

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative LaMarca offered the following:

4
 5 **Amendment**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 17.69, Florida Statutes, is created to
 8 read:

9 17.69 Federal Tax Liaison.—

10 (1) The Federal Tax Liaison position is created within the
 11 department. The purpose of the position is to assist the
 12 taxpayers of the state.

13 (2) The Chief Financial Officer shall appoint a Federal
 14 Tax Liaison. The Federal Tax Liaison reports directly to the
 15 Chief Financial Officer, but is not otherwise under the

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16 authority of the department or of any employee of the
17 department.

18 (3) The Federal Tax Liaison may

19 (a) Assist taxpayers by answering taxpayer questions.

20 (b) Direct taxpayers to the proper departments or offices
21 within the Internal Revenue Service in order to hasten
22 resolution to taxpayer issues.

23 (c) Prepare recommendations for the Internal Revenue
24 Service of any actions that will help resolve problems
25 encountered by taxpayers.

26 (d) Provide information about the policies, practices and
27 procedures the Internal Revenue Service uses to ensure
28 compliance with the tax laws.

29 (e) Request records from the Internal Revenue Service to
30 assist taxpayer inquiries with the taxpayer's consent.

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

36 20.121 Department of Financial Services.—There is created
37 a Department of Financial Services.

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

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40 (e) The Division of Criminal Investigations ~~Investigative~~
41 ~~and Forensic Services~~, which shall function as a criminal
42 justice agency for purposes of ss. 943.045-943.08. The division
43 may initiate and conduct investigations into any matter under
44 the jurisdiction of the Chief Financial Officer and Fire Marshal
45 within or outside of this state as it deems necessary. ~~If,~~
46 ~~during an investigation, the division has reason to believe that~~
47 ~~any criminal law of this state or the United States has or may~~
48 ~~have been violated, it shall refer any records tending to show~~
49 ~~such violation to state law enforcement and, if applicable,~~
50 ~~federal prosecutorial agencies and shall provide investigative~~
51 ~~assistance to those agencies as appropriate. The division shall~~
52 ~~include the following bureaus and office:~~

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

54 2. ~~The Bureau of Fire, Arson, and Explosives~~
55 ~~Investigations;~~

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

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

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

60 (f) ~~The Division of Public Assistance Fraud, which shall~~
61 ~~function as a criminal justice agency for purposes of ss.~~
62 ~~943.045-943.08. The division shall conduct investigations~~
63 ~~pursuant to s. 414.411 within or outside of the state as it~~
64 ~~deems necessary. If, during an investigation, the division has~~

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65 ~~reason to believe that any criminal law of the state has or may~~
66 ~~have been violated, it shall refer any records supporting such~~
67 ~~violation to state or federal law enforcement or prosecutorial~~
68 ~~agencies and shall provide investigative assistance to those~~
69 ~~agencies as required.~~

70 Section 3. Subsection (2) of section 112.1816, Florida
71 Statutes, is amended to read:

72 112.1816 Firefighters; cancer diagnosis.-

73 (2) Upon a diagnosis of cancer, a firefighter is entitled
74 to the following benefits, as an alternative to pursuing
75 workers' compensation benefits under chapter 440, if the
76 firefighter has been employed by his or her employer for at
77 least 5 continuous years, has not used tobacco products for at
78 least the preceding 5 years, and has not been employed in any
79 other position in the preceding 5 years which is proven to
80 create a higher risk for any cancer:

81 (a) Cancer treatment covered within an employer-sponsored
82 health plan or through a group health insurance trust fund. The
83 employer must timely reimburse the firefighter for any out-of-
84 pocket deductible, copayment, or coinsurance costs incurred due
85 to the treatment of cancer.

86 (b) A one-time cash payout of \$25,000, upon the
87 firefighter's initial diagnosis of cancer.

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88 (c) Leave time and job retention benefits equivalent to
89 those provided for other injuries or illnesses incurred in the
90 line of duty.

91 If the firefighter elects to continue coverage in the employer-
92 sponsored health plan or group health insurance trust fund after
93 he or she terminates employment, the benefits specified in
94 paragraphs (a) and (b) must be made available by the former
95 employer of a firefighter for 10 years following the date on
96 which the firefighter terminates employment so long as the
97 firefighter otherwise met the criteria specified in this
98 subsection when he or she terminated employment and was not
99 subsequently employed as a firefighter following that date. For
100 purposes of determining leave time and employee retention
101 policies, the employer must consider a firefighter's cancer
102 diagnosis as an injury or illness incurred in the line of duty.
103

104 Section 4. Paragraph (f) of subsection (2) and paragraph
105 (h) of subsection (3) of section 121.0515, Florida Statutes, are
106 amended to read:

107 121.0515 Special Risk Class.—

108 (2) MEMBERSHIP.—

109 (f) Effective July 1, 2008, the member must be employed by
110 the Department of Law Enforcement in the crime laboratory or by
111 the Department of Financial Services ~~Division of State Fire~~

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112 ~~Marshal~~ in the forensic laboratory and meet the special criteria
113 set forth in paragraph (3)(h).

