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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2024	.	
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The Committee on Banking and Insurance (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 17.69, Florida Statutes, is created to read:

17.69 Federal tax liaison.-

(1) The federal tax liaison position is created within the department. The purpose of the position is to assist the taxpayers of this state as provided in subsection (3).



430616

11 (2) The Chief Financial Officer shall appoint the federal
12 tax liaison. The federal tax liaison reports directly to the
13 Chief Financial Officer but is not otherwise under the authority
14 of the department or of any employee of the department.

15 (3) The federal tax liaison may do all of the following:

16 (a) Assist taxpayers by answering taxpayer questions.

17 (b) Direct taxpayers to the proper departments or offices
18 within the Internal Revenue Service in order to hasten
19 resolution of taxpayer issues.

20 (c) Prepare recommendations for the Internal Revenue
21 Service of any actions that will help resolve problems
22 encountered by taxpayers.

23 (d) Provide information about the policies, practices, and
24 procedures that the Internal Revenue Service uses to ensure
25 compliance with the tax laws.

26 (e) With the consent of the taxpayer, request records from
27 the Internal Revenue Service to assist the liaison in responding
28 to taxpayer inquiries.

29 Section 2. Present paragraphs (g) through (n) of subsection
30 (2) of section 20.121, Florida Statutes, are redesignated as
31 paragraphs (f) through (m), respectively, and paragraph (e) and
32 present paragraph (f) of that subsection are amended, to read:

33 20.121 Department of Financial Services.—There is created a
34 Department of Financial Services.

35 (2) DIVISIONS.—The Department of Financial Services shall
36 consist of the following divisions and office:

37 (e) The Division of Criminal Investigations ~~Investigative~~
38 ~~and Forensic Services~~, which shall function as a criminal
39 justice agency for purposes of ss. 943.045-943.08. The division



430616

40 may initiate and conduct investigations into any matter under
41 the jurisdiction of the Chief Financial Officer and Fire Marshal
42 within or outside of this state as it deems necessary. ~~If,~~
43 ~~during an investigation, the division has reason to believe that~~
44 ~~any criminal law of this state or the United States has or may~~
45 ~~have been violated, it shall refer any records tending to show~~
46 ~~such violation to state law enforcement and, if applicable,~~
47 ~~federal prosecutorial agencies and shall provide investigative~~
48 ~~assistance to those agencies as appropriate. The division shall~~
49 ~~include the following bureaus and office:~~

50 ~~1. The Bureau of Forensic Services;~~

51 ~~2. The Bureau of Fire, Arson, and Explosives~~
52 ~~Investigations;~~

53 ~~3. The Office of Fiscal Integrity, which shall have a~~
54 ~~separate budget;~~

55 ~~4. The Bureau of Insurance Fraud; and~~

56 ~~5. The Bureau of Workers' Compensation Fraud.~~

57 ~~(f) The Division of Public Assistance Fraud, which shall~~
58 ~~function as a criminal justice agency for purposes of ss.~~
59 ~~943.045-943.08. The division shall conduct investigations~~
60 ~~pursuant to s. 414.411 within or outside of the state as it~~
61 ~~deems necessary. If, during an investigation, the division has~~
62 ~~reason to believe that any criminal law of the state has or may~~
63 ~~have been violated, it shall refer any records supporting such~~
64 ~~violation to state or federal law enforcement or prosecutorial~~
65 ~~agencies and shall provide investigative assistance to those~~
66 ~~agencies as required.~~

67 Section 3. Paragraph (f) of subsection (2) and paragraph
68 (h) of subsection (3) of section 121.0515, Florida Statutes, are



430616

69 amended to read:

70 121.0515 Special Risk Class.—

71 (2) MEMBERSHIP.—

72 (f) Effective July 1, 2024 ~~2008~~, the member must be
73 employed by the Department of Law Enforcement in the crime
74 laboratory or by the Division of Criminal Investigations ~~State~~
75 ~~Fire Marshal~~ in the forensic laboratory and meet the special
76 criteria set forth in paragraph (3) (h).

77 (3) CRITERIA.—A member, to be designated as a special risk
78 member, must meet the following criteria:

79 (h) Effective July 1, 2024 ~~2008~~, the member must be
80 employed by the Department of Law Enforcement in the crime
81 laboratory or by the Division of Criminal Investigations ~~State~~
82 ~~Fire Marshal~~ in the forensic laboratory in one of the following
83 classes:

- 84 1. Forensic technologist (class code 8459);
- 85 2. Crime laboratory technician (class code 8461);
- 86 3. Crime laboratory analyst (class code 8463);
- 87 4. Senior crime laboratory analyst (class code 8464);
- 88 5. Crime laboratory analyst supervisor (class code 8466);
- 89 6. Forensic chief (class code 9602); or
- 90 7. Forensic services quality manager (class code 9603);

91 Section 4. Section 215.5586, Florida Statutes, is amended
92 to read:

93 215.5586 My Safe Florida Home Program.—There is established
94 within the Department of Financial Services the My Safe Florida
95 Home Program. The department shall provide fiscal
96 accountability, contract management, and strategic leadership
97 for the program, consistent with this section. This section does



430616

98 not create an entitlement for property owners or obligate the
99 state in any way to fund the inspection or retrofitting of
100 residential property in this state. Implementation of this
101 program is subject to annual legislative appropriations. It is
102 the intent of the Legislature that, subject to the availability
103 of funds, the My Safe Florida Home Program provide licensed
104 inspectors to perform inspections for eligible homes ~~owners of~~
105 ~~site-built, single-family, residential properties~~ and grants to
106 fund hurricane mitigation projects for those homes ~~eligible~~
107 ~~applicants~~. The department shall implement the program in such a
108 manner that the total amount of funding requested by accepted
109 applications, whether for inspections, grants, or other services
110 or assistance, does not exceed the total amount of available
111 funds. If, after applications are processed and approved, funds
112 remain available, the department may accept applications up to
113 the available amount. The program shall develop and implement a
114 comprehensive and coordinated approach for hurricane damage
115 mitigation that may include the following:

116 (1) HURRICANE MITIGATION INSPECTIONS.—

117 (a) To be eligible for a hurricane mitigation inspection,
118 all of the following criteria must be met:

119 1. The home must be a single-family, detached residential
120 property or a townhouse, as defined in s. 481.203.

121 2. The home must be site-built and owner-occupied.

122 3. The homeowner must have been granted a homestead
123 exemption on the home under chapter 196.

124 (b) An application for an inspection must contain a signed
125 or electronically verified statement made under penalty of
126 perjury that the applicant has submitted only a single



430616

127 inspection application and must have attached documents
128 demonstrating that the applicant meets the requirements of
129 paragraph (a). An applicant may submit a new inspection
130 application if all of the following criteria are met:
131 1. The original application has already been denied or
132 withdrawn.
133 2. The program's eligibility requirements or applicant's
134 qualifications have changed since the original application date.
135 3. The applicant reasonably believes that the home will be
136 eligible under the new requirements or qualifications.
137 (c) An applicant who meets the requirements of paragraph
138 (a) may apply for and receive an inspection without also
139 applying for a grant pursuant to subsection (2) and without
140 meeting the requirements of paragraph (2) (a).
141 (d) ~~(a)~~ Licensed inspectors are to provide home inspections
142 of eligible homes ~~site-built, single-family, residential~~
143 ~~properties for which a homestead exemption has been granted,~~ to
144 determine what mitigation measures are needed, what insurance
145 premium discounts may be available, and what improvements to
146 existing residential properties are needed to reduce the
147 property's vulnerability to hurricane damage. ~~An inspector may~~
148 ~~inspect a townhouse as defined in s. 481.203 to determine if~~
149 ~~opening protection mitigation as listed in paragraph (2) (e)~~
150 ~~would provide improvements to mitigate hurricane damage.~~
151 (e) ~~(b)~~ The Department of Financial Services shall contract
152 with wind certification entities to provide hurricane mitigation
153 inspections. The inspections provided to homeowners, at a
154 minimum, must include:
155 1. A home inspection and report that summarizes the results



430616

156 and identifies recommended improvements a homeowner may take to
157 mitigate hurricane damage.

158 2. A range of cost estimates regarding the recommended
159 mitigation improvements.

160 3. Information regarding estimated premium discounts,
161 correlated to the current mitigation features and the
162 recommended mitigation improvements identified by the
163 inspection.

164 (f) ~~(e)~~ To qualify for selection by the department as a wind
165 certification entity to provide hurricane mitigation
166 inspections, the entity must, at a minimum, meet the following
167 requirements:

168 1. Use hurricane mitigation inspectors who are licensed or
169 certified as:

170 a. A building inspector under s. 468.607;

171 b. A general, building, or residential contractor under s.
172 489.111;

173 c. A professional engineer under s. 471.015;

174 d. A professional architect under s. 481.213; or

175 e. A home inspector under s. 468.8314 and who have
176 completed at least 3 hours of hurricane mitigation training
177 approved by the Construction Industry Licensing Board, which
178 training must include hurricane mitigation techniques,
179 compliance with the uniform mitigation verification form, and
180 completion of a proficiency exam.

181 2. Use hurricane mitigation inspectors who also have
182 undergone drug testing and a background screening. The
183 department may conduct criminal record checks of inspectors used
184 by wind certification entities. Inspectors must submit a set of



430616

185 fingerprints to the department for state and national criminal
186 history checks and must pay the fingerprint processing fee set
187 forth in s. 624.501. The fingerprints must be sent by the
188 department to the Department of Law Enforcement and forwarded to
189 the Federal Bureau of Investigation for processing. The results
190 must be returned to the department for screening. The
191 fingerprints must be taken by a law enforcement agency,
192 designated examination center, or other department-approved
193 entity.

194 3. Provide a quality assurance program including a
195 reinspection component.

196 ~~(d) An application for an inspection must contain a signed
197 or electronically verified statement made under penalty of
198 perjury that the applicant has submitted only a single
199 application for that home.~~

200 ~~(e) The owner of a site-built, single-family, residential
201 property or townhouse as defined in s. 481.203, for which a
202 homestead exemption has been granted, may apply for and receive
203 an inspection without also applying for a grant pursuant to
204 subsection (2) and without meeting the requirements of paragraph
205 (2)(a).~~

206 (2) HURRICANE MITIGATION GRANTS.—Financial grants must
207 ~~shall be used to encourage single-family, site-built, owner-~~
208 ~~occupied, residential property owners to retrofit eligible homes~~
209 based on the recommendations made in a hurricane mitigation
210 inspection their properties to make the homes them less
211 vulnerable to hurricane damage.

212 (a) ~~For a homeowner~~ To be eligible for a grant, all of the
213 following criteria must be met:



430616

214 1. The home must be a single-family, detached residential
215 property or a townhouse, as defined in s. 481.203.

216 2. The home must be site-built and owner-occupied.

217 3.1. The homeowner must have been granted a homestead
218 exemption on the home under chapter 196.

219 4.2. The home must be a dwelling with an insured value of
220 \$700,000 or less. Homeowners who are low-income persons, as
221 defined in s. 420.0004(11), are exempt from this requirement.

222 5.3. The home must undergo an acceptable hurricane
223 mitigation inspection as provided in subsection (1).

224 6.4. The building permit application for initial
225 construction of the home must have been made before January 1,
226 2008.

227 7.5. The homeowner must agree to make his or her home
228 available for inspection once a mitigation project is completed.

229 (b)1. An application for a grant must contain a signed or
230 electronically verified statement made under penalty of perjury
231 that the applicant has submitted only a single grant application
232 and must have attached documents demonstrating that the
233 applicant meets the requirements of ~~this~~ paragraph (a).

234 2. An applicant may submit a new grant application if all
235 of the following criteria are met:

236 a. The original application has already been denied or
237 withdrawn.

238 b. The program's eligibility requirements or applicant's
239 qualifications have changed since the original application date.

240 c. The applicant reasonably believes that the home will be
241 eligible under the new requirements or qualifications.

242 (c)(b) All grants must be matched on the basis of \$1



430616

243 provided by the applicant for \$2 provided by the state up to a
244 maximum state contribution of \$10,000 toward the actual cost of
245 the mitigation project.

246 ~~(d)(e)~~ The program shall require ~~create a process in which~~
247 ~~contractors agree to participate and homeowners select from a~~
248 ~~list of participating contractors. All~~ mitigation work to must
249 be based upon the securing of all required local permits and
250 inspections, and the work must be performed by properly licensed
251 contractors. The program shall approve only a homeowner grant
252 application that includes an acknowledged statement from the
253 homeowner containing the name and state license number of the
254 contractor the homeowner intends to use for the mitigation work.
255 The program must electronically verify that the contractor's
256 state license number is accurate and up to date before grant
257 approval ~~Hurricane mitigation inspectors qualifying for the~~
258 ~~program may also participate as mitigation contractors as long~~
259 ~~as the inspectors meet the department's qualifications and~~
260 ~~certification requirements for mitigation contractors.~~

261 ~~(d)~~ ~~Matching fund grants shall also be made available to~~
262 ~~local governments and nonprofit entities for projects that will~~
263 ~~reduce hurricane damage to single-family, site-built, owner-~~
264 ~~occupied, residential property. The department shall liberally~~
265 ~~construe those requirements in favor of availing the state of~~
266 ~~the opportunity to leverage funding for the My Safe Florida Home~~
267 ~~Program with other sources of funding.~~

268 (e) When recommended by a hurricane mitigation inspection,
269 grants for eligible homes may be used for the following
270 improvements:

271 1. Opening protection, including windows, skylights,



430616

272 exterior doors, and garage doors.

273 2. Exterior doors, including garage doors.

274 3. Reinforcing roof-to-wall connections.

275 4. Improving the strength of roof-deck attachments.

276 5. Secondary Water Resistance (SWR) barrier for roof.

277 (f) When recommended by a hurricane mitigation inspection,
278 grants for townhouses, as defined in s. 481.203, may only be
279 used for opening protection.

280 (g) The department may require that improvements be made to
281 all openings, including exterior doors and garage doors, as a
282 condition of reimbursing a homeowner approved for a grant. The
283 department may adopt, by rule, the maximum grant allowances for
284 any improvement allowable under paragraph (e) or this paragraph.

285 ~~(g) Grants may be used on a previously inspected existing~~
286 ~~structure or on a rebuild. A rebuild is defined as a site-built,~~
287 ~~single-family dwelling under construction to replace a home that~~
288 ~~was destroyed or significantly damaged by a hurricane and deemed~~
289 ~~unlivable by a regulatory authority. The homeowner must be a~~
290 ~~low-income homeowner as defined in paragraph (h), must have had~~
291 ~~a homestead exemption for that home before the hurricane, and~~
292 ~~must be intending to rebuild the home as that homeowner's~~
293 ~~homestead.~~

294 (h) Low-income homeowners, as defined in s. 420.0004(11),
295 who otherwise meet the requirements of this subsection
296 ~~paragraphs (a), (c), (e), and (g)~~ are eligible for a grant of up
297 to \$10,000 and are not required to provide a matching amount to
298 receive the grant. The program may accept a certification
299 directly from a low-income homeowner that the homeowner meets
300 the requirements of s. 420.0004(11) if the homeowner provides



430616

301 such certification in a signed or electronically verified
302 statement made under penalty of perjury.

303 (i) The department shall develop a process that ensures the
304 most efficient means to collect and verify grant applications to
305 determine eligibility and may direct hurricane mitigation
306 inspectors to collect and verify grant application information
307 or use the Internet or other electronic means to collect
308 information and determine eligibility.

309 (j) Homeowners must finalize construction and request a
310 final inspection, or request an extension for an additional 6
311 months, within 1 year after grant approval. If the homeowners
312 fail to comply, the application shall be deemed abandoned and
313 the grant money reverts back to the department.

314 (3) REQUESTS FOR INFORMATION.—The department may request
315 that the applicant provide additional information. An
316 application shall be deemed withdrawn by the applicant if the
317 department does not receive a response to its request for
318 additional information within 60 days after the notification of
319 any apparent errors or omissions.

320 (4) ~~(3)~~ EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

321 (a) The department may undertake a statewide multimedia
322 public outreach and advertising campaign to inform consumers of
323 the availability and benefits of hurricane inspections and of
324 the safety and financial benefits of residential hurricane
325 damage mitigation. The department may seek out and use local,
326 state, federal, and private funds to support the campaign.

327 (b) The program may develop brochures for distribution to
328 Citizens Property Insurance Corporation, and other licensed
329 entities or nonprofits that work with the department to educate



430616

330 ~~the public on the benefits of the program general contractors,~~
331 ~~roofing contractors, and real estate brokers and sales~~
332 ~~associates who are licensed under part I of chapter 475 which~~
333 ~~provide information on the benefits to homeowners of residential~~
334 ~~hurricane damage mitigation. Citizens Property Insurance~~
335 ~~Corporation is encouraged to distribute the brochure to~~
336 ~~policyholders of the corporation. Contractors are encouraged to~~
337 ~~distribute the brochures to homeowners at the first meeting with~~
338 ~~a homeowner who is considering contracting for home or roof~~
339 ~~repair or contracting for the construction of a new home. Real~~
340 ~~estate brokers and sales associates are encouraged to distribute~~
341 ~~the brochure to clients before the purchase of a home. The~~
342 brochures may be made available electronically.

343 (5)~~(4)~~ FUNDING.—The department may seek out and leverage
344 local, state, federal, or private funds to enhance the financial
345 resources of the program.

346 (6)~~(5)~~ RULES.—The Department of Financial Services shall
347 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the
348 program; implement the provisions of this section; including
349 rules governing hurricane mitigation inspections and grants,
350 mitigation contractors, and training of inspectors and
351 contractors; and carry out the duties of the department under
352 this section.

