

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator DiCeglie

601-03258-24

20241098c2

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; creating s. 17.69, F.S.; creating the
4 federal tax liaison position within the department;
5 providing the purpose of the position; requiring the
6 Chief Financial Officer to appoint the federal tax
7 liaison; providing that such liaison reports to the
8 Chief Financial Officer but is not under the authority
9 of the department or any employee of the department;
10 authorizing the federal tax liaison to perform certain
11 actions; amending s. 20.121, F.S.; renaming the
12 Division of Investigative and Forensic Services in the
13 Department of Financial Services as the Division of
14 Criminal Investigations; deleting provisions relating
15 to duties of such division and to bureaus and offices
16 in such division; abolishing the Division of Public
17 Assistance Fraud; amending s. 121.0515, F.S.; revising
18 requirements for the Special Risk Class membership;
19 amending s. 284.44, F.S.; deleting provisions relating
20 to certain quarterly reports prepared by the Division
21 of Risk Management; amending s. 440.13, F.S.;
22 providing the reimbursement schedule requirements for
23 emergency services and care under workers'
24 compensation under certain circumstances; requiring
25 the department to engage with an actuarial services
26 firm under certain circumstances; providing for future
27 expiration; authorizing the department to adopt rules;
28 amending s. 440.385, F.S.; providing requirements for
29 certain contracts entered into and purchases made by

601-03258-24

20241098c2

30 the Florida Self-Insurers Guaranty Association,
31 Incorporated; providing duties of the department and
32 the association relating to these contracts and
33 purchases; providing that certain contracts are exempt
34 from certain provisions; amending s. 497.101, F.S.;
35 revising the requirements for appointing and
36 nominating members of the Board of Funeral, Cemetery,
37 and Consumer Services; revising the members' terms;
38 revising the authority to remove board members;
39 providing for appointments to fill vacancies on the
40 board; providing that board members are subject to the
41 code of ethics under part III of ch. 112, F.S.;
42 providing requirements for board members' conduct;
43 specifying prohibited acts; providing penalties;
44 providing requirements for board meetings, books, and
45 records; requiring notices of board meetings;
46 providing requirements for board meetings; amending s.
47 497.153, F.S.; authorizing service by e-mail of
48 administrative complaints against certain licensees
49 under certain circumstances; amending s. 497.155,
50 F.S.; authorizing service of citations by e-mail under
51 certain circumstances; amending s. 497.172, F.S.;
52 revising the information made confidential and exempt
53 which may be disclosed by the department; amending s.
54 497.386, F.S.; authorizing the department to take
55 certain actions in the event of an emergency
56 situation; requiring the department to make certain
57 determinations; prohibiting a licensee or licensed
58 facility that accepts the transfer of human remains

601-03258-24

20241098c2

59 and cremains from being liable for the condition of
60 human remains and cremains under certain
61 circumstances; revising criminal penalties for
62 violations of provisions related to storage,
63 preservation, and transportation of human remains and
64 cremains; creating s. 497.469, F.S.; authorizing a
65 preneed licensee to withdraw a specified amount
66 deposited into trust under certain circumstances;
67 providing that certain documentation is the only
68 satisfactory evidence to show that a preneed contract
69 has been fulfilled; requiring a preneed licensee to
70 maintain certain documentation for a specified
71 timeframe; amending s. 624.307, F.S.; requiring
72 eligible surplus lines insurers to respond to the
73 department or the Office of Insurance Regulation after
74 receipt of requests for documents and information
75 concerning consumer complaints; providing penalties
76 for failure to comply; requiring authorized insurers
77 and eligible surplus lines insurers to file e-mail
78 addresses with the department and to designate contact
79 persons for specified purposes; authorizing changes of
80 designated contact information; amending s. 626.171,
81 F.S.; requiring the department to make provisions for
82 certain insurance license applicants to submit
83 cellular telephone numbers for a specified purpose;
84 amending s. 626.221, F.S.; providing a qualification
85 for an all-lines adjuster license; amending s.
86 626.601, F.S.; revising construction; amending s.
87 626.7351, F.S.; providing a qualification for a

601-03258-24

20241098c2

88 customer representative's license; amending s.
89 626.878, F.S.; providing duties and prohibited acts
90 for adjusters; amending s. 626.929, F.S.; specifying
91 that licensed and appointed general lines agents,
92 rather than general lines agents, may engage in
93 certain activities while also licensed and appointed
94 as surplus lines agents; authorizing general lines
95 agents that are also licensed as surplus lines agents
96 to make certain appointments; authorizing such agents
97 to originate specified business and accept specified
98 business; prohibiting such agents from being appointed
99 by a certain insurer or transacting certain insurance;
100 amending s. 627.351, F.S.; providing requirements for
101 certain contracts entered into and purchases made by
102 the Florida Joint Underwriting Association; providing
103 duties of the department and the association regarding
104 such contracts and purchases; amending s. 631.59,
105 F.S.; providing requirements for certain contracts
106 entered into and purchases made by the Florida
107 Insurance Guaranty Association, Incorporated;
108 providing duties of the department and the association
109 regarding such contracts and purchases; providing
110 applicability; amending ss. 631.722, 631.821, and
111 631.921, F.S.; providing requirements for certain
112 contracts entered into and purchases made by the
113 Florida Life and Health Insurance Guaranty
114 Association, the board of directors of the Florida
115 Health Maintenance Organization Consumer Assistance
116 Plan, and the board of directors of the Florida

601-03258-24

20241098c2

117 Workers' Compensation Insurance Guaranty Association,
118 respectively; providing duties of the department and
119 of the associations and boards regarding such
120 contracts and purchases; amending s. 633.124, F.S.;
121 updating the edition of a manual for the use of
122 pyrotechnics; amending s. 633.202, F.S.; revising the
123 duties of the State Fire Marshal; amending s. 633.206,
124 F.S.; revising the requirements for uniform firesafety
125 standards established by the department; amending s.
126 634.041, F.S.; specifying the conditions under which
127 service agreement companies do not have to establish
128 and maintain unearned premium reserves; amending s.
129 634.081, F.S.; specifying the conditions under which
130 service agreement companies' licenses are not
131 suspended or revoked under certain circumstances;
132 amending s. 634.3077, F.S.; specifying requirements
133 for certain contractual liability insurance obtained
134 by home warranty associations; providing that such
135 associations are not required to establish unearned
136 premium reserves or maintain contractual liability
137 insurance; authorizing such associations to allow
138 their premiums to exceed certain limitations under
139 certain circumstances; amending s. 634.317, F.S.;
140 providing that certain entities and their employees
141 and agents are exempt from certain licensing and
142 appointment requirements; amending s. 648.25, F.S.;
143 defining terms; amending s. 648.26, F.S.; revising the
144 circumstances under which investigatory records of the
145 department are confidential and exempt from public

601-03258-24

20241098c2

146 records requirements; revising construction; amending
147 s. 648.30, F.S.; revising circumstances under which a
148 person or entity may act in the capacity of a bail
149 bond agent or bail bond agency and perform certain
150 functions, duties, and powers; amending s. 648.355,
151 F.S.; revising the requirements for limited surety
152 agents and professional bail bond agents license
153 applications; amending s. 648.43, F.S.; revising
154 requirements for bail bond agents to execute and
155 countersign transfer bonds; amending s. 717.101, F.S.;
156 defining and revising terms; amending s. 717.102,
157 F.S.; providing a rebuttal to a presumption of
158 unclaimed property; providing requirements for such
159 rebuttal; amending s. 717.106, F.S.; conforming a
160 cross-reference; creating s. 717.1065, F.S.; providing
161 circumstances under which virtual currency held or
162 owing by banking organizations is not presumed
163 unclaimed; prohibiting virtual currency holders from
164 deducting certain charges from the amount of certain
165 virtual currency under certain circumstances;
166 providing an exception; amending s. 717.1101, F.S.;
167 revising the date on which stocks and other equity
168 interests in business associations are presumed
169 unclaimed; amending s. 717.112, F.S.; providing that
170 certain intangible property held by attorneys in fact
171 and by agents in a fiduciary capacity are presumed
172 unclaimed under certain circumstances; revising the
173 requirements for claiming such property; amending s.
174 717.117, F.S.; deleting the paper option for reports

601-03258-24

20241098c2

175 by holders of unclaimed funds and property; revising
176 the requirements for reporting the owners of unclaimed
177 property and funds; authorizing the department to
178 extend reporting dates under certain circumstances;
179 revising the circumstances under which the department
180 may impose and collect penalties; requiring holders of
181 certain inactive accounts to notify apparent owners;
182 revising the manner of sending such notices; providing
183 requirements for such notices; amending s. 717.119,
184 F.S.; requiring certain virtual currency to be
185 remitted to the department; providing requirements for
186 the liquidation of such virtual currency; providing
187 that holders of such virtual currency are relieved of
188 all liability upon delivery of the virtual currency to
189 the department; prohibiting holders from assigning or
190 transferring certain obligations or from complying
191 with certain provisions; providing that certain
192 entities are responsible for meeting holders'
193 obligations and complying with certain provisions
194 under certain circumstances; providing construction;
195 amending s. 717.1201, F.S.; providing that good faith
196 payments and deliveries of property to the department
197 relieve holders of all liability; authorizing the
198 department to refund and redeliver certain money and
199 property under certain circumstances; amending s.
200 717.1242, F.S.; revising legislative intent; providing
201 circumstances under which the department is considered
202 an interested party in probate proceedings; amending
203 s. 717.1243, F.S.; revising applicability of certain

601-03258-24

20241098c2

204 provisions relating to unclaimed small estate
205 accounts; amending s. 717.129, F.S.; revising the
206 requirements and the tolling for the periods of
207 limitation relating to duties of holders of unclaimed
208 funds and property; amending s. 717.1301, F.S.;
209 revising the department's authorities on the
210 disposition of unclaimed funds and property for
211 specified purposes; prohibiting certain materials from
212 being disclosed or made public under certain
213 circumstances; revising the basis for the department's
214 cost assessment against holders of unclaimed funds and
215 property; amending s. 717.1311, F.S.; revising the
216 recordkeeping requirements for funds and property
217 holders; amending s. 717.1322, F.S.; revising acts
218 that are violations of specified provisions and
219 constitute grounds for administrative enforcement
220 actions and civil enforcement by the department;
221 providing that claimants' representatives, rather than
222 registrants, are subject to civil enforcement and
223 disciplinary actions for certain violations; amending
224 s. 717.1333, F.S.; conforming provisions to changes
225 made by the act; amending s. 717.134, F.S.; conforming
226 provisions to changes made by the act; amending s.
227 717.135, F.S.; revising the information that certain
228 agreements relating to unclaimed property must
229 disclose; applying certain provisions relating to such
230 agreements to purchasers; deleting a requirement for
231 Unclaimed Property Purchase Agreements; providing
232 nonapplicability; amending s. 717.1400, F.S.; deleting

601-03258-24

20241098c2

233 a circumstance under which certain persons must
234 register with the department; amending ss. 197.582 and
235 717.1382, F.S.; conforming cross-references; amending
236 s. 766.302, F.S.; revising the manner reasonable
237 charges for expenses for family residential or
238 custodial care are determined; amending s. 766.314,
239 F.S.; revising the prohibition relating to accepting
240 new claims to the Florida Birth-Related Neurological
241 Injury Compensation Plan; providing that such plan
242 does not constitute the exclusive remedy for certain
243 persons; requiring the Florida Birth-Related
244 Neurological Injury Compensation Association to submit
245 a specified report to the Governor, the Chief
246 Financial Officer, and the Legislature; requiring
247 recommendations made in the report to be in
248 consultation with specified stakeholders; providing a
249 directive to the Division of Law Revision; providing
250 effective dates.

251

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

253

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

256 17.69 Federal tax liaison.—

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

260 (2) The Chief Financial Officer shall appoint the federal
261 tax liaison. The federal tax liaison reports directly to the

601-03258-24

20241098c2

262 Chief Financial Officer but is not otherwise under the authority
263 of the department or of any employee of the department.

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

265 (a) Assist taxpayers by answering taxpayer questions.

266 (b) Direct taxpayers to the proper departments or offices
267 within the Internal Revenue Service in order to hasten
268 resolution of taxpayer issues.

269 (c) Prepare recommendations for the Internal Revenue
270 Service of any actions that will help resolve problems
271 encountered by taxpayers.

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

275 (e) With the consent of the taxpayer, request records from
276 the Internal Revenue Service to assist the liaison in responding
277 to taxpayer inquiries.

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

282 20.121 Department of Financial Services.—There is created a
283 Department of Financial Services.

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

286 (e) The Division of Criminal Investigations ~~Investigative~~
287 ~~and Forensic Services~~, which shall function as a criminal
288 justice agency for purposes of ss. 943.045-943.08. The division
289 may initiate and conduct investigations into any matter under
290 the jurisdiction of the Chief Financial Officer and Fire Marshal

601-03258-24

20241098c2

291 within or outside of this state as it deems necessary. ~~If,~~
292 ~~during an investigation, the division has reason to believe that~~
293 ~~any criminal law of this state or the United States has or may~~
294 ~~have been violated, it shall refer any records tending to show~~
295 ~~such violation to state law enforcement and, if applicable,~~
296 ~~federal prosecutorial agencies and shall provide investigative~~
297 ~~assistance to those agencies as appropriate. The division shall~~
298 ~~include the following bureaus and office:~~

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

300 2. ~~The Bureau of Fire, Arson, and Explosives~~
301 ~~Investigations;~~

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

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

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

306 ~~(f) The Division of Public Assistance Fraud, which shall~~
307 ~~function as a criminal justice agency for purposes of ss.~~
308 ~~943.045-943.08. The division shall conduct investigations~~
309 ~~pursuant to s. 414.411 within or outside of the state as it~~
310 ~~deems necessary. If, during an investigation, the division has~~
311 ~~reason to believe that any criminal law of the state has or may~~
312 ~~have been violated, it shall refer any records supporting such~~
313 ~~violation to state or federal law enforcement or prosecutorial~~
314 ~~agencies and shall provide investigative assistance to those~~
315 ~~agencies as required.~~

316 Section 3. Paragraph (f) of subsection (2) and paragraph
317 (h) of subsection (3) of section 121.0515, Florida Statutes, are
318 amended to read:

319 121.0515 Special Risk Class.—

601-03258-24

20241098c2

320 (2) MEMBERSHIP.—

321 (f) Effective July 1, 2008, the member must be employed by
322 the Department of Law Enforcement in the crime laboratory or by
323 the Department of Financial Services ~~Division of State Fire~~
324 ~~Marshal~~ in the forensic laboratory and meet the special criteria
325 set forth in paragraph (3) (h).

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

328 (h) Effective July 1, 2008, the member must be employed by
329 the Department of Law Enforcement in the crime laboratory or by
330 the Department of Financial Services ~~Division of State Fire~~
331 ~~Marshal~~ in the forensic laboratory in one of the following
332 classes:

- 333 1. Forensic technologist (class code 8459);
- 334 2. Crime laboratory technician (class code 8461);
- 335 3. Crime laboratory analyst (class code 8463);
- 336 4. Senior crime laboratory analyst (class code 8464);
- 337 5. Crime laboratory analyst supervisor (class code 8466);
- 338 6. Forensic chief (class code 9602); or
- 339 7. Forensic services quality manager (class code 9603);

340 Section 4. Subsection (6) of section 284.44, Florida
341 Statutes, is amended to read:

342 284.44 Salary indemnification costs of state agencies.—

343 ~~(6) The Division of Risk Management shall prepare quarterly~~
344 ~~reports to the Executive Office of the Governor and the chairs~~
345 ~~of the legislative appropriations committees indicating for each~~
346 ~~state agency the total amount of salary indemnification benefits~~
347 ~~paid to claimants and the total amount of reimbursements from~~
348 ~~state agencies to the State Risk Management Trust Fund for~~

601-03258-24

20241098c2

349 ~~initial costs for the previous quarter. These reports shall also~~
350 ~~include information for each state agency indicating the number~~
351 ~~of cases and amounts of initial salary indemnification costs for~~
352 ~~which reimbursement requirements were waived by the Executive~~
353 ~~Office of the Governor pursuant to this section.~~

354 Section 5. Subsection (12) of section 440.13, Florida
355 Statutes, is amended to read:

356 440.13 Medical services and supplies; penalty for
357 violations; limitations.—

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

360 (a) A three-member panel is created, consisting of the
361 Chief Financial Officer, or the Chief Financial Officer's
362 designee, and two members to be appointed by the Governor,
363 subject to confirmation by the Senate, one member who, on
364 account of present or previous vocation, employment, or
365 affiliation, shall be classified as a representative of
366 employers, the other member who, on account of previous
367 vocation, employment, or affiliation, shall be classified as a
368 representative of employees. The panel shall determine statewide
369 schedules of maximum reimbursement allowances for medically
370 necessary treatment, care, and attendance provided by hospitals
371 and ambulatory surgical centers. The maximum reimbursement
372 allowances for inpatient hospital care shall be based on a
373 schedule of per diem rates, to be approved by the three-member
374 panel no later than March 1, 1994, to be used in conjunction
375 with a precertification manual as determined by the department,
376 including maximum hours in which an outpatient may remain in
377 observation status, which shall not exceed 23 hours. All

601-03258-24

20241098c2

378 compensable charges for hospital outpatient care shall be
379 reimbursed at 75 percent of usual and customary charges, except
380 as otherwise provided by this subsection. Annually, the three-
381 member panel shall adopt schedules of maximum reimbursement
382 allowances for hospital inpatient care, hospital outpatient
383 care, and ambulatory surgical centers. A hospital or an
384 ambulatory surgical center shall be reimbursed either the
385 agreed-upon contract price or the maximum reimbursement
386 allowance in the appropriate schedule.

