporation, or a trust
3 must include a legible copy of a valid driver's license of the
4 person acting on behalf of the dissolved corporation, business
5 entity other than an active corporation, or trust. If the
6 person has not been issued a valid driver's license, the
7 department shall be provided with a legible copy of a
8 photographic identification of the person issued by the United
9 States or a foreign nation, or a political subdivision or
10 agency thereof. In lieu of photographic identification, a
11 notarized sworn statement by the person may be provided which
12 affirms the person's identity and states the person's full
13 name and address. Any claim filed without the required
14 identification or the sworn statement with the original claim
15 form and the original power of attorney, if applicable, is
16 void.

17 Section 15. Section 717.12405, Florida Statutes, is
18 created to read:

19 717.12405 Claims by estates.--An estate or any person
20 representing an estate or acting on behalf of an estate may
21 claim unclaimed property only after the heir or legatee of the
22 decedent entitled to the property has been located. Any
23 estate, or any person representing an estate or acting on
24 behalf of an estate, that receives unclaimed property before
25 the heir or legatee of the decedent entitled to the property
26 has been located, is personally liable for the unclaimed
27 property and must immediately return the full amount of the
28 unclaimed property or the value thereof to the department in
29 accordance with s. 717.1341.

30
31

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

4 717.1241 Conflicting claims.--

5 (1) When ~~ownership has been established but~~
6 conflicting claims have been received by the department, the
7 property shall be remitted as follows, notwithstanding the
8 withdrawal of a claim to the:

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

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

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

15 (b) As between two or more owner's representatives, to
16 the owner's representative who has submitted the first claim
17 that is complete or made complete ~~Owner if an owner's claim~~
18 ~~and an owner's representative's claim are received by the~~
19 ~~department on the same day; or~~

20 (c) As between two or more owner's representatives
21 whose claims were complete on the same day, to the owner's
22 representative who has agreed to receive the lowest fee. If
23 two or more owner's representatives whose claims were complete
24 on the same day are charging the same lowest fee, the fees
25 shall be divided equally between the owner's representatives
26 ~~Owner's representative who has the earliest dated contract~~
27 ~~with the owner if claims by two or more owner's~~
28 ~~representatives are received by the department on the same~~
29 ~~day.~~

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

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

3 717.1242 Restatement of jurisdiction of the circuit
4 court sitting in probate and the department.--

5 (1) It is and has been the intent of the Legislature
6 that, pursuant to s. 26.012(2)(b), circuit courts have
7 jurisdiction of proceedings relating to the settlement of the
8 estates of decedents and other jurisdiction usually pertaining
9 to courts of probate. It is and has been the intent of the
10 Legislature that, pursuant to s. 717.124, the department
11 determines the merits of claims for property paid or delivered
12 to the department under this chapter. Consistent with this
13 legislative intent, any estate or beneficiary, as defined in
14 s. 731.201, heir of an estate seeking to obtain property paid
15 or delivered to the department under this chapter must file a
16 claim with the department as provided in s. 717.124.

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

19 717.1244 Determinations of unclaimed property
20 claims.--In rendering a determination regarding the merits of
21 an unclaimed property claim, the department shall rely on the
22 applicable statutory, regulatory, common, and case law. Agency
23 statements applying the statutory, regulatory, common, and
24 case law to unclaimed property claims are not agency
25 statements subject to s. 120.56(4).

26 Section 19. Section 717.126, Florida Statutes, is
27 amended to read:

28 717.126 Administrative hearing; burden of proof; proof
29 of entitlement; venue.--

30 (1) Any person aggrieved by a decision of the
31 department may petition for a hearing as provided in ss.

1 120.569 and 120.57. In any proceeding for determination of a
2 claim to property paid or delivered to the department under
3 this chapter, the burden shall be upon the claimant to
4 establish entitlement to the property by a preponderance of
5 evidence. Having the same name as that reported to the
6 department is not sufficient, in the absence of other
7 evidence, to prove entitlement to unclaimed property.

8 (2) Unless otherwise agreed by the parties, venue
9 shall be in Tallahassee, Leon County, Florida. However, upon
10 the request of a party, the presiding officer may, in the
11 presiding officer's discretion, conduct the hearing at an
12 alternative remote video location.

13 Section 20. Section 717.1261, Florida Statutes, is
14 created to read:

15 717.1261 Death certificates.--Any person who claims
16 entitlement to unclaimed property by means of the death of one
17 or more persons shall file a copy of the death certificate of
18 the decedent or decedents that has been certified as being
19 authentic by the issuing governmental agency.

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

22 717.1262 Court documents.--Any person who claims
23 entitlement to unclaimed property by reason of a court
24 document shall file a certified copy of the court document
25 with the department.

26 Section 22. Subsections (1) and (6) of section
27 717.1301, Florida Statutes, are amended to read:

28 717.1301 Investigations; examinations; subpoenas.--

29 (1) The department may make investigations and
30 examinations within or outside this state of claims, reports,
31 and other records ~~within or outside this state~~ as it deems

1 necessary to administer and enforce the provisions of this
2 chapter. In such investigations and examinations the
3 department may administer oaths, examine witnesses, issue
4 subpoenas, and otherwise gather evidence. The department may
5 request any person who has not filed a report under s. 717.117
6 to file a verified report stating whether or not the person is
7 holding any unclaimed property reportable or deliverable under
8 this chapter.

