

Bill No. CS for CS for SB 2994

Amendment No. \_\_\_\_ Barcode 931386

CHAMBER ACTION

Senate

House

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Senator Clary moved the following amendment:

**Senate Amendment (with title amendment)**

On page 80, between lines 10 and 11,

insert:

Section 82. Subsection (15) of section 717.101, Florida Statutes, is renumbered as subsection (16) and amended, subsections (5) through (18) are renumbered as subsections (6) through (19), respectively, present subsection (19) is renumbered as subsection (21), and new subsections (5) and (20) are added to that section, to read:

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

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

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

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1 legal representative.

2       (20) "Ultimate equitable owner" means a natural person  
3 who, directly or indirectly, owns or controls an ownership  
4 interest in a corporation, a foreign corporation, an alien  
5 business organization, or any other form of business  
6 organization, regardless of whether such natural person owns  
7 or controls such ownership interest through one or more  
8 natural persons or one or more proxies, powers of attorney,  
9 nominees, corporations, associations, partnerships, trusts,  
10 joint stock companies, or other entities or devices, or any  
11 combination thereof.

12           Section 83. Subsection (1) of section 717.106, Florida  
13 Statutes, are amended to read:

14           717.106 Bank deposits and funds in financial  
15 organizations.--

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

22           (a) Increased or decreased the amount of the deposit  
23 or presented the passbook or other similar evidence of the  
24 deposit for the crediting of interest;

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

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

30           (d) Owned other property to which paragraph (a),  
31 paragraph (b), or paragraph (c) is applicable and if the

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1 banking or financial organization communicates in writing with  
2 the owner with regard to the property that would otherwise be  
3 presumed unclaimed under this subsection at the address to  
4 which communications regarding the other property regularly  
5 are sent; or

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

8 1. Communicated in writing with the banking or  
9 financial organization; or

10 2. Otherwise indicated an interest as evidenced by a  
11 memorandum or other record on file with the banking or  
12 financial organization and if the banking or financial  
13 organization communicates in writing with the owner with  
14 regard to the property that would otherwise be unclaimed under  
15 this subsection at the address to which communications  
16 regarding the other relationship regularly are sent; ~~or~~

17 ~~(f) Received first-class mail from the banking or~~  
18 ~~financial organization or a subsidiary of such banking or~~  
19 ~~financial organization, which was not returned as~~  
20 ~~undeliverable, in the ordinary course of business at the~~  
21 ~~address reflected in the banking or financial organization's~~  
22 ~~records.~~

23 Section 84. Subsection (1) of section 717.107, Florida  
24 Statutes, is amended to read:

25 717.107 Funds owing under life insurance policies.--

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

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

4 Section 85. Section 717.109, Florida Statutes, is  
5 amended to read:

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

16 Section 86. Section 717.116, Florida Statutes, is  
17 amended to read:

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

27 Section 87. Subsections (1), (3), (4), and (7) of  
28 section 717.117, Florida Statutes, are amended to read:

29 717.117 Report of unclaimed property.--

30 (1) Every person holding funds or other property,  
31 tangible or intangible, presumed unclaimed and subject to

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1 custody as unclaimed property under this chapter shall report  
2 to the department on such forms as the department may  
3 prescribe by rule. In lieu of forms, a report identifying 25  
4 or more different apparent owners must be submitted by the  
5 holder ~~may submit the required information~~ via electronic  
6 medium as the department may prescribe by rule. The report  
7 must include:

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

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

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

29 (d) The nature and identifying number, if any, or  
30 description of the property and the amount appearing from the  
31 records to be due. Items of value under \$50 each may be

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1 reported in the aggregate.

2 (e) The date the property became payable, demandable,  
3 or returnable, and the date of the last transaction with the  
4 apparent owner with respect to the property.

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

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

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

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

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1 filed with the department to any person requesting a copy of  
2 the report or information contained in a report, to the extent  
3 the information requested is not confidential, within 90 days  
4 after the report has been processed and added to the unclaimed  
5 property data base subsequent to a determination that the  
6 report is accurate and that the reported property is the same  
7 as the remitted property.

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

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

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

30 ~~(c)2.~~ Within 30 days after receiving updated address  
31 information, the holder shall provide notice by telephone or

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1 first-class mail to the current address notifying the apparent  
2 owner that the holder is in possession of property which is  
3 presumed unclaimed and may be remitted to the department. The  
4 notice shall also provide the apparent owner with the address  
5 or the telephone number of an office where the apparent owner  
6 may claim the property or reestablish the inactive account.

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

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

14 (7)(a) This section does ~~shall~~ not apply to the  
15 unclaimed patronage refunds as provided for by contract or  
16 through bylaw provisions of entities organized under chapter  
17 425.

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

25 Section 88. Section 717.118, Florida Statutes, is  
26 amended to read:

27 717.118 Notification of apparent owners ~~Notice and~~  
28 ~~publication of lists~~ of unclaimed property.--

29 (1) It is specifically recognized that the state has  
30 an obligation to make an effort to notify owners of unclaimed  
31 property in a cost-effective manner. In order to provide all



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

18 (2) ~~The following notification requirements shall~~  
19 ~~apply:~~

20 (a) ~~Notifications that are published or televised may~~  
21 ~~consist of the names of apparent owners of unclaimed property,~~  
22 ~~and information regarding recovery of unclaimed property from~~  
23 ~~the department. Such notification may be televised or~~  
24 ~~published in the county in which the last known address of the~~  
25 ~~apparent owner is located or, if the address is unknown, in~~  
26 ~~the county in which the holder has its principal place of~~  
27 ~~business. Published notifications may be in accordance with s.~~  
28 ~~50.011.~~

29 (b) Notification provided directly to individual  
30 apparent owners shall consist of a description of the property  
31 and information regarding recovery of unclaimed property from

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1 the department.