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

116 (h) Effective July 1, 2024 ~~2008~~, the member must be
117 employed by the Department of Law Enforcement in the crime
118 laboratory or by the Department of Financial Services Division
119 ~~of State Fire Marshal~~ in the forensic laboratory in one of the
120 following classes:

- 121 1. Forensic technologist (class code 8459);
- 122 2. Crime laboratory technician (class code 8461);
- 123 3. Crime laboratory analyst (class code 8463);
- 124 4. Senior crime laboratory analyst (class code 8464);
- 125 5. Crime laboratory analyst supervisor (class code 8466);
- 126 6. Forensic chief (class code 9602); or
- 127 7. Forensic services quality manager (class code 9603);

128 Section 5. Subsections (1) and (2) of section 215.5586,
129 Florida Statutes, as amended by section 5 of chapter 2023-349,
130 Laws of Florida, are amended to read:

131 215.5586 My Safe Florida Home Program.—There is
132 established within the Department of Financial Services the My
133 Safe Florida Home Program. The department shall provide fiscal
134 accountability, contract management, and strategic leadership
135 for the program, consistent with this section. This section does
136 not create an entitlement for property owners or obligate the

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137 state in any way to fund the inspection or retrofitting of
138 residential property in this state. Implementation of this
139 program is subject to annual legislative appropriations. It is
140 the intent of the Legislature that the My Safe Florida Home
141 Program provide licensed inspectors to perform inspections for
142 eligible homes ~~owners of site-built, single-family, residential~~
143 ~~properties~~ and grants to fund hurricane mitigation projects for
144 those homes ~~eligible applicants~~ as funding allows. The program
145 shall develop and implement a comprehensive and coordinated
146 approach for hurricane damage mitigation that may include the
147 following:

148 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

156 (b) An application for an inspection must contain a signed
157 or electronically verified statement made under penalty of
158 perjury that the applicant has submitted only a single
159 inspection application and must have attached documents
160 demonstrating that the applicant meets the requirements of

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161 paragraph (a). An applicant may submit a new inspection
162 application if all of the following criteria are met:

163 1. The original application has already been denied or
164 withdrawn.

165 2. The program's eligibility requirements or applicant's
166 qualifications have changed since the original application date.

167 3. The applicant reasonably believes that the home will be
168 eligible under the new requirements or qualifications.

169 (c) An applicant who meets the requirements of paragraph
170 (a) may apply for and receive an inspection without also
171 applying for a grant pursuant to subsection (2) and without
172 meeting the requirements of paragraph (2)(a).

173 (d)-(a) Licensed inspectors are to provide home inspections
174 of eligible homes ~~site-built, single-family, residential~~
175 ~~properties for which a homestead exemption has been granted,~~ to
176 determine what mitigation measures are needed, what insurance
177 premium discounts may be available, and what improvements to
178 existing residential properties are needed to reduce the
179 property's vulnerability to hurricane damage. ~~An inspector may~~
180 ~~inspect a townhouse as defined in s. 481.203 to determine if~~
181 ~~opening protection mitigation as listed in paragraph (2)(c)~~
182 ~~would provide improvements to mitigate hurricane damage.~~

183 (e)-(b) The Department of Financial Services shall contract
184 with wind certification entities to provide hurricane mitigation

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185 inspections. The inspections provided to homeowners, at a
186 minimum, must include:

187 1. A home inspection and report that summarizes the
188 results and identifies recommended improvements a homeowner may
189 take to mitigate hurricane damage.

190 2. A range of cost estimates regarding the recommended
191 mitigation improvements.

192 3. Information regarding estimated premium discounts,
193 correlated to the current mitigation features and the
194 recommended mitigation improvements identified by the
195 inspection.

196 ~~(f)(e)~~ To qualify for selection by the department as a
197 wind certification entity to provide hurricane mitigation
198 inspections, the entity must, at a minimum, meet the following
199 requirements:

200 1. Use hurricane mitigation inspectors who are licensed or
201 certified as:

202 a. A building inspector under s. 468.607;

203 b. A general, building, or residential contractor under s.
204 489.111;

205 c. A professional engineer under s. 471.015;

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

207 e. A home inspector under s. 468.8314 and who have
208 completed at least 3 hours of hurricane mitigation training
209 approved by the Construction Industry Licensing Board, which

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210 training must include hurricane mitigation techniques,
211 compliance with the uniform mitigation verification form, and
212 completion of a proficiency exam.

213 2. Use hurricane mitigation inspectors who also have
214 undergone drug testing and a background screening. The
215 department may conduct criminal record checks of inspectors used
216 by wind certification entities. Inspectors must submit a set of
217 fingerprints to the department for state and national criminal
218 history checks and must pay the fingerprint processing fee set
219 forth in s. 624.501. The fingerprints must be sent by the
220 department to the Department of Law Enforcement and forwarded to
221 the Federal Bureau of Investigation for processing. The results
222 must be returned to the department for screening. The
223 fingerprints must be taken by a law enforcement agency,
224 designated examination center, or other department-approved
225 entity.

226 3. Provide a quality assurance program including a
227 reinspection component.

228 ~~(d) An application for an inspection must contain a signed~~
229 ~~or electronically verified statement made under penalty of~~
230 ~~perjury that the applicant has submitted only a single~~
231 ~~application for that home.~~

232 ~~(e) The owner of a site-built, single-family, residential~~
233 ~~property or townhouse as defined in s. 481.203, for which a~~
234 ~~homestead exemption has been granted, may apply for and receive~~

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235 ~~an inspection without also applying for a grant pursuant to~~
236 ~~subsection (2) and without meeting the requirements of paragraph~~
237 ~~(2)(a).~~

238 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be
239 ~~used to encourage single-family, site-built, owner-occupied,~~
240 ~~residential property owners~~ to retrofit eligible homes based on
241 the recommendations made in a hurricane mitigation inspection
242 ~~their properties~~ to make the homes ~~them~~ less vulnerable to
243 hurricane damage.