9 (6) If an investigation or an examination of the
10 records of any person results in the disclosure of property
11 reportable and deliverable under this chapter, the department
12 may assess the cost of investigation or the examination
13 against the holder at the rate of \$100 per 8-hour day for each
14 ~~per~~ investigator or examiner. Such fee shall be calculated on
15 an hourly basis and shall be rounded to the nearest hour. The
16 person shall also pay the travel expense and per diem
17 subsistence allowance provided for state employees in s.
18 112.061. The person shall not be required to pay a per diem
19 fee and expenses of an examination or investigation which
20 shall consume more than 30 worker-days in any one year unless
21 such examination or investigation is due to fraudulent
22 practices of the person, in which case such person shall be
23 required to pay the entire cost regardless of time consumed.
24 The fee shall be remitted to the department within 30 days
25 after the date of the notification that the fee is due and
26 owing. Any person who fails to pay the fee within 30 days
27 after the date of the notification that the fee is due and
28 owing shall pay to the department interest at the rate of 12
29 percent per annum on such fee from the date of the
30 notification.

31

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

3 717.1315 Retention of records by owner's
4 representative.--

5 (2) An owner's representative, operating at two or
6 more places of business in this state, may maintain the books,
7 accounts, and records of all such offices at any one of such
8 offices, or at any other office maintained by such owner's
9 representative, upon the filing of a written notice with the
10 department designating in the written notice the office at
11 which such records are maintained.

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

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

17 717.132 Enforcement; cease and desist orders;
18 administrative fines.--

19 (2) In addition to any other powers conferred upon it
20 to enforce and administer the provisions of this chapter, the
21 department may issue and serve upon a person an order to cease
22 and desist and to take corrective action whenever the
23 department finds that such person is violating, has violated,
24 or is about to violate any provision of this chapter, any rule
25 or order promulgated under this chapter, or any written
26 agreement entered into with the department. For purposes of
27 this subsection, the term "corrective action" includes
28 refunding excessive charges, requiring a person to return
29 unclaimed property, requiring a holder to remit unclaimed
30 property, and requiring a holder to correct a report that
31

1 contains errors or omissions. Any such order shall contain a
2 notice of rights provided by ss. 120.569 and 120.57.

3 Section 25. Section 717.1322, Florida Statutes, is
4 created to read:

5 717.1322 Administrative enforcement.--

6 (1) The following acts are violations of this chapter
7 and constitute grounds for an administrative enforcement
8 action by the department in accordance with the requirements
9 of chapter 120:

10 (a) Failure to comply with any provision of this
11 chapter, any rule or order adopted under this chapter, or any
12 written agreement entered into with the department.

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

15 (c) Fraudulent misrepresentation, circumvention, or
16 concealment of any matter required to be stated or furnished
17 to an owner or apparent owner under this chapter, regardless
18 of reliance by or damage to the owner or apparent owner.

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

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

23 (f) Failure to maintain, preserve, and keep available
24 for examination all books, accounts, or other documents
25 required by this chapter, by any rule or order adopted under
26 this chapter, or by any agreement entered into with the
27 department under this chapter.

28 (g) Refusal to permit inspection of books and records
29 in an investigation or examination by the department or
30 refusal to comply with a subpoena issued by the department
31 under this chapter.

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

3 (i) Failure to timely pay any fine imposed or assessed
4 under this chapter or any rule adopted under this chapter.

5 (j) For compensation or gain or in the expectation of
6 compensation or gain, the filing of a claim for unclaimed
7 property owned by another unless such person is a registered
8 attorney licensed to practice law in this state, registered
9 public accountant certified in this state, or a registered
10 private investigator licensed under chapter 493. This
11 subsection does not apply to a person who has been granted a
12 durable power of attorney to convey and receive all of the
13 real and personal property of the owner, is the
14 court-appointed guardian of the owner, has been employed as an
15 attorney or qualified representative to contest the
16 department's denial of a claim, has been employed as an
17 attorney or qualified representative to contest the
18 department's denial of a claim, or has been employed as an
19 attorney to probate the estate of the owner or an heir or
20 legatee of the owner.

21 (k) Failure to authorize the release of records in the
22 possession of a third party after being requested to do so by
23 the department regarding a pending examination or
24 investigation.

25 (1) Receipt or solicitation of consideration to be
26 paid in advance of the approval of a claim under this chapter.

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

30 (a) Revoking or suspending a registration previously
31 granted under this chapter;

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

4 (c) Placing permanent restrictions or conditions upon
5 issuance or maintenance of a registration under this chapter;

6 (d) Issuing a reprimand;

7 (e) Imposing an administrative fine not to exceed
8 \$2,000 for each such act; or

9 (f) Prohibiting any person from being a director,
10 officer, agent, employee, or ultimate equitable owner of a
11 10-percent or greater interest in an employer of a registrant.

12 (3) A registrant is subject to the disciplinary
13 actions specified in subsection (2) for violations of
14 subsection (1) by an agent or employee of the registrant's
15 employer if the registrant knew or should have known that such
16 agent or employee was violating any provision of this chapter.

17 (4)(a) The department shall adopt, by rule, and
18 periodically review the disciplinary guidelines applicable to
19 each ground for disciplinary action which may be imposed by
20 the department under this chapter.