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

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

7 Section 89. Subsection (5) of section 717.119, Florida  
8 Statutes, is amended to read:

9 717.119 Payment or delivery of unclaimed property.--

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

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

31 (b) Any firearm or ammunition found in an unclaimed

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

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

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

30 ~~(e) Upon written request by any person required to~~  
31 ~~deliver safe-deposit box contents, the department may postpone~~

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1 ~~the delivery.~~2 Section 90. Subsection (2) of section 717.1201,  
3 Florida Statutes, is amended to read:4 717.1201 Custody by state; holder relieved from  
5 liability; reimbursement of holder paying claim; reclaiming  
6 for owner; defense of holder; payment of safe-deposit box or  
7 repository charges.--8 (2) Any holder who has paid money to the department  
9 pursuant to this chapter may make payment to any person  
10 appearing to ~~the holder to~~ be entitled to payment and, upon  
11 filing ~~proof of payment and~~ proof that the payee is was  
12 entitled thereto, the department shall forthwith repay  
13 ~~reimburse~~ the holder ~~for the payment~~ without deduction of any  
14 fee or other charges. If repayment ~~reimbursement~~ is sought for  
15 a payment made on a negotiable instrument, including a  
16 traveler's check or money order, the holder must be repaid  
17 ~~reimbursed~~ under this subsection upon filing proof that the  
18 instrument was duly presented and that the payee is payment  
19 ~~was made to a person who appeared to the holder to be~~ entitled  
20 to payment. The holder shall be repaid ~~reimbursed~~ for payment  
21 made under this subsection even if the payment was made to a  
22 person whose claim was barred under s. 717.129(1).23 Section 91. Subsections (1) and (3) of section  
24 717.122, Florida Statutes, are amended, and subsection (5) is  
25 added to that section, to read:

26 717.122 Public sale of unclaimed property.--

27 (1) Except as provided in subsection (2), the  
28 department after the receipt of unclaimed property shall sell  
29 it to the highest bidder at public sale on the Internet or at  
30 a specified physical location wherever in the judgment of the  
31 department the most favorable market for the property involved

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

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

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

5           Section 92. Subsection (1) of section 717.123, Florida  
6 Statutes, is amended to read:

7           717.123 Deposit of funds.--

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

19           Section 93. Section 717.124, Florida Statutes, is  
20 amended to read:

21           717.124 Unclaimed property claims ~~Filing of claim with~~  
22 ~~department.~~--

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

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

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

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

30 (c) Within 90 days after receipt of the claim, or the  
31 response of the claimant or the claimant's representative to

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1 the department's request for additional information, whichever  
 2 is later, the department shall determine each claim within 90  
 3 days after it is filed. Such determination shall contain a  
 4 notice of rights provided by ss. 120.569 and 120.57. The  
 5 90-day period shall be extended by 60 days if the department  
 6 has good cause to need additional time or if the unclaimed  
 7 property:

8 1. Is owned by a person who has been a debtor in  
 9 bankruptcy;

10 2. Was reported with an address outside of the United  
 11 States;

12 3. Is being claimed by a person outside of the United  
 13 States; or

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

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

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

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



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1 remedy of a subsequent claimant to the property shall be  
 2 against the person who received the property from the  
 3 department.

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

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

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

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

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

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

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

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

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

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1           Section 94. 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

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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 95. 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 (2) Claims on behalf of a dissolved corporation, a

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

16 Section 96. Section 717.12405, Florida Statutes, is  
 17 created to read:

18 717.12405 Claims by estates.--An estate or any person  
 19 representing an estate or acting on behalf of an estate may  
 20 claim unclaimed property only after the heir or legatee of the  
 21 decedent entitled to the property has been located. Any  
 22 estate, or any person representing an estate or acting on  
 23 behalf of an estate, that receives unclaimed property before  
 24 the heir or legatee of the decedent entitled to the property  
 25 has been located, is personally liable for the unclaimed  
 26 property and must immediately return the full amount of the  
 27 unclaimed property or the value thereof to the department in  
 28 accordance with s. 717.1341.

29 Section 97. Subsection (1) of section 717.1241,  
 30 Florida Statutes, is amended, and subsection (3) is added to  
 31 said section, to read:

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1           717.1241 Conflicting claims.--

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

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

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

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

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

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

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

29           Section 98. Subsection (1) of section 717.1242,  
30 Florida Statutes, is amended to read:

31           717.1242 Restatement of jurisdiction of the circuit

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1 court sitting in probate and the department.--

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

14 Section 99. Section 717.1244, Florida Statutes, is  
 15 created to read:

16 717.1244 Determinations of unclaimed property  
 17 claims.--In rendering a determination regarding the merits of  
 18 an unclaimed property claim, the department shall rely on the  
 19 applicable statutory, regulatory, common, and case law. Agency  
 20 statements applying the statutory, regulatory, common, and  
 21 case law to unclaimed property claims are not agency  
 22 statements subject to s. 120.56(4).

23 Section 100. Section 717.126, Florida Statutes, is  
 24 amended to read:

25 717.126 Administrative hearing; burden of proof; proof  
 26 of entitlement; venue.--

27 (1) Any person aggrieved by a decision of the  
 28 department may petition for a hearing as provided in ss.  
 29 120.569 and 120.57. In any proceeding for determination of a  
 30 claim to property paid or delivered to the department under  
 31 this chapter, the burden shall be upon the claimant to

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1 establish entitlement to the property by a preponderance of  
2 evidence. Having the same name as that reported to the  
3 department is not sufficient, in the absence of other  
4 evidence, to prove entitlement to unclaimed property.

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

10 Section 101. Section 717.1261, Florida Statutes, is  
11 created to read:

12 717.1261 Death certificates.--Any person who claims  
13 entitlement to unclaimed property by means of the death of one  
14 or more persons shall file a copy of the death certificate of  
15 the decedent or decedents that has been certified as being  
16 authentic by the issuing governmental agency.