353 (7)~~(6)~~ HURRICANE MITIGATION INSPECTOR LIST.—The department
354 shall develop and maintain as a public record a current list of
355 hurricane mitigation inspectors authorized to conduct hurricane
356 mitigation inspections pursuant to this section.

357 (8)~~(7)~~ CONTRACT MANAGEMENT.—

358 (a) The department may contract with third parties for



430616

359 grants management, inspection services, contractor services for
360 low-income homeowners, information technology, educational
361 outreach, and auditing services. Such contracts are considered
362 direct costs of the program and are not subject to
363 administrative cost limits. The department shall contract with
364 providers that have a demonstrated record of successful business
365 operations in areas directly related to the services to be
366 provided and shall ensure the highest accountability for use of
367 state funds, consistent with this section.

368 (b) The department shall implement a quality assurance and
369 reinspection program that determines whether mitigation initial
370 inspections and mitigation projects ~~home improvements~~ are
371 completed in a manner consistent with the intent of the program.
372 The department may use valid random sampling in order to perform
373 the quality assurance portion of the program.

374 (9)~~(8)~~ INTENT.—It is the intent of the Legislature that
375 grants made to residential property owners under this section
376 shall be considered disaster-relief assistance within the
377 meaning of s. 139 of the Internal Revenue Code of 1986, as
378 amended.

379 (10)~~(9)~~ REPORTS.—The department shall make an annual report
380 on the activities of the program that shall account for the use
381 of state funds and indicate the number of inspections requested,
382 the number of inspections performed, the number of grant
383 applications received, the number and value of grants approved,
384 and the estimated average annual amount of insurance premium
385 discounts and total estimated annual amount of insurance premium
386 discounts homeowners received from insurers as a result of
387 mitigation funded through the program. The report must be



430616

388 delivered to the President of the Senate and the Speaker of the
389 House of Representatives by February 1 of each year.

390 Section 5. Subsection (6) of section 284.44, Florida
391 Statutes, is amended to read:

392 284.44 Salary indemnification costs of state agencies.—

393 ~~(6) The Division of Risk Management shall prepare quarterly~~
394 ~~reports to the Executive Office of the Governor and the chairs~~
395 ~~of the legislative appropriations committees indicating for each~~
396 ~~state agency the total amount of salary indemnification benefits~~
397 ~~paid to claimants and the total amount of reimbursements from~~
398 ~~state agencies to the State Risk Management Trust Fund for~~
399 ~~initial costs for the previous quarter. These reports shall also~~
400 ~~include information for each state agency indicating the number~~
401 ~~of cases and amounts of initial salary indemnification costs for~~
402 ~~which reimbursement requirements were waived by the Executive~~
403 ~~Office of the Governor pursuant to this section.~~

404 Section 6. Paragraph (a) of subsection (12) of section
405 440.13, Florida Statutes, is amended to read:

406 440.13 Medical services and supplies; penalty for
407 violations; limitations.—

408 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
409 REIMBURSEMENT ALLOWANCES.—

410 (a) A three-member panel is created, consisting of the
411 Chief Financial Officer, or the Chief Financial Officer's
412 designee, and two members to be appointed by the Governor,
413 subject to confirmation by the Senate, one member who, on
414 account of present or previous vocation, employment, or
415 affiliation, shall be classified as a representative of
416 employers, the other member who, on account of previous



417 vocation, employment, or affiliation, shall be classified as a
418 representative of employees. The panel shall determine statewide
419 schedules of maximum reimbursement allowances for medically
420 necessary treatment, care, and attendance provided by hospitals
421 and ambulatory surgical centers. The maximum reimbursement
422 allowances for inpatient hospital care shall be based on a
423 schedule of per diem rates, to be approved by the three-member
424 panel no later than March 1, 1994, to be used in conjunction
425 with a precertification manual as determined by the department,
426 including maximum hours in which an outpatient may remain in
427 observation status, which shall not exceed 23 hours. All
428 compensable charges for hospital outpatient care shall be
429 reimbursed at 75 percent of usual and customary charges, except
430 as otherwise provided by this subsection. Annually, the three-
431 member panel shall adopt schedules of maximum reimbursement
432 allowances for hospital inpatient care, hospital outpatient
433 care, and ambulatory surgical centers. A hospital or an
434 ambulatory surgical center shall be reimbursed either the
435 agreed-upon contract price or the maximum reimbursement
436 allowance in the appropriate schedule. Reimbursement for
437 emergency services and care, as defined in s. 395.002, without a
438 maximum reimbursement allowance must be at 75 percent of the
439 hospital's charge, unless there is a contract, in which case the
440 contract governs reimbursement.

441
442 The department, as requested, shall provide data to the panel,
443 including, but not limited to, utilization trends in the
444 workers' compensation health care delivery system. The
445 department shall provide the panel with an annual report



430616

446 regarding the resolution of medical reimbursement disputes and
447 any actions pursuant to subsection (8). The department shall
448 provide administrative support and service to the panel to the
449 extent requested by the panel. For prescription medication
450 purchased under the requirements of this subsection, a
451 dispensing practitioner shall not possess such medication unless
452 payment has been made by the practitioner, the practitioner's
453 professional practice, or the practitioner's practice management
454 company or employer to the supplying manufacturer, wholesaler,
455 distributor, or drug repackager within 60 days of the dispensing
456 practitioner taking possession of that medication.

457 Section 7. Present subsections (9) through (13) of section
458 440.385, Florida Statutes, are redesignated as subsections (10)
459 through (14), respectively, and a new subsection (9) is added to
460 that section, to read:

461 440.385 Florida Self-Insurers Guaranty Association,
462 Incorporated.—

463 (9) CONTRACTS AND PURCHASES.—

464 (a) After July 1, 2024, all contracts entered into, and all
465 purchases made by, the association pursuant to this section
466 which are valued at or more than \$100,000 must first be approved
467 by the department. The department has 10 days to approve or deny
468 the contract or purchase upon electronic receipt of the approval
469 request. The contract or purchase is automatically approved if
470 the department is nonresponsive.

471 (b) All contracts and purchases valued at or more than
472 \$100,000 require competition through a formal bid solicitation
473 conducted by the association. The association must undergo a
474 formal bid solicitation process. The formal bid solicitation



430616

475 process must include all of the following:

476 1. The time and date for the receipt of bids, the
477 proposals, and whether the association contemplates renewal of
478 the contract, including the price for each year for which the
479 contract may be renewed.

480 2. All the contractual terms and conditions applicable to
481 the procurement.

482 (c) Evaluation of bids by the association must include
483 consideration of the total cost for each year of the contract,
484 including renewal years, as submitted by the vendor. The
485 association must award the contract to the most responsible and
486 responsive vendor. Any formal bid solicitation conducted by the
487 association must be made available, upon request, to the
488 department via electronic delivery.

489 Section 8. Present subsection (7) of section 497.101,
490 Florida Statutes, is redesignated as subsection (11),
491 subsections (1) through (4) are amended, and a new subsection
492 (7) and subsections (8), (9), and (10) are added to that
493 section, to read:

494 497.101 Board of Funeral, Cemetery, and Consumer Services;
495 membership; appointment; terms.—

496 (1) The Board of Funeral, Cemetery, and Consumer Services
497 is created within the Department of Financial Services and shall
498 consist of 10 members, 9 of whom shall be appointed by ~~the~~
499 ~~Governor from nominations made by the Chief Financial Officer~~
500 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
501 ~~nominate one to three persons for each of the nine vacancies on~~
502 ~~the board, and the Governor shall fill each vacancy on the board~~
503 ~~by appointing one of the persons nominated by the Chief~~



430616

504 ~~Financial Officer to fill that vacancy. If the Governor objects~~
505 ~~to each of the nominations for a vacancy, she or he shall inform~~
506 ~~the Chief Financial Officer in writing. Upon notification of an~~
507 ~~objection by the Governor, the Chief Financial Officer shall~~
508 ~~submit one to three additional nominations for that vacancy~~
509 ~~until the vacancy is filled.~~ One member must be the State Health
510 Officer or her or his designee.

511 (2) Two members of the board must be funeral directors
512 licensed under part III of this chapter who are associated with
513 a funeral establishment. One member of the board must be a
514 funeral director licensed under part III of this chapter who is
515 associated with a funeral establishment licensed under part III
516 of this chapter which has a valid preneed license issued
517 pursuant to this chapter ~~and who owns or operates a cinerator~~
518 ~~facility approved under chapter 403 and licensed under part VI~~
519 ~~of this chapter.~~ Two members of the board must be persons whose
520 primary occupation is associated with a cemetery company
521 licensed pursuant to this chapter. Two members of the board must
522 be consumers who are residents of this state, have never been
523 licensed as funeral directors or embalmers, are not connected
524 with a cemetery or cemetery company licensed pursuant to this
525 chapter, and are not connected with the death care industry or
526 the practice of embalming, funeral directing, or direct
527 disposition. One of the two consumer members must be at least 60
528 years of age. One member of the board must be a consumer who is
529 a resident of this state; is licensed as a certified public
530 accountant under chapter 473; has never been licensed as a
531 funeral director or an embalmer; is not a principal or an
532 employee of any licensee licensed under this chapter; and does



430616

533 not otherwise have control, as defined in s. 497.005, over any
534 licensee licensed under this chapter. One member of the board
535 must be a principal of a monument establishment licensed under
536 this chapter as a monument builder. One member must be the State
537 Health Officer or her or his designee. There may not be two or
538 more board members who are principals or employees of the same
539 company or partnership or group of companies or partnerships
540 under common control.

541 (3) Board members shall be appointed for terms of 4 years
542 and may be reappointed; however, a member may not serve for more
543 than 8 consecutive years., ~~and~~ The State Health Officer shall
544 serve as long as that person holds that office. The designee of
545 the State Health Officer shall serve at the pleasure of the
546 Chief Financial Officer ~~Governor~~.

547 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
548 ~~the Senate~~ may remove any board member for malfeasance or
549 misfeasance, neglect of duty, incompetence, substantial
550 inability to perform official duties, commission of a crime, or
551 other substantial cause as determined by the Chief Financial
552 Officer ~~Governor or Senate~~, ~~as applicable~~, to evidence a lack of
553 fitness to sit on the board. A board member shall be deemed to
554 have resigned her or his board membership, and that position
555 shall be deemed vacant, upon the failure of the member to attend
556 three consecutive meetings of the board or at least half of the
557 meetings of the board during any 12-month period, unless the
558 Chief Financial Officer determines that there was good and
559 adequate justification for the absences and that such absences
560 are not likely to continue. Any vacancy so created shall be
561 filled as provided in subsection (1).



430616

562 (7) Members of the board are subject to the code of ethics
563 under part III of chapter 112. For purposes of applying part III
564 of chapter 112 to activities of the members of the board, those
565 persons are considered public officers, and the department is
566 considered their agency. A board member may not vote on any
567 measure that would inure to his or her special private gain or
568 loss and, in accordance with s. 112.3143(2), may not vote on any
569 measure that he or she knows would inure to the special private
570 gain or loss of any principal by which he or she is retained,
571 other than an agency as defined in s. 112.312; or that he or she
572 knows would inure to the special private gain or loss of his or
573 her relative or business associate. Before the vote is taken,
574 such member shall publicly state to the board the nature of his
575 or her interest in the matter from which he or she is abstaining
576 from voting and, within 15 days after the vote occurs, disclose
577 the nature of his or her interest as a public record in a
578 memorandum filed with the person responsible for recording the
579 minutes of the meeting, who shall incorporate the memorandum in
580 the minutes.

581 (8) In accordance with ss. 112.3148 and 112.3149, a board
582 member may not knowingly accept, directly or indirectly, any
583 gift or expenditure from a person or entity, or an employee or
584 representative of such person or entity, which has a contractual
585 relationship with the department or the board, which is under
586 consideration for a contract, or which is licensed by the
587 department.

588 (9) A board member who fails to comply with subsection (7)
589 or subsection (8) is subject to the penalties provided under ss.
590 112.317 and 112.3173.



430616

591 (10) (a) All meetings of the board are subject to the
592 requirements of s. 286.011, and all books and records of the
593 board are open to the public for reasonable inspection except as
594 otherwise provided by s. 497.172 or other applicable law.

595 (b) Except for emergency meetings, the department shall
596 give notice of any board meeting by publication on the
597 department's website at least 7 days before the meeting. The
598 department shall publish a meeting agenda on its website at
599 least 7 days before the meeting. The agenda must contain the
600 items to be considered, in order of presentation. After the
601 agenda has been made available, a change may be made only for
602 good cause, as determined by the person designated to preside,
603 and must be stated in the record. Notification of such change
604 must be at the earliest practicable time.

605 Section 9. Paragraph (a) of subsection (4) of section
606 497.153, Florida Statutes, is amended to read:

607 497.153 Disciplinary procedures and penalties.—

608 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

609 (a) Service of an administrative complaint may be in person
610 by department staff or any person authorized to make service of
611 process under the Florida Rules of Civil Procedure. Service upon
612 a licensee may in the alternative be made by certified mail,
613 return receipt requested, to the last known address of record
614 provided by the licensee to the department. If service by
615 certified mail cannot be made at the last address provided by
616 the licensee to the department, service may be made by e-mail,
617 delivery receipt required, sent to the most recent e-mail
618 address provided by the licensee to the department in accordance
619 with s. 497.146.



430616

620 Section 10. Paragraph (e) of subsection (1) of section
621 497.155, Florida Statutes, is amended to read:

622 497.155 Disciplinary citations and minor violations.—

623 (1) CITATIONS.—

624 (e) Service of a citation may be made by personal service
625 or certified mail, restricted delivery, to the subject at the
626 subject's last known address in accordance with s. 497.146. If
627 service by certified mail cannot be made at the last address
628 provided by the subject to the department, service may be made
629 by e-mail, delivery receipt required, sent to the most recent e-
630 mail address provided by the subject to the department in
631 accordance with s. 497.146.

632 Section 11. Paragraph (a) of subsection (3) of section
633 624.155, Florida Statutes, is amended to read:

634 624.155 Civil remedy.—

635 (3) (a) As a condition precedent to bringing an action under
636 this section, the department and the authorized insurer must
637 have been given 60 days' written notice of the violation. Notice
638 to the authorized insurer must be provided by the department to
639 the e-mail address designated by the insurer ~~under s. 624.422.~~

640 Section 12. Present paragraphs (c) and (d) of subsection
641 (10) of section 624.307, Florida Statutes, are redesignated as
642 paragraphs (d) and (e), respectively, a new paragraph (c) is
643 added to that subsection, and paragraph (b) of that subsection
644 is amended, to read:

645 624.307 General powers; duties.—

646 (10)

647 (b) Any person licensed or issued a certificate of
648 authority or made an eligible surplus lines insurer by the



430616

649 department or the office shall respond, in writing or
650 electronically, to the division within 14 days after receipt of
651 a written request for documents and information from the
652 division concerning a consumer complaint. The response must
653 address the issues and allegations raised in the complaint and
654 include any requested documents concerning the consumer
655 complaint not subject to attorney-client or work-product
656 privilege. The division may impose an administrative penalty for
657 failure to comply with this paragraph of up to \$5,000 per
658 violation upon any entity licensed by the department or the
659 office and up to \$1,000 per violation by any individual licensed
660 by the department or the office.

661 (c) Each insurer issued a certificate of authority or made
662 an eligible surplus lines insurer shall file with the department
663 an e-mail address to which requests for response to consumer
664 complaints shall be directed pursuant to paragraph (b). Such
665 insurer shall also designate a contact person for escalated
666 complaint issues and shall provide the name, e-mail address, and
667 telephone number of such person. A licensee of the department,
668 including an agency or a firm, may elect to designate an e-mail
669 address to which requests for response to consumer complaints
670 shall be directed pursuant to paragraph (b). If a licensee,
671 including an agency or a firm, elects not to designate an e-mail
672 address, the department shall direct requests for response to
673 consumer complaints to the e-mail of record for the licensee in
674 the department's licensing system. An insurer or a licensee,
675 including an agency or a firm, may change designated contact
676 information at any time by submitting the new information to the
677 department using the method designated by rule by the



430616

678 department.

679 Section 13. Subsection (2) of section 626.171, Florida
680 Statutes, is amended to read:

681 626.171 Application for license as an agent, customer
682 representative, adjuster, service representative, or reinsurance
683 intermediary.—

684 (2) In the application, the applicant shall set forth:

685 (a) His or her full name, age, social security number,
686 residence address, business address, mailing address, contact
687 telephone numbers, including a business telephone number, and e-
688 mail address.

689 (b) A statement indicating the method the applicant used or
690 is using to meet any required prelicensing education, knowledge,
691 experience, or instructional requirements for the type of
692 license applied for.

693 (c) Whether he or she has been refused or has voluntarily
694 surrendered or has had suspended or revoked a license to solicit
695 insurance by the department or by the supervising officials of
696 any state.

697 (d) Whether any insurer or any managing general agent
698 claims the applicant is indebted under any agency contract or
699 otherwise and, if so, the name of the claimant, the nature of
700 the claim, and the applicant's defense thereto, if any.

701 (e) Proof that the applicant meets the requirements for the
702 type of license for which he or she is applying.

703 (f) The applicant's gender (male or female).

704 (g) The applicant's native language.

705 (h) The highest level of education achieved by the
706 applicant.



430616

707 (i) The applicant's race or ethnicity (African American,
708 white, American Indian, Asian, Hispanic, or other).

709 (j) Such other or additional information as the department
710 may deem proper to enable it to determine the character,
711 experience, ability, and other qualifications of the applicant
712 to hold himself or herself out to the public as an insurance
713 representative.