21 (b) The disciplinary guidelines shall specify a
22 meaningful range of designated penalties based upon the
23 severity or repetition of specific offenses, or both. It is
24 the legislative intent that minor violations be distinguished
25 from more serious violations; that such guidelines consider
26 the amount of the claim involved, the complexity of locating
27 the owner, the steps taken to ensure the accuracy of the claim
28 by the person filing the claim, the acts of commission and
29 omission of the ultimate owners in establishing themselves as
30 rightful owners of the funds, the acts of commission or
31 omission of the agent or employee of an employer in the filing

1 of the claim, the actual knowledge of the agent, employee,
2 employer, or owner in the filing of the claim, the departure,
3 if any, by the agent or employee from the internal controls
4 and procedures established by the employer with regard to the
5 filing of a claim, the number of defective claims previously
6 filed by the agent, employee, employer, or owner; that such
7 guidelines provide reasonable and meaningful notice of likely
8 penalties that may be imposed for proscribed conduct; and that
9 such penalties be consistently applied by the department.

10 (c) A specific finding of mitigating or aggravating
11 circumstances shall allow the department to impose a penalty
12 other than that provided for in such guidelines. The
13 department shall adopt by rule disciplinary guidelines to
14 designate possible mitigating and aggravating circumstances
15 and the variation and range of penalties permitted for such
16 circumstances. Such mitigating and aggravating circumstances
17 shall also provide for consideration of, and be consistent
18 with, the legislative intent expressed in paragraph (b).

19 (d) In any proceeding brought under this chapter, the
20 administrative law judge, in recommending penalties in any
21 recommended order, shall follow the penalty guidelines
22 established by the department and shall state in writing any
23 mitigating or aggravating circumstances upon which the
24 recommended penalty is based.

25 (5) The department may seek any appropriate civil
26 legal remedy available to it by filing a civil action in a
27 court of competent jurisdiction against any person who has,
28 directly or through an owner's representative, wrongfully
29 submitted a claim as the ultimate owner of property and
30 improperly received funds from the department in violation of
31 this chapter.

1 Section 26. Section 717.1331, Florida Statutes, is
2 created to read:

3 717.1331 Actions against holders.--The department may
4 initiate, or cause to be initiated, an action against a holder
5 to recover unclaimed property. If the department prevails in a
6 civil or administrative action to recover unclaimed property
7 initiated by or on behalf of the department, the holder shall
8 be ordered to pay the department reasonable costs and
9 attorney's fees.

10 Section 27. Section 717.1333, Florida Statutes, is
11 created to read:

12 717.1333 Evidence; audit reports; examiner's
13 worksheets, investigative reports, other related
14 documents.--In any proceeding involving a holder under ss.
15 120.569 and 120.57 in which an auditor, examiner, or
16 investigator acting under authority of this chapter is
17 available for cross-examination, any official written report,
18 worksheet, or other related paper, or copy thereof, compiled,
19 prepared, drafted, or otherwise made or received by the
20 auditor, examiner, or investigator, after being duly
21 authenticated by the auditor, examiner, or investigator, may
22 be admitted as competent evidence upon the oath of the
23 auditor, examiner, or investigator that the report, worksheet,
24 or related paper was prepared or received as a result of an
25 audit, examination, or investigation of the books and records
26 of the person audited, examined, or investigated, or the agent
27 thereof.

28 Section 28. Subsection (5) is added to section
29 717.134, Florida Statutes, to read:

30 717.134 Penalties and interest.--

31

1 (5) The department may impose and collect a penalty of
2 \$500 per day up to a maximum of \$5,000 and 25 percent of the
3 value of property willfully not reported with all of the
4 information required by this chapter. Upon a holder's showing
5 of good cause, the department may waive the penalty or any
6 portion thereof. If the holder acted in good faith and without
7 negligence, the department shall waive the penalty provided
8 herein.

9 Section 29. Section 717.1341, Florida Statutes, is
10 created to read:

11 717.1341 Invalid claims, recovery of property,
12 interest and penalties.--

13 (1)(a) No person shall receive unclaimed property that
14 the person is not entitled to receive. Any person who
15 receives, or assists another person to receive, unclaimed
16 property that the person is not entitled to receive is
17 strictly, jointly, personally, and severally liable for the
18 unclaimed property and shall immediately return the property,
19 or the reasonable value of the property if the property has
20 been damaged or disposed of, to the department plus interest
21 at the rate set annually in accordance with s. 55.03(1).
22 Assisting another person to receive unclaimed property
23 includes executing a claim form on the person's behalf.

24 (b)1. In the case of stocks or bonds which have been
25 sold, the proceeds from the sale shall be returned to the
26 department plus any dividends or interest received thereon
27 plus an amount equal to the brokerage fee plus interest at a
28 rate set annually in accordance with s. 55.03(1) on the
29 proceeds from the sale of the stocks or bonds, the dividends
30 or interest received, and the brokerage fee.

31

1 2. In the case of stocks or bonds which have not been
2 sold, the stocks or bonds and any dividends or interest
3 received thereon shall be returned to the department, together
4 with interest on the dividends or interest received, at a rate
5 set annually in accordance with s. 55.03(1) of the value of
6 the property.