387 (b) Payments for outpatient physical, occupational, and
388 speech therapy provided by hospitals shall be the schedule of
389 maximum reimbursement allowances for these services which
390 applies to nonhospital providers.

391 (c) Payments for scheduled outpatient nonemergency
392 radiological and clinical laboratory services that are not
393 provided in conjunction with a surgical procedure shall be the
394 schedule of maximum reimbursement allowances for these services
395 which applies to nonhospital providers.

396 (d)1. Outpatient reimbursement for scheduled surgeries
397 shall be 60 percent of charges.

398 2. Reimbursement for emergency services and care as defined
399 in s. 395.002 which does not include a maximum reimbursement
400 allowance must be 250 percent of Medicare, unless there is a
401 contract, in which case the contract governs reimbursement. Upon
402 this subparagraph taking effect, the department shall engage
403 with an actuarial services firm to begin development of maximum
404 reimbursement allowances for services subject to the
405 reimbursement provisions of this subparagraph. This subparagraph
406 expires June 30, 2026.

601-03258-24

20241098c2

407 (e)1. By July 1 of each year, the department shall notify
408 carriers and self-insurers of the physician and nonhospital
409 services schedule of maximum reimbursement allowances. The
410 notice must include publication of this schedule of maximum
411 reimbursement allowances on the division's website. This
412 schedule is not subject to approval by the three-member panel
413 and does not include reimbursement for prescription medication.

414 2. Subparagraph 1. shall take effect January 1, following
415 the July 1, 2024, notice of the physician and nonhospital
416 services schedule of maximum reimbursement allowances that the
417 department provides to carriers and self-insurers.

418 (f) Maximum reimbursement for a physician licensed under
419 chapter 458 or chapter 459 shall be 110 percent of the
420 reimbursement allowed by Medicare, using appropriate codes and
421 modifiers or the medical reimbursement level adopted by the
422 three-member panel as of January 1, 2003, whichever is greater.

423 (g) Maximum reimbursement for surgical procedures shall be
424 140 percent of the reimbursement allowed by Medicare or the
425 medical reimbursement level adopted by the three-member panel as
426 of January 1, 2003, whichever is greater.

427 (h) As to reimbursement for a prescription medication, the
428 reimbursement amount for a prescription shall be the average
429 wholesale price plus \$4.18 for the dispensing fee. For
430 repackaged or relabeled prescription medications dispensed by a
431 dispensing practitioner as provided in s. 465.0276, the fee
432 schedule for reimbursement shall be 112.5 percent of the average
433 wholesale price, plus \$8.00 for the dispensing fee. For purposes
434 of this subsection, the average wholesale price shall be
435 calculated by multiplying the number of units dispensed times

601-03258-24

20241098c2

436 the per-unit average wholesale price set by the original
437 manufacturer of the underlying drug dispensed by the
438 practitioner, based upon the published manufacturer's average
439 wholesale price published in the Medi-Span Master Drug Database
440 as of the date of dispensing. All pharmaceutical claims
441 submitted for repackaged or relabeled prescription medications
442 must include the National Drug Code of the original
443 manufacturer. Fees for pharmaceuticals and pharmaceutical
444 services shall be reimbursable at the applicable fee schedule
445 amount except where the employer or carrier, or a service
446 company, third party administrator, or any entity acting on
447 behalf of the employer or carrier directly contracts with the
448 provider seeking reimbursement for a lower amount.

449 (i) Reimbursement for all fees and other charges for such
450 treatment, care, and attendance, including treatment, care, and
451 attendance provided by any hospital or other health care
452 provider, ambulatory surgical center, work-hardening program, or
453 pain program, must not exceed the amounts provided by the
454 uniform schedule of maximum reimbursement allowances as
455 determined by the panel or as otherwise provided in this
456 section. This subsection also applies to independent medical
457 examinations performed by health care providers under this
458 chapter. In determining the uniform schedule, the panel shall
459 first approve the data which it finds representative of
460 prevailing charges in the state for similar treatment, care, and
461 attendance of injured persons. Each health care provider, health
462 care facility, ambulatory surgical center, work-hardening
463 program, or pain program receiving workers' compensation
464 payments shall maintain records verifying their usual charges.

601-03258-24

20241098c2

465 In establishing the uniform schedule of maximum reimbursement
466 allowances, the panel must consider:

467 1. The levels of reimbursement for similar treatment, care,
468 and attendance made by other health care programs or third-party
469 providers;

470 2. The impact upon cost to employers for providing a level
471 of reimbursement for treatment, care, and attendance which will
472 ensure the availability of treatment, care, and attendance
473 required by injured workers; and

474 3. The financial impact of the reimbursement allowances
475 upon health care providers and health care facilities, including
476 trauma centers as defined in s. 395.4001, and its effect upon
477 their ability to make available to injured workers such
478 medically necessary remedial treatment, care, and attendance.
479 The uniform schedule of maximum reimbursement allowances must be
480 reasonable, must promote health care cost containment and
481 efficiency with respect to the workers' compensation health care
482 delivery system, and must be sufficient to ensure availability
483 of such medically necessary remedial treatment, care, and
484 attendance to injured workers.

485 (j) In addition to establishing the uniform schedule of
486 maximum reimbursement allowances, the panel shall:

487 1. Take testimony, receive records, and collect data to
488 evaluate the adequacy of the workers' compensation fee schedule,
489 nationally recognized fee schedules and alternative methods of
490 reimbursement to health care providers and health care
491 facilities for inpatient and outpatient treatment and care.

492 2. Survey health care providers and health care facilities
493 to determine the availability and accessibility of workers'

601-03258-24

20241098c2

494 compensation health care delivery systems for injured workers.

495 3. Survey carriers to determine the estimated impact on
496 carrier costs and workers' compensation premium rates by
497 implementing changes to the carrier reimbursement schedule or
498 implementing alternative reimbursement methods.

499 4. Submit recommendations on or before January 15, 2017,
500 and biennially thereafter, to the President of the Senate and
501 the Speaker of the House of Representatives on methods to
502 improve the workers' compensation health care delivery system.

503
504 The department, as requested, shall provide data to the panel,
505 including, but not limited to, utilization trends in the
506 workers' compensation health care delivery system. The
507 department shall provide the panel with an annual report
508 regarding the resolution of medical reimbursement disputes and
509 any actions pursuant to subsection (8). The department shall
510 provide administrative support and service to the panel to the
511 extent requested by the panel. The department may adopt rules
512 pursuant to ss. 120.536(1) and 120.54 to implement this
513 subsection. For prescription medication purchased under the
514 requirements of this subsection, a dispensing practitioner shall
515 not possess such medication unless payment has been made by the
516 practitioner, the practitioner's professional practice, or the
517 practitioner's practice management company or employer to the
518 supplying manufacturer, wholesaler, distributor, or drug
519 repackager within 60 days of the dispensing practitioner taking
520 possession of that medication.

521 Section 6. Present subsections (9) through (13) of section
522 440.385, Florida Statutes, are redesignated as subsections (10)

601-03258-24

20241098c2

523 through (14), respectively, and a new subsection (9) is added to
524 that section, to read:

525 440.385 Florida Self-Insurers Guaranty Association,
526 Incorporated.—

527 (9) CONTRACTS AND PURCHASES.—

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

535 (b) All contracts and purchases valued at or more than
536 \$100,000 require competition through a formal bid solicitation
537 conducted by the association. The association must undergo a
538 formal bid solicitation process. The formal bid solicitation
539 process must include all of the following:

540 1. The time and date for the receipt of bids, the
541 proposals, and whether the association contemplates renewal of
542 the contract, including the price for each year for which the
543 contract may be renewed.

544 2. All the contractual terms and conditions applicable to
545 the procurement.

546 (c) Evaluation of bids by the association must include
547 consideration of the total cost for each year of the contract,
548 including renewal years, as submitted by the vendor. The
549 association must award the contract to the most responsible and
550 responsive vendor. Any formal bid solicitation conducted by the
551 association must be made available, upon request, to the

601-03258-24

20241098c2

552 department via electronic delivery.

553 (d) Contracts that are required by law are exempt from this
554 section.

555 Section 7. Present subsection (7) of section 497.101,
556 Florida Statutes, is redesignated as subsection (11),
557 subsections (1) through (4) are amended, and a new subsection
558 (7) and subsections (8), (9), and (10) are added to that
559 section, to read:

560 497.101 Board of Funeral, Cemetery, and Consumer Services;
561 membership; appointment; terms.—

562 (1) The Board of Funeral, Cemetery, and Consumer Services
563 is created within the Department of Financial Services and shall
564 consist of 10 members, 9 of whom shall be appointed by ~~the~~
565 ~~Governor from nominations made by the Chief Financial Officer~~
566 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
567 ~~nominate one to three persons for each of the nine vacancies on~~
568 ~~the board, and the Governor shall fill each vacancy on the board~~
569 ~~by appointing one of the persons nominated by the Chief~~
570 ~~Financial Officer to fill that vacancy. If the Governor objects~~
571 ~~to each of the nominations for a vacancy, she or he shall inform~~
572 ~~the Chief Financial Officer in writing. Upon notification of an~~
573 ~~objection by the Governor, the Chief Financial Officer shall~~
574 ~~submit one to three additional nominations for that vacancy~~
575 ~~until the vacancy is filled.~~ One member must be the State Health
576 Officer or her or his designee.

577 (2) Two members of the board must be funeral directors
578 licensed under part III of this chapter who are associated with
579 a funeral establishment. One member of the board must be a
580 funeral director licensed under part III of this chapter who is

601-03258-24

20241098c2

581 associated with a funeral establishment licensed under part III
582 of this chapter which has a valid preneed license issued
583 pursuant to this chapter ~~and who owns or operates a cinerator~~
584 ~~facility approved under chapter 403 and licensed under part VI~~
585 ~~of this chapter~~. Two members of the board must be persons whose
586 primary occupation is associated with a cemetery company
587 licensed pursuant to this chapter. Two members of the board must
588 be consumers who are residents of this state, have never been
589 licensed as funeral directors or embalmers, are not connected
590 with a cemetery or cemetery company licensed pursuant to this
591 chapter, and are not connected with the death care industry or
592 the practice of embalming, funeral directing, or direct
593 disposition. One of the two consumer members must be at least 60
594 years of age. One member of the board must be a consumer who is
595 a resident of this state; is licensed as a certified public
596 accountant under chapter 473; has never been licensed as a
597 funeral director or an embalmer; is not a principal or an
598 employee of any licensee licensed under this chapter; and does
599 not otherwise have control, as defined in s. 497.005, over any
600 licensee licensed under this chapter. One member of the board
601 must be a principal of a monument establishment licensed under
602 this chapter as a monument builder. One member must be the State
603 Health Officer or her or his designee. There may not be two or
604 more board members who are principals or employees of the same
605 company or partnership or group of companies or partnerships
606 under common control.

607 (3) Board members shall be appointed for terms of 4 years
608 and may be reappointed; however, a member may not serve for more
609 than 8 consecutive years. ~~and~~ The State Health Officer shall

601-03258-24

20241098c2

610 serve as long as that person holds that office. The designee of
611 the State Health Officer shall serve at the pleasure of the
612 Chief Financial Officer ~~Governor~~.

613 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
614 ~~the Senate~~ may remove any board member for malfeasance or
615 misfeasance, neglect of duty, incompetence, substantial
616 inability to perform official duties, commission of a crime, or
617 other substantial cause as determined by the Chief Financial
618 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
619 fitness to sit on the board. A board member shall be deemed to
620 have resigned her or his board membership, and that position
621 shall be deemed vacant, upon the failure of the member to attend
622 three consecutive meetings of the board or at least half of the
623 meetings of the board during any 12-month period, unless the
624 Chief Financial Officer determines that there was good and
625 adequate justification for the absences and that such absences
626 are not likely to continue. Any vacancy so created shall be
627 filled as provided in subsection (1).

628 (7) Members of the board are subject to the code of ethics
629 under part III of chapter 112. For purposes of applying part III
630 of chapter 112 to activities of the members of the board, those
631 persons are considered public officers, and the department is
632 considered their agency. A board member may not vote on any
633 measure that would inure to his or her special private gain or
634 loss and, in accordance with s. 112.3143(2), may not vote on any
635 measure that he or she knows would inure to the special private
636 gain or loss of any principal by which he or she is retained,
637 other than an agency as defined in s. 112.312; or that he or she
638 knows would inure to the special private gain or loss of his or

601-03258-24

20241098c2

639 her relative or business associate. Before the vote is taken,
640 such member shall publicly state to the board the nature of his
641 or her interest in the matter from which he or she is abstaining
642 from voting and, within 15 days after the vote occurs, disclose
643 the nature of his or her interest as a public record in a
644 memorandum filed with the person responsible for recording the
645 minutes of the meeting, who shall incorporate the memorandum in
646 the minutes.

647 (8) In accordance with ss. 112.3148 and 112.3149, a board
648 member may not knowingly accept, directly or indirectly, any
649 gift or expenditure from a person or entity, or an employee or
650 representative of such person or entity, which has a contractual
651 relationship with the department or the board, which is under
652 consideration for a contract, or which is licensed by the
653 department.

654 (9) A board member who fails to comply with subsection (7)
655 or subsection (8) is subject to the penalties provided under ss.
656 112.317 and 112.3173.

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

661 (b) Except for emergency meetings, the department shall
662 give notice of any board meeting by publication on the
663 department's website at least 7 days before the meeting. The
664 department shall publish a meeting agenda on its website at
665 least 7 days before the meeting. The agenda must contain the
666 items to be considered, in order of presentation. After the
667 agenda has been made available, a change may be made only for

601-03258-24

20241098c2

668 good cause, as determined by the person designated to preside,
669 and must be stated in the record. Notification of such change
670 must be at the earliest practicable time.

671 Section 8. Paragraph (a) of subsection (4) of section
672 497.153, Florida Statutes, is amended to read:

673 497.153 Disciplinary procedures and penalties.—

674 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

675 (a) Service of an administrative complaint may be in person
676 by department staff or any person authorized to make service of
677 process under the Florida Rules of Civil Procedure. Service upon
678 a licensee may in the alternative be made by certified mail,
679 return receipt requested, to the last known address of record
680 provided by the licensee to the department. If service by
681 certified mail cannot be made at the last address provided by
682 the licensee to the department, service may be made by e-mail,
683 delivery receipt required, sent to the most recent e-mail
684 address provided by the licensee to the department in accordance
685 with s. 497.146.

686 Section 9. Paragraph (e) of subsection (1) of section
687 497.155, Florida Statutes, is amended to read:

688 497.155 Disciplinary citations and minor violations.—

689 (1) CITATIONS.—

690 (e) Service of a citation may be made by personal service
691 or certified mail, restricted delivery, to the subject at the
692 subject's last known address in accordance with s. 497.146. If
693 service by certified mail cannot be made at the last address
694 provided by the subject to the department, service may be made
695 by e-mail, delivery receipt required, sent to the most recent e-
696 mail address provided by the subject to the department in

601-03258-24

20241098c2

697 accordance with s. 497.146.

698 Section 10. Paragraph (d) of subsection (3) of section
699 497.172, Florida Statutes, is amended to read:

700 497.172 Public records exemptions; public meetings
701 exemptions.—

702 (3) EXAMINATIONS, INSPECTIONS, AND INVESTIGATIONS.—

703 (d) Information made confidential and exempt pursuant to
704 this subsection may be disclosed by the department as follows:

705 1. To the probable cause panel of the board, for the
706 purpose of probable cause proceedings pursuant to s. 497.153.

707 2. To any law enforcement agency or other government agency
708 in the performance of its official duties and responsibilities.

709 3. If the department uncovers information of immediate and
710 serious concern to the public health, safety, or welfare, it may
711 disseminate such information as it deems necessary for the
712 public health, safety, or welfare.