17 Section 102. Section 717.1262, Florida Statutes, is  
18 created to read:

19 717.1262 Court documents.--Any person who claims  
20 entitlement to unclaimed property by reason of a court  
21 document shall file a certified copy of the court document  
22 with the department.

23 Section 103. Subsections (1) and (6) of section  
24 717.1301, Florida Statutes, are amended to read:

25 717.1301 Investigations; examinations; subpoenas.--

26 (1) The department may make investigations and  
27 examinations within or outside this state of claims, reports,  
28 and other records within or outside this state as it deems  
29 necessary to administer and enforce the provisions of this  
30 chapter. In such investigations and examinations the  
31 department may administer oaths, examine witnesses, issue



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1 subpoenas, and otherwise gather evidence. The department may  
2 request any person who has not filed a report under s. 717.117  
3 to file a verified report stating whether or not the person is  
4 holding any unclaimed property reportable or deliverable under  
5 this chapter.

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

28 Section 104. Subsection (2) of section 717.1315,  
29 Florida Statutes, is amended to read:

30 717.1315 Retention of records by owner's  
31 representative.--

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

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

11           Section 105. Subsection (2) of section 717.132,  
12 Florida Statutes, is amended to read:

13           717.132 Enforcement; cease and desist orders;  
14 administrative fines.--

15           (2) In addition to any other powers conferred upon it  
16 to enforce and administer the provisions of this chapter, the  
17 department may issue and serve upon a person an order to cease  
18 and desist and to take corrective action whenever the  
19 department finds that such person is violating, has violated,  
20 or is about to violate any provision of this chapter, any rule  
21 or order promulgated under this chapter, or any written  
22 agreement entered into with the department. For purposes of  
23 this subsection, the term "corrective action" includes  
24 refunding excessive charges, requiring a person to return  
25 unclaimed property, requiring a holder to remit unclaimed  
26 property, and requiring a holder to correct a report that  
27 contains errors or omissions. Any such order shall contain a  
28 notice of rights provided by ss. 120.569 and 120.57.

29           Section 106. Section 717.1322, Florida Statutes, is  
30 created to read:

31           717.1322 Administrative enforcement.--

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

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

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

10          (c) Fraudulent misrepresentation, circumvention, or  
11 concealment of any matter required to be stated or furnished  
12 to an owner or apparent owner under this chapter, regardless  
13 of reliance by or damage to the owner or apparent owner.

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

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

18          (f) Failure to maintain, preserve, and keep available  
19 for examination all books, accounts, or other documents  
20 required by this chapter, by any rule or order adopted under  
21 this chapter, or by any agreement entered into with the  
22 department under this chapter.

23          (g) Refusal to permit inspection of books and records  
24 in an investigation or examination by the department or  
25 refusal to comply with a subpoena issued by the department  
26 under this chapter.

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

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

31          (j) For compensation or gain or in the expectation of

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

16 (k) Failure to authorize the release of records in the  
17 possession of a third party after being requested to do so by  
18 the department regarding a pending examination or  
19 investigation.

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

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

25 (a) Revoking or suspending a registration previously  
26 granted under this chapter;

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

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

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1           (d) Issuing a reprimand;  
2           (e) Imposing an administrative fine not to exceed  
3 \$2,000 for each such act; or

4           (f) Prohibiting any person from being a director,  
5 officer, agent, employee, or ultimate equitable owner of a  
6 10-percent or greater interest in an employer of a registrant.

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

12           (4)(a) The department shall adopt, by rule, and  
13 periodically review the disciplinary guidelines applicable to  
14 each ground for disciplinary action which may be imposed by  
15 the department under this chapter.

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

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1 filed by the agent, employee, employer, or owner; that such  
2 guidelines provide reasonable and meaningful notice of likely  
3 penalties that may be imposed for proscribed conduct; and that  
4 such penalties be consistently applied by the department.

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

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

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

27 Section 107. Section 717.1331, Florida Statutes, is  
28 created to read:

29 717.1331 Actions against holders.--The department may  
30 initiate, or cause to be initiated, an action against a holder  
31 to recover unclaimed property. If the department prevails in a

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1 civil or administrative action to recover unclaimed property  
2 initiated by or on behalf of the department, the holder shall  
3 be ordered to pay the department reasonable costs and  
4 attorney's fees.

5 Section 108. Section 717.1333, Florida Statutes, is  
6 created to read:

7 717.1333 Evidence; audit reports; examiner's  
8 worksheets, investigative reports, other related  
9 documents.--In any proceeding involving a holder under ss.  
10 120.569 and 120.57 in which an auditor, examiner, or  
11 investigator acting under authority of this chapter is  
12 available for cross-examination, any official written report,  
13 worksheet, or other related paper, or copy thereof, compiled,  
14 prepared, drafted, or otherwise made or received by the  
15 auditor, examiner, or investigator, after being duly  
16 authenticated by the auditor, examiner, or investigator, may  
17 be admitted as competent evidence upon the oath of the  
18 auditor, examiner, or investigator that the report, worksheet,  
19 or related paper was prepared or received as a result of an  
20 audit, examination, or investigation of the books and records  
21 of the person audited, examined, or investigated, or the agent  
22 thereof.

23 Section 109. Subsection (5) is added to section  
24 717.134, Florida Statutes, to read:

25 717.134 Penalties and interest.--

26 (5) The department may impose and collect a penalty of  
27 \$500 per day up to a maximum of \$5,000 and 25 percent of the  
28 value of property willfully not reported with all of the  
29 information required by this chapter. Upon a holder's showing  
30 of good cause, the department may waive the penalty or any  
31 portion thereof. If the holder acted in good faith and without

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1 negligence, the department shall waive the penalty provided  
2 herein.