7 (2) The department may maintain a civil or
8 administrative action:

9 (a) To recover unclaimed property that was paid or
10 remitted to a person who was not entitled to the unclaimed
11 property or to offset amounts owed to the department against
12 amounts owed to an owner representative;

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

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

18 (3) If the department prevails in any proceeding under
19 subsection (2), a fine not to exceed three times the value of
20 the property received or sought to be received may be imposed
21 on any person who knowingly, or with reckless disregard or
22 deliberate ignorance of the truth, violated this section. If
23 the department prevails in a civil or administrative
24 proceeding under subsection (2), the person who violated
25 subsection (1) shall be ordered to pay the department
26 reasonable costs and attorney's fees.

27 (4) No person shall knowingly file, knowingly conspire
28 to file, or knowingly assist in filing, a claim for unclaimed
29 property the person is not entitled to receive. Any person who
30 violates this subsection regarding unclaimed property of an
31 aggregate value:

1 (a) Greater than \$50,000, is guilty of a felony of the
 2 first degree, punishable as provided in s. 775.082, s.
 3 775.083, or s. 775.084;

4 (b) Greater than \$10,000 up to \$50,000, is guilty of a
 5 felony of the second degree, punishable as provided in s.
 6 775.082, s. 775.083, or s. 775.084;

7 (c) Greater than \$250 up to \$10,000, is guilty of a
 8 felony of the third degree, punishable as provided in s.
 9 775.082, s. 775.083, or s. 775.084;

10 (d) Greater than \$50 up to \$250, is guilty of a
 11 misdemeanor of the first degree, punishable as provided in s.
 12 775.082 or s. 775.083; or

13 (e) Up to \$50, is guilty of a misdemeanor of the
 14 second degree, punishable as provided in s. 775.082 or s.
 15 775.083.

16 Section 30. Section 717.135, Florida Statutes, is
 17 amended to read:

18 717.135 Agreement to recover ~~locate~~ reported property
 19 in the custody of the department.--

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

25 (a) Limit the fees and costs for services ~~for each~~
 26 ~~owner contract to \$25 for all contracts relating to unclaimed~~
 27 ~~property with a dollar value below \$250. For all contracts~~
 28 ~~relating to unclaimed property with a dollar value of \$250 and~~
 29 ~~above, fees shall be limited to 20 15 percent~~ per unclaimed ~~on~~
 30 property account held by the department ~~for 24 months or less~~
 31 ~~and 25 percent on property held by the department for more~~

1 ~~than 24 months~~. Fees and costs for cash accounts shall be
2 based on the value of the property at the time the agreement
3 for recovery is signed by the claimant ~~apparent owner~~. Fees
4 and costs for accounts containing securities or other
5 intangible ownership interests, which securities or interests
6 are not converted to cash, shall be based on the purchase
7 price of the security as quoted on a national exchange or
8 other market on which the property ownership interest is
9 regularly traded at the time the securities or other ownership
10 interest is remitted to the claimant ~~owner~~ or the claimant's
11 ~~owner's~~ representative. Fees and costs for tangible property
12 or safe-deposit box accounts shall be based on the value of
13 the tangible property or contents of the safe-deposit box at
14 the time the ownership interest is transferred or remitted to
15 the claimant ~~owner or the owner's representative~~; or

16 (b) Disclose, on such form as the department shall
17 prescribe by rule, that the property is held by the Bureau of
18 Unclaimed Property of the Department of Financial Services
19 pursuant to this chapter, the person or name of the entity
20 that held the property prior to the property becoming
21 unclaimed, the date of the holder's last contact with the
22 owner, if known, and the approximate value of the property,
23 and identify which of the following categories of unclaimed
24 property the owner's representative is seeking to recover, as
25 reported by the holder:

- 26 1. Cash accounts.
- 27 2. Stale dated checks.
- 28 3. Life insurance or annuity contract assets.
- 29 4. Utility deposits.
- 30 5. Securities or other interests in business
- 31 associations.

- 1 6. Wages.
2 7. Accounts receivable.
3 8. Contents of safe-deposit boxes.
4

5 Such disclosure shall be on a page signed and dated by the
6 person asserting entitlement to the unclaimed property.

7 However, paragraph (1)(a) or (b) this section shall not apply
8 if probate proceedings must be initiated on behalf of the
9 claimant for an estate that has never been probated to
10 contracts made in connection with guardianship proceedings or
11 the probate of an estate.

12 (2)(a) Agreements for recovery of cash accounts shall
13 state the value of the unclaimed property, the unclaimed
14 property account number, and the percentage dollar value of
15 the unclaimed property account to be paid to the claimant
16 ~~owner~~ and shall also state the percentage dollar value of
17 compensation to be paid to the claimant's owner's
18 representative.

19 (b) Agreements for recovery of accounts containing
20 securities, safe-deposit box accounts, other intangible or
21 tangible ownership interests, or other types of accounts,
22 except cash accounts, shall state the unclaimed property
23 account number, the number of shares of stock, if applicable,
24 the approximate value of the unclaimed property, and the
25 percentage value of compensation to be paid to the claimant's
26 ~~owner's~~ representative.