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

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

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

249 ~~3.1.~~ The homeowner must have been granted a homestead
250 exemption on the home under chapter 196.

251 ~~4.2.~~ The home must be a dwelling with an insured value of
252 \$700,000 or less. Homeowners who are low-income persons, as
253 defined in s. 420.0004(11), are exempt from this requirement.

254 ~~5.3.~~ The home must undergo an acceptable hurricane
255 mitigation inspection as provided in subsection (1).

256 ~~6.4.~~ The building permit application for initial
257 construction of the home must have been made before January 1,
258 2008.

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259 ~~7.5.~~ The homeowner must agree to make his or her home
260 available for inspection once a mitigation project is completed.

261 (b)1. An application for a grant must contain a signed or
262 electronically verified statement made under penalty of perjury
263 that the applicant has submitted only a single grant application
264 and must have attached documents demonstrating that the
265 applicant meets the requirements of ~~this~~ paragraph (a).

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

268 a. The original application has already been denied or
269 withdrawn.

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

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

274 (c)(b) All grants must be matched on the basis of \$1
275 provided by the applicant for \$2 provided by the state up to a
276 maximum state contribution of \$10,000 toward the actual cost of
277 the mitigation project.

278 (d)(e) The program shall require ~~create a process in which~~
279 ~~contractors agree to participate and homeowners select from a~~
280 ~~list of participating contractors.~~ All mitigation work to must
281 be based upon the securing of all required local permits and
282 inspections, and the work must be performed by properly licensed
283 contractors. The program shall approve only a homeowner grant

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284 application that includes an acknowledged statement from the
285 homeowner containing the name and state license number of the
286 contractor the homeowner intends to use for the mitigation work.

287 The program must electronically verify that the contractor's
288 state license number is accurate and up to date before grant
289 approval ~~Hurricane mitigation inspectors qualifying for the~~
290 ~~program may also participate as mitigation contractors as long~~
291 ~~as the inspectors meet the department's qualifications and~~
292 ~~certification requirements for mitigation contractors.~~

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

300 (e) When recommended by a hurricane mitigation inspection,
301 grants for eligible homes may be used for the following
302 improvements:

- 303 1. Opening protection, including windows, skylights,
304 exterior doors, and garage doors.
- 305 2. Exterior doors, including garage doors.
- 306 3. Reinforcing roof-to-wall connections.
- 307 4. Improving the strength of roof-deck attachments.
- 308 5. Secondary Water Resistance (SWR) barrier for roof.

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

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

317 ~~(g) Grants may be used on a previously inspected existing
318 structure or on a rebuild. A rebuild is defined as a site-built,
319 single-family dwelling under construction to replace a home that
320 was destroyed or significantly damaged by a hurricane and deemed
321 unlivable by a regulatory authority. The homeowner must be a
322 low-income homeowner as defined in paragraph (h), must have had
323 a homestead exemption for that home before the hurricane, and
324 must be intending to rebuild the home as that homeowner's
325 homestead.~~

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

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333 such certification in a signed or electronically verified
334 statement made under penalty of perjury.

335 (i) The department shall develop a process that ensures
336 the most efficient means to collect and verify grant
337 applications to determine eligibility and may direct hurricane
338 mitigation inspectors to collect and verify grant application
339 information or use the Internet or other electronic means to
340 collect information and determine eligibility.

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

346 (3) REQUESTS FOR INFORMATION.—The department may request
347 that the applicant provide additional information. An
348 application shall be deemed withdrawn by the applicant if the
349 department does not receive a response to its request for
350 additional information within 60 days after the notification of
351 any apparent errors or omissions.

352 (4)-(3) EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

353 (a) The department may undertake a statewide multimedia
354 public outreach and advertising campaign to inform consumers of
355 the availability and benefits of hurricane inspections and of
356 the safety and financial benefits of residential hurricane

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357 damage mitigation. The department may seek out and use local,
358 state, federal, and private funds to support the campaign.

359 (b) The program may develop brochures for distribution to
360 Citizens Property Insurance Corporation, and other licensed
361 entities or nonprofits that work with the department to educate
362 the public on the benefits of the program ~~general contractors,~~
363 ~~roofing contractors, and real estate brokers and sales~~
364 ~~associates who are licensed under part I of chapter 475 which~~
365 ~~provide information on the benefits to homeowners of residential~~
366 ~~hurricane damage mitigation.~~ Citizens Property Insurance
367 Corporation is encouraged to distribute the brochure to
368 policyholders of the corporation. ~~Contractors are encouraged to~~
369 ~~distribute the brochures to homeowners at the first meeting with~~
370 ~~a homeowner who is considering contracting for home or roof~~
371 ~~repair or contracting for the construction of a new home. Real~~
372 ~~estate brokers and sales associates are encouraged to distribute~~
373 ~~the brochure to clients before the purchase of a home.~~ The
374 brochures may be made available electronically.

375 (5)~~(4)~~ FUNDING.—The department may seek out and leverage
376 local, state, federal, or private funds to enhance the financial
377 resources of the program.

378 (6)~~(5)~~ RULES.—The Department of Financial Services shall
379 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the
380 program; implement the provisions of this section; including
381 rules governing hurricane mitigation inspections and grants,

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382 mitigation contractors, and training of inspectors and
383 contractors; and carry out the duties of the department under
384 this section.