3 Section 110. Section 717.1341, Florida Statutes, is  
4 created to read:

5 717.1341 Invalid claims, recovery of property,  
6 interest and penalties.--

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

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

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

31 (2) The department may maintain a civil or



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1 administrative action:

2       (a) To recover unclaimed property that was paid or  
3 remitted to a person who was not entitled to the unclaimed  
4 property or to offset amounts owed to the department against  
5 amounts owed to an owner representative;

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

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

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

20       (4) No person shall knowingly file, knowingly conspire  
21 to file, or knowingly assist in filing, a claim for unclaimed  
22 property the person is not entitled to receive. Any person who  
23 violates this subsection regarding unclaimed property of an  
24 aggregate value:

25       (a) Greater than \$50,000, is guilty of a felony of the  
26 first degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084;

28       (b) Greater than \$10,000 up to \$50,000, is guilty of a  
29 felony of the second degree, punishable as provided in s.  
30 775.082, s. 775.083, or s. 775.084;

31       (c) Greater than \$250 up to \$10,000, is guilty of a

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1 felony of the third degree, punishable as provided in s.  
 2 775.082, s. 775.083, or s. 775.084;

3 (d) Greater than \$50 up to \$250, is guilty of a  
 4 misdemeanor of the first degree, punishable as provided in s.  
 5 775.082 or s. 775.083; or

6 (e) Up to \$50, is guilty of a misdemeanor of the  
 7 second degree, punishable as provided in s. 775.082 or s.  
 8 775.083.

9 Section 111. Section 717.135, Florida Statutes, is  
 10 amended to read:

11 717.135 Agreement to recover ~~locate~~ reported property  
 12 in the custody of the department.--

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

18 (a) Limit the fees and costs for services ~~for each~~  
 19 ~~owner contract to \$25 for all contracts relating to unclaimed~~  
 20 ~~property with a dollar value below \$250. For all contracts~~  
 21 ~~relating to unclaimed property with a dollar value of \$250 and~~  
 22 ~~above, fees shall be limited to 20 15 percent per unclaimed on~~  
 23 ~~property account held by the department for 24 months or less~~  
 24 ~~and 25 percent on property held by the department for more~~  
 25 ~~than 24 months. Fees and costs for cash accounts shall be~~  
 26 based on the value of the property at the time the agreement  
 27 for recovery is signed by the claimant ~~apparent owner~~. Fees  
 28 and costs for accounts containing securities or other  
 29 intangible ownership interests, which securities or interests  
 30 are not converted to cash, shall be based on the purchase  
 31 price of the security as quoted on a national exchange or

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1 other market on which the property ownership interest is  
2 regularly traded at the time the securities or other ownership  
3 interest is remitted to the claimant owner or the claimant's  
4 ~~owner's~~ representative. Fees and costs for tangible property  
5 or safe-deposit box accounts shall be based on the value of  
6 the tangible property or contents of the safe-deposit box at  
7 the time the ownership interest is transferred or remitted to  
8 the claimant owner or ~~the owner's representative~~; or

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

- 19 1. Cash accounts.
- 20 2. Stale dated checks.
- 21 3. Life insurance or annuity contract assets.
- 22 4. Utility deposits.
- 23 5. Securities or other interests in business  
24 associations.
- 25 6. Wages.
- 26 7. Accounts receivable.
- 27 8. Contents of safe-deposit boxes.

28  
29 Such disclosure shall be on a page signed and dated by the  
30 person asserting entitlement to the unclaimed property.

31 However, paragraph (1)(a) or (b) ~~this section~~ shall not apply

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1 if probate proceedings must be initiated on behalf of the  
2 claimant for an estate that has never been probated to  
3 ~~contracts made in connection with guardianship proceedings or~~  
4 ~~the probate of an estate.~~

5 (2)(a) Agreements for recovery of cash accounts shall  
6 state the value of the unclaimed property, the unclaimed  
7 property account number, and the percentage dollar value of  
8 the unclaimed property account to be paid to the claimant  
9 ~~owner~~ and shall also state the percentage dollar value of  
10 compensation to be paid to the claimant's owner's  
11 representative.

12 (b) Agreements for recovery of accounts containing  
13 securities, safe-deposit box accounts, other intangible or  
14 tangible ownership interests, or other types of accounts,  
15 except cash accounts, shall state the unclaimed property  
16 account number, the number of shares of stock, if applicable,  
17 the approximate value of the unclaimed property, and the  
18 percentage value of compensation to be paid to the claimant's  
19 ~~owner's~~ representative.

20 (c) All disclosures and agreements shall include the  
21 name, address, and professional license number of the  
22 claimant's owner's representative, and, if available, the  
23 taxpayer identification number or social security number,  
24 address, and telephone number of the claimant owner. The  
25 original of all such disclosures and agreements to pay  
26 compensation shall be signed and dated by the claimant owner  
27 of the property and shall be filed ~~by the owner's~~  
28 ~~representative~~ with the claim form.

29 (d) All agreements between a claimant's representative  
30 and a claimant, who is a natural person, trust, or a dissolved  
31 corporation, for compensation to recover or assist in the

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1 recovery of property reported to the department under s.  
2 717.117 must use the following form on 8 and 1/2 inch by 11  
3 inch paper or on 8 and 1/2 inch by 14 inch paper with all of  
4 the text on one side of the paper and with the other side of  
5 the paper left blank; except that, at the option of the owner  
6 representative, the department disclosure form may be placed  
7 on the reverse side of the agreement. The agreement must be  
8 accurately completed and executed. No other writing or  
9 information shall be printed on the agreement. The title of  
10 the agreement shall be in bold 14-point type and underlined.  
11 The rest of the agreement shall be in 10-point type or  
12 greater. All unclaimed property accounts claimed must be  
13 identified on the agreement. The agreement must state:

RECOVERY AGREEMENT

14 \_\_\_\_\_  
15 \$ \_\_\_\_\_ = APPROXIMATE DOLLAR VALUE OF UNCLAIMED PROPERTY  
16 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF  
17 APPLICABLE): \_\_\_\_\_  
18 PROPERTY ACCOUNT NUMBERS: \_\_\_\_\_  
19 \_\_\_\_\_ PERCENT TO BE PAID AS COMPENSATION TO THE CLAIMANT'S  
20 REPRESENTATIVE  
21 \$ \_\_\_\_\_ = NET AMOUNT TO BE PAID TO CLAIMANT  
22 \$ \_\_\_\_\_ = AMOUNT TO BE PAID TO CLAIMANT'S REPRESENTATIVE