714

715 However, the application must contain a statement that an
716 applicant is not required to disclose his or her race or
717 ethnicity, gender, or native language, that he or she will not
718 be penalized for not doing so, and that the department will use
719 this information exclusively for research and statistical
720 purposes and to improve the quality and fairness of the
721 examinations. The department shall make provisions for
722 applicants to submit cellular telephone numbers as part of the
723 application process on a voluntary basis for purpose of two-
724 factor authentication of secure login credentials only.

725 Section 14. Paragraph (j) of subsection (2) of section
726 626.221, Florida Statutes, is amended to read:

727 626.221 Examination requirement; exemptions.—

728 (2) However, an examination is not necessary for any of the
729 following:

730 (j) An applicant for license as an all-lines adjuster who
731 has the designation of Accredited Claims Adjuster (ACA) from a
732 regionally accredited postsecondary institution in this state;
733 Certified All Lines Adjuster (CALA) from Kaplan Financial
734 Education; Associate in Claims (AIC) from the Insurance
735 Institute of America; Professional Claims Adjuster (PCA) from



430616

736 the Professional Career Institute; Professional Property
737 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
738 Certified Adjuster (CA) from ALL LINES Training; Certified
739 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
740 Certified Professional (CACP) from WebCE, Inc.; Accredited
741 Insurance Claims Specialist (AICS) from Encore Claim Services;
742 Professional in Claims (PIC) from 2021 Training, LLC; Registered
743 Claims Adjuster (RCA) from American Insurance College; or
744 Universal Claims Certification (UCC) from Claims and Litigation
745 Management Alliance (CLM) whose curriculum has been approved by
746 the department and which includes comprehensive analysis of
747 basic property and casualty lines of insurance and testing at
748 least equal to that of standard department testing for the all-
749 lines adjuster license. The department shall adopt rules
750 establishing standards for the approval of curriculum.

751 Section 15. Subsection (6) of section 626.601, Florida
752 Statutes, is amended to read:

753 626.601 Improper conduct; inquiry; fingerprinting.—

754 (6) The complaint and any information obtained pursuant to
755 the investigation by the department or office are confidential
756 and are exempt from s. 119.07 unless the department or office
757 files a formal administrative complaint, emergency order, or
758 consent order against the individual or entity. This subsection
759 does not prevent the department or office from disclosing the
760 complaint or such information as it deems necessary to conduct
761 the investigation, to update the complainant as to the status
762 and outcome of the complaint, to review the details of the
763 investigation with the individual or entity or its
764 representative, or to share such information with any law



430616

765 enforcement agency or other regulatory body.

766 Section 16. Subsection (3) of section 626.7351, Florida
767 Statutes, is amended to read:

768 626.7351 Qualifications for customer representative's
769 license.—The department may ~~shall~~ not grant or issue a license
770 as customer representative to any individual found by it to be
771 untrustworthy or incompetent, or who does not meet each of the
772 following qualifications:

773 (3) Within 4 years preceding the date that the application
774 for license was filed with the department, the applicant has
775 earned the designation of Accredited Advisor in Insurance (AAI),
776 Associate in General Insurance (AINS), or Accredited Customer
777 Service Representative (ACSR) from the Insurance Institute of
778 America; the designation of Certified Insurance Counselor (CIC)
779 from the Society of Certified Insurance Service Counselors; the
780 designation of Certified Professional Service Representative
781 (CPSR) from the National Foundation for CPSR; the designation of
782 Certified Insurance Service Representative (CISR) from the
783 Society of Certified Insurance Service Representatives; the
784 designation of Certified Insurance Representative (CIR) from
785 All-Lines Training; the designation of Chartered Customer
786 Service Representative (CCSR) from American Insurance College;
787 the designation of Professional Customer Service Representative
788 (PCSR) from the Professional Career Institute; the designation
789 of Insurance Customer Service Representative (ICSR) from
790 Statewide Insurance Associates LLC; the designation of
791 Registered Customer Service Representative (RCSR) from a
792 regionally accredited postsecondary institution in the state
793 whose curriculum is approved by the department and includes



430616

794 comprehensive analysis of basic property and casualty lines of
795 insurance and testing which demonstrates mastery of the subject;
796 or a degree from an accredited institution of higher learning
797 approved by the department when the degree includes a minimum of
798 9 credit hours of insurance instruction, including specific
799 instruction in the areas of property, casualty, and inland
800 marine insurance. The department shall adopt rules establishing
801 standards for the approval of curriculum.

802 Section 17. Section 626.878, Florida Statutes, is amended
803 to read:

804 626.878 Rules; code of ethics.—

805 (1) An adjuster shall subscribe to the code of ethics
806 specified in the rules of the department. The rules shall
807 implement the provisions of this part and specify the terms and
808 conditions of contracts, including a right to cancel, and
809 require practices necessary to ensure fair dealing, prohibit
810 conflicts of interest, and ensure preservation of the rights of
811 the claimant to participate in the adjustment of claims.

812 (2) A person licensed as an adjuster must identify himself
813 or herself in any advertisement, solicitation, or written
814 document based on the adjuster appointment type held.

815 (3) An adjuster who has had his or her licensed revoked or
816 suspended may not participate in any part of an insurance claim
817 or in the insurance claims adjusting process, including
818 estimating, completing, filing, negotiating, appraising,
819 mediating, umpiring, or effecting settlement of a claim for loss
820 or damage covered under an insurance contract. A person who
821 provides these services while the person's license is revoked or
822 suspended acts as an unlicensed adjuster.



430616

823 Section 18. Subsection (1) of section 626.929, Florida
824 Statutes, is amended, and subsection (4) is added to that
825 section, to read:

826 626.929 Origination, acceptance, placement of surplus lines
827 business.—

828 (1) A licensed and appointed general lines agent while also
829 licensed and appointed as a surplus lines agent under this part
830 may originate surplus lines business and may accept surplus
831 lines business from any other originating Florida-licensed
832 general lines agent appointed and licensed as to the kinds of
833 insurance involved and may compensate such agent therefor.

834 (4) A general lines agent while licensed as a surplus lines
835 agent under this part may appoint these licenses with a single
836 surplus license agent appointment pursuant to s. 624.501. Such
837 agent may only originate surplus lines business and accept
838 surplus lines business from other originating Florida-licensed
839 general lines agents appointed and licensed as to the kinds of
840 insurance involved and may compensate such agent therefor. Such
841 agent may not be appointed by or transact general lines
842 insurance on behalf of an admitted insurer.

843 Section 19. Paragraphs (j) is added to subsection (4) of
844 section 627.351, Florida Statutes, to read:

845 627.351 Insurance risk apportionment plans.—

846 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
847 CONTRACTS AND PURCHASES.—

848 (j)1. After July 1, 2024, all contracts entered into, and
849 all purchases made by, the association pursuant to this
850 subsection which are valued at or more than \$100,000 must first
851 be approved by the department. The department has 10 days to



430616

852 approve or deny a contract or purchase upon electronic receipt
853 of the approval request. The contract or purchase is
854 automatically approved if the department is nonresponsive.

855 2. All contracts and purchases valued at or more than
856 \$100,000 require competition through a formal bid solicitation
857 conducted by the association. The association must undergo a
858 formal bid solicitation process by a minimum of three vendors.
859 The formal bid solicitation process must include all of the
860 following:

861 a. The time and date for the receipt of bids, the
862 proposals, and whether the association contemplates renewal of
863 the contract, including the price for each year for which the
864 contract may be renewed.

865 b. All the contractual terms and conditions applicable to
866 the procurement.

867 3. Evaluation of bids by the association must include
868 consideration of the total cost for each year of the contract,
869 including renewal years, as submitted by the vendor. The
870 association must award the contract to the most responsible and
871 responsive vendor. Any formal bid solicitation conducted by the
872 association must be made available, upon request, to the
873 department by electronic delivery.

874 Section 20. Subsection (2) of section 627.43141, Florida
875 Statutes, is amended to read:

876 627.43141 Notice of change in policy terms.—

877 (2) A renewal policy may contain a change in policy terms.
878 If such change occurs, the insurer shall give the named insured
879 advance written notice summarizing the change, which may be
880 enclosed ~~in along with~~ the written notice of renewal premium



430616

881 required under ss. 627.4133 and 627.728 or sent separately
882 within the timeframe required under the Florida Insurance Code
883 for the provision of a notice of nonrenewal to the named insured
884 for that line of insurance. The insurer must also provide a
885 sample copy of the notice to the named insured's insurance agent
886 before or at the same time that notice is provided to the named
887 insured. Such notice shall be entitled "Notice of Change in
888 Policy Terms-" and shall be in bold type of not less than 14
889 points and included as a single page or consecutive pages, as
890 necessary, within the written notice.

891 Section 21. Paragraph (a) of subsection (3) of section
892 627.70152, Florida Statutes, is amended to read:

893 627.70152 Suits arising under a property insurance policy.-

894 (3) NOTICE.-

895 (a) As a condition precedent to filing a suit under a
896 property insurance policy, a claimant must provide the
897 department with written notice of intent to initiate litigation
898 on a form provided by the department. Such notice must be given
899 at least 10 business days before filing suit under the policy,
900 but may not be given before the insurer has made a determination
901 of coverage under s. 627.70131. Notice to the insurer must be
902 provided by the department to the e-mail address designated by
903 the insurer ~~under s. 624.422~~. The notice must state with
904 specificity all of the following information:

905 1. That the notice is provided pursuant to this section.

906 2. The alleged acts or omissions of the insurer giving rise
907 to the suit, which may include a denial of coverage.

908 3. If provided by an attorney or other representative, that
909 a copy of the notice was provided to the claimant.



430616

910 4. If the notice is provided following a denial of
911 coverage, an estimate of damages, if known.

912 5. If the notice is provided following acts or omissions by
913 the insurer other than denial of coverage, both of the
914 following:

915 a. The presuit settlement demand, which must itemize the
916 damages, attorney fees, and costs.

917 b. The disputed amount.

918

919 Documentation to support the information provided in this
920 paragraph may be provided along with the notice to the insurer.

921 Section 22. Subsection (5) is added to section 631.59,
922 Florida Statutes, to read:

923 631.59 Duties and powers of department and office;
924 association contracts and purchases.-

925 (5)(a) After July 1, 2024, all contracts entered into, and
926 all purchases made by, the association pursuant to this section
927 which are valued at or more than \$100,000 must first be approved
928 by the department. The department has 10 days to approve or deny
929 the contract or purchase upon electronic receipt of the approval
930 request. The contract or purchase is automatically approved if
931 the department is nonresponsive.

932 (b) All contracts and purchases valued at or more than
933 \$100,000 require competition through a formal bid solicitation
934 conducted by the association. The association must undergo a
935 formal bid solicitation process. The formal bid solicitation
936 process must include all of the following:

937 1. The time and date for the receipt of bids, the
938 proposals, and whether the association contemplates renewal of



430616

939 the contract, including the price for each year for which the
940 contract may be renewed.

941 2. All the contractual terms and conditions applicable to
942 the procurement.

943 (c) Evaluation of bids by the association must include
944 consideration of the total cost for each year of the contract,
945 including renewal years, as submitted by the vendor. The
946 association must award the contract to the most responsible and
947 responsive vendor. Any formal bid solicitation conducted by the
948 association must be made available, upon request, to the
949 department via electronic delivery.

950 Section 23. Subsection (6) is added to section 631.722,
951 Florida Statutes, to read:

952 631.722 Powers and duties of department and office;
953 association contracts and purchases.-

954 (6) (a) After July 1, 2024, all contracts entered into, and
955 all purchases made by, the association pursuant to this section
956 which are valued at or more than \$100,000 must first be approved
957 by the department. The department has 10 days to approve or deny
958 the contract or purchase upon electronic receipt of the approval
959 request. The contract or purchase is automatically approved if
960 the department is nonresponsive.

961 (b) All contracts and purchases valued at or more than
962 \$100,000 require competition through a formal bid solicitation
963 conducted by the association. The association must undergo a
964 formal bid solicitation process. The formal bid solicitation
965 process must include all of the following:

966 1. The time and date for the receipt of bids, the
967 proposals, and whether the association contemplates renewal of



430616

968 the contract, including the price for each year for which the
969 contract may be renewed.

970 2. All the contractual terms and conditions applicable to
971 the procurement.

972 (c) Evaluation of bids by the association must include
973 consideration of the total cost for each year of the contract,
974 including renewal years, as submitted by the vendor. The
975 association must award the contract to the most responsible and
976 responsive vendor. Any formal bid solicitation conducted by the
977 association must be made available, upon request, to the
978 department via electronic delivery.

979 Section 24. Subsection (5) is added to section 631.821,
980 Florida Statutes, to read:

981 631.821 Powers and duties of the department; board
982 contracts and purchases.—

983 (5)(a) After July 1, 2024, all contracts entered into, and
984 all purchases made by, the board pursuant to this section which
985 are valued at or more than \$100,000 must first be approved by
986 the department. The department has 10 days to approve or deny
987 the contract or purchase upon electronic receipt of the approval
988 request. The contract or purchase is automatically approved if
989 the department is nonresponsive.

990 (b) All contracts and purchases valued at or more than
991 \$100,000 require competition through a formal bid solicitation
992 conducted by the board. The board must undergo a formal bid
993 solicitation process. The formal bid solicitation process must
994 include all of the following:

995 1. The time and date for the receipt of bids, the
996 proposals, and whether the board contemplates renewal of the



430616

997 contract, including the price for each year for which the
998 contract may be renewed.

999 2. All the contractual terms and conditions applicable to
1000 the procurement.

1001 (c) Evaluation of bids by the board must include
1002 consideration of the total cost for each year of the contract,
1003 including renewal years, as submitted by the vendor. The plan
1004 must award the contract to the most responsible and responsive
1005 vendor. Any formal bid solicitation conducted by the board must
1006 be made available, upon request, to the department via
1007 electronic delivery.

1008 Section 25. Section 631.921, Florida Statutes, is amended
1009 to read:

1010 631.921 Department powers; board contracts and purchases.-

1011 (1) The corporation shall be subject to examination by the
1012 department. By March 1 of each year, the board of directors
1013 shall cause a financial report to be filed with the department
1014 for the immediately preceding calendar year in a form approved
1015 by the department.

1016 (2) (a) After July 1, 2024, all contracts entered into, and
1017 all purchases made by, the board pursuant to this section which
1018 are valued at or more than \$100,000 must first be approved by
1019 the department. The department has 10 days to approve or deny
1020 the contract or purchase upon electronic receipt of the approval
1021 request. The contract or purchase is automatically approved if
1022 the department is nonresponsive.

1023 (b) All contracts and purchases valued at or more than
1024 \$100,000 require competition through a formal bid solicitation
1025 conducted by the board. The board must undergo a formal bid



430616

1026 solicitation process. The formal bid solicitation process must
1027 include all of the following:

1028 1. The time and date for the receipt of bids, the
1029 proposals, and whether the board contemplates renewal of the
1030 contract, including the price for each year for which the
1031 contract may be renewed.

1032 2. All the contractual terms and conditions applicable to
1033 the procurement.

1034 (c) Evaluation of bids by the board must include
1035 consideration of the total cost for each year of the contract,
1036 including renewal years, as submitted by the vendor. The
1037 association must award the contract to the most responsible and
1038 responsive vendor. Any formal bid solicitation conducted by the
1039 association must be made available, upon request, to the
1040 department via electronic delivery.

1041 Section 26. Paragraph (b) of subsection (3) of section
1042 633.124, Florida Statutes, is amended to read:

1043 633.124 Penalty for violation of law, rule, or order to
1044 cease and desist or for failure to comply with corrective
1045 order.—

1046 (3)

1047 (b) A person who initiates a pyrotechnic display within any
1048 structure commits a felony of the third degree, punishable as
1049 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1050 1. The structure has a fire protection system installed in
1051 compliance with s. 633.334.

1052 2. The owner of the structure has authorized in writing the
1053 pyrotechnic display.

1054 3. If the local jurisdiction requires a permit for the use



430616

1055 of a pyrotechnic display in an occupied structure, such permit
1056 has been obtained and all conditions of the permit complied with
1057 or, if the local jurisdiction does not require a permit for the
1058 use of a pyrotechnic display in an occupied structure, the
1059 person initiating the display has complied with National Fire
1060 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1061 Standard for the Use of Pyrotechnics before a Proximate
1062 Audience.

1063 Section 27. Subsection (2) of section 633.202, Florida
1064 Statutes, is amended to read:

1065 633.202 Florida Fire Prevention Code.—

1066 (2) The State Fire Marshal shall adopt the current edition
1067 of the National Fire Protection Association's Standard 1, Fire
1068 Prevention Code but may not adopt a building, mechanical,
1069 accessibility, or plumbing code. The State Fire Marshal shall
1070 adopt the current edition of the Life Safety Code, NFPA 101,
1071 current editions, by reference. The State Fire Marshal may
1072 modify the selected codes and standards as needed to accommodate
1073 the specific needs of the state. Standards or criteria in the
1074 selected codes shall be similarly incorporated by reference. The
1075 State Fire Marshal shall incorporate within sections of the
1076 Florida Fire Prevention Code provisions that address uniform
1077 firesafety standards as established in s. 633.206. The State
1078 Fire Marshal shall incorporate within sections of the Florida
1079 Fire Prevention Code provisions addressing regional and local
1080 concerns and variations.