27 (c) All disclosures and agreements shall include the
28 name, address, and professional license number of the
29 claimant's owner's representative, and, if available, the
30 taxpayer identification number or social security number,
31 address, and telephone number of the claimant owner. The

1 original of all such disclosures and agreements to pay
 2 compensation shall be signed and dated by the claimant ~~owner~~
 3 of the property and shall be filed ~~by the owner's~~
 4 ~~representative~~ with the claim form.

5 (d) All agreements between a claimant's representative
 6 and a claimant, who is a natural person, trust, or a dissolved
 7 corporation, for compensation to recover or assist in the
 8 recovery of property reported to the department under s.
 9 717.117 must use the following form on 8 and 1/2 inch by 11
 10 inch paper or on 8 and 1/2 inch by 14 inch paper with all of
 11 the text on one side of the paper and with the other side of
 12 the paper left blank; except that, at the option of the owner
 13 representative, the department disclosure form may be placed
 14 on the reverse side of the agreement. The agreement must be
 15 accurately completed and executed. No other writing or
 16 information shall be printed on the agreement. The title of
 17 the agreement shall be in bold 14-point type and underlined.
 18 The rest of the agreement shall be in 10-point type or
 19 greater. All unclaimed property accounts claimed must be
 20 identified on the agreement. The agreement must state:

21 RECOVERY AGREEMENT

22 \$ _____ = APPROXIMATE DOLLAR VALUE OF UNCLAIMED PROPERTY

23 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF
 24 APPLICABLE): _____

25 PROPERTY ACCOUNT NUMBERS: _____

26 _____ PERCENT TO BE PAID AS COMPENSATION TO THE CLAIMANT'S
 27 REPRESENTATIVE

28 \$ _____ = NET AMOUNT TO BE PAID TO CLAIMANT

29 \$ _____ = AMOUNT TO BE PAID TO CLAIMANT'S REPRESENTATIVE

30
 31

1 THIS AGREEMENT is between:
 2 _____
 3 (hereinafter, CLAIMANT)
 4 and _____
 5 (hereinafter, CLAIMANT'S REPRESENTATIVE)
 6 who agree to the following:
 7 (1) As consideration for the research efforts in
 8 locating and identifying assets due to the CLAIMANT and for
 9 assistance in procuring payment of the assets to the CLAIMANT,
 10 the CLAIMANT authorizes the government to pay to the
 11 CLAIMANT'S REPRESENTATIVE a fee of either:
 12 (a) _____ percent of all assets recovered, or
 13 (b) A flat fee of \$ _____ to recover the unclaimed
 14 property account identified above.
 15
 16 NO FEES ARE TO BE PAID IN ADVANCE.
 17 (2) I have read this agreement and in consideration
 18 thereof, do hereby grant the CLAIMANT'S REPRESENTATIVE a
 19 limited power of attorney to demand, collect, recover and
 20 receive the above compensation from the government in
 21 accordance with this agreement.
 22 (3) IT IS HEREBY ACKNOWLEDGED BY ALL PARTIES TO THIS
 23 AGREEMENT THAT UNLESS THESE ASSETS ARE RECOVERED, NO FEES, NO
 24 COSTS OR CHARGES ARE DUE TO THE CLAIMANT'S REPRESENTATIVE, ITS
 25 AGENTS OR ATTORNEYS, AND THIS AGREEMENT WILL BECOME NULL AND
 26 VOID.
 27 Original Signature of CLAIMANT: _____
 28 DATE: _____
 29 CLAIMANT'S Social Security Number or FEID number: _____
 30 Make the CLAIMANT'S check payable to: _____
 31 Mail check to this address: _____

1 _____
 2 The CLAIMANT'S telephone number is:
 3 Original Signature of CLAIMANT'S REPRESENTATIVE:
 4 FEID Number of CLAIMANT'S REPRESENTATIVE:
 5 DATE:
 6 Address of CLAIMANT'S REPRESENTATIVE:
 7 _____
 8 Telephone number of CLAIMANT'S REPRESENTATIVE:
 9 Professional license number of CLAIMANT'S REPRESENTATIVE:
 10 _____

11 (e) All fees, whether expressed as a percentage or as
 12 a flat fee, are subject to the limitations and requirements of
 13 subsection (1).

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

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

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

20 717.1351 Acquisition of unclaimed property.--

21 (1) A person desiring to acquire ownership or
 22 entitlement of property reported to the department under s.
 23 717.117 must be an attorney licensed to practice law in this
 24 state, a licensed Florida-certified public accountant, a
 25 private investigator licensed under chapter 493, or an
 26 employer of a licensed private investigator which employer
 27 possesses a Class "A" license under chapter 493 and must be
 28 registered with the department under this chapter.