713 4. If the department issues an emergency order pursuant to
714 s. 497.156.

715 Section 11. Present subsection (5) of section 497.386,
716 Florida Statutes, is redesignated as subsection (6), a new
717 subsection (5) and subsection (7) are added to that section, and
718 present subsection (5) of that section is amended, to read:

719 497.386 Storage, preservation, and transportation of human
720 remains.—

721 (5) In the event of an emergency situation, including the
722 abandonment of any establishments or facilities licensed under
723 this chapter or any medical examiner's facility, morgue, or
724 cemetery holding facility, the department may enter and secure
725 such establishment, facility, or morgue during or outside of

601-03258-24

20241098c2

726 normal business hours, and remove human remains and cremains
727 from the establishment, facility, or morgue. For purposes of
728 this subsection, the department shall determine if a facility is
729 abandoned and if there is an emergency situation. A licensee or
730 licensed facility that accepts transfer of human remains and
731 cremains from the department pursuant to this subsection may not
732 be held liable for the condition of any human remains or
733 cremains at the time of transfer.

734 (6) A person who violates subsection (1) or subsection (3)
735 any provision of this section commits a misdemeanor of the first
736 degree, punishable as provided in s. 775.082 or s. 775.083.

737 (7) A person who violates subsection (2) or subsection (4)
738 commits a felony of the third degree, punishable as provided in
739 s. 775.082, s. 775.083, or s. 775.084.

740 Section 12. Section 497.469, Florida Statutes, is created
741 to read:

742 497.469 Fulfillment of preneed contracts.-

743 (1) Upon delivery of merchandise or performance of services
744 in fulfillment of a preneed contract, either in part or in
745 whole, a preneed licensee may withdraw the amount deposited in
746 trust plus income earned on such amount for the merchandise
747 delivered or services performed, when adequate documentation is
748 submitted to the trustee.

749 (2) All of the following documentation is the only
750 satisfactory evidence to show that a preneed contract has been
751 fulfilled:

752 (a) Certified copy of death certificate.

753 (b) Acknowledgment signed by the purchaser or legally
754 authorized person, acknowledging that merchandise was delivered

601-03258-24

20241098c2

755 or services performed by the preneed licensee.

756 (3) The preneed licensee shall maintain documentation that
757 supports fulfillment of a particular contract until such records
758 are examined by the department.

759 Section 13. Present paragraphs (c) and (d) of subsection
760 (10) of section 624.307, Florida Statutes, are redesignated as
761 paragraphs (d) and (e), respectively, a new paragraph (c) is
762 added to that subsection, and paragraph (b) of that subsection
763 is amended, to read:

764 624.307 General powers; duties.—

765 (10)

766 (b) Any person licensed or issued a certificate of
767 authority or made an eligible surplus lines insurer by the
768 department or the office shall respond, in writing or
769 electronically, to the division within 14 days after receipt of
770 a written request for documents and information from the
771 division concerning a consumer complaint. The response must
772 address the issues and allegations raised in the complaint and
773 include any requested documents concerning the consumer
774 complaint not subject to attorney-client or work-product
775 privilege. The division may impose an administrative penalty for
776 failure to comply with this paragraph of up to \$5,000 per
777 violation upon any entity licensed by the department or the
778 office and up to \$1,000 per violation by any individual licensed
779 by the department or the office.

780 (c) Each insurer issued a certificate of authority or made
781 an eligible surplus lines insurer shall file with the department
782 an e-mail address to which requests for response to consumer
783 complaints shall be directed pursuant to paragraph (b). Such

601-03258-24

20241098c2

784 insurer shall also designate a contact person for escalated
785 complaint issues and shall provide the name, e-mail address, and
786 telephone number of such person. A licensee of the department,
787 including an agency or a firm, may elect to designate an e-mail
788 address to which requests for response to consumer complaints
789 shall be directed pursuant to paragraph (b). If a licensee,
790 including an agency or a firm, elects not to designate an e-mail
791 address, the department shall direct requests for response to
792 consumer complaints to the e-mail of record for the licensee in
793 the department's licensing system. An insurer or a licensee,
794 including an agency or a firm, may change designated contact
795 information at any time by submitting the new information to the
796 department using the method designated by rule by the
797 department.

798 Section 14. Subsection (2) of section 626.171, Florida
799 Statutes, is amended to read:

800 626.171 Application for license as an agent, customer
801 representative, adjuster, service representative, or reinsurance
802 intermediary.—

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

804 (a) His or her full name, age, social security number,
805 residence address, business address, mailing address, contact
806 telephone numbers, including a business telephone number, and e-
807 mail address.

808 (b) A statement indicating the method the applicant used or
809 is using to meet any required prelicensing education, knowledge,
810 experience, or instructional requirements for the type of
811 license applied for.

812 (c) Whether he or she has been refused or has voluntarily

601-03258-24

20241098c2

813 surrendered or has had suspended or revoked a license to solicit
814 insurance by the department or by the supervising officials of
815 any state.

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

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

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

823 (g) The applicant's native language.

824 (h) The highest level of education achieved by the
825 applicant.

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

828 (j) Such other or additional information as the department
829 may deem proper to enable it to determine the character,
830 experience, ability, and other qualifications of the applicant
831 to hold himself or herself out to the public as an insurance
832 representative.

833

834 However, the application must contain a statement that an
835 applicant is not required to disclose his or her race or
836 ethnicity, gender, or native language, that he or she will not
837 be penalized for not doing so, and that the department will use
838 this information exclusively for research and statistical
839 purposes and to improve the quality and fairness of the
840 examinations. The department shall make provisions for
841 applicants to submit cellular telephone numbers as part of the

601-03258-24

20241098c2

842 application process on a voluntary basis only for the purpose of
843 two-factor authentication of secure login credentials.

844 Section 15. Paragraph (j) of subsection (2) of section
845 626.221, Florida Statutes, is amended to read:

846 626.221 Examination requirement; exemptions.—

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

849 (j) An applicant for license as an all-lines adjuster who
850 has the designation of Accredited Claims Adjuster (ACA) from a
851 regionally accredited postsecondary institution in this state;
852 Certified All Lines Adjuster (CALA) from Kaplan Financial
853 Education; Associate in Claims (AIC) from the Insurance
854 Institute of America; Professional Claims Adjuster (PCA) from
855 the Professional Career Institute; Professional Property
856 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
857 Certified Adjuster (CA) from ALL LINES Training; Certified
858 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
859 Certified Professional (CACP) from WebCE, Inc.; Accredited
860 Insurance Claims Specialist (AICS) from Encore Claim Services;
861 Professional in Claims (PIC) from 2021 Training, LLC; Registered
862 Claims Adjuster (RCA) from American Insurance College; or
863 Universal Claims Certification (UCC) from Claims and Litigation
864 Management Alliance (CLM) whose curriculum has been approved by
865 the department and which includes comprehensive analysis of
866 basic property and casualty lines of insurance and testing at
867 least equal to that of standard department testing for the all-
868 lines adjuster license. The department shall adopt rules
869 establishing standards for the approval of curriculum.

870 Section 16. Subsection (6) of section 626.601, Florida

601-03258-24

20241098c2

871 Statutes, is amended to read:

872 626.601 Improper conduct; inquiry; fingerprinting.—

873 (6) The complaint and any information obtained pursuant to
874 the investigation by the department or office are confidential
875 and are exempt from s. 119.07 unless the department or office
876 files a formal administrative complaint, emergency order, or
877 consent order against the individual or entity. This subsection
878 does not prevent the department or office from disclosing the
879 complaint or such information as it deems necessary to conduct
880 the investigation, to update the complainant as to the status
881 and outcome of the complaint, to review the details of the
882 investigation with the individual or entity being investigated
883 or its representative, or to share such information with any law
884 enforcement agency or other regulatory body.

885 Section 17. Subsection (3) of section 626.7351, Florida
886 Statutes, is amended to read:

887 626.7351 Qualifications for customer representative's
888 license.—The department may ~~shall~~ not grant or issue a license
889 as customer representative to any individual found by it to be
890 untrustworthy or incompetent, or who does not meet each of the
891 following qualifications:

892 (3) Within 4 years preceding the date that the application
893 for license was filed with the department, the applicant has
894 earned the designation of Accredited Advisor in Insurance (AAI),
895 Associate in General Insurance (AINS), or Accredited Customer
896 Service Representative (ACSR) from the Insurance Institute of
897 America; the designation of Certified Insurance Counselor (CIC)
898 from the Society of Certified Insurance Service Counselors; the
899 designation of Certified Professional Service Representative

601-03258-24

20241098c2

900 (CPSR) from the National Foundation for CPSR; the designation of
901 Certified Insurance Service Representative (CISR) from the
902 Society of Certified Insurance Service Representatives; the
903 designation of Certified Insurance Representative (CIR) from
904 All-Lines Training; the designation of Chartered Customer
905 Service Representative (CCSR) from American Insurance College;
906 the designation of Professional Customer Service Representative
907 (PCSR) from the Professional Career Institute; the designation
908 of Insurance Customer Service Representative (ICSR) from
909 Statewide Insurance Associates LLC; the designation of
910 Registered Customer Service Representative (RCSR) from a
911 regionally accredited postsecondary institution in the state
912 whose curriculum is approved by the department and includes
913 comprehensive analysis of basic property and casualty lines of
914 insurance and testing which demonstrates mastery of the subject;
915 or a degree from an accredited institution of higher learning
916 approved by the department when the degree includes a minimum of
917 9 credit hours of insurance instruction, including specific
918 instruction in the areas of property, casualty, and inland
919 marine insurance. The department shall adopt rules establishing
920 standards for the approval of curriculum.

921 Section 18. Section 626.878, Florida Statutes, is amended
922 to read:

923 626.878 Rules; code of ethics.—

924 (1) An adjuster shall subscribe to the code of ethics
925 specified in the rules of the department. The rules shall
926 implement the provisions of this part and specify the terms and
927 conditions of contracts, including a right to cancel, and
928 require practices necessary to ensure fair dealing, prohibit

601-03258-24

20241098c2

929 conflicts of interest, and ensure preservation of the rights of
930 the claimant to participate in the adjustment of claims.

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

934 (3) An adjuster who has had his or her licensed revoked or
935 suspended may not participate in any part of an insurance claim
936 or in the insurance claims adjusting process, including
937 estimating, completing, filing, negotiating, appraising,
938 mediating, umpiring, or effecting settlement of a claim for loss
939 or damage covered under an insurance contract. A person who
940 provides these services while the person's license is revoked or
941 suspended acts as an unlicensed adjuster.

942 Section 19. Subsection (1) of section 626.929, Florida
943 Statutes, is amended, and subsection (4) is added to that
944 section, to read:

945 626.929 Origination, acceptance, placement of surplus lines
946 business.—

947 (1) A licensed and appointed general lines agent while also
948 licensed and appointed as a surplus lines agent under this part
949 may originate surplus lines business and may accept surplus
950 lines business from any other originating Florida-licensed
951 general lines agent appointed and licensed as to the kinds of
952 insurance involved and may compensate such agent therefor.

953 (4) A general lines agent while licensed as a surplus lines
954 agent under this part may appoint these licenses with a single
955 surplus license agent appointment pursuant to s. 624.501. Such
956 agent may only originate surplus lines business and accept
957 surplus lines business from other originating Florida-licensed

601-03258-24

20241098c2

958 general lines agents appointed and licensed as to the kinds of
959 insurance involved and may compensate such agent therefor. Such
960 agent may not be appointed by or transact general lines
961 insurance on behalf of an admitted insurer.

962 Section 20. Paragraphs (j) is added to subsection (4) of
963 section 627.351, Florida Statutes, to read:

964 627.351 Insurance risk apportionment plans.—

965 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
966 CONTRACTS AND PURCHASES.—

967 (j)1. After July 1, 2024, all contracts entered into, and
968 all purchases made by, the association pursuant to this
969 subsection which are valued at or more than \$100,000 must first
970 be approved by the department. The department has 10 days to
971 approve or deny a contract or purchase upon electronic receipt
972 of the approval request. The contract or purchase is
973 automatically approved if the department is nonresponsive.

974 2. All contracts and purchases valued at or more than
975 \$100,000 require competition through a formal bid solicitation
976 conducted by the association. The association must undergo a
977 formal bid solicitation process by a minimum of three vendors.
978 The formal bid solicitation process must include all of the
979 following:

980 a. The time and date for the receipt of bids, the
981 proposals, and whether the association contemplates renewal of
982 the contract, including the price for each year for which the
983 contract may be renewed.

984 b. All the contractual terms and conditions applicable to
985 the procurement.

986 3. Evaluation of bids by the association must include

601-03258-24

20241098c2

987 consideration of the total cost for each year of the contract,
988 including renewal years, as submitted by the vendor. The
989 association must award the contract to the most responsible and
990 responsive vendor. Any formal bid solicitation conducted by the
991 association must be made available, upon request, to the
992 department by electronic delivery.

993 Section 21. Subsection (5) is added to section 631.59,
994 Florida Statutes, to read:

995 631.59 Duties and powers of department and office;
996 association contracts and purchases.-

997 (5) (a) After July 1, 2024, all contracts entered into, and
998 all purchases made by, the association pursuant to this section
999 which are valued at or more than \$100,000 must first be approved
1000 by the department. The department has 10 days to approve or deny
1001 the contract or purchase upon electronic receipt of the approval
1002 request. The contract or purchase is automatically approved if
1003 the department is nonresponsive.

1004 (b) All contracts and purchases valued at or more than
1005 \$100,000 require competition through a formal bid solicitation
1006 conducted by the association. The association must undergo a
1007 formal bid solicitation process. The formal bid solicitation
1008 process must include all of the following:

1009 1. The time and date for the receipt of bids, the
1010 proposals, and whether the association contemplates renewal of
1011 the contract, including the price for each year for which the
1012 contract may be renewed.

1013 2. All the contractual terms and conditions applicable to
1014 the procurement.

1015 (c) Evaluation of bids by the association must include

601-03258-24

20241098c2

1016 consideration of the total cost for each year of the contract,
1017 including renewal years, as submitted by the vendor. The
1018 association must award the contract to the most responsible and
1019 responsive vendor. Any formal bid solicitation conducted by the
1020 association must be made available, upon request, to the
1021 department via electronic delivery.

1022 (d) Paragraphs (b) and (c) do not apply to claims defense
1023 counsel or claims vendors if contracts with all vendors which
1024 may exceed \$100,000 are provided to the department for prior
1025 approval in accordance with paragraph (a).

1026 Section 22. Subsection (6) is added to section 631.722,
1027 Florida Statutes, to read:

1028 631.722 Powers and duties of department and office;
1029 association contracts and purchases.-

1030 (6) (a) After July 1, 2024, all contracts entered into, and
1031 all purchases made by, the association pursuant to this section
1032 which are valued at or more than \$100,000 must first be approved
1033 by the department. The department has 10 days to approve or deny
1034 the contract or purchase upon electronic receipt of the approval
1035 request. The contract or purchase is automatically approved if
1036 the department is nonresponsive.

1037 (b) All contracts and purchases valued at or more than
1038 \$100,000 require competition through a formal bid solicitation
1039 conducted by the association. The association must undergo a
1040 formal bid solicitation process. The formal bid solicitation
1041 process must include all of the following:

1042 1. The time and date for the receipt of bids, the
1043 proposals, and whether the association contemplates renewal of
1044 the contract, including the price for each year for which the

601-03258-24

20241098c2

1045 contract may be renewed.

1046 2. All the contractual terms and conditions applicable to
1047 the procurement.

1048 (c) Evaluation of bids by the association must include
1049 consideration of the total cost for each year of the contract,
1050 including renewal years, as submitted by the vendor. The
1051 association must award the contract to the most responsible and
1052 responsive vendor. Any formal bid solicitation conducted by the
1053 association must be made available, upon request, to the
1054 department via electronic delivery.

1055 Section 23. Subsection (5) is added to section 631.821,
1056 Florida Statutes, to read:

1057 631.821 Powers and duties of the department; board
1058 contracts and purchases.-

1059 (5) (a) After July 1, 2024, all contracts entered into, and
1060 all purchases made by, the board pursuant to this section which
1061 are valued at or more than \$100,000 must first be approved by
1062 the department. The department has 10 days to approve or deny
1063 the contract or purchase upon electronic receipt of the approval
1064 request. The contract or purchase is automatically approved if
1065 the department is nonresponsive.

1066 (b) All contracts and purchases valued at or more than
1067 \$100,000 require competition through a formal bid solicitation
1068 conducted by the board. The board must undergo a formal bid
1069 solicitation process. The formal bid solicitation process must
1070 include all of the following:

1071 1. The time and date for the receipt of bids, the
1072 proposals, and whether the board contemplates renewal of the
1073 contract, including the price for each year for which the

601-03258-24

20241098c2

1074 contract may be renewed.