385 ~~(7)(6)~~ HURRICANE MITIGATION INSPECTOR LIST.—The department
386 shall develop and maintain as a public record a current list of
387 hurricane mitigation inspectors authorized to conduct hurricane
388 mitigation inspections pursuant to this section.

389 ~~(8)(7)~~ CONTRACT MANAGEMENT.—

390 (a) The department may contract with third parties for
391 grants management, inspection services, contractor services for
392 low-income homeowners, information technology, educational
393 outreach, and auditing services. Such contracts are considered
394 direct costs of the program and are not subject to
395 administrative cost limits. The department shall contract with
396 providers that have a demonstrated record of successful business
397 operations in areas directly related to the services to be
398 provided and shall ensure the highest accountability for use of
399 state funds, consistent with this section.

400 (b) The department shall implement a quality assurance and
401 reinspection program that determines whether mitigation ~~initial~~
402 ~~inspections and mitigation projects home improvements~~ are
403 completed in a manner consistent with the intent of the program.
404 The department may use valid random sampling in order to perform
405 the quality assurance portion of the program.

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406 ~~(9)-(8)~~ INTENT.—It is the intent of the Legislature that
407 grants made to residential property owners under this section
408 shall be considered disaster-relief assistance within the
409 meaning of s. 139 of the Internal Revenue Code of 1986, as
410 amended.

411 ~~(10)-(9)~~ REPORTS.—The department shall make an annual
412 report on the activities of the program that shall account for
413 the use of state funds and indicate the number of inspections
414 requested, the number of inspections performed, the number of
415 grant applications received, the number and value of grants
416 approved, and the estimated average annual amount of insurance
417 premium discounts and total estimated annual amount of insurance
418 premium discounts homeowners received from insurers as a result
419 of mitigation funded through the program. The report must be
420 delivered to the President of the Senate and the Speaker of the
421 House of Representatives by February 1 of each year.

422 Section 6. Subsection (6) of section 284.44, Florida
423 Statutes, is amended to read:

424 284.44 Salary indemnification costs of state agencies.—

425 ~~(6) The Division of Risk Management shall prepare~~
426 ~~quarterly reports to the Executive Office of the Governor and~~
427 ~~the chairs of the legislative appropriations committees~~
428 ~~indicating for each state agency the total amount of salary~~
429 ~~indemnification benefits paid to claimants and the total amount~~
430 ~~of reimbursements from state agencies to the State Risk~~

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431 ~~Management Trust Fund for initial costs for the previous~~
432 ~~quarter. These reports shall also include information for each~~
433 ~~state agency indicating the number of cases and amounts of~~
434 ~~initial salary indemnification costs for which reimbursement~~
435 ~~requirements were waived by the Executive Office of the Governor~~
436 ~~pursuant to this section.~~

437 Section 7. Paragraph (a) of subsection (12) of section
438 440.13, Florida Statutes, is amended to read:

439 440.13 Medical services and supplies; penalty for
440 violations; limitations.—

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

443 (a) A three-member panel is created, consisting of the
444 Chief Financial Officer, or the Chief Financial Officer's
445 designee, and two members to be appointed by the Governor,
446 subject to confirmation by the Senate, one member who, on
447 account of present or previous vocation, employment, or
448 affiliation, shall be classified as a representative of
449 employers, the other member who, on account of previous
450 vocation, employment, or affiliation, shall be classified as a
451 representative of employees. The panel shall determine statewide
452 schedules of maximum reimbursement allowances for medically
453 necessary treatment, care, and attendance provided by hospitals
454 and ambulatory surgical centers. The maximum reimbursement
455 allowances for inpatient hospital care shall be based on a

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456 schedule of per diem rates, to be approved by the three-member
457 panel no later than March 1, 1994, to be used in conjunction
458 with a precertification manual as determined by the department,
459 including maximum hours in which an outpatient may remain in
460 observation status, which shall not exceed 23 hours. All
461 compensable charges for hospital outpatient care shall be
462 reimbursed at 75 percent of usual and customary charges, except
463 as otherwise provided by this subsection. Annually, the three-
464 member panel shall adopt schedules of maximum reimbursement
465 allowances for hospital inpatient care, hospital outpatient
466 care, and ambulatory surgical centers. A hospital or an
467 ambulatory surgical center shall be reimbursed either the
468 agreed-upon contract price or the maximum reimbursement
469 allowance in the appropriate schedule. Reimbursement for
470 emergency services and care, as defined in s. 395.002, without a
471 maximum reimbursement allowance must be at 75 percent of the
472 hospital's charge, unless there is a contract, in which case the
473 contract governs reimbursement.

474
475 The department, as requested, shall provide data to the panel,
476 including, but not limited to, utilization trends in the
477 workers' compensation health care delivery system. The
478 department shall provide the panel with an annual report
479 regarding the resolution of medical reimbursement disputes and
480 any actions pursuant to subsection (8). The department shall

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481 provide administrative support and service to the panel to the
482 extent requested by the panel. For prescription medication
483 purchased under the requirements of this subsection, a
484 dispensing practitioner shall not possess such medication unless
485 payment has been made by the practitioner, the practitioner's
486 professional practice, or the practitioner's practice management
487 company or employer to the supplying manufacturer, wholesaler,
488 distributor, or drug repackager within 60 days of the dispensing
489 practitioner taking possession of that medication.