1081 Section 28. Paragraph (b) of subsection (1) of section
1082 633.206, Florida Statutes, is amended to read:

1083 633.206 Uniform firesafety standards.—The Legislature



430616

1084 hereby determines that to protect the public health, safety, and
1085 welfare it is necessary to provide for firesafety standards
1086 governing the construction and utilization of certain buildings
1087 and structures. The Legislature further determines that certain
1088 buildings or structures, due to their specialized use or to the
1089 special characteristics of the person utilizing or occupying
1090 these buildings or structures, should be subject to firesafety
1091 standards reflecting these special needs as may be appropriate.

1092 (1) The department shall establish uniform firesafety
1093 standards that apply to:

1094 (b) All new, existing, and proposed hospitals, nursing
1095 homes, assisted living facilities, adult family-care homes,
1096 correctional facilities, public schools, transient public
1097 lodging establishments, public food service establishments,
1098 mobile food dispensing vehicles, elevators, migrant labor camps,
1099 mobile home parks, lodging parks, recreational vehicle parks,
1100 recreational camps, residential and nonresidential child care
1101 facilities, facilities for the developmentally disabled, motion
1102 picture and television special effects productions, tunnels,
1103 energy storage systems, and self-service gasoline stations, of
1104 which standards the State Fire Marshal is the final
1105 administrative interpreting authority.

1106
1107 In the event there is a dispute between the owners of the
1108 buildings specified in paragraph (b) and a local authority
1109 requiring a more stringent uniform firesafety standard for
1110 sprinkler systems, the State Fire Marshal shall be the final
1111 administrative interpreting authority and the State Fire
1112 Marshal's interpretation regarding the uniform firesafety



430616

1113 standards shall be considered final agency action.

1114 Section 29. Paragraph (b) of subsection (8) of section
1115 634.041, Florida Statutes, is amended to read:

1116 634.041 Qualifications for license.—To qualify for and hold
1117 a license to issue service agreements in this state, a service
1118 agreement company must be in compliance with this part, with
1119 applicable rules of the commission, with related sections of the
1120 Florida Insurance Code, and with its charter powers and must
1121 comply with the following:

1122 (8)

1123 (b) A service agreement company does not have to establish
1124 and maintain an unearned premium reserve if it secures and
1125 maintains contractual liability insurance in accordance with the
1126 following:

1127 1. Coverage of 100 percent of the claim exposure is
1128 obtained from an insurer or insurers approved by the office,
1129 which hold ~~holds~~ a certificate of authority under s. 624.401 to
1130 do business within this state, or secured through a risk
1131 retention groups ~~group~~, which are ~~is~~ authorized to do business
1132 within this state under s. 627.943 or s. 627.944. Such insurers
1133 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1134 as regards policyholders of at least \$15 million.

1135 2. If the service agreement company does not meet its
1136 contractual obligations, the contractual liability insurance
1137 policy binds its issuer to pay or cause to be paid to the
1138 service agreement holder all legitimate claims and cancellation
1139 refunds for all service agreements issued by the service
1140 agreement company while the policy was in effect. This
1141 requirement also applies to those service agreements for which



430616

1142 no premium has been remitted to the insurer.

1143 3. If the issuer of the contractual liability policy is
1144 fulfilling the service agreements covered by the contractual
1145 liability policy and the service agreement holder cancels the
1146 service agreement, the issuer must make a full refund of
1147 unearned premium to the consumer, subject to the cancellation
1148 fee provisions of s. 634.121(3). The sales representative and
1149 agent must refund to the contractual liability policy issuer
1150 their unearned pro rata commission.

1151 4. The policy may not be canceled, terminated, or
1152 nonrenewed by the insurer or the service agreement company
1153 unless a 90-day written notice thereof has been given to the
1154 office by the insurer before the date of the cancellation,
1155 termination, or nonrenewal.

1156 5. The service agreement company must provide the office
1157 with the claims statistics.

1158 6. A policy issued in compliance with this paragraph may
1159 either pay 100 percent of claims as they are incurred, or pay
1160 100 percent of claims due in the event of the failure of the
1161 service agreement company to pay such claims when due.

1162
1163 All funds or premiums remitted to an insurer by a motor vehicle
1164 service agreement company under this part shall remain in the
1165 care, custody, and control of the insurer and shall be counted
1166 as an asset of the insurer; provided, however, this requirement
1167 does not apply when the insurer and the motor vehicle service
1168 agreement company are affiliated companies and members of an
1169 insurance holding company system. If the motor vehicle service
1170 agreement company chooses to comply with this paragraph but also



430616

1171 maintains a reserve to pay claims, such reserve shall only be
1172 considered an asset of the covered motor vehicle service
1173 agreement company and may not be simultaneously counted as an
1174 asset of any other entity.

1175 Section 30. Subsection (5) of section 634.081, Florida
1176 Statutes, is amended to read:

1177 634.081 Suspension or revocation of license; grounds.—

1178 (5) The office shall suspend or revoke the license of a
1179 company if it finds that the ratio of gross written premiums
1180 written to net assets exceeds 10 to 1 unless the company has in
1181 excess of \$750,000 in net assets and is utilizing contractual
1182 liability insurance which cedes 100 percent of the service
1183 agreement company's claims liabilities to the contractual
1184 liability insurers ~~insurer~~ or is utilizing contractual liability
1185 insurance which reimburses the service agreement company for 100
1186 percent of its paid claims. However, if a service agreement
1187 company has been licensed by the office in excess of 10 years,
1188 is in compliance with all applicable provisions of this part,
1189 and has net assets at all times in excess of \$3 million that
1190 comply with the provisions of part II of chapter 625, such
1191 company may not exceed a ratio of gross written premiums written
1192 to net assets of 15 to 1.

1193 Section 31. Present subsection (5) of section 634.3077,
1194 Florida Statutes, is redesignated as subsection (6), a new
1195 subsection (5) is added to that section, and subsection (3) of
1196 that section is amended, to read:

1197 634.3077 Financial requirements.—

1198 (3) An association may ~~shall~~ not be required to set up an
1199 unearned premium reserve if it has purchased contractual



430616

1200 liability insurance which demonstrates to the satisfaction of
1201 the office that 100 percent of its claim exposure is covered by
1202 such insurance. Such contractual liability insurance shall be
1203 obtained from an insurer or insurers that hold ~~holds~~ a
1204 certificate of authority to do business within the state or from
1205 an insurer or insurers approved by the office as financially
1206 capable of meeting the obligations incurred pursuant to the
1207 policy. For purposes of this subsection, the contractual
1208 liability policy shall contain the following provisions:

1209 (a) In the event that the home warranty association is
1210 unable to fulfill its obligation under its contracts issued in
1211 this state for any reason, including insolvency, bankruptcy, or
1212 dissolution, the contractual liability insurer will pay losses
1213 and unearned premiums under such plans directly to persons
1214 making claims under such contracts.

1215 (b) The insurer issuing the policy shall assume full
1216 responsibility for the administration of claims in the event of
1217 the inability of the association to do so.

1218 (c) The policy may not be canceled or not renewed by ~~either~~
1219 the insurer or the association unless 60 days' written notice
1220 thereof has been given to the office by the insurer before the
1221 date of such cancellation or nonrenewal.

1222 (d) The contractual liability insurance policy shall insure
1223 all home warranty contracts that were issued while the policy
1224 was in effect whether or not the premium has been remitted to
1225 the insurer.

1226 (5) An association licensed under this part is not required
1227 to establish an unearned premium reserve or maintain contractual
1228 liability insurance and may allow its premiums to exceed the



430616

1229 ratio to net assets limitation of this section if the
1230 association complies with the following:

1231 (a) The association or, if the association is a direct or
1232 indirect wholly owned subsidiary of a parent corporation, its
1233 parent corporation has, and maintains at all times, a minimum
1234 net worth of at least \$100 million and provides the office with
1235 the following:

1236 1. A copy of the association's annual audited financial
1237 statements or the audited consolidated financial statements of
1238 the association's parent corporation, prepared by an independent
1239 certified public accountant in accordance with generally
1240 accepted accounting principles, which clearly demonstrate the
1241 net worth of the association or its parent corporation to be
1242 \$100 million, and a quarterly written certification to the
1243 office that the association or its parent corporation continues
1244 to maintain the net worth required under this paragraph.

1245 2. The association's or its parent corporation's Form 10-K,
1246 Form 10-Q, or Form 20-F as filed with the United States
1247 Securities and Exchange Commission or such other documents
1248 required to be filed with a recognized stock exchange, which
1249 shall be provided on a quarterly and annual basis within 10 days
1250 after the last date each such report must be filed with the
1251 Securities and Exchange Commission, the National Association of
1252 Security Dealers Automated Quotation system, or other recognized
1253 stock exchange.

1254
1255 Failure to timely file the documents required under this
1256 paragraph may, at the discretion of the office, subject the
1257 association to suspension or revocation of its license under



430616

1258 this part.

1259 (b) If the net worth of a parent corporation is used to
1260 satisfy the net worth provisions of paragraph (a), the following
1261 provisions must be met:

1262 1. The parent corporation must guarantee all service
1263 warranty obligations of the association, wherever written, on a
1264 form approved in advance by the office. A cancellation,
1265 termination, or modification of the guarantee does not become
1266 effective unless the parent corporation provides the office
1267 written notice at least 90 days before the effective date of the
1268 cancellation, termination, or modification and the office
1269 approves the request in writing. Before the effective date of
1270 the cancellation, termination, or modification of the guarantee,
1271 the association must demonstrate to the satisfaction of the
1272 office compliance with all applicable provisions of this part,
1273 including whether the association will meet the requirements of
1274 this section by the purchase of contractual liability insurance,
1275 establishing required reserves, or other method allowed under
1276 this section. If the association or parent corporation does not
1277 demonstrate to the satisfaction of the office compliance with
1278 all applicable provisions of this part, the association or
1279 parent association shall immediately cease writing new and
1280 renewal business upon the effective date of the cancellation,
1281 termination, or modification.

1282 2. The association must maintain at all times net assets of
1283 at least \$750,000.

1284 Section 32. Section 634.317, Florida Statutes, is amended
1285 to read:

1286 634.317 License and appointment required.—No person may



430616

1287 solicit, negotiate, or effectuate home warranty contracts for
1288 remuneration in this state unless such person is licensed and
1289 appointed as a sales representative. A licensed and appointed
1290 sales representative shall be directly responsible and
1291 accountable for all acts of the licensee's employees. An agent
1292 or employee of a municipal or county government is exempt from
1293 these licensing and appointment requirements.

1294 Section 33. Present subsection (9) of section 648.25,
1295 Florida Statutes, is redesignated as subsection (10), and a new
1296 subsection (9) and subsection (11) are added to that section, to
1297 read:

1298 648.25 Definitions.—As used in this chapter, the term:

1299 (9) "Referring bail bond agent" is the limited surety agent
1300 who is appointed with the surety company issuing the transfer
1301 bond that is to be posted in a county where the referring
1302 limited surety agent is not registered. The referring bail bond
1303 agent is the appointed agent held liable for the transfer bond,
1304 along with the issuing surety company.

1305 (11) "Transfer bond" means the appearance bond and power of
1306 attorney form posted by a limited surety agent who is registered
1307 in the county where the defendant is being held in custody, and
1308 who is appointed to represent the same surety company issuing
1309 the appearance bond as the referring bail bond agent.

1310 Section 34. Subsection (3) of section 648.26, Florida
1311 Statutes, is amended to read:

1312 648.26 Department of Financial Services; administration.—

1313 (3) The papers, documents, reports, or any other
1314 investigatory records of the department are confidential and
1315 exempt from s. 119.07(1) until such investigation is completed



430616

1316 or ceases to be active, unless the department or office files a
1317 formal administrative complaint, emergency order, or consent
1318 order against the individual or entity. For the purpose of this
1319 section, an investigation is considered active while the
1320 investigation is being conducted by the department with a
1321 reasonable, good faith belief that it may lead to the filing of
1322 administrative, civil, or criminal proceedings. An investigation
1323 does not cease to be active if the department is proceeding with
1324 reasonable dispatch and there is good faith belief that action
1325 may be initiated by the department or other administrative or
1326 law enforcement agency. This subsection does not prevent the
1327 department or office from disclosing the content of a complaint
1328 or such information as it deems necessary to conduct the
1329 investigation, to update the complainant as to the status and
1330 outcome of the complaint, to review the details of the
1331 investigation with the subject or the subject's representative,
1332 or to share such information with any law enforcement agency or
1333 other regulatory body.

1334 Section 35. Paragraph (a) of subsection (1) of section
1335 648.30, Florida Statutes, is amended to read:

1336 648.30 Licensure and appointment required; prohibited acts;
1337 penalties.—

1338 (1) (a) A person or entity may not act in the capacity of a
1339 bail bond agent or bail bond agency or perform any of the
1340 functions, duties, or powers prescribed for bail bond agents or
1341 bail bond agencies under this chapter unless that person or
1342 entity is qualified, licensed, and appointed as provided in this
1343 chapter ~~and employed by a bail bond agency.~~

1344 Section 36. Subsection (1) of section 648.355, Florida



430616

1345 Statutes, is amended to read:

1346 648.355 Limited surety agents and professional bail bond
1347 agents; qualifications.—

1348 (1) The applicant shall furnish, with the application for
1349 license, a complete set of the applicant's fingerprints in
1350 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1351 ~~fullface photograph of the applicant.~~ The department may not
1352 issue a license under this section until the department has
1353 received a report from the Department of Law Enforcement and the
1354 Federal Bureau of Investigation relative to the existence or
1355 nonexistence of a criminal history report based on the
1356 applicant's fingerprints.

1357 Section 37. Subsection (3) of section 648.43, Florida
1358 Statutes, is amended to read:

1359 648.43 Power of attorney; approval by office; filing of
1360 copies; notification of transfer bond.—

1361 (3) Every bail bond agent who executes or countersigns a
1362 transfer bond shall indicate in writing on the bond the name,
1363 ~~and~~ address, and license number of the referring bail bond
1364 agent.

1365 Section 38. Section 717.101, Florida Statutes, is amended
1366 to read:

1367 717.101 Definitions.—As used in this chapter, unless the
1368 context otherwise requires:

1369 (1) "Aggregate" means the amounts reported for owners of
1370 unclaimed property of less than \$50 or where there is no name
1371 for the individual or entity listed on the holder's records,
1372 regardless of the amount to be reported.

1373 (2) "Apparent owner" means the person whose name appears on



430616

1374 the records of the holder as the person entitled to property
1375 held, issued, or owing by the holder.

1376 (3) "Audit" means an action or proceeding to examine and
1377 verify a person's records, books, accounts, and other documents
1378 to ascertain and determine compliance with this chapter.

1379 (4) "Audit agent" means a person with whom the department
1380 enters into a contract with to conduct an audit or examination.
1381 The term includes an independent contractor of the person and
1382 each individual participating in the audit on behalf of the
1383 person or contractor.

1384 (5)~~(3)~~ "Banking organization" means any and all banks,
1385 trust companies, private bankers, savings banks, industrial
1386 banks, safe-deposit companies, savings and loan associations,
1387 credit unions, and investment companies in this state, organized
1388 under or subject to the laws of this state or of the United
1389 States, including entities organized under 12 U.S.C. s. 611, but
1390 does not include Federal Reserve Banks. The term also includes
1391 any corporation, business association, or other organization
1392 that:

1393 (a) Is a wholly or partially owned subsidiary of any
1394 banking, banking corporation, or bank holding company that
1395 performs any or all of the functions of a banking organization;
1396 or

1397 (b) Performs functions pursuant to the terms of a contract
1398 with any banking organization ~~state or national bank,~~
1399 ~~international banking entity or similar entity, trust company,~~
1400 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
1401 ~~company, private bank, or any organization otherwise defined by~~
1402 ~~law as a bank or banking organization.~~



430616

1403 (6)-(4) "Business association" means any for-profit or
1404 nonprofit corporation other than a public corporation; joint
1405 stock company; investment company; unincorporated association or
1406 association of two or more individuals for business purposes,
1407 whether or not for profit; partnership; joint venture; limited
1408 liability company; sole proprietorship; business trust; trust
1409 company; land bank; safe-deposit company; safekeeping
1410 depository; financial organization; insurance company; federally
1411 chartered entity; utility company; or other business entity,
1412 whether or not for profit corporation (other than a public
1413 corporation), joint stock company, investment company, business
1414 trust, partnership, limited liability company, or association of
1415 two or more individuals for business purposes, whether for
1416 profit or not for profit.

1417 (7)-(5) "Claimant" means the person on whose behalf a claim
1418 is filed.

1419 (8) "Claimant's representative" means an attorney who is a
1420 member in good standing of The Florida Bar, a certified public
1421 accountant licensed in this state, or private investigator who
1422 is duly licensed to do business in the state, registered with
1423 the department, and authorized by the claimant to claim
1424 unclaimed property on the claimant's behalf. The term does not
1425 include a person acting in a representative capacity, such as a
1426 personal representative, guardian, trustee, or attorney, whose
1427 representation is not contingent upon the discovery or location
1428 of unclaimed property; provided, however, that any agreement
1429 entered into for the purpose of evading s. 717.135 is invalid
1430 and unenforceable.

1431 (9)-(6) "Credit balance" means an account balance in the



430616

1432 customer's favor.

1433 (10)~~(7)~~ "Department" means the Department of Financial
1434 Services.