1075 2. All the contractual terms and conditions applicable to
1076 the procurement.

1077 (c) Evaluation of bids by the board must include
1078 consideration of the total cost for each year of the contract,
1079 including renewal years, as submitted by the vendor. The plan
1080 must award the contract to the most responsible and responsive
1081 vendor. Any formal bid solicitation conducted by the board must
1082 be made available, upon request, to the department via
1083 electronic delivery.

1084 Section 24. Section 631.921, Florida Statutes, is amended
1085 to read:

1086 631.921 Department powers; board contracts and purchases.-

1087 (1) The corporation shall be subject to examination by the
1088 department. By March 1 of each year, the board of directors
1089 shall cause a financial report to be filed with the department
1090 for the immediately preceding calendar year in a form approved
1091 by the department.

1092 (2) (a) After July 1, 2024, all contracts entered into, and
1093 all purchases made by, the board pursuant to this section which
1094 are valued at or more than \$100,000 must first be approved by
1095 the department. The department has 10 days to approve or deny
1096 the contract or purchase upon electronic receipt of the approval
1097 request. The contract or purchase is automatically approved if
1098 the department is nonresponsive.

1099 (b) All contracts and purchases valued at or more than
1100 \$100,000 require competition through a formal bid solicitation
1101 conducted by the board. The board must undergo a formal bid
1102 solicitation process. The formal bid solicitation process must

601-03258-24

20241098c2

1103 include all of the following:

1104 1. The time and date for the receipt of bids, the
1105 proposals, and whether the board contemplates renewal of the
1106 contract, including the price for each year for which the
1107 contract may be renewed.

1108 2. All the contractual terms and conditions applicable to
1109 the procurement.

1110 (c) Evaluation of bids by the board must include
1111 consideration of the total cost for each year of the contract,
1112 including renewal years, as submitted by the vendor. The
1113 association must award the contract to the most responsible and
1114 responsive vendor. Any formal bid solicitation conducted by the
1115 association must be made available, upon request, to the
1116 department via electronic delivery.

1117 Section 25. Paragraph (b) of subsection (3) of section
1118 633.124, Florida Statutes, is amended to read:

1119 633.124 Penalty for violation of law, rule, or order to
1120 cease and desist or for failure to comply with corrective
1121 order.—

1122 (3)

1123 (b) A person who initiates a pyrotechnic display within any
1124 structure commits a felony of the third degree, punishable as
1125 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1126 1. The structure has a fire protection system installed in
1127 compliance with s. 633.334.

1128 2. The owner of the structure has authorized in writing the
1129 pyrotechnic display.

1130 3. If the local jurisdiction requires a permit for the use
1131 of a pyrotechnic display in an occupied structure, such permit

601-03258-24

20241098c2

1132 has been obtained and all conditions of the permit complied with
1133 or, if the local jurisdiction does not require a permit for the
1134 use of a pyrotechnic display in an occupied structure, the
1135 person initiating the display has complied with National Fire
1136 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1137 Standard for the Use of Pyrotechnics before a Proximate
1138 Audience.

1139 Section 26. Subsection (2) of section 633.202, Florida
1140 Statutes, is amended to read:

1141 633.202 Florida Fire Prevention Code.—

1142 (2) The State Fire Marshal shall adopt the current edition
1143 of the National Fire Protection Association's Standard 1, Fire
1144 Prevention Code but may not adopt a building, mechanical,
1145 accessibility, or plumbing code. The State Fire Marshal shall
1146 adopt the current edition of the Life Safety Code, NFPA 101,
1147 current editions, by reference. The State Fire Marshal may
1148 modify the selected codes and standards as needed to accommodate
1149 the specific needs of the state. Standards or criteria in the
1150 selected codes shall be similarly incorporated by reference. The
1151 State Fire Marshal shall incorporate within sections of the
1152 Florida Fire Prevention Code provisions that address uniform
1153 firesafety standards as established in s. 633.206. The State
1154 Fire Marshal shall incorporate within sections of the Florida
1155 Fire Prevention Code provisions addressing regional and local
1156 concerns and variations.

1157 Section 27. Paragraph (b) of subsection (1) of section
1158 633.206, Florida Statutes, is amended to read:

1159 633.206 Uniform firesafety standards.—The Legislature
1160 hereby determines that to protect the public health, safety, and

601-03258-24

20241098c2

1161 welfare it is necessary to provide for firesafety standards
1162 governing the construction and utilization of certain buildings
1163 and structures. The Legislature further determines that certain
1164 buildings or structures, due to their specialized use or to the
1165 special characteristics of the person utilizing or occupying
1166 these buildings or structures, should be subject to firesafety
1167 standards reflecting these special needs as may be appropriate.

1168 (1) The department shall establish uniform firesafety
1169 standards that apply to:

1170 (b) All new, existing, and proposed hospitals, nursing
1171 homes, assisted living facilities, adult family-care homes,
1172 correctional facilities, public schools, transient public
1173 lodging establishments, public food service establishments,
1174 mobile food dispensing vehicles, elevators, migrant labor camps,
1175 mobile home parks, lodging parks, recreational vehicle parks,
1176 recreational camps, residential and nonresidential child care
1177 facilities, facilities for the developmentally disabled, motion
1178 picture and television special effects productions, tunnels,
1179 energy storage systems, and self-service gasoline stations, of
1180 which standards the State Fire Marshal is the final
1181 administrative interpreting authority.

1182
1183 In the event there is a dispute between the owners of the
1184 buildings specified in paragraph (b) and a local authority
1185 requiring a more stringent uniform firesafety standard for
1186 sprinkler systems, the State Fire Marshal shall be the final
1187 administrative interpreting authority and the State Fire
1188 Marshal's interpretation regarding the uniform firesafety
1189 standards shall be considered final agency action.

601-03258-24

20241098c2

1190 Section 28. Paragraph (b) of subsection (8) of section
1191 634.041, Florida Statutes, is amended to read:

1192 634.041 Qualifications for license.—To qualify for and hold
1193 a license to issue service agreements in this state, a service
1194 agreement company must be in compliance with this part, with
1195 applicable rules of the commission, with related sections of the
1196 Florida Insurance Code, and with its charter powers and must
1197 comply with the following:

1198 (8)

1199 (b) A service agreement company does not have to establish
1200 and maintain an unearned premium reserve if it secures and
1201 maintains contractual liability insurance in accordance with the
1202 following:

1203 1. Coverage of 100 percent of the claim exposure is
1204 obtained from an insurer or insurers approved by the office,
1205 which hold ~~holds~~ a certificate of authority under s. 624.401 to
1206 do business within this state, or secured through a risk
1207 retention groups ~~group~~, which are ~~is~~ authorized to do business
1208 within this state under s. 627.943 or s. 627.944. Such insurers
1209 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1210 as regards policyholders of at least \$15 million.

1211 2. If the service agreement company does not meet its
1212 contractual obligations, the contractual liability insurance
1213 policy binds its issuer to pay or cause to be paid to the
1214 service agreement holder all legitimate claims and cancellation
1215 refunds for all service agreements issued by the service
1216 agreement company while the policy was in effect. This
1217 requirement also applies to those service agreements for which
1218 no premium has been remitted to the insurer.

601-03258-24

20241098c2

1219 3. If the issuer of the contractual liability policy is
1220 fulfilling the service agreements covered by the contractual
1221 liability policy and the service agreement holder cancels the
1222 service agreement, the issuer must make a full refund of
1223 unearned premium to the consumer, subject to the cancellation
1224 fee provisions of s. 634.121(3). The sales representative and
1225 agent must refund to the contractual liability policy issuer
1226 their unearned pro rata commission.

1227 4. The policy may not be canceled, terminated, or
1228 nonrenewed by the insurer or the service agreement company
1229 unless a 90-day written notice thereof has been given to the
1230 office by the insurer before the date of the cancellation,
1231 termination, or nonrenewal.

1232 5. The service agreement company must provide the office
1233 with the claims statistics.

1234 6. A policy issued in compliance with this paragraph may
1235 either pay 100 percent of claims as they are incurred, or pay
1236 100 percent of claims due in the event of the failure of the
1237 service agreement company to pay such claims when due.

1238
1239 All funds or premiums remitted to an insurer by a motor vehicle
1240 service agreement company under this part shall remain in the
1241 care, custody, and control of the insurer and shall be counted
1242 as an asset of the insurer; provided, however, this requirement
1243 does not apply when the insurer and the motor vehicle service
1244 agreement company are affiliated companies and members of an
1245 insurance holding company system. If the motor vehicle service
1246 agreement company chooses to comply with this paragraph but also
1247 maintains a reserve to pay claims, such reserve shall only be

601-03258-24

20241098c2

1248 considered an asset of the covered motor vehicle service
1249 agreement company and may not be simultaneously counted as an
1250 asset of any other entity.

1251 Section 29. Subsection (5) of section 634.081, Florida
1252 Statutes, is amended to read:

1253 634.081 Suspension or revocation of license; grounds.—

1254 (5) The office shall suspend or revoke the license of a
1255 company if it finds that the ratio of gross written premiums
1256 written to net assets exceeds 10 to 1 unless the company has in
1257 excess of \$750,000 in net assets and is utilizing contractual
1258 liability insurance which cedes 100 percent of the service
1259 agreement company's claims liabilities to the contractual
1260 liability insurers ~~insurer~~ or is utilizing contractual liability
1261 insurance which reimburses the service agreement company for 100
1262 percent of its paid claims. However, if a service agreement
1263 company has been licensed by the office in excess of 10 years,
1264 is in compliance with all applicable provisions of this part,
1265 and has net assets at all times in excess of \$3 million that
1266 comply with the provisions of part II of chapter 625, such
1267 company may not exceed a ratio of gross written premiums written
1268 to net assets of 15 to 1.

1269 Section 30. Present subsection (5) of section 634.3077,
1270 Florida Statutes, is redesignated as subsection (6), a new
1271 subsection (5) is added to that section, and subsection (3) of
1272 that section is amended, to read:

1273 634.3077 Financial requirements.—

1274 (3) An association may ~~shall~~ not be required to set up an
1275 unearned premium reserve if it has purchased contractual
1276 liability insurance which demonstrates to the satisfaction of

601-03258-24

20241098c2

1277 the office that 100 percent of its claim exposure is covered by
1278 such insurance. Such contractual liability insurance shall be
1279 obtained from an insurer or insurers that hold ~~holds~~ a
1280 certificate of authority to do business within the state or from
1281 an insurer or insurers approved by the office as financially
1282 capable of meeting the obligations incurred pursuant to the
1283 policy. For purposes of this subsection, the contractual
1284 liability policy shall contain the following provisions:

1285 (a) In the event that the home warranty association is
1286 unable to fulfill its obligation under its contracts issued in
1287 this state for any reason, including insolvency, bankruptcy, or
1288 dissolution, the contractual liability insurer will pay losses
1289 and unearned premiums under such plans directly to persons
1290 making claims under such contracts.

1291 (b) The insurer issuing the policy shall assume full
1292 responsibility for the administration of claims in the event of
1293 the inability of the association to do so.

1294 (c) The policy may not be canceled or not renewed by ~~either~~
1295 the insurer or the association unless 60 days' written notice
1296 thereof has been given to the office by the insurer before the
1297 date of such cancellation or nonrenewal.

1298 (d) The contractual liability insurance policy shall insure
1299 all home warranty contracts that were issued while the policy
1300 was in effect whether or not the premium has been remitted to
1301 the insurer.

1302 (5) An association licensed under this part is not required
1303 to establish an unearned premium reserve or maintain contractual
1304 liability insurance and may allow its premiums to exceed the
1305 ratio to net assets limitation of this section if the

601-03258-24

20241098c2

1306 association complies with the following:

1307 (a) The association or, if the association is a direct or
1308 indirect wholly owned subsidiary of a parent corporation, its
1309 parent corporation has, and maintains at all times, a minimum
1310 net worth of at least \$100 million and provides the office with
1311 the following:

1312 1. A copy of the association's annual audited financial
1313 statements or the audited consolidated financial statements of
1314 the association's parent corporation, prepared by an independent
1315 certified public accountant in accordance with generally
1316 accepted accounting principles, which clearly demonstrate the
1317 net worth of the association or its parent corporation to be
1318 \$100 million, and a quarterly written certification to the
1319 office that the association or its parent corporation continues
1320 to maintain the net worth required under this paragraph.

1321 2. The association's or its parent corporation's Form 10-K,
1322 Form 10-Q, or Form 20-F as filed with the United States
1323 Securities and Exchange Commission or such other documents
1324 required to be filed with a recognized stock exchange, which
1325 shall be provided on a quarterly and annual basis within 10 days
1326 after the last date each such report must be filed with the
1327 Securities and Exchange Commission, the National Association of
1328 Securities Dealers Automated Quotations system, or other
1329 recognized stock exchange.

1330
1331 Failure to timely file the documents required under this
1332 paragraph may, at the discretion of the office, subject the
1333 association to suspension or revocation of its license under
1334 this part.

601-03258-24

20241098c2

1335 (b) If the net worth of a parent corporation is used to
1336 satisfy the net worth provisions of paragraph (a), the following
1337 requirements must be met:

1338 1. The parent corporation must guarantee all service
1339 warranty obligations of the association, wherever written, on a
1340 form approved in advance by the office. A cancellation,
1341 termination, or modification of the guarantee does not become
1342 effective unless the parent corporation provides the office
1343 written notice at least 90 days before the effective date of the
1344 cancellation, termination, or modification and the office
1345 approves the request in writing. Before the effective date of
1346 the cancellation, termination, or modification of the guarantee,
1347 the association must demonstrate to the satisfaction of the
1348 office compliance with all applicable provisions of this part,
1349 including whether the association will meet the requirements of
1350 this section by the purchase of contractual liability insurance,
1351 establishing required reserves, or other method allowed under
1352 this section. If the association or parent corporation does not
1353 demonstrate to the satisfaction of the office compliance with
1354 all applicable provisions of this part, the association or
1355 parent association shall immediately cease writing new and
1356 renewal business upon the effective date of the cancellation,
1357 termination, or modification.

1358 2. The association must maintain at all times net assets of
1359 at least \$750,000.

1360 Section 31. Section 634.317, Florida Statutes, is amended
1361 to read:

1362 634.317 License and appointment required.—No person may
1363 solicit, negotiate, or effectuate home warranty contracts for

601-03258-24

20241098c2

1364 remuneration in this state unless such person is licensed and
1365 appointed as a sales representative. A licensed and appointed
1366 sales representative shall be directly responsible and
1367 accountable for all acts of the licensee's employees. A
1368 municipality, a county government, a special district, an entity
1369 operated by a municipality or county government, or an employee
1370 or agent of a municipality, county government, special district,
1371 or entity operated by a municipality or county government is
1372 exempt from the licensing and appointing requirements of this
1373 section.

1374 Section 32. Present subsection (9) of section 648.25,
1375 Florida Statutes, is redesignated as subsection (10), and a new
1376 subsection (9) and subsection (11) are added to that section, to
1377 read:

1378 648.25 Definitions.—As used in this chapter, the term:

1379 (9) "Referring bail bond agent" is the limited surety agent
1380 who is appointed with the surety company issuing the transfer
1381 bond that is to be posted in a county where the referring
1382 limited surety agent is not registered. The referring bail bond
1383 agent is the appointed agent held liable for the transfer bond,
1384 along with the issuing surety company.

1385 (11) "Transfer bond" means the appearance bond and power of
1386 attorney form posted by a limited surety agent who is registered
1387 in the county where the defendant is being held in custody, and
1388 who is appointed to represent the same surety company issuing
1389 the appearance bond as the referring bail bond agent.

1390 Section 33. Subsection (3) of section 648.26, Florida
1391 Statutes, is amended to read:

1392 648.26 Department of Financial Services; administration.—

601-03258-24

20241098c2

1393 (3) The papers, documents, reports, or any other
1394 investigatory records of the department are confidential and
1395 exempt from s. 119.07(1) until such investigation is completed
1396 or ceases to be active, unless the department or office files a
1397 formal administrative complaint, emergency order, or consent
1398 order against the individual or entity. For the purpose of this
1399 section, an investigation is considered active while the
1400 investigation is being conducted by the department with a
1401 reasonable, good faith belief that it may lead to the filing of
1402 administrative, civil, or criminal proceedings. An investigation
1403 does not cease to be active if the department is proceeding with
1404 reasonable dispatch and there is good faith belief that action
1405 may be initiated by the department or other administrative or
1406 law enforcement agency. This subsection does not prevent the
1407 department or office from disclosing the content of a complaint
1408 or such information as it deems necessary to conduct the
1409 investigation, to update the complainant as to the status and
1410 outcome of the complaint, to review the details of the
1411 investigation with the subject or the subject's representative,
1412 or to share such information with any law enforcement agency or
1413 other regulatory body.