23  
24  
25 THIS AGREEMENT is between:

26 \_\_\_\_\_

27 (hereinafter, CLAIMANT)

28 and \_\_\_\_\_

29 (hereinafter, CLAIMANT'S REPRESENTATIVE)

30 who agree to the following:

31 (1) As consideration for the research efforts in

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1 locating and identifying assets due to the CLAIMANT and for  
 2 assistance in procuring payment of the assets to the CLAIMANT,  
 3 the CLAIMANT authorizes the government to pay to the  
 4 CLAIMANT'S REPRESENTATIVE a fee of either:  
 5       (a)                    percent of all assets recovered, or  
 6       (b) A flat fee of \$                    to recover the unclaimed  
 7 property account identified above.

8  
 9 NO FEES ARE TO BE PAID IN ADVANCE.

10       (2) I have read this agreement and in consideration  
 11 thereof, do hereby grant the CLAIMANT'S REPRESENTATIVE a  
 12 limited power of attorney to demand, collect, recover and  
 13 receive the above compensation from the government in  
 14 accordance with this agreement.

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

20 Original Signature of CLAIMANT: \_\_\_\_\_

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

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

23 Make the CLAIMANT'S check payable to: \_\_\_\_\_

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

25 \_\_\_\_\_

26 The CLAIMANT'S telephone number is: \_\_\_\_\_

27 Original Signature of CLAIMANT'S REPRESENTATIVE: \_\_\_\_\_

28 FEID Number of CLAIMANT'S REPRESENTATIVE: \_\_\_\_\_

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

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

31 \_\_\_\_\_

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1 Telephone number of CLAIMANT'S REPRESENTATIVE:

2 Professional license number of CLAIMANT'S REPRESENTATIVE:

3 \_\_\_\_\_

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

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

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

11 Section 112. Section 717.1351, Florida Statutes, is  
12 created to read:

13 717.1351 Acquisition of unclaimed property.--

14 (1) A person desiring to acquire ownership or  
15 entitlement of property reported to the department under s.  
16 717.117 must be an attorney licensed to practice law in this  
17 state, a licensed Florida-certified public accountant, a  
18 private investigator licensed under chapter 493, or an  
19 employer of a licensed private investigator which employer  
20 possesses a Class "A" license under chapter 493 and must be  
21 registered with the department under this chapter.

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

26 (a) Have a purchase price that discounts the value of  
27 the unclaimed property at the time the agreement is executed  
28 by the seller at no greater than 20 percent per account held  
29 by the department; or

30 (b) Disclose, on such form as the department shall  
31 prescribe by rule, that the property is held by the Bureau of

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1 Unclaimed Property of the Department of Financial Services  
2 pursuant to this chapter, the person or name of the entity  
3 that held the property prior to the property becoming  
4 unclaimed, the date of the holder's last contact with the  
5 owner, if known, and the approximate value of the property,  
6 and identify which of the following categories of unclaimed  
7 property buyer is seeking to purchase as reported by the  
8 holder:

- 9       1. Cash accounts.
- 10       2. Stale dated checks.
- 11       3. Life insurance or annuity contract assets.
- 12       4. Utility deposits.
- 13       5. Securities or other interests in business  
14 associations.
- 15       6. Waqes.
- 16       7. Accounts receivable.
- 17       8. Contents of safe-deposit boxes.

18  
19 Such disclosure shall be on a page signed and dated by the  
20 seller of the unclaimed property.

21       (3) The originals of all such disclosures and  
22 agreements to transfer ownership or entitlement to unclaimed  
23 property shall be signed and dated by the seller and shall be  
24 filed with the claim form. The claimant shall provide the  
25 department with a legible copy of a valid driver's license of  
26 the seller at the time the original claim form is filed. If a  
27 seller has not been issued a valid driver's license at the  
28 time the original claim form is filed, the department shall be  
29 provided with a legible copy of a photographic identification  
30 of the seller issued by the United States or a foreign nation,  
31 a state or territory of the United States or foreign nation,



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1 or a political subdivision or agency thereof. In lieu of  
2 photographic identification, a notarized sworn statement by  
3 the seller may be provided which affirms the seller's identity  
4 and states the seller's full name and address. If a claim is  
5 filed without the required identification or the sworn  
6 statement with the original claim form and the original  
7 agreement to acquire ownership or entitlement to the unclaimed  
8 property, the claim is void.

9       (4) Any contract to acquire ownership or entitlement  
10 of unclaimed property from the person or persons entitled to  
11 the unclaimed property must provide for the purchase price to  
12 be remitted to the seller or sellers within 10 days after the  
13 execution of the contract by the seller or sellers. The  
14 contract must specify the unclaimed property account number,  
15 the value of the unclaimed property account, and the number of  
16 shares of stock, if applicable. Proof of payment by check must  
17 be filed with the department with the claim.