29 (2) All contracts to acquire ownership or entitlement
 30 of unclaimed property from the person or persons entitled to
 31 _____

1 the unclaimed property must be in 10-point type or greater and
2 must:
3 (a) Have a purchase price that discounts the value of
4 the unclaimed property at the time the agreement is executed
5 by the seller at no greater than 20 percent per account held
6 by the department; or
7 (b) Disclose, on such form as the department shall
8 prescribe by rule, that the property is held by the Bureau of
9 Unclaimed Property of the Department of Financial Services
10 pursuant to this chapter, the person or name of the entity
11 that held the property prior to the property becoming
12 unclaimed, the date of the holder's last contact with the
13 owner, if known, and the approximate value of the property,
14 and identify which of the following categories of unclaimed
15 property buyer is seeking to purchase as reported by the
16 holder:
17 1. Cash accounts.
18 2. Stale dated checks.
19 3. Life insurance or annuity contract assets.
20 4. Utility deposits.
21 5. Securities or other interests in business
22 associations.
23 6. Wages.
24 7. Accounts receivable.
25 8. Contents of safe-deposit boxes.
26
27 Such disclosure shall be on a page signed and dated by the
28 seller of the unclaimed property.
29 (3) The originals of all such disclosures and
30 agreements to transfer ownership or entitlement to unclaimed
31 property shall be signed and dated by the seller and shall be

1 filed with the claim form. The claimant shall provide the
2 department with a legible copy of a valid driver's license of
3 the seller at the time the original claim form is filed. If a
4 seller has not been issued a valid driver's license at the
5 time the original claim form is filed, the department shall be
6 provided with a legible copy of a photographic identification
7 of the seller issued by the United States or a foreign nation,
8 a state or territory of the United States or foreign nation,
9 or a political subdivision or agency thereof. In lieu of
10 photographic identification, a notarized sworn statement by
11 the seller may be provided which affirms the seller's identity
12 and states the seller's full name and address. If a claim is
13 filed without the required identification or the sworn
14 statement with the original claim form and the original
15 agreement to acquire ownership or entitlement to the unclaimed
16 property, the claim is void.

17 (4) Any contract to acquire ownership or entitlement
18 of unclaimed property from the person or persons entitled to
19 the unclaimed property must provide for the purchase price to
20 be remitted to the seller or sellers within 10 days after the
21 execution of the contract by the seller or sellers. The
22 contract must specify the unclaimed property account number,
23 the value of the unclaimed property account, and the number of
24 shares of stock, if applicable. Proof of payment by check must
25 be filed with the department with the claim.

26 (5) All agreements to purchase unclaimed property from
27 an owner, who is a natural person, a trust, or a dissolved
28 corporation must use the following form on 8 and 1/2 inch by
29 11 inch paper or on 8 and 1/2 inch by 14 inch paper with all
30 of the text on one side of the paper and with the other side
31 of the paper left blank; except that, at the option of the

1 owner representative, the department disclosure form may be
 2 placed on the reverse side of the agreement. The agreement
 3 must be accurately completed and executed. No other writing or
 4 information shall be printed on the agreement. The title of
 5 the agreement shall be in bold 14-point type and underlined.
 6 The rest of the agreement shall be in 10-point type or
 7 greater. All unclaimed property accounts to be purchased must
 8 be identified on the agreement. The agreement must state:

PURCHASE AGREEMENT

10 \$ _____ = APPROXIMATE DOLLAR VALUE OF THE UNCLAIMED

11 PROPERTY

12 PROPERTY ACCOUNT NUMBER(S): _____

13 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

14 APPLICABLE): _____

15 _____ PERCENT OF UNCLAIMED PROPERTY TO BE PAID TO THE

16 BUYER

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

18 \$ _____ = AMOUNT TO BE PAID TO BUYER

19 THIS AGREEMENT is between:

20 _____

21 _____ (hereinafter, OWNER)

22 and _____

23 _____ (hereinafter, BUYER)

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

27 Original Signature of OWNER: _____ DATE: _____

28 OWNER'S Social Security Number or FEID number: _____

29 Within 10 days after the execution of this Purchase Agreement
 30 by the Owner, Buyer shall remit the OWNER'S check payable to:
 31 _____

1 Mail check to this address:
 2 _____
 3 _____
 4 The OWNER'S telephone number is:
 5 _____
 6 Original Signature of BUYER:
 7 _____
 8 _____
 9 FEID Number of BUYER: _____ DATE: _____
 10 Address of BUYER:
 11 _____
 12 _____
 13 Telephone number of BUYER:
 14 _____
 15 Professional license number of BUYER:
 16 _____

17 (6) This section does not supersede the licensing
 18 requirements of chapter 493.

19 Section 32. Section 717.1400, Florida Statutes, is
 20 created to read:

21 717.1400 Registration.--

22 (1) In order to file claims as a claimant's
 23 representative, acquire ownership or entitlement to unclaimed
 24 property, receive a distribution of fees and costs from the
 25 department, and obtain unclaimed property dollar amounts, the
 26 number of reported shares of stock, and the last four digits
 27 of social security numbers held by the department, a private
 28 investigator holding a Class "C" individual license under
 29 chapter 493 must register with the department on such form as
 30 the department shall prescribe by rule, and verified by the
 31 applicant. To register with the department, a private
investigator must provide:

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

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

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

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

10 (e) Sufficient information to enable the department to
11 disburse funds by electronic funds transfer.

12 (f) The tax identification number of the private
13 investigator's employer which holds a Class "A" business
14 license under chapter 493.

15 (2) In order to file claims as a claimant's
16 representative, acquire ownership or entitlement to unclaimed
17 property, receive a distribution of fees and costs from the
18 department, and obtain unclaimed property dollar amounts, the
19 number of reported shares of stock, and the last four digits
20 of social security numbers held by the department, a
21 Florida-certified public accountant must register with the
22 department on such form as the department shall prescribe by
23 rule, and must be verified by the applicant. To register with
24 the department a Florida-certified public accountant must
25 provide:

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

28 (b) A legible copy of the applicant's current driver's
29 license showing the full name and current address of such
30 person. If a current driver's license is not available,
31 another form of identification showing full name and current

1 address of such person or persons shall be filed with the
2 department.