1414 Section 34. Paragraph (a) of subsection (1) of section
1415 648.30, Florida Statutes, is amended to read:

1416 648.30 Licensure and appointment required; prohibited acts;
1417 penalties.—

1418 (1) (a) A person or entity may not act in the capacity of a
1419 bail bond agent or bail bond agency or perform any of the
1420 functions, duties, or powers prescribed for bail bond agents or
1421 bail bond agencies under this chapter unless that person or

601-03258-24

20241098c2

1422 entity is qualified, licensed, and appointed as provided in this
1423 chapter ~~and employed by a bail bond agency.~~

1424 Section 35. Subsection (1) of section 648.355, Florida
1425 Statutes, is amended to read:

1426 648.355 Limited surety agents and professional bail bond
1427 agents; qualifications.—

1428 (1) The applicant shall furnish, with the application for
1429 license, a complete set of the applicant's fingerprints in
1430 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1431 ~~fullface photograph of the applicant.~~ The department may not
1432 issue a license under this section until the department has
1433 received a report from the Department of Law Enforcement and the
1434 Federal Bureau of Investigation relative to the existence or
1435 nonexistence of a criminal history report based on the
1436 applicant's fingerprints.

1437 Section 36. Subsection (3) of section 648.43, Florida
1438 Statutes, is amended to read:

1439 648.43 Power of attorney; approval by office; filing of
1440 copies; notification of transfer bond.—

1441 (3) Every bail bond agent who executes or countersigns a
1442 transfer bond shall indicate in writing on the bond the name,
1443 ~~and~~ address, and license number of the referring bail bond
1444 agent.

1445 Section 37. Section 717.101, Florida Statutes, is amended
1446 to read:

1447 717.101 Definitions.—As used in this chapter, unless the
1448 context otherwise requires:

1449 (1) "Aggregate" means the amounts reported for owners of
1450 unclaimed property of less than \$50 or where there is no name

601-03258-24

20241098c2

1451 for the individual or entity listed on the holder's records,
1452 regardless of the amount to be reported.

1453 (2) "Apparent owner" means the person whose name appears on
1454 the records of the holder as the person entitled to property
1455 held, issued, or owing by the holder.

1456 (3) "Audit" means an action or proceeding to examine and
1457 verify a person's records, books, accounts, and other documents
1458 to ascertain and determine compliance with this chapter.

1459 (4) "Audit agent" means a person with whom the department
1460 enters into a contract with to conduct an audit or examination.
1461 The term includes an independent contractor of the person and
1462 each individual participating in the audit on behalf of the
1463 person or contractor.

1464 (5)~~(3)~~ "Banking organization" means any and all banks,
1465 trust companies, private bankers, savings banks, industrial
1466 banks, safe-deposit companies, savings and loan associations,
1467 credit unions, and investment companies in this state, organized
1468 under or subject to the laws of this state or of the United
1469 States, including entities organized under 12 U.S.C. s. 611, but
1470 does not include Federal Reserve Banks. The term also includes
1471 any corporation, business association, or other organization
1472 that:

1473 (a) Is a wholly or partially owned subsidiary of any
1474 banking, banking corporation, or bank holding company that
1475 performs any or all of the functions of a banking organization;
1476 or

1477 (b) Performs functions pursuant to the terms of a contract
1478 with any banking organization ~~state or national bank,~~
1479 ~~international banking entity or similar entity, trust company,~~

601-03258-24

20241098c2

1480 ~~savings bank, industrial savings bank, land bank, safe deposit~~
1481 ~~company, private bank, or any organization otherwise defined by~~
1482 ~~law as a bank or banking organization.~~

1483 (6)-(4) "Business association" means any for-profit or
1484 nonprofit corporation other than a public corporation; joint
1485 stock company; investment company; unincorporated association or
1486 association of two or more individuals for business purposes,
1487 whether or not for profit; partnership; joint venture; limited
1488 liability company; sole proprietorship; business trust; trust
1489 company; land bank; safe-deposit company; safekeeping
1490 depository; financial organization; insurance company; federally
1491 chartered entity; utility company; or other business entity,
1492 whether or not for profit corporation (other than a public
1493 corporation), joint stock company, investment company, business
1494 trust, partnership, limited liability company, or association of
1495 two or more individuals for business purposes, whether for
1496 profit or not for profit.

1497 (7)-(5) "Claimant" means the person on whose behalf a claim
1498 is filed.

1499 (8) "Claimant's representative" means an attorney who is a
1500 member in good standing of The Florida Bar, a certified public
1501 accountant licensed in this state, or private investigator who
1502 is duly licensed to do business in this state, registered with
1503 the department, and authorized by the claimant to claim
1504 unclaimed property on the claimant's behalf. The term does not
1505 include a person acting in a representative capacity, such as a
1506 personal representative, guardian, trustee, or attorney, whose
1507 representation is not contingent upon the discovery or location
1508 of unclaimed property; provided, however, that any agreement

601-03258-24

20241098c2

1509 entered into for the purpose of evading s. 717.135 is invalid
1510 and unenforceable.

1511 (9)~~(6)~~ "Credit balance" means an account balance in the
1512 customer's favor.

1513 (10)~~(7)~~ "Department" means the Department of Financial
1514 Services.

1515 (11)~~(8)~~ "Domicile" means the state of incorporation for a
1516 corporation; the state of filing for a business association,
1517 other than a corporation, whose formation or organization
1518 requires a filing with a state; the state of organization for a
1519 business association, other than a corporation, whose formation
1520 or organization does not require a filing with a state; or the
1521 state of home office for a federally chartered entity ~~incorporated~~
1522 ~~under the laws of a state, or, for an unincorporated business~~
1523 ~~association, the state where the business association is~~
1524 ~~organized.~~

1525 (12)~~(9)~~ "Due diligence" means the use of reasonable and
1526 prudent methods under particular circumstances to locate
1527 apparent owners of inactive accounts using the taxpayer
1528 identification number or social security number, if known, which
1529 may include, but are not limited to, using a nationwide
1530 database, cross-indexing with other records of the holder,
1531 mailing to the last known address unless the last known address
1532 is known to be inaccurate, providing written notice as described
1533 in this chapter by electronic mail if an apparent owner has
1534 elected such delivery, or engaging a licensed agency or company
1535 capable of conducting such search and providing updated
1536 addresses.

1537 (13) "Electronic" means relating to technology having

601-03258-24

20241098c2

1538 electrical, digital, magnetic, wireless, optical,
 1539 electromagnetic, or similar capabilities.

1540 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~
 1541 savings association, savings and loan association, savings bank,
 1542 industrial bank, bank, banking organization, trust company,
 1543 international bank agency, cooperative bank, building and loan
 1544 association, or credit union.

1545 (15)~~(11)~~ "Health care provider" means any state-licensed
 1546 entity that provides and receives payment for health care
 1547 services. These entities include, but are not limited to,
 1548 hospitals, outpatient centers, physician practices, and skilled
 1549 nursing facilities.

1550 (16)~~(12)~~ "Holder" means:

1551 (a) A person, ~~wherever organized or domiciled,~~ who is in
 1552 possession or control or has custody of property or the rights
 1553 to property belonging to another; is indebted to another on an
 1554 obligation; or is obligated to hold for the account of, or to
 1555 deliver or pay to, the owner, property subject to this chapter;
 1556 or

1557 ~~(a) In possession of property belonging to another;~~

1558 ~~(b) A trustee in case of a trust; or~~

1559 ~~(c) Indebted to another on an obligation.~~

1560 (17)~~(13)~~ "Insurance company" means an association,
 1561 corporation, or fraternal or mutual benefit organization,
 1562 whether for profit or not for profit, which is engaged in
 1563 providing insurance coverage.

1564 (18)~~(14)~~ "Intangible property" includes, by way of
 1565 illustration and not limitation:

1566 (a) Moneys, checks, virtual currency, drafts, deposits,

601-03258-24

20241098c2

1567 interest, dividends, and income.

1568 (b) Credit balances, customer overpayments, security
1569 deposits and other instruments as defined by chapter 679,
1570 refunds, unpaid wages, unused airline tickets, and unidentified
1571 remittances.

1572 (c) Stocks, and other intangible ownership interests in
1573 business associations.

1574 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1575 original issue discount bonds, coupons, and other securities, or
1576 to make distributions.

1577 (e) Amounts due and payable under the terms of insurance
1578 policies.

1579 (f) Amounts distributable from a trust or custodial fund
1580 established under a plan to provide any health, welfare,
1581 pension, vacation, severance, retirement, death, stock purchase,
1582 profit sharing, employee savings, supplemental unemployment
1583 insurance, or similar benefit.

1584 (19)~~(15)~~ "Last known address" means a description of the
1585 location of the apparent owner sufficient for the purpose of the
1586 delivery of mail. For the purposes of identifying, reporting,
1587 and remitting property to the department which is presumed to be
1588 unclaimed, "last known address" includes any partial description
1589 of the location of the apparent owner sufficient to establish
1590 the apparent owner was a resident of this state at the time of
1591 last contact with the apparent owner or at the time the property
1592 became due and payable.

1593 (20)~~(16)~~ "Lawful charges" means charges against dormant
1594 accounts that are authorized by statute for the purpose of
1595 offsetting the costs of maintaining the dormant account.

601-03258-24

20241098c2

1596 ~~(21)(17)~~ "Managed care payor" means a health care plan that
1597 has a defined system of selecting and limiting health care
1598 providers as evidenced by a managed care contract with the
1599 health care providers. These plans include, but are not limited
1600 to, managed care health insurance companies and health
1601 maintenance organizations.

1602 ~~(22)(18)~~ "Owner" means a person, or the person's legal
1603 representative, entitled to receive or having a legal or
1604 equitable interest in or claim against property subject to this
1605 chapter; a depositor in the case of a deposit; a beneficiary in
1606 the case of a trust or a deposit in trust; or a payee in the
1607 case of a negotiable instrument or other intangible property ~~a~~
1608 ~~depositor in the case of a deposit, a beneficiary in the case of~~
1609 ~~a trust or a deposit in trust, or a payee in the case of other~~
1610 ~~intangible property, or a person having a legal or equitable~~
1611 ~~interest in property subject to this chapter or his or her legal~~
1612 ~~representative.~~

1613 ~~(23)~~ "Person" means an individual; estate; business
1614 association; corporation; firm; association; joint adventure;
1615 partnership; government or governmental subdivision, agency, or
1616 instrumentality; or any other legal or commercial entity.

1617 ~~(24)(19)~~ "Public corporation" means a corporation created
1618 by the state, founded and owned in the public interest,
1619 supported by public funds, and governed by those deriving their
1620 power from the state.

1621 ~~(25)~~ "Record" means information that is inscribed on a
1622 tangible medium or that is stored in an electronic or other
1623 medium and is retrievable in perceivable form.

1624 ~~(26)(20)~~ "Reportable period" means the calendar year ending

601-03258-24

20241098c2

1625 December 31 of each year.

1626 (27)~~(21)~~ "State," when applied to a part of the United
1627 States, includes any state, district, commonwealth, territory,
1628 insular possession, and any other area subject to the
1629 legislative authority of the United States.

1630 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1631 defined in s. 736.0103.

1632 ~~(23) "Ultimate equitable owner" means a natural person who,
1633 directly or indirectly, owns or controls an ownership interest
1634 in a corporation, a foreign corporation, an alien business
1635 organization, or any other form of business organization,
1636 regardless of whether such natural person owns or controls such
1637 ownership interest through one or more natural persons or one or
1638 more proxies, powers of attorney, nominees, corporations,
1639 associations, partnerships, trusts, joint stock companies, or
1640 other entities or devices, or any combination thereof.~~

1641 (29) "Unclaimed Property Purchase Agreement" means the form
1642 adopted by the department pursuant to s. 717.135 which must be
1643 used, without modification or amendment, by a claimant's
1644 representative to purchase unclaimed property from an owner.

1645 (30) "Unclaimed Property Recovery Agreement" means the form
1646 adopted by the department pursuant to s. 717.135 which must be
1647 used, without modification or amendment, by a claimant's
1648 representative to obtain an owner's consent and authority to
1649 recover unclaimed property on the owner's behalf.

1650 (31)~~(24)~~ "United States" means any state, district,
1651 commonwealth, territory, insular possession, and any other area
1652 subject to the legislative authority of the United States of
1653 America.

601-03258-24

20241098c2

1654 ~~(32)~~⁽²⁵⁾ "Utility" means a person who owns or operates, for
1655 public use, any plant, equipment, property, franchise, or
1656 license for the transmission of communications or the
1657 production, storage, transmission, sale, delivery, or furnishing
1658 of electricity, water, steam, or gas.

1659 (33) (a) "Virtual currency" means digital units of exchange
1660 that:

- 1661 1. Have a centralized repository or administrator;
1662 2. Are decentralized and have no centralized repository or
1663 administrator; or
1664 3. May be created or obtained by computing or manufacturing
1665 effort.

1666 (b) The term does not include any of the following:

- 1667 1. Digital units that:
1668 a. Are used solely within online gaming platforms;
1669 b. Have no market or application outside of the online
1670 gaming platforms in sub-subparagraph a.;
1671 c. Cannot be converted into, or redeemed for, fiat currency
1672 or virtual currency; and
1673 d. Can or cannot be redeemed for real-world goods,
1674 services, discounts, or purchases.

1675 2. Digital units that can be redeemed for:

- 1676 a. Real-world goods, services, discounts, or purchases as
1677 part of a customer affinity or rewards program with the issuer
1678 or other designated merchants; or
1679 b. Digital units in another customer affinity or rewards
1680 program, but cannot be converted into, or redeemed for, fiat
1681 currency or virtual currency.

1682 3. Digital units used as part of prepaid cards.

601-03258-24

20241098c2

1683 Section 38. Subsections (3) and (4) are added to section
1684 717.102, Florida Statutes, to read:

1685 717.102 Property presumed unclaimed; general rule.—

1686 (3) A presumption that property is unclaimed is rebutted by
1687 an apparent owner's expression of interest in the property. An
1688 owner's expression of interest in property includes:

1689 (a) A record communicated by the apparent owner to the
1690 holder or agent of the holder concerning the property or the
1691 account in which the property is held;

1692 (b) An oral communication by the apparent owner to the
1693 holder or agent of the holder concerning the property or the
1694 account in which the property is held, if the holder or its
1695 agent contemporaneously makes and preserves a record of the fact
1696 of the apparent owner's communication;

1697 (c) Presentment of a check or other instrument of payment
1698 of a dividend, interest payment, or other distribution, with
1699 respect to an account, underlying security, or interest in a
1700 business association;

1701 (d) Activity directed by an apparent owner in the account
1702 in which the property is held, including accessing the account
1703 or information concerning the account, or a direction by the
1704 apparent owner to increase, decrease, or otherwise change the
1705 amount or type of property held in the account;

1706 (e) A deposit into or withdrawal from an account at a
1707 financial organization, excluding an automatic deposit or
1708 withdrawal previously authorized by the apparent owner or an
1709 automatic reinvestment of dividends or interest, which does not
1710 constitute an expression of interest; or

1711 (f) Any other action by the apparent owner which reasonably

601-03258-24

20241098c2

1712 demonstrates to the holder that the apparent owner knows that
1713 the property exists.

1714 (4) A deceased owner is incapable of expressing an interest
1715 in property.

1716 Section 39. Subsection (5) of section 717.106, Florida
1717 Statutes, is amended to read:

1718 717.106 Bank deposits and funds in financial
1719 organizations.—

1720 (5) If the documents establishing a deposit described in
1721 subsection (1) state the address of a beneficiary of the
1722 deposit, and the account has a value of at least \$50, notice
1723 shall be given to the beneficiary as provided for notice to the
1724 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
1725 subsection shall apply to accounts opened on or after October 1,
1726 1990.

1727 Section 40. Section 717.1065, Florida Statutes, is created
1728 to read:

1729 717.1065 Virtual currency.—

1730 (1) Any virtual currency held or owing by a banking
1731 organization, corporation, custodian, exchange, or other entity
1732 engaged in virtual currency business activity is presumed
1733 unclaimed unless the owner, within 5 years, has communicated in
1734 writing with the banking organization, corporation, custodian,
1735 exchange, or other entity engaged in virtual currency business
1736 activity concerning the virtual currency or otherwise indicated
1737 an interest as evidenced by a memorandum or other record on file
1738 with the banking organization, corporation, custodian, exchange,
1739 or other entity engaged in virtual currency business activity.