1435 (11)~~(8)~~ "Domicile" means the state of incorporation for a
1436 corporation; the state of filing for a business association,
1437 other than a corporation, whose formation or organization
1438 requires a filing with a state; the state of organization for a
1439 business association, other than a corporation, whose formation
1440 or organization does not require a filing with a state; or the
1441 state of home office for a federally chartered entity ~~incorporated~~
1442 ~~under the laws of a state, or, for an unincorporated business~~
1443 ~~association, the state where the business association is~~
1444 ~~organized.~~

1445 (12)~~(9)~~ "Due diligence" means the use of reasonable and
1446 prudent methods under particular circumstances to locate
1447 apparent owners of inactive accounts using the taxpayer
1448 identification number or social security number, if known, which
1449 may include, but are not limited to, using a nationwide
1450 database, cross-indexing with other records of the holder,
1451 mailing to the last known address unless the last known address
1452 is known to be inaccurate, providing written notice as described
1453 in this chapter by electronic mail if an apparent owner has
1454 elected such delivery, or engaging a licensed agency or company
1455 capable of conducting such search and providing updated
1456 addresses.

1457 (13) "Electronic" means relating to technology having
1458 electrical, digital, magnetic, wireless, optical,
1459 electromagnetic, or similar capabilities.

1460 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~



430616

1461 savings association, savings and loan association, savings bank,
1462 industrial bank, bank, banking organization, trust company,
1463 international bank agency, cooperative bank, building and loan
1464 association, or credit union.

1465 (15)~~(11)~~ "Health care provider" means any state-licensed
1466 entity that provides and receives payment for health care
1467 services. These entities include, but are not limited to,
1468 hospitals, outpatient centers, physician practices, and skilled
1469 nursing facilities.

1470 (16)~~(12)~~ "Holder" means:

1471 (a) A person, ~~wherever organized or domiciled,~~ who is in
1472 possession or control or has custody of property or the rights
1473 to property belonging to another; is indebted to another on an
1474 obligation; or is obligated to hold for the account of, or to
1475 deliver or pay to, the owner, property subject to this chapter;
1476 or~~;~~

1477 ~~(a) In possession of property belonging to another;~~

1478 ~~(b) A trustee in case of a trust; or~~

1479 ~~(c) Indebted to another on an obligation.~~

1480 (17)~~(13)~~ "Insurance company" means an association,
1481 corporation, or fraternal or mutual benefit organization,
1482 whether for profit or not for profit, which is engaged in
1483 providing insurance coverage.

1484 (18)~~(14)~~ "Intangible property" includes, by way of
1485 illustration and not limitation:

1486 (a) Moneys, checks, virtual currency, drafts, deposits,
1487 interest, dividends, and income.

1488 (b) Credit balances, customer overpayments, security
1489 deposits and other instruments as defined by chapter 679,



430616

1490 refunds, unpaid wages, unused airline tickets, and unidentified
1491 remittances.

1492 (c) Stocks, and other intangible ownership interests in
1493 business associations.

1494 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1495 original issue discount bonds, coupons, and other securities, or
1496 to make distributions.

1497 (e) Amounts due and payable under the terms of insurance
1498 policies.

1499 (f) Amounts distributable from a trust or custodial fund
1500 established under a plan to provide any health, welfare,
1501 pension, vacation, severance, retirement, death, stock purchase,
1502 profit sharing, employee savings, supplemental unemployment
1503 insurance, or similar benefit.

1504 (19)~~(15)~~ "Last known address" means a description of the
1505 location of the apparent owner sufficient for the purpose of the
1506 delivery of mail. For the purposes of identifying, reporting,
1507 and remitting property to the department which is presumed to be
1508 unclaimed, "last known address" includes any partial description
1509 of the location of the apparent owner sufficient to establish
1510 the apparent owner was a resident of this state at the time of
1511 last contact with the apparent owner or at the time the property
1512 became due and payable.

1513 (20)~~(16)~~ "Lawful charges" means charges against dormant
1514 accounts that are authorized by statute for the purpose of
1515 offsetting the costs of maintaining the dormant account.

1516 (21)~~(17)~~ "Managed care payor" means a health care plan that
1517 has a defined system of selecting and limiting health care
1518 providers as evidenced by a managed care contract with the



430616

1519 health care providers. These plans include, but are not limited
1520 to, managed care health insurance companies and health
1521 maintenance organizations.

1522 (22)-(18) "Owner" means a person, or the person's legal
1523 representative, entitled to receive or having a legal or
1524 equitable interest in or claim against property subject to this
1525 chapter; a depositor in the case of a deposit; a beneficiary in
1526 the case of a trust or a deposit in trust; or a payee in the
1527 case of a negotiable instrument or other intangible property a
1528 depositor in the case of a deposit, a beneficiary in the case of
1529 a trust or a deposit in trust, or a payee in the case of other
1530 intangible property, or a person having a legal or equitable
1531 interest in property subject to this chapter or his or her legal
1532 representative.

1533 (23) "Person" means an individual; estate; business
1534 association; corporation; firm; association; joint adventure;
1535 partnership; government or governmental subdivision, agency, or
1536 instrumentality; or any other legal or commercial entity.

1537 (24)-(19) "Public corporation" means a corporation created
1538 by the state, founded and owned in the public interest,
1539 supported by public funds, and governed by those deriving their
1540 power from the state.

1541 (25) "Record" means information that is inscribed on a
1542 tangible medium or that is stored in an electronic or other
1543 medium and is retrievable in perceivable form.

1544 (26)-(20) "Reportable period" means the calendar year ending
1545 December 31 of each year.

1546 (27)-(21) "State," when applied to a part of the United
1547 States, includes any state, district, commonwealth, territory,



430616

1548 insular possession, and any other area subject to the
1549 legislative authority of the United States.

1550 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1551 defined in s. 736.0103.

1552 ~~(23) "Ultimate equitable owner" means a natural person who,~~
1553 ~~directly or indirectly, owns or controls an ownership interest~~
1554 ~~in a corporation, a foreign corporation, an alien business~~
1555 ~~organization, or any other form of business organization,~~
1556 ~~regardless of whether such natural person owns or controls such~~
1557 ~~ownership interest through one or more natural persons or one or~~
1558 ~~more proxies, powers of attorney, nominees, corporations,~~
1559 ~~associations, partnerships, trusts, joint stock companies, or~~
1560 ~~other entities or devices, or any combination thereof.~~

1561 (29) "Unclaimed Property Purchase Agreement" means the form
1562 adopted by the department pursuant to s. 717.135 which must be
1563 used, without modification or amendment, by a claimant's
1564 representative to purchase unclaimed property from an owner.

1565 (30) "Unclaimed Property Recovery Agreement" means the form
1566 adopted by the department pursuant to s. 717.135 which must be
1567 used, without modification or amendment, by a claimant's
1568 representative to obtain an owner's consent and authority to
1569 recover unclaimed property on the owner's behalf.

1570 (31)~~(24)~~ "United States" means any state, district,
1571 commonwealth, territory, insular possession, and any other area
1572 subject to the legislative authority of the United States of
1573 America.

1574 (32)~~(25)~~ "Utility" means a person who owns or operates, for
1575 public use, any plant, equipment, property, franchise, or
1576 license for the transmission of communications or the



430616

1577 production, storage, transmission, sale, delivery, or furnishing
1578 of electricity, water, steam, or gas.

1579 (33) (a) "Virtual currency" means digital units of exchange
1580 that:

1581 1. Have a centralized repository or administrator;

1582 2. Are decentralized and have no centralized repository or
1583 administrator; or

1584 3. May be created or obtained by computing or manufacturing
1585 effort.

1586 (b) The term does not include any of the following:

1587 1. Digital units that:

1588 a. Are used solely within online gaming platforms;

1589 b. Have no market or application outside of the online
1590 gaming platforms in sub-subparagraph a.;

1591 c. Cannot be converted into, or redeemed for, fiat currency
1592 or virtual currency; and

1593 d. Can or cannot be redeemed for real-world goods,
1594 services, discounts, or purchases.

1595 2. Digital units that can be redeemed for:

1596 a. Real-world goods, services, discounts, or purchases as
1597 part of a customer affinity or rewards program with the issuer
1598 or other designated merchants; or

1599 b. Digital units in another customer affinity or rewards
1600 program, but cannot be converted into, or redeemed for, fiat
1601 currency or virtual currency.

1602 3. Digital units used as part of prepaid cards.

1603 Section 39. Subsections (3) and (4) are added to section
1604 717.102, Florida Statutes, to read:

1605 717.102 Property presumed unclaimed; general rule.—



430616

1606 (3) A presumption that property is unclaimed is rebutted by
1607 an apparent owner's expression of interest in the property. An
1608 owner's expression of interest in property includes:

1609 (a) A record communicated by the apparent owner to the
1610 holder or agent of the holder concerning the property or the
1611 account in which the property is held;

1612 (b) An oral communication by the apparent owner to the
1613 holder or agent of the holder concerning the property or the
1614 account in which the property is held, if the holder or its
1615 agent contemporaneously makes and preserves a record of the fact
1616 of the apparent owner's communication;

1617 (c) Presentment of a check or other instrument of payment
1618 of a dividend, interest payment, or other distribution, with
1619 respect to an account, underlying security, or interest in a
1620 business association;

1621 (d) Activity directed by an apparent owner in the account
1622 in which the property is held, including accessing the account
1623 or information concerning the account, or a direction by the
1624 apparent owner to increase, decrease, or otherwise change the
1625 amount or type of property held in the account;

1626 (e) A deposit into or withdrawal from an account at a
1627 financial organization, excluding an automatic deposit or
1628 withdrawal previously authorized by the apparent owner or an
1629 automatic reinvestment of dividends or interest, which does not
1630 constitute an expression of interest; or

1631 (f) Any other action by the apparent owner which reasonably
1632 demonstrates to the holder that the apparent owner knows that
1633 the property exists.

1634 (4) A deceased owner is incapable of expressing an interest



430616

1635 in property.

1636 Section 40. Subsection (5) of section 717.106, Florida
1637 Statutes, is amended to read:

1638 717.106 Bank deposits and funds in financial
1639 organizations.—

1640 (5) If the documents establishing a deposit described in
1641 subsection (1) state the address of a beneficiary of the
1642 deposit, and the account has a value of at least \$50, notice
1643 shall be given to the beneficiary as provided for notice to the
1644 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
1645 subsection shall apply to accounts opened on or after October 1,
1646 1990.

1647 Section 41. Section 717.1065, Florida Statutes, is created
1648 to read:

1649 717.1065 Virtual currency.—

1650 (1) Any virtual currency held or owing by a banking
1651 organization, corporation, custodian, exchange, or other entity
1652 engaged in virtual currency business activity is presumed
1653 unclaimed unless the owner, within 5 years, has communicated in
1654 writing with the banking organization, corporation, custodian,
1655 exchange, or other entity engaged in virtual currency business
1656 activity concerning the virtual currency or otherwise indicated
1657 an interest as evidenced by a memorandum or other record on file
1658 with the banking organization, corporation, custodian, exchange,
1659 or other entity engaged in virtual currency business activity.

1660 (2) A holder may not deduct from the amount of any virtual
1661 currency subject to this section any charges imposed by reason
1662 of the virtual currency unless there is a valid and enforceable
1663 written contract between the holder and the owner of the virtual



430616

1664 currency pursuant to which the holder may impose those charges
1665 and the holder does not regularly reverse or otherwise cancel
1666 those charges with respect to the virtual currency.

1667 Section 42. Paragraph (a) of subsection (1) of section
1668 717.1101, Florida Statutes, is amended to read:

1669 717.1101 Unclaimed equity and debt of business
1670 associations.-

1671 (1) (a) Stock or other equity interest in a business
1672 association is presumed unclaimed on the date of ~~3 years after~~
1673 the earliest of the following:

1674 1. Three years after ~~The date of~~ the most recent of any
1675 owner-generated activity or communication related to the
1676 account, as recorded and maintained in the holder's database and
1677 records systems sufficient enough to demonstrate the owner's
1678 continued awareness or interest in the property dividend, stock
1679 split, or other distribution unclaimed by the apparent owner;

1680 2. Three years after the date of the death of the owner, as
1681 evidenced by: ~~The date of a statement of account or other~~
1682 ~~notification or communication that was returned as~~
1683 ~~undeliverable; or~~

1684 a. Notice to the holder of the owner's death by an
1685 administrator, beneficiary, relative, or trustee, or by a
1686 personal representative or other legal representative of the
1687 owner's estate;

1688 b. Receipt by the holder of a copy of the death certificate
1689 of the owner;

1690 c. Confirmation by the holder of the owner's death through
1691 other means; or

1692 d. Other evidence from which the holder may reasonably



430616

1693 conclude that the owner is deceased; or

1694 3. One year after the date on which the holder receives
1695 notice under subparagraph 2. if the notice is received 2 years
1696 or less after the owner's death and the holder lacked knowledge
1697 of the owner's death during that period of 2 years or less ~~The~~
1698 ~~date the holder discontinued mailings, notifications, or~~
1699 ~~communications to the apparent owner.~~

1700 Section 43. Subsection (1) of section 717.112, Florida
1701 Statutes, is amended to read:

1702 717.112 Property held by agents and fiduciaries.-

1703 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
1704 intangible property and any income or increment thereon held in
1705 a fiduciary capacity for the benefit of another person,
1706 including property held by an attorney in fact or an agent,
1707 except as provided in ss. 717.1125 and 733.816, is presumed
1708 unclaimed unless the owner has within 5 years after it has
1709 become payable or distributable increased or decreased the
1710 principal, accepted payment of principal or income, communicated
1711 in writing concerning the property, or otherwise indicated an
1712 interest as evidenced by a memorandum or other record on file
1713 with the fiduciary.

1714 Section 44. Effective January 1, 2025, section 717.117,
1715 Florida Statutes, is amended to read:

1716 717.117 Report of unclaimed property.-

1717 (1) Every person holding funds or other property, tangible
1718 or intangible, presumed unclaimed and subject to custody as
1719 unclaimed property under this chapter shall report to the
1720 department ~~on such forms as the department may prescribe by~~
1721 ~~rule. In lieu of forms, a report identifying 25 or more~~



430616

1722 ~~different apparent owners must be submitted by the holder~~ via
1723 electronic medium as the department may prescribe by rule. The
1724 report must include:

1725 (a) ~~Except for traveler's checks and money orders,~~ The
1726 name, social security number or taxpayer identification number,
1727 ~~and date of birth, if known,~~ and last known address, ~~if any,~~ of
1728 each person appearing from the records of the holder to be the
1729 owner of any property which is presumed unclaimed and which has
1730 a value of \$10 ~~\$50~~ or more.

1731 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
1732 or more held or owing under any life or endowment insurance
1733 policy or annuity contract, the identifying information required
1734 to be provided under paragraph (a) for both full name, taxpayer
1735 identification number or social security number, date of birth,
1736 if known, and last known address of the insured or annuitant and
1737 ~~of~~ the beneficiary according to records of the insurance company
1738 holding or owing the funds.

1739 (c) For all tangible property held in a safe-deposit box or
1740 other safekeeping repository, a description of the property and
1741 the place where the property is held and may be inspected by the
1742 department, and any amounts owing to the holder. Contents of a
1743 safe-deposit box or other safekeeping repository which consist
1744 of documents or writings of a private nature and which have
1745 little or no apparent value shall not be presumed unclaimed.

1746 (d) The nature or type of property, any accounting or ~~and~~
1747 identifying number associated with the property, a if any, or
1748 description of the property, and the amount appearing from the
1749 records to be due. Items of value less than \$10 ~~under \$50~~ each
1750 may be reported in the aggregate.



430616

1751 (e) The date the property became payable, demandable, or
1752 returnable, and the date of the last transaction with the
1753 apparent owner with respect to the property.

1754 (f) Any other information the department may prescribe by
1755 rule as necessary for the administration of this chapter.

1756 (2) If the total value of all presumed unclaimed property,
1757 whether tangible or intangible, held by a person is less than
1758 \$10, a zero balance report may be filed for that reporting
1759 period

1760 ~~(f) Any person or business association or public~~
1761 ~~corporation holding funds presumed unclaimed and having a total~~
1762 ~~value of \$10 or less may file a zero balance report for that~~
1763 ~~reporting period. The balance brought forward to the new~~
1764 ~~reporting period is zero.~~

1765 ~~(g) Such other information as the department may prescribe~~
1766 ~~by rule as necessary for the administration of this chapter.~~

1767 (3)~~(h)~~ Credit balances, customer overpayments, security
1768 deposits, and refunds having a value of less than \$10 may ~~shall~~
1769 not be presumed unclaimed.

1770 (4)~~(2)~~ If the holder of property presumed unclaimed and
1771 subject to custody as unclaimed property is a successor holder
1772 or if the holder has changed the holder's name while in
1773 possession of the property, the holder must ~~shall~~ file with the
1774 holder's report all known names and addresses of each prior
1775 holder of the property. Compliance with this subsection means
1776 the holder exercises reasonable and prudent efforts to determine
1777 the names of all prior holders.

1778 (5)~~(3)~~ The report must be filed before May 1 of each year.
1779 The report applies ~~shall apply~~ to the preceding calendar year.



430616

1780 Upon written request by any person required to file a report,
1781 and upon a showing of good cause, the department may extend the
1782 reporting date. The department may impose and collect a penalty
1783 of \$10 per day up to a maximum of \$500 for the failure to timely
1784 report, if an extension was not provided or if the holder of the
1785 property failed ~~the failure~~ to include in a report information
1786 required by this chapter which was in the holder's possession at
1787 the time of reporting. The penalty must ~~shall~~ be remitted to the
1788 department within 30 days after the date of the notification to
1789 the holder that the penalty is due and owing. As necessary for
1790 proper administration of this chapter, the department may waive
1791 any penalty due with appropriate justification. ~~On written~~
1792 ~~request by any person required to file a report and upon a~~
1793 ~~showing of good cause, the department may postpone the reporting~~
1794 ~~date.~~ The department must provide information contained in a
1795 report filed with the department to any person requesting a copy
1796 of the report or information contained in a report, to the
1797 extent the information requested is not confidential, within 45
1798 days after the department determines that the report has been
1799 ~~processed and added to the unclaimed property database~~
1800 ~~subsequent to a determination that the report is accurate and~~
1801 acceptable and that the reported property is the same as the
1802 remitted property.