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

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

10 (e) Sufficient information to enable the department to
11 disburse funds by electronic funds transfer.

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

14 (3) In order to file claims as a claimant's
15 representative, acquire ownership or entitlement to unclaimed
16 property, receive a distribution of fees and costs from the
17 department, and obtain unclaimed property dollar amounts, the
18 number of reported shares of stock, and the last four digits
19 of social security numbers held by the department, an attorney
20 licensed to practice in this state must register with the
21 department on such form as the department shall prescribe by
22 rule, and must be verified by the applicant. To register with
23 the department, such attorney must provide:

24 (a) The applicant's Florida Bar number.

25 (b) A legible copy of the applicant's current driver's
26 license showing the full name and current address of such
27 person. If a current driver's license is not available,
28 another form of identification showing full name and current
29 address of such person or persons shall be filed with the
30 department.

31

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

3 (d) The names of agents or employees, if any, who are
4 designated to act on behalf of the attorney, together with a
5 legible copy of their photo-identification issued by an agency
6 of the United States, or a state, or a political subdivision
7 thereof.

8 (e) Sufficient information to enable the department to
9 disburse funds by electronic funds transfer.

10 (f) The tax identification number of the lawyer's
11 employer law firm.

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

15 (5) If a material change in the status of a
16 registration occurs, a registrant must, within 30 days,
17 provide the department with the updated documentation and
18 information in writing. Material changes include, but are not
19 limited to; a designated agent or employee ceasing to act on
20 behalf of the designating person, a surrender, suspension, or
21 revocation of a license, or a license renewal.

22 (a) If a designated agent or employee ceases to act on
23 behalf of the person who has designated the agent or employee
24 to act on such person's behalf, the designating person must,
25 within 30 days, inform the Bureau of Unclaimed Property in
26 writing of the termination of agency or employment.

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

31

1 (c) If a private investigator's Class "C" individual
2 license under chapter 493 or a private investigator's
3 employer's Class "A" business license under chapter 493 is
4 renewed, the private investigator must provide a copy of the
5 renewed license to the department within 30 days after the
6 receipt of the renewed license by the private investigator or
7 the private investigator's employer.

8 (6) A registrant or applicant for registration may not
9 have a name that might lead another person to conclude that
10 the registrant is affiliated or associated with the United
11 States, or an agency thereof, or a state or an agency or
12 political subdivision of a state. The department shall deny an
13 application for registration or revoke a registration if the
14 applicant or registrant has a name that might lead another
15 person to conclude that the applicant or registrant is
16 affiliated or associated with the United States, or an agency
17 thereof, or a state or an agency or political subdivision of a
18 state. Names that might lead another person to conclude that
19 the applicant or registrant is affiliated or associated with
20 the United States, or an agency thereof, or a state or an
21 agency or political subdivision of a state, include, but are
22 not limited to, the words United States, Florida, state,
23 bureau, division, department, or government.

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

26 212.02 Definitions.--The following terms and phrases
27 when used in this chapter have the meanings ascribed to them
28 in this section, except where the context clearly indicates a
29 different meaning:

30 (2) "Business" means any activity engaged in by any
31 person, or caused to be engaged in by him or her, with the

1 object of private or public gain, benefit, or advantage,
2 either direct or indirect. Except for the sales of any
3 aircraft, boat, mobile home, or motor vehicle, the term
4 "business" shall not be construed in this chapter to include
5 occasional or isolated sales or transactions involving
6 tangible personal property or services by a person who does
7 not hold himself or herself out as engaged in business or
8 sales of unclaimed tangible personal property under s.
9 717.122, but includes other charges for the sale or rental of
10 tangible personal property, sales of services taxable under
11 this chapter, sales of or charges of admission, communication
12 services, all rentals and leases of living quarters, other
13 than low-rent housing operated under chapter 421, sleeping or
14 housekeeping accommodations in hotels, apartment houses,
15 roominghouses, tourist or trailer camps, and all rentals of or
16 licenses in real property, other than low-rent housing
17 operated under chapter 421, all leases or rentals of or
18 licenses in parking lots or garages for motor vehicles,
19 docking or storage spaces for boats in boat docks or marinas
20 as defined in this chapter and made subject to a tax imposed
21 by this chapter. The term "business" shall not be construed in
22 this chapter to include the leasing, subleasing, or licensing
23 of real property by one corporation to another if all of the
24 stock of both such corporations is owned, directly or through
25 one or more wholly owned subsidiaries, by a common parent
26 corporation; the property was in use prior to July 1, 1989,
27 title to the property was transferred after July 1, 1988, and
28 before July 1, 1989, between members of an affiliated group,
29 as defined in s. 1504(a) of the Internal Revenue Code of 1986,
30 which group included both such corporations and there is no
31 substantial change in the use of the property following the

1 transfer of title; the leasing, subleasing, or licensing of
2 the property was required by an unrelated lender as a
3 condition of providing financing to one or more members of the
4 affiliated group; and the corporation to which the property is
5 leased, subleased, or licensed had sales subject to the tax
6 imposed by this chapter of not less than \$667 million during
7 the most recent 12-month period ended June 30. Any tax on such
8 sales, charges, rentals, admissions, or other transactions
9 made subject to the tax imposed by this chapter shall be
10 collected by the state, county, municipality, any political
11 subdivision, agency, bureau, or department, or other state or
12 local governmental instrumentality in the same manner as other
13 dealers, unless specifically exempted by this chapter.