1740 (2) A holder may not deduct from the amount of any virtual

601-03258-24

20241098c2

1741 currency subject to this section any charges imposed by reason
1742 of the virtual currency unless there is a valid and enforceable
1743 written contract between the holder and the owner of the virtual
1744 currency pursuant to which the holder may impose those charges
1745 and the holder does not regularly reverse or otherwise cancel
1746 those charges with respect to the virtual currency.

1747 Section 41. Paragraph (a) of subsection (1) of section
1748 717.1101, Florida Statutes, is amended to read:

1749 717.1101 Unclaimed equity and debt of business
1750 associations.—

1751 (1) (a) Stock or other equity interest in a business
1752 association is presumed unclaimed on the date of ~~3 years after~~
1753 the earliest of the following:

1754 1. Three years after ~~The date of~~ the most recent of any
1755 owner-generated activity or communication related to the
1756 account, as recorded and maintained in the holder's database and
1757 records systems sufficient enough to demonstrate the owner's
1758 continued awareness or interest in the property ~~dividend, stock~~
1759 ~~split, or other distribution unclaimed by the apparent owner;~~

1760 2. Three years after the date of the death of the owner, as
1761 evidenced by: ~~The date of a statement of account or other~~
1762 ~~notification or communication that was returned as~~
1763 ~~undeliverable; or~~

1764 a. Notice to the holder of the owner's death by an
1765 administrator, beneficiary, relative, or trustee, or by a
1766 personal representative or other legal representative of the
1767 owner's estate;

1768 b. Receipt by the holder of a copy of the death certificate
1769 of the owner;

601-03258-24

20241098c2

1770 c. Confirmation by the holder of the owner's death through
1771 other means; or

1772 d. Other evidence from which the holder may reasonably
1773 conclude that the owner is deceased; or

1774 3. One year after the date on which the holder receives
1775 notice under subparagraph 2. if the notice is received 2 years
1776 or less after the owner's death and the holder lacked knowledge
1777 of the owner's death during that period of 2 years or less ~~The~~
1778 ~~date the holder discontinued mailings, notifications, or~~
1779 ~~communications to the apparent owner.~~

1780 Section 42. Subsection (1) of section 717.112, Florida
1781 Statutes, is amended to read:

1782 717.112 Property held by agents and fiduciaries.—

1783 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
1784 intangible property and any income or increment thereon held in
1785 a fiduciary capacity for the benefit of another person,
1786 including property held by an attorney in fact or an agent,
1787 except as provided in ss. 717.1125 and 733.816, is presumed
1788 unclaimed unless the owner has within 5 years after it has
1789 become payable or distributable increased or decreased the
1790 principal, accepted payment of principal or income, communicated
1791 in writing concerning the property, or otherwise indicated an
1792 interest as evidenced by a memorandum or other record on file
1793 with the fiduciary.

1794 Section 43. Effective January 1, 2025, section 717.117,
1795 Florida Statutes, is amended to read:

1796 717.117 Report of unclaimed property.—

1797 (1) Every person holding funds or other property, tangible
1798 or intangible, presumed unclaimed and subject to custody as

601-03258-24

20241098c2

1799 unclaimed property under this chapter shall report to the
1800 department ~~on such forms as the department may prescribe by~~
1801 ~~rule. In lieu of forms, a report identifying 25 or more~~
1802 ~~different apparent owners must be submitted by the holder~~ via
1803 electronic medium as the department may prescribe by rule. The
1804 report must include:

1805 (a) Except for traveler's checks and money orders, the
1806 name, social security number or taxpayer identification number,
1807 ~~and~~ date of birth, if known, and last known address, if any, of
1808 each person appearing from the records of the holder to be the
1809 owner of any property which is presumed unclaimed and which has
1810 a value of \$10 ~~\$50~~ or more.

1811 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
1812 or more held or owing under any life or endowment insurance
1813 policy or annuity contract, the identifying information required
1814 to be provided under paragraph (a) for both ~~full name, taxpayer~~
1815 ~~identification number or social security number, date of birth,~~
1816 ~~if known, and last known address~~ of the insured or annuitant and
1817 ~~of~~ the beneficiary according to records of the insurance company
1818 holding or owing the funds.

1819 (c) For all tangible property held in a safe-deposit box or
1820 other safekeeping repository, a description of the property and
1821 the place where the property is held and may be inspected by the
1822 department, and any amounts owing to the holder. Contents of a
1823 safe-deposit box or other safekeeping repository which consist
1824 of documents or writings of a private nature and which have
1825 little or no apparent value shall not be presumed unclaimed.

1826 (d) The nature or type of property, any accounting or ~~and~~
1827 identifying number associated with the property, a ~~if any, or~~

601-03258-24

20241098c2

1828 description of the property, and the amount appearing from the
1829 records to be due. Items of value less than \$10 ~~under \$50~~ each
1830 may be reported in the aggregate.

1831 (e) The date the property became payable, demandable, or
1832 returnable, and the date of the last transaction with the
1833 apparent owner with respect to the property.

1834 (f) Any other information the department may prescribe by
1835 rule as necessary for the administration of this chapter.

1836 (2) If the total value of all presumed unclaimed property,
1837 whether tangible or intangible, held by a person is less than
1838 \$10, a zero balance report may be filed for that reporting
1839 period

1840 ~~(f) Any person or business association or public~~
1841 ~~corporation holding funds presumed unclaimed and having a total~~
1842 ~~value of \$10 or less may file a zero balance report for that~~
1843 ~~reporting period. The balance brought forward to the new~~
1844 ~~reporting period is zero.~~

1845 ~~(g) Such other information as the department may prescribe~~
1846 ~~by rule as necessary for the administration of this chapter.~~

1847 (3)~~(h)~~ Credit balances, customer overpayments, security
1848 deposits, and refunds having a value of less than \$10 may ~~shall~~
1849 not be presumed unclaimed.

1850 (4)~~(2)~~ If the holder of property presumed unclaimed and
1851 subject to custody as unclaimed property is a successor holder
1852 or if the holder has changed the holder's name while in
1853 possession of the property, the holder must ~~shall~~ file with the
1854 holder's report all known names and addresses of each prior
1855 holder of the property. Compliance with this subsection means
1856 the holder exercises reasonable and prudent efforts to determine

601-03258-24

20241098c2

1857 the names of all prior holders.

1858 (5)~~(3)~~ The report must be filed before May 1 of each year.
1859 The report applies ~~shall apply~~ to the preceding calendar year.
1860 Upon written request by any person required to file a report,
1861 and upon a showing of good cause, the department may extend the
1862 reporting date. The department may impose and collect a penalty
1863 of \$10 per day up to a maximum of \$500 for the failure to timely
1864 report, if an extension was not provided or if the holder of the
1865 property failed the failure to include in a report information
1866 required by this chapter which was in the holder's possession at
1867 the time of reporting. The penalty must ~~shall~~ be remitted to the
1868 department within 30 days after the date of the notification to
1869 the holder that the penalty is due and owing. As necessary for
1870 proper administration of this chapter, the department may waive
1871 any penalty due with appropriate justification. ~~On written~~
1872 ~~request by any person required to file a report and upon a~~
1873 ~~showing of good cause, the department may postpone the reporting~~
1874 ~~date.~~ The department must provide information contained in a
1875 report filed with the department to any person requesting a copy
1876 of the report or information contained in a report, to the
1877 extent the information requested is not confidential, within 45
1878 days after the department determines that the report has been
1879 processed and added to the unclaimed property database
1880 subsequent to a determination that the report is accurate and
1881 acceptable and that the reported property is the same as the
1882 remitted property.

1883 (6)~~(4)~~ Holders of inactive accounts having a value of \$50
1884 or more shall use due diligence to locate and notify apparent
1885 owners that the entity is holding unclaimed property available

601-03258-24

20241098c2

1886 for them to recover. Not more than 120 days and not less than 60
1887 days prior to filing the report required by this section, the
1888 holder in possession of property presumed unclaimed and subject
1889 to custody as unclaimed property under this chapter shall send
1890 written notice by first-class United States mail to the apparent
1891 owner at the apparent owner's last known address from the
1892 holder's records or from other available sources, or via
1893 electronic mail if the apparent owner has elected this method of
1894 delivery, informing the apparent owner that the holder is in
1895 possession of property subject to this chapter, if the holder
1896 has in its records a mailing or electronic ~~an~~ address for the
1897 apparent owner which the holder's records do not disclose to be
1898 inaccurate. These two means of contact are not mutually
1899 exclusive; if the mailing address is determined to be
1900 inaccurate, electronic mail may be used if so elected by the
1901 apparent owner.

1902 (7) The written notice to the apparent owner required under
1903 this section must:

1904 (a) Contain a heading that reads substantially as follows:
1905 "Notice. The State of Florida requires us to notify you that
1906 your property may be transferred to the custody of the Florida
1907 Department of Financial Services if you do not contact us before
1908 (insert date that is at least 30 days after the date of the
1909 notice)."

1910 (b) Identify the type, nature, and, except for property
1911 that does not have a fixed value, value of the property that is
1912 the subject of the notice.

1913 (c) State that the property will be turned over to the
1914 custody of the department as unclaimed property if no response

601-03258-24

20241098c2

1915 to this letter is received.

1916 (d) State that any property that is not legal tender of the
1917 United States may be sold or liquidated by the department.

1918 (e) State that after the property is turned over to the
1919 department, an apparent owner seeking return of the property may
1920 file a claim with the department.

1921 (f) State that the property is currently with a holder and
1922 provide instructions that the apparent owner must follow to
1923 prevent the holder from reporting and paying for the property or
1924 from delivering the property to the department.

1925 (8)~~(5)~~ Any holder of intangible property may file with the
1926 department a petition for determination that the property is
1927 unclaimed requesting the department to accept custody of the
1928 property. The petition shall state any special circumstances
1929 that exist, contain the information required by subsection (4)
1930 ~~(2)~~, and show that a diligent search has been made to locate the
1931 owner. If the department finds that the proof of diligent search
1932 is satisfactory, it shall give notice as provided in s. 717.118
1933 and accept custody of the property.

1934 (9)~~(6)~~ Upon written request by any entity or person
1935 required to file a report, stating such entity's or person's
1936 justification for such action, the department may place that
1937 entity or person in an inactive status as an unclaimed property
1938 "holder."

1939 (10)~~(7)~~ (a) This section does not apply to the unclaimed
1940 patronage refunds as provided for by contract or through bylaw
1941 provisions of entities organized under chapter 425 or that are
1942 exempt from ad valorem taxation pursuant to s. 196.2002.

1943 (b) This section does not apply to intangible property

601-03258-24

20241098c2

1944 held, issued, or owing by a business association subject to the
1945 jurisdiction of the United States Surface Transportation Board
1946 or its successor federal agency if the apparent owner of such
1947 intangible property is a business association. The holder of
1948 such property does not have any obligation to report, to pay, or
1949 to deliver such property to the department.

1950 (c) This section does not apply to credit balances,
1951 overpayments, refunds, or outstanding checks owed by a health
1952 care provider to a managed care payor with whom the health care
1953 provider has a managed care contract, provided that the credit
1954 balances, overpayments, refunds, or outstanding checks become
1955 due and owing pursuant to the managed care contract.

1956 ~~(11)~~~~(8)~~(a) As used in this subsection, the term "property
1957 identifier" means the descriptor used by the holder to identify
1958 the unclaimed property.

1959 (b) Social security numbers and property identifiers
1960 contained in reports required under this section, held by the
1961 department, are confidential and exempt from s. 119.07(1) and s.
1962 24(a), Art. I of the State Constitution.

1963 (c) This exemption applies to social security numbers and
1964 property identifiers held by the department before, on, or after
1965 the effective date of this exemption.

1966 Section 44. Present subsections (4), (5), and (6) of
1967 section 717.119, Florida Statutes, are redesignated as
1968 subsections (5), (6), and (7), respectively, and a new
1969 subsection (4) and subsection (8) are added to that section, to
1970 read:

1971 717.119 Payment or delivery of unclaimed property.—

1972 (4) All virtual currency reported under this chapter on the

601-03258-24

20241098c2

1973 annual report filing required in s. 717.117 shall be remitted to
1974 the department with the report. The holder shall liquidate the
1975 virtual currency and remit the proceeds to the department. The
1976 liquidation must occur within 30 days before the filing of the
1977 report. Upon delivery of the virtual currency proceeds to the
1978 department, the holder is relieved of all liability of every
1979 kind in accordance with the provisions of s. 717.1201 to every
1980 person for any losses or damages resulting to the person by the
1981 delivery to the department of the virtual currency proceeds.

1982 (8) A holder may not assign or otherwise transfer its
1983 obligation to report, pay, or deliver property or to comply with
1984 the provisions of this chapter, other than to a parent,
1985 subsidiary, or affiliate of the holder.

1986 (a) Unless otherwise agreed to by the parties to a
1987 transaction, the holder's successor by merger or consolidation,
1988 or any person or entity that acquires all or substantially all
1989 of the holder's capital stock or assets, is responsible for
1990 fulfilling the holder's obligation to report, pay, or deliver
1991 property or to comply with the duties of this chapter regarding
1992 the transfer of property owed to the holder's successor and
1993 being held for an owner resulting from the merger,
1994 consolidation, or acquisition.

1995 (b) This subsection does not prohibit a holder from
1996 contracting with a third party for the reporting of unclaimed
1997 property, but the holder remains responsible to the department
1998 for the complete, accurate, and timely reporting of the
1999 property.

2000 Section 45. Section 717.1201, Florida Statutes, is amended
2001 to read:

601-03258-24

20241098c2

2002 717.1201 Custody by state; holder ~~relieved from~~ liability;
2003 reimbursement of holder paying claim; reclaiming for owner;
2004 ~~defense of holder;~~ payment of safe-deposit box or repository
2005 charges.—

2006 (1) Upon the good faith payment or delivery of property to
2007 the department, the state assumes custody and responsibility for
2008 the safekeeping of property. Any person who pays or delivers
2009 property to the department in good faith is relieved of all
2010 liability to the extent of the value of the property paid or
2011 delivered for any claim then existing or which thereafter may
2012 arise or be made in respect to the property.

2013 (a) A holder's substantial compliance with s. 717.117(4)
2014 and good faith payment or delivery of property to the department
2015 terminates any legal relationship between the holder and the
2016 owner with respect to the property reported and releases and
2017 discharges the holder from any and all liability to the owner,
2018 the owner's heirs, personal representatives, successors, or
2019 assigns by reason of such payment or delivery, regardless of
2020 whether such property is in fact and in law unclaimed property,
2021 and such delivery and payment may be plead as a bar to recovery
2022 and are a conclusive defense in any suit or action brought by
2023 the owner, the owner's heirs, personal representatives,
2024 successors, and assigns or any claimant against the holder by
2025 reason of such delivery or payment.

2026 (b) If the holder pays or delivers property to the
2027 department in good faith and thereafter any other person claims
2028 the property from the holder paying or delivering, or another
2029 state claims the money or property under that state's laws
2030 relating to escheat or abandoned or unclaimed property, the

601-03258-24

20241098c2

2031 department, upon written notice of the claim, shall defend the
2032 holder against the claim and indemnify the holder against any
2033 liability on the claim, except that a holder may not be
2034 indemnified against penalties imposed by another state.

2035 (2) For the purposes of this section, a payment or delivery
2036 of property is made in good faith if:

2037 (a) The payment or delivery was made in conjunction with an
2038 accurate and acceptable report.

2039 (b) The payment or delivery was made in a reasonable
2040 attempt to comply with this chapter.

2041 (c) The holder had a reasonable basis for believing, based
2042 on the facts then known, that the property was unclaimed and
2043 subject to this chapter.

2044 (d) There is no showing that the records pursuant to which
2045 the delivery was made did not meet reasonable commercial
2046 standards of practice in the industry.

2047 (3)~~(2)~~ Any holder who has paid money to the department
2048 pursuant to this chapter may make payment to any person
2049 appearing to be entitled to payment and, upon filing proof that
2050 the payee is entitled thereto, the department shall forthwith
2051 repay the holder without deduction of any fee or other charges.
2052 If repayment is sought for a payment made on a negotiable
2053 instrument, including a traveler's check or money order, the
2054 holder must be repaid under this subsection upon filing proof
2055 that the instrument was duly presented and that the payee is
2056 entitled to payment. The holder shall be repaid for payment made
2057 under this subsection even if the payment was made to a person
2058 whose claim was barred under s. 717.129(1).

2059 (4)~~(3)~~ Any holder who has delivered property, including a

601-03258-24

20241098c2

2060 certificate of any interest in a business association, other
2061 than money to the department pursuant to this chapter may
2062 reclaim the property if still in the possession of the
2063 department, without payment of any fee or other charges, upon
2064 filing proof that the owner has claimed the property from the
2065 holder.