18       (5) All agreements to purchase unclaimed property from  
19 an owner, who is a natural person, a trust, or a dissolved  
20 corporation must use the following form on 8 and 1/2 inch by  
21 11 inch paper or on 8 and 1/2 inch by 14 inch paper with all  
22 of the text on one side of the paper and with the other side  
23 of the paper left blank; except that, at the option of the  
24 owner representative, the department disclosure form may be  
25 placed on the reverse side of the agreement. The agreement  
26 must be accurately completed and executed. No other writing or  
27 information shall be printed on the agreement. The title of  
28 the agreement shall be in bold 14-point type and underlined.  
29 The rest of the agreement shall be in 10-point type or  
30 greater. All unclaimed property accounts to be purchased must  
31 be identified on the agreement. The agreement must state:

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PURCHASE AGREEMENT

\$                      = APPROXIMATE DOLLAR VALUE OF THE UNCLAIMED

PROPERTY

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

NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

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

PERCENT OF UNCLAIMED PROPERTY TO BE PAID TO THE

BUYER

\$                      = NET AMOUNT TO BE PAID TO OWNER

\$                      = AMOUNT TO BE PAID TO BUYER

THIS AGREEMENT is between:

\_\_\_\_\_  
(hereinafter, OWNER)

and \_\_\_\_\_

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

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

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

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

Within 10 days after the execution of this Purchase Agreement

by the Owner, Buyer shall remit the OWNER'S check payable to:

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

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

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

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

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

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1 Telephone number of BUYER:

2 Professional license number of BUYER:

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

5 Section 113. Section 717.1400, Florida Statutes, is  
6 created to read:

7 717.1400 Registration.--

8 (1) In order to file claims as a claimant's  
9 representative, acquire ownership or entitlement to unclaimed  
10 property, receive a distribution of fees and costs from the  
11 department, and obtain unclaimed property dollar amounts, the  
12 number of reported shares of stock, and the last four digits  
13 of social security numbers held by the department, a private  
14 investigator holding a Class "C" individual license under  
15 chapter 493 must register with the department on such form as  
16 the department shall prescribe by rule, and verified by the  
17 applicant. To register with the department, a private  
18 investigator must provide:

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

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

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

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

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1       (e) Sufficient information to enable the department to  
2 disburse funds by electronic funds transfer.

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

6       (2) In order to file claims as a claimant's  
7 representative, acquire ownership or entitlement to unclaimed  
8 property, receive a distribution of fees and costs from the  
9 department, and obtain unclaimed property dollar amounts, the  
10 number of reported shares of stock, and the last four digits  
11 of social security numbers held by the department, a  
12 Florida-certified public accountant must register with the  
13 department on such form as the department shall prescribe by  
14 rule, and must be verified by the applicant. To register with  
15 the department a Florida-certified public accountant must  
16 provide:

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

19       (b) A legible copy of the applicant's current driver's  
20 license showing the full name and current address of such  
21 person. If a current driver's license is not available,  
22 another form of identification showing full name and current  
23 address of such person or persons shall be filed with the  
24 department.

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

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

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1       (e) Sufficient information to enable the department to  
2 disburse funds by electronic funds transfer.

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

5       (3) In order to file claims as a claimant's  
6 representative, acquire ownership or entitlement to unclaimed  
7 property, receive a distribution of fees and costs from the  
8 department, and obtain unclaimed property dollar amounts, the  
9 number of reported shares of stock, and the last four digits  
10 of social security numbers held by the department, an attorney  
11 licensed to practice in this state must register with the  
12 department on such form as the department shall prescribe by  
13 rule, and must be verified by the applicant. To register with  
14 the department, such attorney must provide:

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

16       (b) A legible copy of the applicant's current driver's  
17 license showing the full name and current address of such  
18 person. If a current driver's license is not available,  
19 another form of identification showing full name and current  
20 address of such person or persons shall be filed with the  
21 department.

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

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

29       (e) Sufficient information to enable the department to  
30 disburse funds by electronic funds transfer.

31       (f) The tax identification number of the lawyer's

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1 employer law firm.

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

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

12 (a) If a designated agent or employee ceases to act on  
13 behalf of the person who has designated the agent or employee  
14 to act on such person's behalf, the designating person must,  
15 within 30 days, inform the Bureau of Unclaimed Property in  
16 writing of the termination of agency or employment.

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

21 (c) If a private investigator's Class "C" individual  
22 license under chapter 493 or a private investigator's  
23 employer's Class "A" business license under chapter 493 is  
24 renewed, the private investigator must provide a copy of the  
25 renewed license to the department within 30 days after the  
26 receipt of the renewed license by the private investigator or  
27 the private investigator's employer.

28 (6) A registrant or applicant for registration may not  
29 have a name that might lead another person to conclude that  
30 the registrant is affiliated or associated with the United  
31 States, or an agency thereof, or a state or an agency or

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1 political subdivision of a state. The department shall deny an  
2 application for registration or revoke a registration if the  
3 applicant or registrant has a name that might lead another  
4 person to conclude that the applicant or registrant is  
5 affiliated or associated with the United States, or an agency  
6 thereof, or a state or an agency or political subdivision of a  
7 state. Names that might lead another person to conclude that  
8 the applicant or registrant is affiliated or associated with  
9 the United States, or an agency thereof, or a state or an  
10 agency or political subdivision of a state, include, but are  
11 not limited to, the words United States, Florida, state,  
12 bureau, division, department, or government.

13           Section 114. Subsection (2) of section 212.02, Florida  
14 Statutes, is amended to read:

15           212.02 Definitions.--The following terms and phrases  
16 when used in this chapter have the meanings ascribed to them  
17 in this section, except where the context clearly indicates a  
18 different meaning:

19           (2) "Business" means any activity engaged in by any  
20 person, or caused to be engaged in by him or her, with the  
21 object of private or public gain, benefit, or advantage,  
22 either direct or indirect. Except for the sales of any  
23 aircraft, boat, mobile home, or motor vehicle, the term  
24 "business" shall not be construed in this chapter to include  
25 occasional or isolated sales or transactions involving  
26 tangible personal property or services by a person who does  
27 not hold himself or herself out as engaged in business or  
28 sales of unclaimed tangible personal property under s.  
29 717.122, but includes other charges for the sale or rental of  
30 tangible personal property, sales of services taxable under  
31 this chapter, sales of or charges of admission, communication