490 Section 8. Subsections (9) through (13) of section
491 440.385, Florida Statutes, are renumbered as subsections (10)
492 through (14), respectively, and a new subsection (9) is added to
493 that section to read:

494 440.385 Florida Self-Insurers Guaranty Association,
495 Incorporated.—

496 (9) CONTRACTS AND PURCHASES.—

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

504 (b) All contracts and purchases valued at or more than
505 \$100,000 require competition through a formal bid solicitation

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506 conducted by the association. The association must undergo a
507 formal bid solicitation process. The formal bid solicitation
508 process must include all of the following:

509 1. The time and date for the receipt of bids, the
510 proposals, and whether the association contemplates renewal of
511 the contract, including the price for each year for which the
512 contract may be renewed.

513 2. All the contractual terms and conditions applicable to
514 the procurement.

515 (c) Evaluation of bids by the association must include
516 consideration of the total cost for each year of the contract,
517 including renewal years, as submitted by the vendor. The
518 association must award the contract to the most responsible and
519 responsive vendor. Any formal bid solicitation conducted by the
520 association must be made available, upon request, to the
521 department via electronic delivery.

522 (d) Contracts that are required by law are exempt from this
523 section.

524 Section 9. Subsection (7) of section 497.101, Florida
525 Statutes, is renumbered as subsection (11), subsections (1)
526 through (4) are amended, and a new subsection (7) and
527 subsections (8), (9), and (10) are added to that section, to
528 read:

529 497.101 Board of Funeral, Cemetery, and Consumer Services;
530 membership; appointment; terms.-

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531 (1) The Board of Funeral, Cemetery, and Consumer Services
532 is created within the Department of Financial Services and shall
533 consist of 10 members, 9 of whom shall be appointed by ~~the~~
534 ~~Governor from nominations made by the Chief Financial Officer~~
535 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
536 ~~nominate one to three persons for each of the nine vacancies on~~
537 ~~the board, and the Governor shall fill each vacancy on the board~~
538 ~~by appointing one of the persons nominated by the Chief~~
539 ~~Financial Officer to fill that vacancy. If the Governor objects~~
540 ~~to each of the nominations for a vacancy, she or he shall inform~~
541 ~~the Chief Financial Officer in writing. Upon notification of an~~
542 ~~objection by the Governor, the Chief Financial Officer shall~~
543 ~~submit one to three additional nominations for that vacancy~~
544 ~~until the vacancy is filled.~~ One member must be the State Health
545 Officer or her or his designee.

546 (2) Two members of the board must be funeral directors
547 licensed under part III of this chapter who are associated with
548 a funeral establishment. One member of the board must be a
549 funeral director licensed under part III of this chapter who is
550 associated with a funeral establishment licensed under part III
551 of this chapter which has a valid preneed license issued
552 pursuant to this chapter ~~and who owns or operates a cinerator~~
553 ~~facility approved under chapter 403 and licensed under part VI~~
554 ~~of this chapter.~~ Two members of the board must be persons whose
555 primary occupation is associated with a cemetery company

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556 licensed pursuant to this chapter. Two members of the board must
557 be consumers who are residents of this state, have never been
558 licensed as funeral directors or embalmers, are not connected
559 with a cemetery or cemetery company licensed pursuant to this
560 chapter, and are not connected with the death care industry or
561 the practice of embalming, funeral directing, or direct
562 disposition. One of the two consumer members must be at least 60
563 years of age. One member of the board must be a consumer who is
564 a resident of this state; is licensed as a certified public
565 accountant under chapter 473; has never been licensed as a
566 funeral director or an embalmer; is not a principal or an
567 employee of any licensee licensed under this chapter; and does
568 not otherwise have control, as defined in s. 497.005, over any
569 licensee licensed under this chapter. One member of the board
570 must be a principal of a monument establishment licensed under
571 this chapter as a monument builder. One member must be the State
572 Health Officer or her or his designee. There may not be two or
573 more board members who are principals or employees of the same
574 company or partnership or group of companies or partnerships
575 under common control.

576 (3) Board members shall be appointed for terms of 4 years
577 and may be reappointed; however, a member may not serve for more
578 than 8 consecutive years.~~and~~ The State Health Officer shall
579 serve as long as that person holds that office. The designee of

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580 the State Health Officer shall serve at the pleasure of the
581 Chief Financial Officer Governor.

582 (4) The Chief Financial Officer Governor ~~may suspend and~~
583 ~~the Senate~~ may remove any board member for malfeasance or
584 misfeasance, neglect of duty, incompetence, substantial
585 inability to perform official duties, commission of a crime, or
586 other substantial cause as determined by the Chief Financial
587 Officer Governor or Senate, as applicable, to evidence a lack of
588 fitness to sit on the board. A board member shall be deemed to
589 have resigned her or his board membership, and that position
590 shall be deemed vacant, upon the failure of the member to attend
591 three consecutive meetings of the board or at least half of the
592 meetings of the board during any 12-month period, unless the
593 Chief Financial Officer determines that there was good and
594 adequate justification for the absences and that such absences
595 are not likely to continue. Any vacancy so created shall be
596 filled as provided in subsection (1).

597 (7) Members of the board are subject to the code of ethics
598 under part III of chapter 112. For purposes of applying part III
599 of chapter 112 to activities of the members of the board, those
600 persons are considered public officers, and the department is
601 considered their agency. A board member may not vote on any
602 measure that would inure to his or her special private gain or
603 loss and, in accordance with s. 112.3143(2), may not vote on any
604 measure that he or she knows would inure to the special private

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605 gain or loss of any principal by which he or she is retained,
606 other than an agency as defined in s. 112.312; or that he or she
607 knows would inure to the special private gain or loss of his or
608 her relative or business associate. Before the vote is taken,
609 such member shall publicly state to the board the nature of his
610 or her interest in the matter from which he or she is abstaining
611 from voting and, within 15 days after the vote occurs, disclose
612 the nature of his or her interest as a public record in a
613 memorandum filed with the person responsible for recording the
614 minutes of the meeting, who shall incorporate the memorandum in
615 the minutes.