2066 (5)~~(4)~~ The department may accept an affidavit of the holder
2067 stating the facts that entitle the holder to recover money and
2068 property under this section as sufficient proof.

2069 ~~(5) If the holder pays or delivers property to the~~
2070 ~~department in good faith and thereafter any other person claims~~
2071 ~~the property from the holder paying or delivering, or another~~
2072 ~~state claims the money or property under that state's laws~~
2073 ~~relating to escheat or abandoned or unclaimed property, the~~
2074 ~~department, upon written notice of the claim, shall defend the~~
2075 ~~holder against the claim and indemnify the holder against any~~
2076 ~~liability on the claim.~~

2077 ~~(6) For the purposes of this section, "good faith" means~~
2078 ~~that:~~

2079 ~~(a) Payment or delivery was made in a reasonable attempt to~~
2080 ~~comply with this chapter.~~

2081 ~~(b) The person delivering the property was not a fiduciary~~
2082 ~~then in breach of trust in respect to the property and had a~~
2083 ~~reasonable basis for believing, based on the facts then known to~~
2084 ~~that person, that the property was unclaimed for the purposes of~~
2085 ~~this chapter.~~

2086 ~~(c) There is no showing that the records pursuant to which~~
2087 ~~the delivery was made did not meet reasonable commercial~~
2088 ~~standards of practice in the industry.~~

601-03258-24

20241098c2

2089 ~~(6)~~⁽⁷⁾ Property removed from a safe-deposit box or other
2090 safekeeping repository is received by the department subject to
2091 the holder's right under this subsection to be reimbursed for
2092 the actual cost of the opening and to any valid lien or contract
2093 providing for the holder to be reimbursed for unpaid rent or
2094 storage charges. The department shall make the reimbursement to
2095 the holder out of the proceeds remaining after the deduction of
2096 the department's selling cost.

2097 (7) If it appears to the satisfaction of the department
2098 that, because of some mistake of fact, error in calculation, or
2099 erroneous interpretation of a statute, a person has paid or
2100 delivered to the department pursuant to any provision of this
2101 chapter any money or other property not required by this chapter
2102 to be so paid or delivered, the department may, within 5 years
2103 after such erroneous payment or delivery, refund or redeliver
2104 such money or other property to the person, provided that such
2105 money or property has not been paid or delivered to a claimant
2106 or otherwise disposed of in accordance with this chapter.

2107 Section 46. Present subsection (2) of section 717.1242,
2108 Florida Statutes, is redesignated as subsection (3), a new
2109 subsection (2) is added to that section, and subsection (1) of
2110 that section is amended, to read:

2111 717.1242 Restatement of jurisdiction of the circuit court
2112 sitting in probate and the department.—

2113 (1) It is and has been the intent of the Legislature that,
2114 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
2115 proceedings relating to the settlement of the estates of
2116 decedents and other jurisdiction usually pertaining to courts of
2117 probate. It is and has been the intent of the Legislature that,

601-03258-24

20241098c2

2118 pursuant to this chapter ~~s. 717.124~~, the department determines
2119 the merits of claims and entitlements to ~~for~~ property paid or
2120 delivered to the department under this chapter. Consistent with
2121 this legislative intent, any ~~estate or~~ beneficiary, devisee,
2122 heir, personal representative, or other interested person, as
2123 those terms are defined in s. 731.201, of an estate seeking to
2124 obtain property paid or delivered to the department under this
2125 chapter must file a claim with the department as provided in s.
2126 717.124.

2127 (2) If a beneficiary, devisee, heir, personal
2128 representative, or other interested person, as those terms are
2129 defined in s. 731.201, of an estate seeks administration of the
2130 estate, of which unclaimed property makes up 50 percent or more
2131 of the assets, the department is considered an interested party
2132 and must be provided with notice of any such proceeding as
2133 provided in the Florida Probate Code and the Florida Probate
2134 Rules.

2135 Section 47. Subsection (4) of section 717.1243, Florida
2136 Statutes, is amended to read:

2137 717.1243 Small estate accounts.—

2138 (4) This section ~~only~~ applies only if all of the unclaimed
2139 property held by the department on behalf of the owner has an
2140 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
2141 proceeding is pending.

2142 Section 48. Subsection (2) of section 717.129, Florida
2143 Statutes, is amended to read:

2144 717.129 Periods of limitation.—

2145 (2) The department may not commence an ~~No~~ action or
2146 proceeding to enforce this chapter with respect to the

601-03258-24

20241098c2

2147 reporting, payment, or delivery of property or any other duty of
2148 a holder under this chapter ~~may be commenced by the department~~
2149 ~~with respect to any duty of a holder under this chapter~~ more
2150 than 10 years after the duty arose. The period of limitation
2151 established under this subsection is tolled by the earlier of
2152 the department's or audit agent's delivery of a notice that a
2153 holder is subject to an audit or examination under s. 717.1301
2154 or the holder's written election to enter into an unclaimed
2155 property voluntary disclosure agreement.

2156 Section 49. Section 717.1301, Florida Statutes, is amended
2157 to read:

2158 717.1301 Investigations; examinations; subpoenas.—

2159 (1) To carry out the chapter's purpose of protecting the
2160 interest of missing owners through the safeguarding of their
2161 property and to administer and enforce this chapter, the
2162 department may:

2163 (a) Investigate, examine, inspect, request, or otherwise
2164 gather information or evidence on claim documents from a
2165 claimant or a claimant's representative during its review of a
2166 claim.

2167 (b) Audit the records of a person or the records in the
2168 possession of an agent, representative, subsidiary, or affiliate
2169 of the person subject to this chapter to determine whether the
2170 person complied with this chapter. Such records may include
2171 information to verify the completeness or accuracy of the
2172 records provided, even if such records may not identify property
2173 reportable to the department.

2174 (c) Take testimony of a person, including the person's
2175 employee, agent, representative, subsidiary, or affiliate, to

601-03258-24

20241098c2

2176 determine whether the person complied with this chapter.

2177 (d) Issue an administrative subpoena to require that the
2178 records specified in paragraph (b) be made available for
2179 examination or audit and that the testimony specified in
2180 paragraph (c) be provided.

2181 (e) Bring an action in a court of competent jurisdiction
2182 seeking enforcement of an administrative subpoena issued under
2183 this section, which the court shall consider under procedures
2184 that will lead to an expeditious resolution of the action.

2185 (f) Bring an administrative action or an action in a court
2186 of competent jurisdiction to enforce this chapter.

2187 (2) If a person is subject to reporting property under this
2188 chapter, the department may require the person to file a
2189 verified report in a form prescribed by the department. The
2190 verified report must:

2191 (a) State whether the person is holding property reportable
2192 under this chapter;

2193 (b) Describe the property not previously reported, the
2194 property about which the department has inquired, or the
2195 property that is in dispute as to whether it is reportable under
2196 this chapter; and

2197 (c) State the amount or value of the property.

2198 (3) The department may authorize a compliance review of a
2199 report for a specified reporting year. The review must be
2200 limited to the contents of the report filed, as required by s.
2201 717.117 and subsection (2), and all supporting documents related
2202 to the reports. If the review results in a finding of a
2203 deficiency in unclaimed property due and payable to the
2204 department, the department shall notify the holder in writing of

601-03258-24

20241098c2

2205 the amount of deficiency within 1 year after the authorization
2206 of the compliance review. If the holder fails to pay the
2207 deficiency within 90 days, the department may seek to enforce
2208 the assessment under subsection (1). The department is not
2209 required to conduct a review under this section before
2210 initiating an audit.

2211 (4) Notwithstanding any other provision of law, in a
2212 contract providing for the location or collection of unclaimed
2213 property, the department may authorize the contractor to deduct
2214 its fees and expenses for services provided under the contract
2215 from the unclaimed property that the contractor has recovered or
2216 collected under the contract. The department shall annually
2217 report to the Chief Financial Officer the total amount collected
2218 or recovered by each contractor during the previous fiscal year
2219 and the total fees and expenses deducted by each contractor.

2220 ~~(1) The department may make investigations and examinations~~
2221 ~~within or outside this state of claims, reports, and other~~
2222 ~~records as it deems necessary to administer and enforce the~~
2223 ~~provisions of this chapter. In such investigations and~~
2224 ~~examinations the department may administer oaths, examine~~
2225 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2226 ~~department may request any person who has not filed a report~~
2227 ~~under s. 717.117 to file a verified report stating whether or~~
2228 ~~not the person is holding any unclaimed property reportable or~~
2229 ~~deliverable under this chapter.~~

2230 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2231 ~~material to any investigation or examination under this section~~
2232 ~~may be issued by the department under seal of the department, or~~
2233 ~~by any court of competent jurisdiction, commanding such~~

601-03258-24

20241098c2

2234 ~~witnesses to appear before the department at a time and place~~
2235 ~~named and to bring such books, records, and documents as may be~~
2236 ~~specified or to submit such books, records, and documents to~~
2237 ~~inspection. Such subpoenas may be served by an authorized~~
2238 ~~representative of the department.~~

2239 ~~(3) If any person shall refuse to testify, produce books,~~
2240 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2241 ~~issued under this section, the department may present its~~
2242 ~~petition to a court of competent jurisdiction in or for the~~
2243 ~~county in which such person resides or has its principal place~~
2244 ~~of business, whereupon the court shall issue its rule nisi~~
2245 ~~requiring such person to obey forthwith the subpoena issued by~~
2246 ~~the department or show cause for failing to obey said subpoena.~~
2247 ~~Unless said person shows sufficient cause for failing to obey~~
2248 ~~the subpoena, the court shall forthwith direct such person to~~
2249 ~~obey the same subject to such punishment as the court may direct~~
2250 ~~including, but not limited to, the restraint, by injunction or~~
2251 ~~by appointment of a receiver, of any transfer, pledge,~~
2252 ~~assignment, or other disposition of such person's assets or any~~
2253 ~~concealment, alteration, destruction, or other disposition of~~
2254 ~~subpoenaed books, records, or documents as the court deems~~
2255 ~~appropriate, until such person has fully complied with such~~
2256 ~~subpoena and the department has completed its investigation or~~
2257 ~~examination. The department is entitled to the summary procedure~~
2258 ~~provided in s. 51.011, and the court shall advance the cause on~~
2259 ~~its calendar. Costs incurred by the department to obtain an~~
2260 ~~order granting, in whole or in part, its petition shall be taxed~~
2261 ~~against the subpoenaed person, and failure to comply with such~~
2262 ~~order shall be a contempt of court.~~

601-03258-24

20241098c2

2263 ~~(4) Witnesses shall be entitled to the same fees and~~
2264 ~~mileage as they may be entitled by law for attending as~~
2265 ~~witnesses in the circuit court, except where such examination or~~
2266 ~~investigation is held at the place of business or residence of~~
2267 ~~the witness.~~

2268 (5) The material compiled by the department in an
2269 investigation or examination under this chapter is confidential
2270 until the investigation or examination is complete. If any such
2271 material contains a holder's financial or proprietary
2272 information, it may not be disclosed or made public by the
2273 department after the investigation or audit is completed, except
2274 as required by a court of competent jurisdiction in the course
2275 of a judicial proceeding in which the state is a party, or
2276 pursuant to an agreement with another state allowing joint
2277 audits. Such material may be considered a trade secret and
2278 exempt from s. 119.07(1) as provided for in s. 119.0715. The
2279 records, data, and information gathered ~~material compiled~~ by the
2280 department in an investigation or audit ~~examination~~ under this
2281 chapter remain ~~remains~~ confidential ~~after the department's~~
2282 ~~investigation or examination is complete~~ if the department has
2283 submitted the material or any part of it to any law enforcement
2284 agency or other administrative agency for further investigation
2285 or for the filing of a criminal or civil prosecution and such
2286 investigation has not been completed or become inactive.

2287 (6) If an investigation or an audit ~~examination~~ of the
2288 records of any person results in the disclosure of property
2289 reportable and deliverable under this chapter, the department
2290 may assess the cost of the investigation or audit ~~the~~
2291 ~~examination~~ against the holder ~~at the rate of \$100 per 8-hour~~

601-03258-24

20241098c2

2292 ~~day for each investigator or examiner. Such fee shall be~~
2293 ~~calculated on an hourly basis and shall be rounded to the~~
2294 ~~nearest hour. The person shall also pay the travel expense and~~
2295 ~~per diem subsistence allowance provided for state employees in~~
2296 ~~s. 112.061. The person shall not be required to pay a per diem~~
2297 ~~fee and expenses of an examination or investigation which shall~~
2298 ~~consume more than 30 worker-days in any one year unless such~~
2299 ~~examination or investigation is due to fraudulent practices of~~
2300 ~~the person, in which case such person shall be required to pay~~
2301 ~~the entire cost regardless of time consumed. The fee for the~~
2302 ~~costs of the investigation or audit shall be remitted to the~~
2303 ~~department within 30 days after the date of the notification~~
2304 ~~that the fee is due and owing. Any person who fails to pay the~~
2305 ~~fee within 30 days after the date of the notification that the~~
2306 ~~fee is due and owing shall pay to the department interest at the~~
2307 ~~rate of 12 percent per annum on such fee from the date of the~~
2308 ~~notification.~~

2309 Section 50. Subsection (1) of section 717.1311, Florida
2310 Statutes, is amended to read:

2311 717.1311 Retention of records.—

2312 (1) Every holder required to file a report under s. 717.117
2313 shall maintain a record of the specific type of property,
2314 amount, name, and last known address of the owner for 10 ~~5~~ years
2315 after the property becomes reportable, except to the extent that
2316 a shorter time is provided in subsection (2) or by rule of the
2317 department.

2318 Section 51. Paragraph (j) of subsection (1) and subsection
2319 (3) of section 717.1322, Florida Statutes, are amended to read:

2320 717.1322 Administrative and civil enforcement.—

601-03258-24

20241098c2

2321 (1) The following acts are violations of this chapter and
2322 constitute grounds for an administrative enforcement action by
2323 the department in accordance with the requirements of chapter
2324 120 and for civil enforcement by the department in a court of
2325 competent jurisdiction:

2326 (j) Requesting or receiving compensation for notifying a
2327 person of his or her unclaimed property or assisting another
2328 person in filing a claim for unclaimed property, unless the
2329 person is an attorney licensed to practice law in this state, a
2330 Florida-certified public accountant, or a private investigator
2331 licensed under chapter 493, or entering into, or making a
2332 solicitation to enter into, an agreement to file a claim for
2333 unclaimed property owned by another, ~~or a contract or agreement~~
2334 ~~to purchase unclaimed property,~~ unless such person is registered
2335 with the department under this chapter and an attorney licensed
2336 to practice law in this state in the regular practice of her or
2337 his profession, a Florida-certified public accountant who is
2338 acting within the scope of the practice of public accounting as
2339 defined in chapter 473, or a private investigator licensed under
2340 chapter 493. This paragraph does not apply to a person who has
2341 been granted a durable power of attorney to convey and receive
2342 all of the real and personal property of the owner, is the
2343 court-appointed guardian of the owner, has been employed as an
2344 attorney or qualified representative to contest the department's
2345 denial of a claim, or has been employed as an attorney to
2346 probate the estate of the owner or an heir or legatee of the
2347 owner.

2348 (3) A claimant's representative ~~registrant~~ is subject to
2349 civil enforcement and the disciplinary actions specified in

601-03258-24

20241098c2

2350 subsection (2) for violations of subsection (1) by an agent or
2351 employee of the registrant's employer if the claimant's
2352 representative ~~registrant~~ knew or should have known that such
2353 agent or employee was violating any provision of this chapter.

2354 Section 52. Subsection (1) of section 717.1333, Florida
2355 Statutes, is amended to read:

2356 717.1333 Evidence; estimations; audit reports and
2357 worksheets, investigator ~~examiner's worksheets, investigative~~
2358 reports and worksheets, other related documents.-

2359 (1) In any proceeding involving a holder under ss. 120.569
2360 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2361 investigator acting under authority of this chapter is available
2362 for cross-examination, any official written report, worksheet,
2363 or other related paper, or copy thereof, compiled, prepared,
2364 drafted, or otherwise made or received by the audit agent
2365 ~~auditor, examiner,~~ or investigator, after being duly
2366 authenticated by the audit agent ~~auditor, examiner,~~ or
2367 investigator, may be admitted as competent evidence upon the
2368 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2369 the report, worksheet, or related paper was prepared or received
2370 as a result of an audit, examination, or investigation of the
2371 books and records of the person audited, examined, or
2372 investigated, or the agent thereof.