1803 (6)-(4) Holders of inactive accounts having a value of \$50
1804 or more shall use due diligence to locate and notify apparent
1805 owners that the entity is holding unclaimed property available
1806 for them to recover. Not more than 120 days and not less than 60
1807 days prior to filing the report required by this section, the
1808 holder in possession of property presumed unclaimed and subject



430616

1809 to custody as unclaimed property under this chapter shall send
1810 written notice by first-class United States mail to the apparent
1811 owner at the apparent owner's last known address from the
1812 holder's records or from other available sources, or via
1813 electronic mail if the apparent owner has elected this method of
1814 delivery, informing the apparent owner that the holder is in
1815 possession of property subject to this chapter, if the holder
1816 has in its records a mailing or electronic an address for the
1817 apparent owner which the holder's records do not disclose to be
1818 inaccurate. These two means of contact are not mutually
1819 exclusive; if the mailing address is determined to be
1820 inaccurate, electronic mail may be used if so elected by the
1821 apparent owner.

1822 (7) The written notice to the apparent owner required under
1823 this section must:

1824 (a) Contain a heading that reads substantially as follows:
1825 "Notice. The State of Florida requires us to notify you that
1826 your property may be transferred to the custody of the Florida
1827 Department of Financial Services if you do not contact us before
1828 (insert date that is 30 days after the date of notice)."

1829 (b) Identify the type, nature, and, except for property
1830 that does not have a fixed value, value of the property that is
1831 the subject of the notice.

1832 (c) State that the property will be turned over to the
1833 custody of the department if no response is received within 30
1834 days after the date of the notice.

1835 (d) State that any property that is not legal tender of the
1836 United States may be sold or liquidated by the department.

1837 (e) State that after the property is turned over to the



430616

1838 department, an apparent owner seeking return of the property may
1839 file a claim with the department.

1840 (f) State that the property is currently with a holder and
1841 provide instructions that the apparent owner must follow to
1842 prevent the holder from reporting and paying for the property or
1843 from delivering the property to the department.

1844 (8)~~(5)~~ Any holder of intangible property may file with the
1845 department a petition for determination that the property is
1846 unclaimed requesting the department to accept custody of the
1847 property. The petition shall state any special circumstances
1848 that exist, contain the information required by subsection (4)
1849 ~~(2)~~, and show that a diligent search has been made to locate the
1850 owner. If the department finds that the proof of diligent search
1851 is satisfactory, it shall give notice as provided in s. 717.118
1852 and accept custody of the property.

1853 (9)~~(6)~~ Upon written request by any entity or person
1854 required to file a report, stating such entity's or person's
1855 justification for such action, the department may place that
1856 entity or person in an inactive status as an unclaimed property
1857 "holder."

1858 (10)~~(7)~~(a) This section does not apply to the unclaimed
1859 patronage refunds as provided for by contract or through bylaw
1860 provisions of entities organized under chapter 425 or that are
1861 exempt from ad valorem taxation pursuant to s. 196.2002.

1862 (b) This section does not apply to intangible property
1863 held, issued, or owing by a business association subject to the
1864 jurisdiction of the United States Surface Transportation Board
1865 or its successor federal agency if the apparent owner of such
1866 intangible property is a business association. The holder of



430616

1867 such property does not have any obligation to report, to pay, or
1868 to deliver such property to the department.

1869 (c) This section does not apply to credit balances,
1870 overpayments, refunds, or outstanding checks owed by a health
1871 care provider to a managed care payor with whom the health care
1872 provider has a managed care contract, provided that the credit
1873 balances, overpayments, refunds, or outstanding checks become
1874 due and owing pursuant to the managed care contract.

1875 ~~(11)~~(8)(a) As used in this subsection, the term "property
1876 identifier" means the descriptor used by the holder to identify
1877 the unclaimed property.

1878 (b) Social security numbers and property identifiers
1879 contained in reports required under this section, held by the
1880 department, are confidential and exempt from s. 119.07(1) and s.
1881 24(a), Art. I of the State Constitution.

1882 (c) This exemption applies to social security numbers and
1883 property identifiers held by the department before, on, or after
1884 the effective date of this exemption.

1885 Section 45. Present subsections (4), (5), and (6) of
1886 section 717.119, Florida Statutes, are redesignated as
1887 subsections (5), (6), and (7), respectively, and a new
1888 subsection (4) and subsection (8) are added to that section, to
1889 read:

1890 717.119 Payment or delivery of unclaimed property.—

1891 (4) All virtual currency reported under this chapter on the
1892 annual report filing required in s. 717.117 shall be remitted to
1893 the department with the report. The holder shall liquidate the
1894 virtual currency and remit the proceeds to the department. The
1895 liquidation must occur within 30 days before the filing of the



430616

1896 report. Upon delivery of the virtual currency proceeds to the
1897 department, the holder is relieved of all liability of every
1898 kind in accordance with the provisions of s. 717.1201 to every
1899 person for any losses or damages resulting to the person by the
1900 delivery to the department of the virtual currency proceeds.

1901 (8) A holder may not assign or otherwise transfer its
1902 obligation to report, pay, or deliver property or to comply with
1903 the provisions of this chapter, other than to a parent,
1904 subsidiary, or affiliate of the holder.

1905 (a) Unless otherwise agreed to by the parties to a
1906 transaction, the holder's successor by merger or consolidation,
1907 or any person or entity that acquires all or substantially all
1908 of the holder's capital stock or assets, is responsible for
1909 fulfilling the holder's obligation to report, pay, or deliver
1910 property or to comply with the duties of this chapter regarding
1911 the transfer of property owed to the holder's successor and
1912 being held for an owner resulting from the merger,
1913 consolidation, or acquisition.

1914 (b) This subsection does not prohibit a holder from
1915 contracting with a third party for the reporting of unclaimed
1916 property, but the holder remains responsible to the department
1917 for the complete, accurate, and timely reporting of the
1918 property.

1919 Section 46. Section 717.1201, Florida Statutes, is amended
1920 to read:

1921 717.1201 Custody by state; holder ~~relieved from~~ liability;
1922 reimbursement of holder paying claim; reclaiming for owner;
1923 ~~defense of holder;~~ payment of safe-deposit box or repository
1924 charges.-



430616

1925 (1) Upon the good faith payment or delivery of property to
1926 the department, the state assumes custody and responsibility for
1927 the safekeeping of property. Any person who pays or delivers
1928 property to the department in good faith is relieved of all
1929 liability to the extent of the value of the property paid or
1930 delivered for any claim then existing or which thereafter may
1931 arise or be made in respect to the property.

1932 (a) A holder's substantial compliance with s. 717.117(4)
1933 and good faith payment or delivery of property to the department
1934 terminates any legal relationship between the holder and the
1935 owner with respect to the property reported and releases and
1936 discharges the holder from any and all liability to the owner,
1937 the owner's heirs, personal representatives, successors, or
1938 assigns by reason of such payment or delivery, regardless of
1939 whether such property is in fact and in law unclaimed property,
1940 and such delivery and payment may be plead as a bar to recovery
1941 and are a conclusive defense in any suit or action brought by
1942 the owner, the owner's heirs, personal representatives,
1943 successors, and assigns or any claimant against the holder by
1944 reason of such delivery or payment.

1945 (b) If the holder pays or delivers property to the
1946 department in good faith and thereafter any other person claims
1947 the property from the holder paying or delivering, or another
1948 state claims the money or property under that state's laws
1949 relating to escheat or abandoned or unclaimed property, the
1950 department, upon written notice of the claim, shall defend the
1951 holder against the claim and indemnify the holder against any
1952 liability on the claim, except that a holder may not be
1953 indemnified against penalties imposed by another state.



430616

1954 (2) For the purposes of this section, a payment or delivery
1955 of property is made in good faith if:

1956 (a) The payment or delivery was made in conjunction with an
1957 accurate and acceptable report.

1958 (b) The payment or delivery was made in a reasonable
1959 attempt to comply with this chapter.

1960 (c) The holder had a reasonable basis for believing, based
1961 on the facts then known, that the property was unclaimed and
1962 subject to this chapter.

1963 (d) There is no showing that the records pursuant to which
1964 the delivery was made did not meet reasonable commercial
1965 standards of practice in the industry.

1966 (3)~~(2)~~ Any holder who has paid money to the department
1967 pursuant to this chapter may make payment to any person
1968 appearing to be entitled to payment and, upon filing proof that
1969 the payee is entitled thereto, the department shall forthwith
1970 repay the holder without deduction of any fee or other charges.
1971 If repayment is sought for a payment made on a negotiable
1972 instrument, including a traveler's check or money order, the
1973 holder must be repaid under this subsection upon filing proof
1974 that the instrument was duly presented and that the payee is
1975 entitled to payment. The holder shall be repaid for payment made
1976 under this subsection even if the payment was made to a person
1977 whose claim was barred under s. 717.129(1).

1978 (4)~~(3)~~ Any holder who has delivered property, including a
1979 certificate of any interest in a business association, other
1980 than money to the department pursuant to this chapter may
1981 reclaim the property if still in the possession of the
1982 department, without payment of any fee or other charges, upon



430616

1983 filing proof that the owner has claimed the property from the
1984 holder.

1985 ~~(5)~~~~(4)~~ The department may accept an affidavit of the holder
1986 stating the facts that entitle the holder to recover money and
1987 property under this section as sufficient proof.

1988 ~~(5) If the holder pays or delivers property to the~~
1989 ~~department in good faith and thereafter any other person claims~~
1990 ~~the property from the holder paying or delivering, or another~~
1991 ~~state claims the money or property under that state's laws~~
1992 ~~relating to escheat or abandoned or unclaimed property, the~~
1993 ~~department, upon written notice of the claim, shall defend the~~
1994 ~~holder against the claim and indemnify the holder against any~~
1995 ~~liability on the claim.~~

1996 ~~(6) For the purposes of this section, "good faith" means~~
1997 ~~that:~~

1998 ~~(a) Payment or delivery was made in a reasonable attempt to~~
1999 ~~comply with this chapter.~~

2000 ~~(b) The person delivering the property was not a fiduciary~~
2001 ~~then in breach of trust in respect to the property and had a~~
2002 ~~reasonable basis for believing, based on the facts then known to~~
2003 ~~that person, that the property was unclaimed for the purposes of~~
2004 ~~this chapter.~~

2005 ~~(c) There is no showing that the records pursuant to which~~
2006 ~~the delivery was made did not meet reasonable commercial~~
2007 ~~standards of practice in the industry.~~

2008 ~~(6)~~~~(7)~~ Property removed from a safe-deposit box or other
2009 safekeeping repository is received by the department subject to
2010 the holder's right under this subsection to be reimbursed for
2011 the actual cost of the opening and to any valid lien or contract



430616

2012 providing for the holder to be reimbursed for unpaid rent or
2013 storage charges. The department shall make the reimbursement to
2014 the holder out of the proceeds remaining after the deduction of
2015 the department's selling cost.

2016 (7) If it appears to the satisfaction of the department
2017 that, because of some mistake of fact, error in calculation, or
2018 erroneous interpretation of a statute, a person has paid or
2019 delivered to the department pursuant to any provision of this
2020 chapter any money or other property not required by this chapter
2021 to be so paid or delivered, the department may, within 5 years
2022 after such erroneous payment or delivery, refund or redeliver
2023 such money or other property to the person, provided that such
2024 money or property has not been paid or delivered to a claimant
2025 or otherwise disposed of in accordance with this chapter.

2026 Section 47. Subsection (1) of section 717.123, Florida
2027 Statutes, is amended to read:

2028 717.123 Deposit of funds.—

2029 (1) All funds received under this chapter, including the
2030 proceeds from the sale of unclaimed property under s. 717.122,
2031 shall forthwith be deposited by the department in the Unclaimed
2032 Property Trust Fund. The department shall retain, from funds
2033 received under this chapter, an amount not exceeding ~~\$65~~ \$15
2034 million from which the department shall make prompt payment of
2035 claims allowed by the department and shall pay the costs
2036 incurred by the department in administering and enforcing this
2037 chapter. All remaining funds received by the department under
2038 this chapter shall be deposited by the department into the State
2039 School Fund.

2040 Section 48. Present subsection (2) of section 717.1242,



430616

2041 Florida Statutes, is redesignated as subsection (3), a new
2042 subsection (2) is added to that section, and subsection (1) of
2043 that section is amended, to read:

2044 717.1242 Restatement of jurisdiction of the circuit court
2045 sitting in probate and the department.-

2046 (1) It is and has been the intent of the Legislature that,
2047 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
2048 proceedings relating to the settlement of the estates of
2049 decedents and other jurisdiction usually pertaining to courts of
2050 probate. It is and has been the intent of the Legislature that,
2051 pursuant to this chapter s. 717.124, the department determines
2052 the merits of claims and entitlements to ~~for~~ property paid or
2053 delivered to the department under this chapter. Consistent with
2054 this legislative intent, any ~~estate or~~ beneficiary, devisee,
2055 heir, personal representative, or other interested person, as
2056 those terms are defined in s. 731.201, of an estate seeking to
2057 obtain property paid or delivered to the department under this
2058 chapter must file a claim with the department as provided in s.
2059 717.124.

2060 (2) If a beneficiary, devisee, heir, personal
2061 representative, or other interested person, as those terms are
2062 defined in s. 731.201, of an estate seeks administration of the
2063 estate, of which unclaimed property makes up 50 percent or more
2064 of the assets, the department is considered an interested party
2065 and must be provided with notice of any such proceeding as
2066 provided in the Florida Probate Code and the Florida Probate
2067 Rules.

2068 Section 49. Subsection (4) of section 717.1243, Florida
2069 Statutes, is amended to read:



430616

2070 717.1243 Small estate accounts.-

2071 (4) This section ~~only~~ applies only if all of the unclaimed
2072 property held by the department on behalf of the owner has an
2073 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
2074 proceeding is pending.

2075 Section 50. Section 717.1245, Florida Statutes, is amended
2076 to read:

2077 717.1245 Garnishment of unclaimed property.-

2078 (1) In addition to the fees, costs, and compensation
2079 specified in ss. 77.17 and 77.28, if any person files a petition
2080 for writ of garnishment seeking to obtain property paid or
2081 delivered to the department under this chapter, the plaintiff
2082 must ~~petitioner shall~~ be ordered to pay the department
2083 reasonable costs and attorney ~~attorney's~~ fees if in any
2084 proceeding brought by the department opposes ~~to oppose,~~ appeals
2085 appeal, or collaterally attacks ~~attack~~ the petition or writ and
2086 if the department is the prevailing party in any such
2087 proceeding.

2088 (2) If a final judgment on the writ is issued in the
2089 plaintiff's favor, the plaintiff must still file a claim with
2090 the department as provided in s. 717.124.

2091 Section 51. Subsection (2) of section 717.129, Florida
2092 Statutes, is amended to read:

2093 717.129 Periods of limitation.-

2094 (2) The department may not commence an ~~No~~ action or
2095 proceeding to enforce this chapter with respect to the
2096 reporting, payment, or delivery of property or any other duty of
2097 a holder under this chapter ~~may be commenced by the department~~
2098 ~~with respect to any duty of a holder under this chapter~~ more



430616

2099 than 10 years after the duty arose. The period of limitation
2100 established under this subsection is tolled by the earlier of
2101 the department's or audit agent's delivery of a notice that a
2102 holder is subject to an audit or examination under s. 717.1301
2103 or the holder's written election to enter into an unclaimed
2104 property voluntary disclosure agreement.

2105 Section 52. Section 717.1301, Florida Statutes, is amended
2106 to read:

2107 717.1301 Investigations; examinations; subpoenas.—

2108 (1) To carry out the chapter's purpose of protecting the
2109 interest of missing owners through the safeguarding of their
2110 property and to administer and enforce this chapter, the
2111 department may:

2112 (a) Investigate, examine, inspect, request, or otherwise
2113 gather information or evidence on claim documents from a
2114 claimant or a claimant's representative during its review of a
2115 claim.

2116 (b) Audit the records of a person or the records in the
2117 possession of an agent, representative, subsidiary, or affiliate
2118 of the person subject to this chapter to determine whether the
2119 person complied with this chapter. Such records may include
2120 information to verify the completeness or accuracy of the
2121 records provided, even if such records may not identify property
2122 reportable to the department.

2123 (c) Take testimony of a person, including the person's
2124 employee, agent, representative, subsidiary, or affiliate, to
2125 determine whether the person complied with this chapter.

2126 (d) Issue an administrative subpoena to require that the
2127 records specified in paragraph (b) be made available for



430616

2128 examination or audit and that the testimony specified in
2129 paragraph (c) be provided.

2130 (e) Bring an action in a court of competent jurisdiction
2131 seeking enforcement of an administrative subpoena issued under
2132 this section, which the court shall consider under procedures
2133 that will lead to an expeditious resolution of the action.

2134 (f) Bring an administrative action or an action in a court
2135 of competent jurisdiction to enforce this chapter.

2136 (2) If a person is subject to reporting property under this
2137 chapter, the department may require the person to file a
2138 verified report in a form prescribed by the department. The
2139 verified report must:

2140 (a) State whether the person is holding property reportable
2141 under this chapter;

2142 (b) Describe the property not previously reported, the
2143 property about which the department has inquired, or the
2144 property that is in dispute as to whether it is reportable under
2145 this chapter; and

2146 (c) State the amount or value of the property.