616 (8) In accordance with ss. 112.3148 and 112.3149, a board
617 member may not knowingly accept, directly or indirectly, any
618 gift or expenditure from a person or entity, or an employee or
619 representative of such person or entity, which has a contractual
620 relationship with the department or the board, which is under
621 consideration for a contract, or which is licensed by the
622 department.

623 (9) A board member who fails to comply with subsection (7)
624 or subsection (8) is subject to the penalties provided under ss.
625 112.317 and 112.3173.

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

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630 (b) Except for emergency meetings, the department shall
631 give notice of any board meeting by publication on the
632 department's website at least 7 days before the meeting. The
633 department shall publish a meeting agenda on its website at
634 least 7 days before the meeting. The agenda must contain the
635 items to be considered in order of presentation. After the
636 agenda has been made available, a change may be made only for
637 good cause, as determined by the person designated to preside,
638 and must be stated in the record. Notification of such change
639 must be at the earliest practicable time.

640 Section 10. Paragraph (a) of subsection (4) of section
641 497.153, Florida Statutes, is amended to read:

642 497.153 Disciplinary procedures and penalties.—

643 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

644 (a) Service of an administrative complaint may be in
645 person by department staff or any person authorized to make
646 service of process under the Florida Rules of Civil Procedure.
647 Service upon a licensee may in the alternative be made by
648 certified mail, return receipt requested, to the last known
649 address of record provided by the licensee to the department. If
650 service by certified mail cannot be made at the last address
651 provided by the licensee to the department, service may be made
652 by e-mail, delivery receipt required, sent to the most recent e-
653 mail address provided by the licensee to the department in
654 accordance with s. 497.146.

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655 Section 11. Paragraph (e) of subsection (1) of section
656 497.155, Florida Statutes, is amended to read:

657 497.155 Disciplinary citations and minor violations.—

658 (1) CITATIONS.—

659 (e) Service of a citation may be made by personal service
660 or certified mail, restricted delivery, to the subject at the
661 subject's last known address in accordance with s. 497.146. If
662 service by certified mail cannot be made at the last address
663 provided by the subject to the department, service may be made
664 by e-mail, delivery receipt required, sent to the most recent e-
665 mail address provided by the subject to the department in
666 accordance with s. 497.146.

667 Section 12. Paragraph (a) of subsection (3) of section
668 624.155, Florida Statutes, is amended to read:

669 624.155 Civil remedy.—

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

676 Section 13. Paragraphs (c) and (d) subsection (10) of
677 section 624.307, Florida Statutes, are redesignated as
678 paragraphs (d) and (e), respectively, paragraph (b) is amended,

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679 and a new paragraph (c) is added to subsection (10) of that
680 section, to read:

681 624.307 General powers; duties.-

682 (10)

683 (b) Any person licensed or issued a certificate of
684 authority or made an eligible surplus lines insurer by the
685 department or the office shall respond, in writing or
686 electronically, to the division within 14 days after receipt of
687 a written request for documents and information from the
688 division concerning a consumer complaint. The response must
689 address the issues and allegations raised in the complaint and
690 include any requested documents concerning the consumer
691 complaint not subject to attorney-client or work-product
692 privilege. The division may impose an administrative penalty for
693 failure to comply with this paragraph of up to \$5,000 per
694 violation upon any entity licensed by the department or the
695 office and up to \$1,000 per violation by any individual licensed
696 by the department or the office.

697 (c) Each insurer issued a certificate of authority or made
698 an eligible surplus lines insurer shall file with the department
699 an e-mail address to which requests for response to consumer
700 complaints shall be directed pursuant to paragraph (b). Such
701 insurer shall also designate a contact person for escalated
702 complaint issues and shall provide the name, e-mail address, and
703 telephone number of such person. A licensee of the department,

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704 including an agency or a firm, may elect to designate an e-mail
705 address to which requests for response to consumer complaints
706 shall be directed pursuant to paragraph (b). If a licensee,
707 including an agency or a firm, elects not to designate an e-mail
708 address, the department shall direct requests for response to
709 consumer complaints to the e-mail of record for the licensee in
710 the department's licensing system. An insurer or a licensee,
711 including an agency or a firm, may change a designated contact
712 information at any time by submitting the new information to the
713 department using the method designated by rule by the
714 department.

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

717 626.171 Application for license as an agent, customer
718 representative, adjuster, service representative, or reinsurance
719 intermediary.—

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

721 (a) His or her full name, age, social security number,
722 residence address, business address, mailing address, contact
723 telephone numbers, including a business telephone number, and e-
724 mail address.

725 (b) A statement indicating the method the applicant used
726 or is using to meet any required prelicensing education,
727 knowledge, experience, or instructional requirements for the
728 type of license applied for.

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729 (c) Whether he or she has been refused or has voluntarily
730 surrendered or has had suspended or revoked a license to solicit
731 insurance by the department or by the supervising officials of
732 any state.

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

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

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

740 (g) The applicant's native language.

741 (h) The highest level of education achieved by the
742 applicant.

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

745 (j) Such other or additional information as the department
746 may deem proper to enable it to determine the character,
747 experience, ability, and other qualifications of the applicant
748 to hold himself or herself out to the public as an insurance
749 representative.