2373 Section 53. Subsections (1) and (2) of section 717.134,
2374 Florida Statutes, are amended to read:

2375 717.134 Penalties and interest.-

2376 (1) For any person who willfully fails to render any report
2377 required under this chapter, the department may impose and
2378 collect a penalty of \$500 per day up to a maximum of \$5,000 and

601-03258-24

20241098c2

2379 25 percent of the value of property not reported until an
2380 appropriate a report is provided ~~rendered for any person who~~
2381 ~~willfully fails to render any report required under this~~
2382 ~~chapter~~. Upon a holder's showing of good cause, the department
2383 may waive said penalty or any portion thereof. If the holder
2384 acted in good faith and without negligence, the department shall
2385 waive the penalty provided herein.

2386 (2) For any person who willfully refuses to pay or deliver
2387 unclaimed property to the department as required under this
2388 chapter, the department may impose and collect a penalty of \$500
2389 per day up to a maximum of \$5,000 and 25 percent of the value of
2390 property not paid or delivered until the property is paid or
2391 delivered ~~for any person who willfully refuses to pay or deliver~~
2392 ~~abandoned property to the department as required under this~~
2393 ~~chapter~~.

2394 Section 54. Section 717.135, Florida Statutes, is amended
2395 to read:

2396 717.135 Recovery agreements and purchase agreements for
2397 claims filed by a claimant's representative or a purchaser; fees
2398 and costs, or total net gain.—

2399 (1) In order to protect the interests of owners of
2400 unclaimed property, the department shall adopt by rule a form
2401 entitled "Unclaimed Property Recovery Agreement" and a form
2402 entitled "Unclaimed Property Purchase Agreement."

2403 (2) The Unclaimed Property Recovery Agreement and the
2404 Unclaimed Property Purchase Agreement must include and disclose
2405 all of the following:

2406 (a) The total dollar amount of unclaimed property accounts
2407 claimed or sold.

601-03258-24

20241098c2

2408 (b) The total percentage of all authorized fees and costs
2409 to be paid to the claimant's representative or the percentage of
2410 the value of the property to be paid as net gain to the
2411 purchaser ~~purchasing claimant's representative~~.

2412 (c) The total dollar amount to be deducted and received
2413 from the claimant as fees and costs by the claimant's
2414 representative or the total net dollar amount to be received by
2415 the purchaser ~~purchasing claimant's representative~~.

2416 (d) The net dollar amount to be received by the claimant or
2417 the seller.

2418 (e) For each account claimed, the unclaimed property
2419 account number.

2420 (f) For the Unclaimed Property Purchase Agreement, a
2421 statement that the amount of the purchase price will be remitted
2422 to the seller by the purchaser within 30 days after the
2423 execution of the agreement by the seller.

2424 (g) The name, address, e-mail address, phone number, and
2425 license number of the claimant's representative, or the name,
2426 address, e-mail address, and phone number of the purchaser.

2427 (h)1. The manual signature of the claimant or seller and
2428 the date signed, affixed on the agreement by the claimant or
2429 seller.

2430 2. Notwithstanding any other provision of this chapter to
2431 the contrary, the department may allow an apparent owner, who is
2432 also the claimant or seller, to sign the agreement
2433 electronically ~~for claims of \$2,000 or less~~. All electronic
2434 signatures on the Unclaimed Property Recovery Agreement and the
2435 Unclaimed Property Purchase Agreement must be affixed on the
2436 agreement by the claimant or seller using the specific,

601-03258-24

20241098c2

2437 exclusive eSignature product and protocol authorized by the
2438 department.

2439 (i) The social security number or taxpayer identification
2440 number of the claimant or seller, if a number has been issued to
2441 the claimant or seller.

2442 (j) The total fees and costs, or the total discount in the
2443 case of a purchase agreement, which may not exceed 30 percent of
2444 the claimed amount. In the case of a recovery agreement, if the
2445 total fees and costs exceed 30 percent, the fees and costs shall
2446 be reduced to 30 percent and the net balance shall be remitted
2447 directly by the department to the claimant. In the case of a
2448 purchase agreement, if the total net gain of the purchaser
2449 exceeds 30 percent, the claim will be denied.

2450 (3) For an Unclaimed Property Purchase Agreement form,
2451 proof that the purchaser has made payment must be filed with the
2452 department along with the claim. If proof of payment is not
2453 provided, the claim is void.

2454 (4) A claimant's representative or a purchaser must use the
2455 Unclaimed Property Recovery Agreement or the Unclaimed Property
2456 Purchase Agreement as the exclusive means of entering into an
2457 agreement or a contract with a claimant or seller to file a
2458 claim with the department.

2459 (5) Fees and costs may be owed or paid to, or received by,
2460 a claimant's representative or a purchaser only after a filed
2461 claim has been approved and if the claimant's representative
2462 used an agreement authorized by this section.

2463 (6) A claimant's representative or a purchaser may not use
2464 or distribute any other agreement of any type, conveyed by any
2465 method, with respect to the claimant or seller which relates,

601-03258-24

20241098c2

2466 directly or indirectly, to unclaimed property accounts held by
2467 the department or the Chief Financial Officer other than the
2468 agreements authorized by this section. Any engagement,
2469 authorization, recovery, or fee agreement that is not authorized
2470 by this section is void. A claimant's representative or a
2471 purchaser is subject to administrative and civil enforcement
2472 under s. 717.1322 if he or she uses an agreement that is not
2473 authorized by this section and if the agreement is used to
2474 apply, directly or indirectly, to unclaimed property held by
2475 this state. This subsection does not prohibit lawful
2476 nonagreement, noncontractual, or advertising communications
2477 between or among the parties.

2478 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2479 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2480 that makes the agreement irrevocable or that creates an
2481 assignment of any portion of unclaimed property held by the
2482 department.

2483 (8) When a claim is approved, the department may pay any
2484 additional account that is owned by the claimant but has not
2485 been claimed at the time of approval, provided that a subsequent
2486 claim has not been filed or is not pending for the claimant at
2487 the time of approval.

2488 (9) This section does not supersede s. 717.1241.

2489 (10) This section does not apply to the sale and purchase
2490 of Florida-held unclaimed property accounts through a bankruptcy
2491 trustee appointed to represent a debtor's estate in a bankruptcy
2492 proceeding in accordance with the United States Bankruptcy Code.

2493 Section 55. Subsections (1), (2), and (3) of section
2494 717.1400, Florida Statutes, are amended to read:

601-03258-24

20241098c2

2495 717.1400 Registration.—

2496 (1) In order to file claims as a claimant's representative,
2497 ~~acquire ownership of or entitlement to unclaimed property,~~
2498 receive a distribution of fees and costs from the department,
2499 and obtain unclaimed property dollar amounts and numbers of
2500 reported shares of stock held by the department, a private
2501 investigator holding a Class "C" individual license under
2502 chapter 493 must register with the department on such form as
2503 the department prescribes by rule and must be verified by the
2504 applicant. To register with the department, a private
2505 investigator must provide:

2506 (a) A legible copy of the applicant's Class "A" business
2507 license under chapter 493 or that of the applicant's firm or
2508 employer which holds a Class "A" business license under chapter
2509 493.

2510 (b) A legible copy of the applicant's Class "C" individual
2511 license issued under chapter 493.

2512 (c) The business address and telephone number of the
2513 applicant's private investigative firm or employer.

2514 (d) The names of agents or employees, if any, who are
2515 designated to act on behalf of the private investigator,
2516 together with a legible copy of their photo identification
2517 issued by an agency of the United States, or a state, or a
2518 political subdivision thereof.

2519 (e) Sufficient information to enable the department to
2520 disburse funds by electronic funds transfer.

2521 (f) The tax identification number of the private
2522 investigator's firm or employer which holds a Class "A" business
2523 license under chapter 493.

601-03258-24

20241098c2

2524 (2) In order to file claims as a claimant's representative,
2525 ~~acquire ownership of or entitlement to unclaimed property,~~
2526 receive a distribution of fees and costs from the department,
2527 and obtain unclaimed property dollar amounts and numbers of
2528 reported shares of stock held by the department, a Florida-
2529 certified public accountant must register with the department on
2530 such form as the department prescribes by rule and must be
2531 verified by the applicant. To register with the department, a
2532 Florida-certified public accountant must provide:

2533 (a) The applicant's Florida Board of Accountancy number.

2534 (b) A legible copy of the applicant's current driver
2535 license showing the full name and current address of such
2536 person. If a current driver license is not available, another
2537 form of identification showing the full name and current address
2538 of such person or persons shall be filed with the department.

2539 (c) The business address and telephone number of the
2540 applicant's public accounting firm or employer.

2541 (d) The names of agents or employees, if any, who are
2542 designated to act on behalf of the Florida-certified public
2543 accountant, together with a legible copy of their photo
2544 identification issued by an agency of the United States, or a
2545 state, or a political subdivision thereof.

2546 (e) Sufficient information to enable the department to
2547 disburse funds by electronic funds transfer.

2548 (f) The tax identification number of the accountant's
2549 public accounting firm employer.

2550 (3) In order to file claims as a claimant's representative,
2551 ~~acquire ownership of or entitlement to unclaimed property,~~
2552 receive a distribution of fees and costs from the department,

601-03258-24

20241098c2

2553 and obtain unclaimed property dollar amounts and numbers of
2554 reported shares of stock held by the department, an attorney
2555 licensed to practice in this state must register with the
2556 department on such form as the department prescribes by rule and
2557 must be verified by the applicant. To register with the
2558 department, such attorney must provide:

2559 (a) The applicant's Florida Bar number.

2560 (b) A legible copy of the applicant's current driver
2561 license showing the full name and current address of such
2562 person. If a current driver license is not available, another
2563 form of identification showing the full name and current address
2564 of such person or persons shall be filed with the department.

2565 (c) The business address and telephone number of the
2566 applicant's firm or employer.

2567 (d) The names of agents or employees, if any, who are
2568 designated to act on behalf of the attorney, together with a
2569 legible copy of their photo identification issued by an agency
2570 of the United States, or a state, or a political subdivision
2571 thereof.

2572 (e) Sufficient information to enable the department to
2573 disburse funds by electronic funds transfer.

2574 (f) The tax identification number of the attorney's firm or
2575 employer.

2576 Section 56. Paragraph (a) of subsection (2) of section
2577 197.582, Florida Statutes, is amended to read:

2578 197.582 Disbursement of proceeds of sale.—

2579 (2) (a) If the property is purchased for an amount in excess
2580 of the statutory bid of the certificateholder, the surplus must
2581 be paid over and disbursed by the clerk as set forth in

601-03258-24

20241098c2

2582 subsections (3), (5), and (6). If the opening bid included the
 2583 homestead assessment pursuant to s. 197.502(6)(c), that amount
 2584 must be treated as surplus and distributed in the same manner.
 2585 The clerk shall distribute the surplus to the governmental units
 2586 for the payment of any lien of record held by a governmental
 2587 unit against the property, including any tax certificates not
 2588 incorporated in the tax deed application and omitted taxes, if
 2589 any. If there remains a balance of undistributed funds, the
 2590 balance must be retained by the clerk for the benefit of persons
 2591 described in s. 197.522(1)(a), except those persons described in
 2592 s. 197.502(4)(h), as their interests may appear. The clerk shall
 2593 mail notices to such persons notifying them of the funds held
 2594 for their benefit at the addresses provided in s. 197.502(4).
 2595 Such notice constitutes compliance with the requirements of s.
 2596 717.117(6) ~~s. 717.117(4)~~. Any service charges and costs of
 2597 mailing notices shall be paid out of the excess balance held by
 2598 the clerk. Notice must be provided in substantially the
 2599 following form:

2600 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2601 CLERK OF COURT

2602 COUNTY, FLORIDA

2603 Tax Deed #.....

2604 Certificate #.....

2605 Property Description:

2606 Pursuant to chapter 197, Florida Statutes, the above
 2607 property was sold at public sale on ...(date of sale)..., and a
 2608 surplus of \$...(amount)... (subject to change) will be held by
 2609 this office for 120 days beginning on the date of this notice to
 2610 benefit the persons having an interest in this property as

601-03258-24

20241098c2

2611 described in section 197.502(4), Florida Statutes, as their
2612 interests may appear (except for those persons described in
2613 section 197.502(4)(h), Florida Statutes).

2614 To the extent possible, these funds will be used to satisfy
2615 in full each claimant with a senior mortgage or lien in the
2616 property before distribution of any funds to any junior mortgage
2617 or lien claimant or to the former property owner. To be
2618 considered for funds when they are distributed, you must file a
2619 notarized statement of claim with this office within 120 days of
2620 this notice. If you are a lienholder, your claim must include
2621 the particulars of your lien and the amounts currently due. Any
2622 lienholder claim that is not filed within the 120-day deadline
2623 is barred.

2624 A copy of this notice must be attached to your statement of
2625 claim. After the office examines the filed claim statements, it
2626 will notify you if you are entitled to any payment.

2627 Dated:

2628 Clerk of Court

2629 Section 57. Subsection (1) of section 717.1382, Florida
2630 Statutes, is amended to read:

2631 717.1382 United States savings bond; unclaimed property;
2632 escheatment; procedure.—

2633 (1) Notwithstanding any other provision of law, a United
2634 States savings bond in possession of the department or
2635 registered to a person with a last known address in the state,
2636 including a bond that is lost, stolen, or destroyed, is presumed
2637 abandoned and unclaimed 5 years after the bond reaches maturity
2638 and no longer earns interest and shall be reported and remitted
2639 to the department by the financial institution or other holder

601-03258-24

20241098c2

2640 in accordance with ss. 717.117(1) and (5) ~~ss. 717.117(1) and (3)~~
2641 and 717.119, if the department is not in possession of the bond.

2642 Section 58. Paragraph (c) of subsection (10) of section
2643 766.302, Florida Statutes, is amended to read:

2644 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
2645 766.301-766.316, the term:

2646 (10) "Family residential or custodial care" means care
2647 normally rendered by trained professional attendants which is
2648 beyond the scope of child care duties, but which is provided by
2649 family members. Family members who provide nonprofessional
2650 residential or custodial care may not be compensated under this
2651 act for care that falls within the scope of child care duties
2652 and other services normally and gratuitously provided by family
2653 members. Family residential or custodial care shall be performed
2654 only at the direction and control of a physician when such care
2655 is medically necessary. Reasonable charges for expenses for
2656 family residential or custodial care provided by a family member
2657 shall be determined as follows:

2658 ~~(c) The award of family residential or custodial care as~~
2659 ~~defined in this section shall not be included in the current~~
2660 ~~estimates for purposes of s. 766.314(9)(c).~~

2661 Section 59. Paragraph (c) of subsection (9) of section
2662 766.314, Florida Statutes, is amended, and subsection (10) is
2663 added to that section, to read:

2664 766.314 Assessments; plan of operation.—

2665 (9)

2666 (c) If the total of all current estimates equals or exceeds
2667 100 ~~80~~ percent of the funds on hand and the funds that will
2668 become available to the association within the next 12 months

601-03258-24

20241098c2

2669 from all sources described in subsection (4) ~~subsections (4)~~ and
2670 paragraphs (5) (a) (5) and ~~paragraph~~ (7) (a), the association may
2671 not accept any new claims without express authority from the
2672 Legislature. ~~Nothing in This section~~ does not preclude ~~precludes~~
2673 the association from accepting any claim if the injury occurred
2674 18 months or more before the effective date of this suspension.
2675 Within 30 days after the effective date of this suspension, the
2676 association shall notify the Governor, the Speaker of the House
2677 of Representatives, the President of the Senate, the Office of
2678 Insurance Regulation, the Agency for Health Care Administration,
2679 and the Department of Health of this suspension.

2680 (10) (a) By July 1, 2024, the association shall provide a
2681 report to the Governor, the Chief Financial Officer, the
2682 President of the Senate, and the Speaker of the House of
2683 Representatives which includes all of the following:

2684 1. Options for defining actuarial soundness for the
2685 association, including options for phase-in, if appropriate.

2686 2. Options for timing of reporting actuarial soundness and
2687 to whom it should be reported.

2688 3. Options for ensuring a revenue level to maintain
2689 actuarial soundness, including options for phase-in, if
2690 appropriate.

2691 (b) Any recommendations made in the report must be in
2692 consultation with appropriate stakeholders, including, but not
2693 limited to, any of the following:

2694 1. The Office of Insurance Regulation.

2695 2. Hospitals.

2696 3. Participating physicians.

2697 4. Nonparticipating physicians.

601-03258-24

20241098c2

2698 5. Casualty insurers.

2699 6. The Agency for Health Care Administration.

2700 7. Parents of current NICA participants.

2701 Section 60. The Division of Law Revision is directed to
2702 prepare a reviser's bill for the 2025 Regular Session of the
2703 Legislature to change the term "Division of Investigative and
2704 Forensic Services" wherever the term appears in the Florida
2705 Statutes to "Division of Criminal Investigations."

2706 Section 61. Except as otherwise expressly provided in this
2707 act, this act shall take effect upon becoming a law.