14 Section 34. Subsection (4) of section 322.142, Florida
15 Statutes, is amended to read:

16 322.142 Color photographic or digital imaged
17 licenses.--

18 (4) The department may maintain a film negative or
19 print file. The department shall maintain a record of the
20 digital image and signature of the licensees, together with
21 other data required by the department for identification and
22 retrieval. Reproductions from the file or digital record shall
23 be made and issued only for departmental administrative
24 purposes, for the issuance of duplicate licenses, in response
25 to law enforcement agency requests, ~~or~~ to the Department of
26 Revenue pursuant to an interagency agreement to facilitate
27 service of process in Title IV-D cases, or to the Department
28 of Financial Services pursuant to an interagency agreement to
29 facilitate the location of owners of unclaimed property, the
30 validation of unclaimed property claims, and the

31

1 identification of fraudulent or false claims, and are exempt
2 from the provisions of s. 119.07(1).

3 Section 35. Paragraph (1) is added to subsection (4)
4 of section 395.3025, Florida Statutes, and subsection (10) of
5 that section is amended, to read:

6 395.3025 Patient and personnel records; copies;
7 examination.--

8 (4) Patient records are confidential and must not be
9 disclosed without the consent of the person to whom they
10 pertain, but appropriate disclosure may be made without such
11 consent to:

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

15 (10) The home addresses, telephone numbers, social
16 security numbers, and photographs of employees of any licensed
17 facility who provide direct patient care or security services;
18 the home addresses, telephone numbers, social security
19 numbers, photographs, and places of employment of the spouses
20 and children of such persons; and the names and locations of
21 schools and day care facilities attended by the children of
22 such persons are confidential and exempt from s. 119.07(1) and
23 s. 24(a), Art. I of the State Constitution. However, any state
24 or federal agency that is authorized to have access to such
25 information by any provision of law shall be granted such
26 access in the furtherance of its statutory duties,
27 notwithstanding the provisions of this subsection. The
28 Department of Financial Services, or an agent, employee, or
29 independent contractor of the department who is auditing for
30 unclaimed property pursuant to chapter 717, shall be granted
31 access to the name, address, and social security number of any

1 employee owed unclaimed property. This subsection is subject
2 to the Open Government Sunset Review Act of 1995 in accordance
3 with s. 119.15, and shall stand repealed on October 2, 2004,
4 unless reviewed and saved from repeal through reenactment by
5 the Legislature.

6 Section 36. Section 732.103, Florida Statutes, is
7 amended to read:

8 732.103 Share of other heirs.--The part of the
9 intestate estate not passing to the surviving spouse under s.
10 732.102, or the entire intestate estate if there is no
11 surviving spouse, descends as follows:

12 (1) To the lineal descendants of the decedent.

13 (2) If there is no lineal descendant, to the
14 decedent's father and mother equally, or to the survivor of
15 them.

16 (3) If there is none of the foregoing, to the
17 decedent's brothers and sisters and the descendants of
18 deceased brothers and sisters.

19 (4) If there is none of the foregoing, the estate
20 shall be divided, one-half of which shall go to the decedent's
21 paternal, and the other half to the decedent's maternal,
22 kindred in the following order:

23 (a) To the grandfather and grandmother equally, or to
24 the survivor of them.

25 (b) If there is no grandfather or grandmother, to
26 uncles and aunts and descendants of deceased uncles and aunts
27 of the decedent.

28 (c) If there is either no paternal kindred or no
29 maternal kindred, the estate shall go to the other kindred who
30 survive, in the order stated above.

31

1 (5) If there is no kindred of either part, the whole
2 of the property shall go to the kindred of the last deceased
3 spouse of the decedent as if the deceased spouse had survived
4 the decedent and then died intestate entitled to the estate.

5 (6) If there are none of the foregoing and part of the
6 normal family lineage of the intestate decedent cannot be
7 documented because it includes a Holocaust victim, the probate
8 court may extend the right of succession to other persons who
9 the best available evidence shows are surviving heirs. A
10 petition by a person claiming to be such an heir may not be
11 dismissed for failure to comply with an applicable statute of
12 limitations or laches. In addition, the court may allow such a
13 claimant to meet a reasonable, not unduly restrictive,
14 standard to substantiate a claim, including a claim that a
15 person's whereabouts are unknown as evidence of a decedent if
16 such claim is from a source that a reasonable person would
17 accept as reliable in the conduct of his or her affairs. For
18 purposes of this subsection, the term "Holocaust victim" means
19 a person who disappeared or lost his or her life or property
20 as a result of discriminatory laws, policies, or actions
21 targeted against discreet groups or persons between 1900 and
22 1945, inclusive, in Nazi Germany, areas occupied by Nazi
23 Germany, or countries allied or cooperating with Nazi Germany.

24 Section 37. This act shall take effect October 1,
25 2004.

31