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1 services, all rentals and leases of living quarters, other  
2 than low-rent housing operated under chapter 421, sleeping or  
3 housekeeping accommodations in hotels, apartment houses,  
4 roominghouses, tourist or trailer camps, and all rentals of or  
5 licenses in real property, other than low-rent housing  
6 operated under chapter 421, all leases or rentals of or  
7 licenses in parking lots or garages for motor vehicles,  
8 docking or storage spaces for boats in boat docks or marinas  
9 as defined in this chapter and made subject to a tax imposed  
10 by this chapter. The term "business" shall not be construed in  
11 this chapter to include the leasing, subleasing, or licensing  
12 of real property by one corporation to another if all of the  
13 stock of both such corporations is owned, directly or through  
14 one or more wholly owned subsidiaries, by a common parent  
15 corporation; the property was in use prior to July 1, 1989,  
16 title to the property was transferred after July 1, 1988, and  
17 before July 1, 1989, between members of an affiliated group,  
18 as defined in s. 1504(a) of the Internal Revenue Code of 1986,  
19 which group included both such corporations and there is no  
20 substantial change in the use of the property following the  
21 transfer of title; the leasing, subleasing, or licensing of  
22 the property was required by an unrelated lender as a  
23 condition of providing financing to one or more members of the  
24 affiliated group; and the corporation to which the property is  
25 leased, subleased, or licensed had sales subject to the tax  
26 imposed by this chapter of not less than \$667 million during  
27 the most recent 12-month period ended June 30. Any tax on such  
28 sales, charges, rentals, admissions, or other transactions  
29 made subject to the tax imposed by this chapter shall be  
30 collected by the state, county, municipality, any political  
31 subdivision, agency, bureau, or department, or other state or



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1 | local governmental instrumentality in the same manner as other  
2 | dealers, unless specifically exempted by this chapter.

3 |           Section 115. Subsection (4) of section 322.142,  
4 | Florida Statutes, is amended to read:

5 |           322.142 Color photographic or digital imaged  
6 | licenses.--

7 |           (4) The department may maintain a film negative or  
8 | print file. The department shall maintain a record of the  
9 | digital image and signature of the licensees, together with  
10 | other data required by the department for identification and  
11 | retrieval. Reproductions from the file or digital record shall  
12 | be made and issued only for departmental administrative  
13 | purposes, for the issuance of duplicate licenses, in response  
14 | to law enforcement agency requests, ~~or~~ to the Department of  
15 | Revenue pursuant to an interagency agreement to facilitate  
16 | service of process in Title IV-D cases, or to the Department  
17 | of Financial Services pursuant to an interagency agreement to  
18 | facilitate the location of owners of unclaimed property, the  
19 | validation of unclaimed property claims, and the  
20 | identification of fraudulent or false claims, and are exempt  
21 | from the provisions of s. 119.07(1).

22 |           Section 116. Paragraph (1) is added to subsection (4)  
23 | of section 395.3025, Florida Statutes, and subsection (10) of  
24 | that section is amended, to read:

25 |           395.3025 Patient and personnel records; copies;  
26 | examination.--

27 |           (4) Patient records are confidential and must not be  
28 | disclosed without the consent of the person to whom they  
29 | pertain, but appropriate disclosure may be made without such  
30 | consent to:

31 |           (1) The Department of Financial Services, or an agent,

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1 employee, or independent contractor of the department who is  
2 auditing for unclaimed property pursuant to chapter 717.

3           (10) The home addresses, telephone numbers, social  
4 security numbers, and photographs of employees of any licensed  
5 facility who provide direct patient care or security services;  
6 the home addresses, telephone numbers, social security  
7 numbers, photographs, and places of employment of the spouses  
8 and children of such persons; and the names and locations of  
9 schools and day care facilities attended by the children of  
10 such persons are confidential and exempt from s. 119.07(1) and  
11 s. 24(a), Art. I of the State Constitution. However, any state  
12 or federal agency that is authorized to have access to such  
13 information by any provision of law shall be granted such  
14 access in the furtherance of its statutory duties,  
15 notwithstanding the provisions of this subsection. The  
16 Department of Financial Services, or an agent, employee, or  
17 independent contractor of the department who is auditing for  
18 unclaimed property pursuant to chapter 717, shall be granted  
19 access to the name, address, and social security number of any  
20 employee owed unclaimed property. This subsection is subject  
21 to the Open Government Sunset Review Act of 1995 in accordance  
22 with s. 119.15, and shall stand repealed on October 2, 2004,  
23 unless reviewed and saved from repeal through reenactment by  
24 the Legislature.

25           Section 117. Section 732.103, Florida Statutes, is  
26 amended to read:

27           732.103 Share of other heirs.--The part of the  
28 intestate estate not passing to the surviving spouse under s.  
29 732.102, or the entire intestate estate if there is no  
30 surviving spouse, descends as follows:

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

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

4 (3) If there is none of the foregoing, to the  
5 decedent's brothers and sisters and the descendants of  
6 deceased brothers and sisters.

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

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

13 (b) If there is no grandfather or grandmother, to  
14 uncles and aunts and descendants of deceased uncles and aunts  
15 of the decedent.

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

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

23 (6) If there are none of the foregoing and part of the  
24 normal family lineage of the intestate decedent cannot be  
25 documented because it includes a Holocaust victim, the probate  
26 court may extend the right of succession to other persons who  
27 the best available evidence shows are surviving heirs. A  
28 petition by a person claiming to be such an heir may not be  
29 dismissed for failure to comply with an applicable statute of  
30 limitations or laches. In addition, the court may allow such a  
31 claimant to meet a reasonable, not unduly restrictive,

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1 standard to substantiate a claim, including a claim that a  
 2 person's whereabouts are unknown as evidence of a decedent if  
 3 such claim is from a source that a reasonable person would  
 4 accept as reliable in the conduct of his or her affairs. For  
 5 purposes of this subsection, the term "Holocaust victim" means  
 6 a person who disappeared or lost his or her life or property  
 7 as a result of discriminatory laws, policies, or actions  
 8 targeted against discreet groups or persons between 1900 and  
 9 1945, inclusive, in Nazi Germany, areas occupied by Nazi  
 10 Germany, or countries allied or cooperating with Nazi Germany.