2147 (3) The department may authorize a compliance review of a
2148 report for a specified reporting year. The review must be
2149 limited to the contents of the report filed, as required by s.
2150 717.117 and subsection (2), and all supporting documents related
2151 to the reports. If the review results in a finding of a
2152 deficiency in unclaimed property due and payable to the
2153 department, the department shall notify the holder in writing of
2154 the amount of deficiency within 1 year after the authorization
2155 of the compliance review. If the holder fails to pay the
2156 deficiency within 90 days, the department may seek to enforce



430616

2157 the assessment under subsection (1). The department is not
2158 required to conduct a review under this section before
2159 initiating an audit.

2160 (4) Notwithstanding any other provision of law, in a
2161 contract providing for the location or collection of unclaimed
2162 property, the department may authorize the contractor to deduct
2163 its fees and expenses for services provided under the contract
2164 from the unclaimed property that the contractor has recovered or
2165 collected under the contract. The department shall annually
2166 report to the Chief Financial Officer the total amount collected
2167 or recovered by each contractor during the previous fiscal year
2168 and the total fees and expenses deducted by each contractor.

2169 ~~(1) The department may make investigations and examinations~~
2170 ~~within or outside this state of claims, reports, and other~~
2171 ~~records as it deems necessary to administer and enforce the~~
2172 ~~provisions of this chapter. In such investigations and~~
2173 ~~examinations the department may administer oaths, examine~~
2174 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2175 ~~department may request any person who has not filed a report~~
2176 ~~under s. 717.117 to file a verified report stating whether or~~
2177 ~~not the person is holding any unclaimed property reportable or~~
2178 ~~deliverable under this chapter.~~

2179 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2180 ~~material to any investigation or examination under this section~~
2181 ~~may be issued by the department under seal of the department, or~~
2182 ~~by any court of competent jurisdiction, commanding such~~
2183 ~~witnesses to appear before the department at a time and place~~
2184 ~~named and to bring such books, records, and documents as may be~~
2185 ~~specified or to submit such books, records, and documents to~~



430616

2186 ~~inspection. Such subpoenas may be served by an authorized~~
2187 ~~representative of the department.~~

2188 ~~(3) If any person shall refuse to testify, produce books,~~
2189 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2190 ~~issued under this section, the department may present its~~
2191 ~~petition to a court of competent jurisdiction in or for the~~
2192 ~~county in which such person resides or has its principal place~~
2193 ~~of business, whereupon the court shall issue its rule nisi~~
2194 ~~requiring such person to obey forthwith the subpoena issued by~~
2195 ~~the department or show cause for failing to obey said subpoena.~~
2196 ~~Unless said person shows sufficient cause for failing to obey~~
2197 ~~the subpoena, the court shall forthwith direct such person to~~
2198 ~~obey the same subject to such punishment as the court may direct~~
2199 ~~including, but not limited to, the restraint, by injunction or~~
2200 ~~by appointment of a receiver, of any transfer, pledge,~~
2201 ~~assignment, or other disposition of such person's assets or any~~
2202 ~~concealment, alteration, destruction, or other disposition of~~
2203 ~~subpoenaed books, records, or documents as the court deems~~
2204 ~~appropriate, until such person has fully complied with such~~
2205 ~~subpoena and the department has completed its investigation or~~
2206 ~~examination. The department is entitled to the summary procedure~~
2207 ~~provided in s. 51.011, and the court shall advance the cause on~~
2208 ~~its calendar. Costs incurred by the department to obtain an~~
2209 ~~order granting, in whole or in part, its petition shall be taxed~~
2210 ~~against the subpoenaed person, and failure to comply with such~~
2211 ~~order shall be a contempt of court.~~

2212 ~~(4) Witnesses shall be entitled to the same fees and~~
2213 ~~mileage as they may be entitled by law for attending as~~
2214 ~~witnesses in the circuit court, except where such examination or~~



430616

2215 ~~investigation is held at the place of business or residence of~~
2216 ~~the witness.~~

2217 (5) The material compiled by the department in an
2218 investigation or examination under this chapter is confidential
2219 until the investigation or examination is complete. If any such
2220 material contains a holder's financial or proprietary
2221 information, it may not be disclosed or made public by the
2222 department after the investigation or audit is completed, except
2223 as required by a court of competent jurisdiction in the course
2224 of a judicial proceeding in which the state is a party, or
2225 pursuant to an agreement with another state allowing joint
2226 audits. Such material may be considered a trade secret and
2227 exempt from s. 119.07(1) as provided for in s. 119.0715. The
2228 records, data, and information gathered ~~material compiled~~ by the
2229 department in an investigation or audit ~~examination~~ under this
2230 chapter remain ~~remains~~ confidential ~~after the department's~~
2231 ~~investigation or examination is complete~~ if the department has
2232 submitted the material or any part of it to any law enforcement
2233 agency or other administrative agency for further investigation
2234 or for the filing of a criminal or civil prosecution and such
2235 investigation has not been completed or become inactive.

2236 (6) If an investigation or an audit ~~examination~~ of the
2237 records of any person results in the disclosure of property
2238 reportable and deliverable under this chapter, the department
2239 may assess the cost of the investigation or audit ~~the~~
2240 ~~examination~~ against the holder ~~at the rate of \$100 per 8-hour~~
2241 ~~day for each investigator or examiner. Such fee shall be~~
2242 ~~calculated on an hourly basis and shall be rounded to the~~
2243 ~~nearest hour. The person shall also pay the travel expense and~~



430616

2244 ~~per diem subsistence allowance provided for state employees in~~
2245 ~~s. 112.061. The person shall not be required to pay a per diem~~
2246 ~~fee and expenses of an examination or investigation which shall~~
2247 ~~consume more than 30 worker days in any one year unless such~~
2248 ~~examination or investigation is due to fraudulent practices of~~
2249 ~~the person, in which case such person shall be required to pay~~
2250 ~~the entire cost regardless of time consumed. The fee for the~~
2251 ~~costs of the investigation or audit shall be remitted to the~~
2252 department within 30 days after the date of the notification
2253 that the fee is due and owing. Any person who fails to pay the
2254 fee within 30 days after the date of the notification that the
2255 fee is due and owing shall pay to the department interest at the
2256 rate of 12 percent per annum on such fee from the date of the
2257 notification.

2258 Section 53. Subsection (1) of section 717.1311, Florida
2259 Statutes, is amended to read:

2260 717.1311 Retention of records.—

2261 (1) Every holder required to file a report under s. 717.117
2262 shall maintain a record of the specific type of property,
2263 amount, name, and last known address of the owner for 10 5 years
2264 after the property becomes reportable, except to the extent that
2265 a shorter time is provided in subsection (2) or by rule of the
2266 department.

2267 Section 54. Paragraph (j) of subsection (1) and subsection
2268 (3) of section 717.1322, Florida Statutes, are amended to read:

2269 717.1322 Administrative and civil enforcement.—

2270 (1) The following acts are violations of this chapter and
2271 constitute grounds for an administrative enforcement action by
2272 the department in accordance with the requirements of chapter



430616

2273 120 and for civil enforcement by the department in a court of
2274 competent jurisdiction:

2275 (j) Requesting or receiving compensation for notifying a
2276 person of his or her unclaimed property or assisting another
2277 person in filing a claim for unclaimed property, unless the
2278 person is an attorney licensed to practice law in this state, a
2279 Florida-certified public accountant, or a private investigator
2280 licensed under chapter 493, or entering into, or making a
2281 solicitation to enter into, an agreement to file a claim for
2282 unclaimed property owned by another, ~~or a contract or agreement~~
2283 ~~to purchase unclaimed property,~~ unless such person is registered
2284 with the department under this chapter and an attorney licensed
2285 to practice law in this state in the regular practice of her or
2286 his profession, a Florida-certified public accountant who is
2287 acting within the scope of the practice of public accounting as
2288 defined in chapter 473, or a private investigator licensed under
2289 chapter 493. This paragraph does not apply to a person who has
2290 been granted a durable power of attorney to convey and receive
2291 all of the real and personal property of the owner, is the
2292 court-appointed guardian of the owner, has been employed as an
2293 attorney or qualified representative to contest the department's
2294 denial of a claim, or has been employed as an attorney to
2295 probate the estate of the owner or an heir or legatee of the
2296 owner.

2297 (3) A claimant's representative ~~registrant~~ is subject to
2298 civil enforcement and the disciplinary actions specified in
2299 subsection (2) for violations of subsection (1) by an agent or
2300 employee of the registrant's employer if the claimant's
2301 representative ~~registrant~~ knew or should have known that such



430616

2302 agent or employee was violating any provision of this chapter.

2303 Section 55. Subsection (1) of section 717.1333, Florida
2304 Statutes, is amended to read:

2305 717.1333 Evidence; estimations; audit reports and
2306 worksheets, investigator ~~examiner's~~ worksheets, investigative
2307 reports and worksheets, other related documents.-

2308 (1) In any proceeding involving a holder under ss. 120.569
2309 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2310 investigator acting under authority of this chapter is available
2311 for cross-examination, any official written report, worksheet,
2312 or other related paper, or copy thereof, compiled, prepared,
2313 drafted, or otherwise made or received by the audit agent
2314 ~~auditor, examiner,~~ or investigator, after being duly
2315 authenticated by the audit agent ~~auditor, examiner,~~ or
2316 investigator, may be admitted as competent evidence upon the
2317 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2318 the report, worksheet, or related paper was prepared or received
2319 as a result of an audit, examination, or investigation of the
2320 books and records of the person audited, examined, or
2321 investigated, or the agent thereof.

2322 Section 56. Subsections (1) and (2) of section 717.134,
2323 Florida Statutes, are amended to read:

2324 717.134 Penalties and interest.-

2325 (1) For any person who willfully fails to render any report
2326 required under this chapter, the department may impose and
2327 collect a penalty of \$500 per day up to a maximum of \$5,000 and
2328 25 percent of the value of property not reported until an
2329 appropriate ~~a~~ report is provided ~~rendered for any person who~~
2330 ~~willfully fails to render any report required under this~~



430616

2331 ~~chapter~~. Upon a holder's showing of good cause, the department
2332 may waive said penalty or any portion thereof. If the holder
2333 acted in good faith and without negligence, the department shall
2334 waive the penalty provided herein.

2335 (2) For any person who willfully refuses to pay or deliver
2336 unclaimed property to the department as required under this
2337 chapter, the department may impose and collect a penalty of \$500
2338 per day up to a maximum of \$5,000 and 25 percent of the value of
2339 property not paid or delivered until the property is paid or
2340 ~~delivered for any person who willfully refuses to pay or deliver~~
2341 ~~abandoned property to the department as required under this~~
2342 ~~chapter~~.

2343 Section 57. Section 717.135, Florida Statutes, is amended
2344 to read:

2345 717.135 Recovery agreements and purchase agreements for
2346 claims filed by a claimant's representative or a purchaser; fees
2347 and costs, or total net gain.-

2348 (1) In order to protect the interests of owners of
2349 unclaimed property, the department shall adopt by rule a form
2350 entitled "Unclaimed Property Recovery Agreement" and a form
2351 entitled "Unclaimed Property Purchase Agreement."

2352 (2) The Unclaimed Property Recovery Agreement and the
2353 Unclaimed Property Purchase Agreement must include and disclose
2354 all of the following:

2355 (a) The total dollar amount of unclaimed property accounts
2356 claimed or sold.

2357 (b) The total percentage of all authorized fees and costs
2358 to be paid to the claimant's representative or the percentage of
2359 the value of the property to be paid as net gain to the



430616

2360 purchaser purchasing claimant's representative.

2361 (c) The total dollar amount to be deducted and received
2362 from the claimant as fees and costs by the claimant's
2363 representative or the total net dollar amount to be received by
2364 the purchaser purchasing claimant's representative.

2365 (d) The net dollar amount to be received by the claimant or
2366 the seller.

2367 (e) For each account claimed, the unclaimed property
2368 account number.

2369 (f) For the Unclaimed Property Purchase Agreement, a
2370 statement that the amount of the purchase price will be remitted
2371 to the seller by the purchaser within 30 days after the
2372 execution of the agreement by the seller.

2373 (g) The name, address, e-mail address, phone number, and
2374 license number of the claimant's representative, or the name,
2375 address, e-mail address, and phone number of the purchaser.

2376 (h)1. The manual signature of the claimant or seller and
2377 the date signed, affixed on the agreement by the claimant or
2378 seller.

2379 2. Notwithstanding any other provision of this chapter to
2380 the contrary, the department may allow an apparent owner, who is
2381 also the claimant or seller, to sign the agreement
2382 electronically ~~for claims of \$2,000 or less~~. All electronic
2383 signatures on the Unclaimed Property Recovery Agreement and the
2384 Unclaimed Property Purchase Agreement must be affixed on the
2385 agreement by the claimant or seller using the specific,
2386 exclusive eSignature product and protocol authorized by the
2387 department.

2388 (i) The social security number or taxpayer identification



430616

2389 number of the claimant or seller, if a number has been issued to
2390 the claimant or seller.

2391 (j) The total fees and costs, or the total discount in the
2392 case of a purchase agreement, which may not exceed 30 percent of
2393 the claimed amount. In the case of a recovery agreement, if the
2394 total fees and costs exceed 30 percent, the fees and costs shall
2395 be reduced to 30 percent and the net balance shall be remitted
2396 directly by the department to the claimant. In the case of a
2397 purchase agreement, if the total net gain of the purchaser
2398 exceeds 30 percent, the claim will be denied.

2399 (3) For an Unclaimed Property Purchase Agreement form,
2400 proof that the purchaser has made payment must be filed with the
2401 department along with the claim. If proof of payment is not
2402 provided, the claim is void.

2403 (4) A claimant's representative or a purchaser must use the
2404 Unclaimed Property Recovery Agreement or the Unclaimed Property
2405 Purchase Agreement as the exclusive means of entering into an
2406 agreement or a contract with a claimant or seller to file a
2407 claim with the department.

2408 (5) Fees and costs may be owed or paid to, or received by,
2409 a claimant's representative or a purchaser only after a filed
2410 claim has been approved and if the claimant's representative
2411 used an agreement authorized by this section.

2412 (6) A claimant's representative or a purchaser may not use
2413 or distribute any other agreement of any type, conveyed by any
2414 method, with respect to the claimant or seller which relates,
2415 directly or indirectly, to unclaimed property accounts held by
2416 the department or the Chief Financial Officer other than the
2417 agreements authorized by this section. Any engagement,



430616

2418 authorization, recovery, or fee agreement that is not authorized
2419 by this section is void. A claimant's representative or a
2420 purchaser is subject to administrative and civil enforcement
2421 under s. 717.1322 if he or she uses an agreement that is not
2422 authorized by this section and if the agreement is used to
2423 apply, directly or indirectly, to unclaimed property held by
2424 this state. This subsection does not prohibit lawful
2425 nonagreement, noncontractual, or advertising communications
2426 between or among the parties.

2427 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2428 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2429 that makes the agreement irrevocable or that creates an
2430 assignment of any portion of unclaimed property held by the
2431 department.

2432 (8) When a claim is approved, the department may pay any
2433 additional account that is owned by the claimant but has not
2434 been claimed at the time of approval, provided that a subsequent
2435 claim has not been filed or is not pending for the claimant at
2436 the time of approval.

2437 (9) This section does not supersede s. 717.1241.

2438 (10) This section does not apply to the sale and purchase
2439 of Florida-held unclaimed property accounts through a bankruptcy
2440 trustee appointed to represent a debtor's estate in a bankruptcy
2441 proceeding in accordance with the United States Bankruptcy Code.

2442 Section 58. Subsections (1), (2), and (3) of section
2443 717.1400, Florida Statutes, are amended to read:

2444 717.1400 Registration.—

2445 (1) In order to file claims as a claimant's representative,
2446 ~~acquire ownership of or entitlement to unclaimed property,~~



430616

2447 receive a distribution of fees and costs from the department,
2448 and obtain unclaimed property dollar amounts and numbers of
2449 reported shares of stock held by the department, a private
2450 investigator holding a Class "C" individual license under
2451 chapter 493 must register with the department on such form as
2452 the department prescribes by rule and must be verified by the
2453 applicant. To register with the department, a private
2454 investigator must provide:

2455 (a) A legible copy of the applicant's Class "A" business
2456 license under chapter 493 or that of the applicant's firm or
2457 employer which holds a Class "A" business license under chapter
2458 493.

2459 (b) A legible copy of the applicant's Class "C" individual
2460 license issued under chapter 493.

2461 (c) The business address and telephone number of the
2462 applicant's private investigative firm or employer.

2463 (d) The names of agents or employees, if any, who are
2464 designated to act on behalf of the private investigator,
2465 together with a legible copy of their photo identification
2466 issued by an agency of the United States, or a state, or a
2467 political subdivision thereof.

2468 (e) Sufficient information to enable the department to
2469 disburse funds by electronic funds transfer.

2470 (f) The tax identification number of the private
2471 investigator's firm or employer which holds a Class "A" business
2472 license under chapter 493.

2473 (2) In order to file claims as a claimant's representative,
2474 ~~acquire ownership of or entitlement to unclaimed property,~~
2475 receive a distribution of fees and costs from the department,



430616

2476 and obtain unclaimed property dollar amounts and numbers of
2477 reported shares of stock held by the department, a Florida-
2478 certified public accountant must register with the department on
2479 such form as the department prescribes by rule and must be
2480 verified by the applicant. To register with the department, a
2481 Florida-certified public accountant must provide:

2482 (a) The applicant's Florida Board of Accountancy number.