750
751 However, the application must contain a statement that an
752 applicant is not required to disclose his or her race or
753 ethnicity, gender, or native language, that he or she will not

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754 be penalized for not doing so, and that the department will use
755 this information exclusively for research and statistical
756 purposes and to improve the quality and fairness of the
757 examinations. The department shall make provisions for
758 applicants to submit cellular telephone numbers as part of the
759 application process on a voluntary basis for purpose of two-
760 factor authentication of secure login credentials only.

761 Section 15. Paragraph (j) of subsection (2) of section
762 626.221, Florida Statutes, is amended to read:

763 626.221 Examination requirement; exemptions.—

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

766 (j) An applicant for license as an all-lines adjuster who
767 has the designation of Accredited Claims Adjuster (ACA) from a
768 regionally accredited postsecondary institution in this state;
769 Certified All Lines Adjuster (CALA) from Kaplan Financial
770 Education; Associate in Claims (AIC) from the Insurance
771 Institute of America; Professional Claims Adjuster (PCA) from
772 the Professional Career Institute; Professional Property
773 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
774 Certified Adjuster (CA) from ALL LINES Training; Certified
775 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
776 Certified Professional (CACP) from WebCE, Inc.; Accredited
777 Insurance Claims Specialist (AICS) from Encore Claim Services;
778 Professional in Claims (PIC) from 2021 Training, LLC; Registered

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779 Claims Adjuster (RCA) from American Insurance College; or
780 Universal Claims Certification (UCC) from Claims and Litigation
781 Management Alliance (CLM) whose curriculum has been approved by
782 the department and which includes comprehensive analysis of
783 basic property and casualty lines of insurance and testing at
784 least equal to that of standard department testing for the all-
785 lines adjuster license. The department shall adopt rules
786 establishing standards for the approval of curriculum.

787 Section 16. Subsection (6) of section 626.601, Florida
788 Statutes, is amended to read:

789 626.601 Improper conduct; inquiry; fingerprinting.—

790 (6) The complaint and any information obtained pursuant to
791 the investigation by the department or office are confidential
792 and are exempt from s. 119.07 unless the department or office
793 files a formal administrative complaint, emergency order, or
794 consent order against the individual or entity. This subsection
795 does not prevent the department or office from disclosing the
796 complaint or such information as it deems necessary to conduct
797 the investigation, to update the complainant as to the status
798 and outcome of the complaint, to review the details of the
799 investigation with the individual or entity or their
800 representative, or to share such information with any law
801 enforcement agency or other regulatory body.

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

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804 626.7351 Qualifications for customer representative's
805 license.—The department shall not grant or issue a license as
806 customer representative to any individual found by it to be
807 untrustworthy or incompetent, or who does not meet each of the
808 following qualifications:

809 (3) Within 4 years preceding the date that the application
810 for license was filed with the department, the applicant has
811 earned the designation of Accredited Advisor in Insurance (AAI),
812 Associate in General Insurance (AINS), or Accredited Customer
813 Service Representative (ACSR) from the Insurance Institute of
814 America; the designation of Certified Insurance Counselor (CIC)
815 from the Society of Certified Insurance Service Counselors; the
816 designation of Certified Professional Service Representative
817 (CPSR) from the National Foundation for CPSR; the designation of
818 Certified Insurance Service Representative (CISR) from the
819 Society of Certified Insurance Service Representatives; the
820 designation of Certified Insurance Representative (CIR) from
821 All-Lines Training; the designation of Chartered Customer
822 Service Representative (CCSR) from American Insurance College;
823 the designation of Professional Customer Service Representative
824 (PCSR) from the Professional Career Institute; the designation
825 of Insurance Customer Service Representative (ICSR) from
826 Statewide Insurance Associates LLC; the designation of
827 Registered Customer Service Representative (RCSR) from a
828 regionally accredited postsecondary institution in the state

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829 whose curriculum is approved by the department and includes
830 comprehensive analysis of basic property and casualty lines of
831 insurance and testing which demonstrates mastery of the subject;
832 or a degree from an accredited institution of higher learning
833 approved by the department when the degree includes a minimum of
834 9 credit hours of insurance instruction, including specific
835 instruction in the areas of property, casualty, and inland
836 marine insurance. The department shall adopt rules establishing
837 standards for the approval of curriculum.

838 Section 18. Section 626.878, Florida Statutes, is amended
839 to read:

840 626.878 Rules; code of ethics.—

841 (1) An adjuster shall subscribe to the code of ethics
842 specified in the rules of the department. The rules shall
843 implement the provisions of this part and specify the terms and
844 conditions of contracts, including a right to cancel, and
845 require practices necessary to ensure fair dealing, prohibit
846 conflicts of interest, and ensure preservation of the rights of
847 the claimant to participate in the adjustment of claims.

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

851 (3) An adjuster who has had his or her licensed revoked or
852 suspended may not participate in any part of an insurance claim
853 or in the insurance claims adjusting process, including

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854 estimating, completing, filing, negotiating, appraising,
855 mediating, umpiring, or effecting settlement of a claim for loss
856 or damage covered under an insurance contract. A person who
857 provides these services while the person's license is revoked or
858 suspended acts as an unlicensed adjuster.

859 Section 19. Subsection (1) of section 626.929, Florida
860 Statutes, is amended, and subsection (4) is added to that
861 section, to read:

862 626.929 Origination, acceptance, placement of surplus
863 lines business.—

864 (1) A licensed and appointed general lines agent while
865 also licensed and appointed as a surplus lines agent under this
866 part may originate surplus lines business and may accept surplus
867 lines business from any other originating Florida-licensed
868 general lines agent appointed and licensed as to the kinds of
869 insurance involved and may compensate such agent therefor.