11  
 12 (Redesignate subsequent sections.)

13  
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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 4, line 30, after the semicolon

18

19 insert:

20 amending s. 717.101, F.S.; providing  
 21 definitions; amending ss. 717.106, 717.107,  
 22 717.109, and 717.116, F.S.; revising criteria  
 23 for presuming as unclaimed certain bank  
 24 deposits and funds in financial organizations,  
 25 funds owing under life insurance policies,  
 26 funds held by business associations, and  
 27 property held in a safe-deposit box or other  
 28 safekeeping repository, respectively; amending  
 29 s. 717.117, F.S.; revising reporting  
 30 requirements for unclaimed property; presuming  
 31 certain accounts as unclaimed under certain

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1           circumstances; providing that certain  
2           intangible property is exempt from being  
3           reported as unclaimed property under certain  
4           conditions; amending s. 717.118, F.S.;  
5           providing requirements for notification of  
6           apparent owners of unclaimed property; amending  
7           s. 717.119, F.S.; revising requirements for  
8           delivery of certain unclaimed property;  
9           providing penalties for late deliveries;  
10          amending s. 717.1201, F.S.; revising certain  
11          holder payment and repayment requirements;  
12          amending s. 717.122, F.S.; revising certain  
13          public sale requirements; authorizing the  
14          Department of Financial Services to deduct  
15          certain auction fees, costs, and expenses;  
16          prohibiting actions or proceedings against the  
17          department for certain decisions relating to  
18          auctions of unclaimed property; specifying that  
19          certain sales of unclaimed property are not  
20          subject to the sales tax; amending s. 717.123,  
21          F.S.; increasing a maximum amount of funds the  
22          department may retain from certain funds  
23          received; amending s. 717.124, F.S.; providing  
24          additional requirements for filing unclaimed  
25          property claims; providing for the return or  
26          withdrawal of certain claims under certain  
27          circumstances; specifying a time period for  
28          department determination of claims; authorizing  
29          the department to deny claims under certain  
30          circumstances; specifying an exclusive remedy  
31          for subsequent claimants; revising requirements

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1 for a power of attorney; requiring direct  
2 delivery of safe-deposit boxes under certain  
3 circumstances; revising payment of fees and  
4 costs requirements; creating s. 717.12403,  
5 F.S.; providing presumptions for certain  
6 unclaimed demand, savings, or checking accounts  
7 in financial institutions with more than one  
8 beneficiary; creating s. 717.12404, F.S.;  
9 providing requirements for claims for property  
10 reported in the name of an active or dissolved  
11 corporation for which the last annual report is  
12 unavailable; creating s. 717.12405, F.S.;  
13 providing requirements; for claims by estates;  
14 amending s. 717.1241, F.S.; revising  
15 requirements for remittance of property subject  
16 to conflicting claims; amending s. 717.1242,  
17 F.S.; clarifying legislative intent relating to  
18 filing certain claims; creating s. 717.1244,  
19 F.S.; providing criteria for department  
20 determinations of claims; amending s. 717.126,  
21 F.S.; providing a criterion for proof of  
22 entitlement; specifying venue in certain  
23 unclaimed property actions; creating s.  
24 717.1261, F.S.; requiring a death certificate  
25 in claiming entitlement to certain unclaimed  
26 property; creating s. 717.1262, F.S.; requiring  
27 certain court documents in claiming entitlement  
28 to certain unclaimed property; amending s.  
29 717.1301, F.S.; revising certain fee and  
30 expense requirements for investigations or  
31 examinations; providing for interest on such

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1 amounts under certain circumstances; amending  
2 s. 717.1315, F.S.; clarifying a record  
3 retention requirement for owner  
4 representatives; amending s. 717.132, F.S.;  
5 specifying criteria for certain corrective  
6 actions; creating s. 717.1322, F.S.; specifying  
7 grounds for certain disciplinary actions;  
8 providing for certain disciplinary actions;  
9 providing penalties; authorizing the department  
10 to adopt rules with regard to disciplinary  
11 guidelines; creating s. 717.1331, F.S.;  
12 providing for department actions against  
13 certain lienholders under certain  
14 circumstances; creating s. 717.1333, F.S.;  
15 providing for admitting certain documents into  
16 evidence in certain actions; amending s.  
17 717.134, F.S.; authorizing the department to  
18 impose and collect penalties for failing to  
19 report certain information; authorizing the  
20 department waive such penalties under certain  
21 circumstances; creating s. 717.1341, F.S.;  
22 prohibiting receipt of unentitled unclaimed  
23 property; providing for liability for such  
24 property under certain circumstances;  
25 authorizing the department to maintain certain  
26 civil or administrative actions; providing for  
27 fines, costs, and attorney fees; prohibiting  
28 filing claims for unentitled unclaimed  
29 property; providing criminal penalties;  
30 amending s. 717.135, F.S.; revising  
31 requirements for agreements to recover certain

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1 property; providing an agreement form; creating  
2 s. 717.1351, F.S.; providing requirements for  
3 acquisition of unclaimed property by certain  
4 persons; providing certain contract  
5 requirements; providing a contract form;  
6 creating s. 717.1400, F.S.; requiring certain  
7 licensed persons to register with the  
8 department for certain purposes; providing  
9 registration requirements; providing for denial  
10 of registration under certain circumstances;  
11 providing registration limitations; amending s.  
12 212.02, F.S.; revising a definition to conform;  
13 amending ss. 322.142 and 395.3025, F.S.;  
14 providing for disclosure of certain  
15 confidential information to the department  
16 under certain circumstances; amending s.  
17 723.103, F.S.; authorizing the court, under  
18 specified conditions, to extend the right of  
19 succession to surviving heirs when the decedent's  
20 lineage cannot be fully documented because it  
21 includes a Holocaust victim; limiting the  
22 application of statutes of limitation under  
23 certain circumstances; defining the term  
24 "Holocaust victim";

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