2483 (b) A legible copy of the applicant's current driver
2484 license showing the full name and current address of such
2485 person. If a current driver license is not available, another
2486 form of identification showing the full name and current address
2487 of such person or persons shall be filed with the department.

2488 (c) The business address and telephone number of the
2489 applicant's public accounting firm or employer.

2490 (d) The names of agents or employees, if any, who are
2491 designated to act on behalf of the Florida-certified public
2492 accountant, together with a legible copy of their photo
2493 identification issued by an agency of the United States, or a
2494 state, or a political subdivision thereof.

2495 (e) Sufficient information to enable the department to
2496 disburse funds by electronic funds transfer.

2497 (f) The tax identification number of the accountant's
2498 public accounting firm employer.

2499 (3) In order to file claims as a claimant's representative,
2500 ~~acquire ownership of or entitlement to unclaimed property,~~
2501 receive a distribution of fees and costs from the department,
2502 and obtain unclaimed property dollar amounts and numbers of
2503 reported shares of stock held by the department, an attorney
2504 licensed to practice in this state must register with the



430616

2505 department on such form as the department prescribes by rule and
2506 must be verified by the applicant. To register with the
2507 department, such attorney must provide:

2508 (a) The applicant's Florida Bar number.

2509 (b) A legible copy of the applicant's current driver
2510 license showing the full name and current address of such
2511 person. If a current driver license is not available, another
2512 form of identification showing the full name and current address
2513 of such person or persons shall be filed with the department.

2514 (c) The business address and telephone number of the
2515 applicant's firm or employer.

2516 (d) The names of agents or employees, if any, who are
2517 designated to act on behalf of the attorney, together with a
2518 legible copy of their photo identification issued by an agency
2519 of the United States, or a state, or a political subdivision
2520 thereof.

2521 (e) Sufficient information to enable the department to
2522 disburse funds by electronic funds transfer.

2523 (f) The tax identification number of the attorney's firm or
2524 employer.

2525 Section 59. Paragraph (a) of subsection (2) of section
2526 197.582, Florida Statutes, is amended to read:

2527 197.582 Disbursement of proceeds of sale.—

2528 (2) (a) If the property is purchased for an amount in excess
2529 of the statutory bid of the certificateholder, the surplus must
2530 be paid over and disbursed by the clerk as set forth in
2531 subsections (3), (5), and (6). If the opening bid included the
2532 homestead assessment pursuant to s. 197.502(6)(c), that amount
2533 must be treated as surplus and distributed in the same manner.



430616

2534 The clerk shall distribute the surplus to the governmental units
2535 for the payment of any lien of record held by a governmental
2536 unit against the property, including any tax certificates not
2537 incorporated in the tax deed application and omitted taxes, if
2538 any. If there remains a balance of undistributed funds, the
2539 balance must be retained by the clerk for the benefit of persons
2540 described in s. 197.522(1)(a), except those persons described in
2541 s. 197.502(4)(h), as their interests may appear. The clerk shall
2542 mail notices to such persons notifying them of the funds held
2543 for their benefit at the addresses provided in s. 197.502(4).
2544 Such notice constitutes compliance with the requirements of s.
2545 717.117(6) ~~s. 717.117(4)~~. Any service charges and costs of
2546 mailing notices shall be paid out of the excess balance held by
2547 the clerk. Notice must be provided in substantially the
2548 following form:

2549 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2550 CLERK OF COURT

2551 COUNTY, FLORIDA

2552 Tax Deed #.....

2553 Certificate #.....

2554 Property Description:

2555 Pursuant to chapter 197, Florida Statutes, the above
2556 property was sold at public sale on ...(date of sale)..., and a
2557 surplus of \$...(amount)... (subject to change) will be held by
2558 this office for 120 days beginning on the date of this notice to
2559 benefit the persons having an interest in this property as
2560 described in section 197.502(4), Florida Statutes, as their
2561 interests may appear (except for those persons described in
2562 section 197.502(4)(h), Florida Statutes).



430616

2563 To the extent possible, these funds will be used to satisfy
2564 in full each claimant with a senior mortgage or lien in the
2565 property before distribution of any funds to any junior mortgage
2566 or lien claimant or to the former property owner. To be
2567 considered for funds when they are distributed, you must file a
2568 notarized statement of claim with this office within 120 days of
2569 this notice. If you are a lienholder, your claim must include
2570 the particulars of your lien and the amounts currently due. Any
2571 lienholder claim that is not filed within the 120-day deadline
2572 is barred.

2573 A copy of this notice must be attached to your statement of
2574 claim. After the office examines the filed claim statements, it
2575 will notify you if you are entitled to any payment.

2576 Dated:

2577 Clerk of Court

2578 Section 60. Subsection (1) of section 717.1382, Florida
2579 Statutes, is amended to read:

2580 717.1382 United States savings bond; unclaimed property;
2581 escheatment; procedure.—

2582 (1) Notwithstanding any other provision of law, a United
2583 States savings bond in possession of the department or
2584 registered to a person with a last known address in the state,
2585 including a bond that is lost, stolen, or destroyed, is presumed
2586 abandoned and unclaimed 5 years after the bond reaches maturity
2587 and no longer earns interest and shall be reported and remitted
2588 to the department by the financial institution or other holder
2589 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
2590 the department is not in possession of the bond.

2591 Section 61. The Division of Law Revision is directed to



430616

2592 prepare a reviser's bill for the 2025 Regular Session of the
2593 Legislature to change the term "Division of Investigative and
2594 Forensic Services" wherever the term appears in the Florida
2595 Statutes to "Division of Criminal Investigations."

2596 Section 62. For the 2024-2025 fiscal year, one full-time
2597 equivalent position with associated salary rate of 110,000 is
2598 authorized and the sums of \$183,863 in recurring funds and
2599 \$5,067 in nonrecurring funds are appropriated from the Insurance
2600 Regulatory Trust Fund to the Department of Financial Services to
2601 support the full-time equivalent position.

2602 Section 63. Except as otherwise expressly provided in this
2603 act, this act shall take effect upon becoming a law.

2604
2605 ===== T I T L E A M E N D M E N T =====

2606 And the title is amended as follows:

2607 Delete everything before the enacting clause
2608 and insert:

2609 A bill to be entitled
2610 An act relating to the Department of Financial
2611 Services; creating s. 17.69, F.S.; creating the
2612 federal tax liaison position within the department;
2613 providing the purpose of the position; requiring the
2614 Chief Financial Officer to appoint the federal tax
2615 liaison; providing that such liaison reports to the
2616 Chief Financial Officer but is not under the authority
2617 of the department or any employee of the department;
2618 authorizing the federal tax liaison to perform certain
2619 actions; amending s. 20.121, F.S.; renaming the
2620 Division of Investigative and Forensic Services in the



2621 Department of Financial Services as the Division of
2622 Criminal Investigations; deleting provisions relating
2623 to duties of such division and to bureaus and offices
2624 in such division; abolishing the Division of Public
2625 Assistance Fraud; amending s. 121.0515, F.S.; revising
2626 requirements for the Special Risk Class membership;
2627 amending s. 215.5586, F.S.; revising legislative
2628 intent; revising requirements for My Safe Florida Home
2629 Program mitigation inspections and mitigation grants;
2630 providing additional requirements for applications for
2631 inspections and mitigation grants; deleting provisions
2632 relating to matching fund grants; revising
2633 improvements for which grants may be used; providing a
2634 timeframe for finalizing construction and requesting a
2635 final inspection or an extension; providing that grant
2636 applications are deemed abandoned under a specified
2637 circumstance; authorizing the department to request
2638 additional information; providing that applications
2639 are deemed withdrawn under a specified circumstance;
2640 amending s. 284.44, F.S.; deleting provisions relating
2641 to certain quarterly reports prepared by the Division
2642 of Risk Management; amending s. 440.13, F.S.;;
2643 providing the reimbursement schedule requirements for
2644 emergency services and care under workers'
2645 compensation under certain circumstances; amending s.
2646 440.385, F.S.; providing requirements for certain
2647 contracts entered into and purchases made by the
2648 Florida Self-Insurers Guaranty Association,
2649 Incorporated; providing duties of the department and



430616

2650 the association relating to these contracts and
2651 purchases; amending s. 497.101, F.S.; revising the
2652 requirements for appointing and nominating members of
2653 the Board of Funeral, Cemetery, and Consumer Services;
2654 revising the members' terms; revising the authority to
2655 remove board members; providing for vacancy
2656 appointments; providing that board members are subject
2657 to the code of ethics under part III of ch. 112, F.S.;
2658 providing requirements for board members' conduct;
2659 specifying prohibited acts; providing penalties;
2660 providing requirements for board meetings, books, and
2661 records; requiring notices of board meetings;
2662 providing requirements for board meetings; amending s.
2663 497.153, F.S.; authorizing service by e-mail of
2664 administrative complaints against certain licensees
2665 under certain circumstances; amending s. 497.155,
2666 F.S.; authorizing service of citations by e-mail under
2667 certain circumstances; amending s. 624.155, F.S.;
2668 deleting a cross-reference; amending s. 624.307, F.S.;
2669 requiring eligible surplus lines insurers to respond
2670 to the department or the Office of Insurance
2671 Regulation after receipt of requests for documents and
2672 information concerning consumer complaints; providing
2673 penalties for failure to comply; requiring authorized
2674 insurers and eligible surplus lines insurers to file
2675 e-mail addresses with the department and to designate
2676 contact persons for specified purposes; authorizing
2677 changes of designated contact information; amending s.
2678 626.171, F.S.; requiring the department to make



430616

2679 provisions for certain insurance license applicants to
2680 submit cellular telephone numbers for a specified
2681 purpose; amending s. 626.221, F.S.; providing a
2682 qualification for an all-lines adjuster license;
2683 amending s. 626.601, F.S.; revising construction;
2684 amending s. 626.7351, F.S.; providing a qualification
2685 for a customer representative's license; amending s.
2686 626.878, F.S.; providing duties and prohibited acts
2687 for adjusters; amending s. 626.929, F.S.; specifying
2688 that licensed and appointed general lines agents,
2689 rather than general lines agents, may engage in
2690 certain activities while also licensed and appointed
2691 as surplus lines agents; authorizing general lines
2692 agents that are also licensed as surplus lines agents
2693 to make certain appointments; authorizing such agents
2694 to originate specified business and accept specified
2695 business; prohibiting such agents from being appointed
2696 by a certain insurer or transacting certain insurance;
2697 amending s. 627.351, F.S.; providing requirements for
2698 certain contracts entered into and purchases made by
2699 the Florida Joint Underwriting Association; providing
2700 duties of the department and the association regarding
2701 such contracts and purchases; amending s. 627.43141,
2702 F.S.; providing requirements for a certain notice of
2703 change in insurance renewal policy terms; amending s.
2704 627.70152, F.S.; deleting a cross-reference; amending
2705 s. 631.59, F.S.; providing requirements for certain
2706 contracts entered into and purchases made by the
2707 Florida Insurance Guaranty Association, Incorporated;



430616

2708 providing duties of the department and the association
2709 regarding such contracts and purchases; amending ss.
2710 631.722, 631.821, and 631.921, F.S.; providing
2711 requirements for certain contracts entered into and
2712 purchases made by the Florida Life and Health
2713 Insurance Guaranty Association, the board of directors
2714 of the Florida Health Maintenance Organization
2715 Consumer Assistance Plan, and the board of directors
2716 of the Florida Workers' Compensation Insurance
2717 Guaranty Association, respectively; providing duties
2718 of the department and of the associations and boards
2719 regarding such contracts and purchases; amending s.
2720 633.124, F.S.; updating the edition of a manual for
2721 the use of pyrotechnics; amending s. 633.202, F.S.;
2722 revising the duties of the State Fire Marshal;
2723 amending s. 633.206, F.S.; revising the requirements
2724 for uniform firesafety standards established by the
2725 department; amending s. 634.041, F.S.; specifying the
2726 conditions under which service agreement companies do
2727 not have to establish and maintain unearned premium
2728 reserves; amending s. 634.081, F.S.; specifying the
2729 conditions under which service agreement companies'
2730 licenses are not suspended or revoked under certain
2731 circumstances; amending s. 634.3077, F.S.; specifying
2732 requirements for certain contractual liability
2733 insurance obtained by home warranty associations;
2734 providing that such associations are not required to
2735 establish unearned premium reserves or maintain
2736 contractual liability insurance; authorizing such



2737 associations to allow their premiums to exceed certain
2738 limitations under certain circumstances; amending s.
2739 634.317, F.S.; providing that agents and employees of
2740 municipal and county government are exempt from sales
2741 representative licenses and appointments under certain
2742 circumstances; amending s. 648.25, F.S.; providing
2743 definitions; amending s. 648.26, F.S.; revising the
2744 circumstances under which investigatory records of the
2745 department are confidential and exempt from public
2746 records requirements; revising construction; amending
2747 s. 648.30, F.S.; revising circumstances under which a
2748 person or entity may act in the capacity of a bail
2749 bond agent or bail bond agency and perform certain
2750 functions, duties, and powers; amending s. 648.355,
2751 F.S.; revising the requirements for limited surety
2752 agents and professional bail bond agents license
2753 applications; amending s. 648.43, F.S.; revising
2754 requirements for bail bond agents to execute and
2755 countersign transfer bonds; amending s. 717.101, F.S.;
2756 defining and revising terms; amending s. 717.102,
2757 F.S.; providing a rebuttal to a presumption of
2758 unclaimed property; providing requirements for such
2759 rebuttal; amending s. 717.106, F.S.; conforming a
2760 cross-reference; creating s. 717.1065, F.S.; providing
2761 circumstances under which virtual currency held or
2762 owing by banking organizations is not presumed
2763 unclaimed; prohibiting virtual currency holders from
2764 deducting certain charges from the amount of certain
2765 virtual currency under certain circumstances;



430616

2766 providing an exception; amending s. 717.1101, F.S.;

2767 revising the date on which stocks and other equity

2768 interests in business associations are presumed

2769 unclaimed; amending s. 717.112, F.S.; providing that

2770 certain intangible property held by attorneys in fact

2771 and by agents in a fiduciary capacity are presumed

2772 unclaimed under certain circumstances; revising the

2773 requirements for claiming such property; amending s.

2774 717.117, F.S.; deleting the paper option for reports

2775 by holders of unclaimed funds and property; revising

2776 the requirements for reporting the owners of unclaimed

2777 property and funds; authorizing the department to

2778 extend reporting dates under certain circumstances;

2779 revising the circumstances under which the department

2780 may impose and collect penalties; requiring holders of

2781 certain inactive accounts to notify apparent owners;

2782 revising the manner of sending such notices; providing

2783 requirements for such notices; amending s. 717.119,

2784 F.S.; requiring certain virtual currency to be

2785 remitted to the department; providing requirements for

2786 the liquidation of such virtual currency; providing

2787 that holders of such virtual currency are relieved of

2788 all liability upon delivery of the virtual currency to

2789 the department; prohibiting holders from assigning or

2790 transferring certain obligations or from complying

2791 with certain provisions; providing that certain

2792 entities are responsible for meeting holders'

2793 obligations and complying with certain provisions

2794 under certain circumstances; providing construction;



430616

2795 amending s. 717.1201, F.S.; providing that good faith
2796 payments and deliveries of property to the department
2797 relieve holders of all liability; authorizing the
2798 department to refund and redeliver certain money and
2799 property under certain circumstances; amending s.
2800 717.123, F.S.; revising the maximum amount that the
2801 department shall retain from funds of unclaimed
2802 property to make certain payment; amending s.
2803 717.1242, F.S.; revising legislative intent; providing
2804 circumstances under which the department is considered
2805 an interested party in probate proceedings; amending
2806 s. 717.1243, F.S.; revising applicability of certain
2807 provisions relating to unclaimed small estate
2808 accounts; amending s. 717.1245, F.S.; specifying the
2809 fees, costs, and compensation that persons filing
2810 petitions for writ of garnishment of unclaimed
2811 property must pay; requiring such persons to file
2812 claims with the department under a specified
2813 circumstance; amending s. 717.129, F.S.; revising the
2814 requirements and the tolling for the periods of
2815 limitation relating to duties of holders of unclaimed
2816 funds and property; amending s. 717.1301, F.S.;
2817 revising the department's authorities on the
2818 disposition of unclaimed funds and property for
2819 specified purposes; prohibiting certain materials from
2820 being disclosed or made public under certain
2821 circumstances; revising the basis for the department's
2822 cost assessment against holders of unclaimed funds and
2823 property; amending s. 717.1311, F.S.; revising the



430616

2824 recordkeeping requirements for funds and property
2825 holders; amending s. 717.1322, F.S.; revising acts
2826 that are violations of specified provisions and
2827 constitute grounds for administrative enforcement
2828 actions and civil enforcement by the department;
2829 providing that claimants' representatives, rather than
2830 registrants, are subject to civil enforcement and
2831 disciplinary actions for certain violations; amending
2832 s. 717.1333, F.S.; conforming provisions to changes
2833 made by the act; amending s. 717.134, F.S.; conforming
2834 provisions to changes made by the act; amending s.
2835 717.135, F.S.; revising the information that certain
2836 agreements relating to unclaimed property must
2837 disclose; applying certain provisions relating to such
2838 agreements to purchasers; deleting a requirement for
2839 Unclaimed Property Purchase Agreements; providing
2840 nonapplicability; amending s. 717.1400, F.S.; deleting
2841 a circumstance under which certain persons must
2842 register with the department; amending ss. 197.582 and
2843 717.1382, F.S.; conforming cross-references; providing
2844 a directive to the Division of Law Revision; providing
2845 an appropriation; providing effective dates.