870 (4) A general lines agent while licensed as a surplus
871 lines agent under this part may appoint these licenses with a
872 single surplus license agent appointment pursuant to s. 624.501.
873 Such agent may only originate surplus lines business and accept
874 surplus lines business from other originating Florida-licensed
875 general lines agents appointed and licensed as to the kinds of
876 insurance involved and may compensate such agent therefor. Such
877 agent may not be appointed by or transact general lines
878 insurance on behalf of an admitted insurer.

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

881 627.351 Insurance risk apportionment plans.—

882 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
883 CONTRACTS AND PURCHASES.—

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

891 2. All contracts and purchases valued at or more than
892 \$100,000 require competition through a formal bid solicitation
893 conducted by the association. The association must undergo a
894 formal bid solicitation process by a minimum of three vendors.
895 The formal bid solicitation process must include all of the
896 following:

897 a. The time and date for the receipt of bids, the
898 proposals, and whether the association contemplates renewal of
899 the contract, including the price for each year for which the
900 contract may be renewed.

901 b. All the contractual terms and conditions applicable to
902 the procurement.

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903 3. Evaluation of bids by the association must include
904 consideration of the total cost for each year of the contract,
905 including renewal years, as submitted by the vendor. The
906 association must award the contract to the most responsible and
907 responsive vendor. Any formal bid solicitation conducted by the
908 association must be made available, upon request, to the
909 department by electronic delivery.

910 Section 21. Subsection (2) of section 627.43141, Florida
911 Statutes, is amended to read:

912 627.43141 Notice of change in policy terms.—

913 (2) A renewal policy may contain a change in policy terms.
914 If such change occurs, the insurer shall give the named insured
915 advance written notice summarizing the change, which may be
916 enclosed in ~~along with~~ the written notice of renewal premium
917 required under ss. 627.4133 and 627.728 or sent separately
918 within the timeframe required under the Florida Insurance Code
919 for the provision of a notice of nonrenewal to the named insured
920 for that line of insurance. The insurer must also provide a
921 sample copy of the notice to the named insured's insurance agent
922 before or at the same time that notice is provided to the named
923 insured. Such notice shall be entitled "Notice of Change in
924 Policy Terms—" and shall be in bold type of not less than 14
925 points and included as a single page or consecutive pages, as
926 necessary, within the written notice.

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927 Section 22. Paragraph (a) of subsection (3) of section
928 627.70152, Florida Statutes, is amended to read:

929 627.70152 Suits arising under a property insurance
930 policy.—

931 (3) NOTICE.—

932 (a) As a condition precedent to filing a suit under a
933 property insurance policy, a claimant must provide the
934 department with written notice of intent to initiate litigation
935 on a form provided by the department. Such notice must be given
936 at least 10 business days before filing suit under the policy,
937 but may not be given before the insurer has made a determination
938 of coverage under s. 627.70131. Notice to the insurer must be
939 provided by the department to the e-mail address designated by
940 the insurer ~~under s. 624.422~~. The notice must state with
941 specificity all of the following information:

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

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

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

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

949 5. If the notice is provided following acts or omissions
950 by the insurer other than denial of coverage, both of the
951 following:

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

954 b. The disputed amount.

955
956 Documentation to support the information provided in this
957 paragraph may be provided along with the notice to the insurer.

958 Section 23. Subsection (5) is added to section 631.59,
959 Florida Statutes, to read:

960 631.59 Duties and powers of department and office;
961 association contracts and purchases.—

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

969 (b) All contracts and purchases valued at or more than
970 \$100,000 require competition through a formal bid solicitation
971 conducted by the association. The association must undergo a
972 formal bid solicitation process. The formal bid solicitation
973 process must include all of the following:

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

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976 the contract, including the price for each year for which the
977 contract may be renewed.

978 2. All the contractual terms and conditions applicable to
979 the procurement.

980 (c) Evaluation of bids by the association must include
981 consideration of the total cost for each year of the contract,
982 including renewal years, as submitted by the vendor. The
983 association must award the contract to the most responsible and
984 responsive vendor. Any formal bid solicitation conducted by the
985 association must be made available, upon request, to the
986 department via electronic delivery.

987 (d) The provisions of subparagraphs (b) and (c) do not
988 apply to claims defense counsel or claims vendors provided that
989 contracts with all vendors which may exceed \$100,000 are
990 provided to the Department for prior approval in accordance with
991 subparagraph (a).

992 Section 24. Subsection (6) is added to section 631.722,
993 Florida Statutes, to read:

994 631.722 Powers and duties of department and office;
995 association contracts and purchases.-

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

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1001 request. The contract or purchase is automatically approved if
1002 the department is nonresponsive.

1003 (b) All contracts and purchases valued at or more than
1004 \$100,000 require competition through a formal bid solicitation
1005 conducted by the association. The association must undergo a
1006 formal bid solicitation process. The formal bid solicitation
1007 process must include all of the following:

1008 1. The time and date for the receipt of bids, the
1009 proposals, and whether the association contemplates renewal of
1010 the contract, including the price for each year for which the
1011 contract may be renewed.

1012 2. All the contractual terms and conditions applicable to
1013 the procurement.

1014 (c) Evaluation of bids by the association must include
1015 consideration of the total cost for each year of the contract,
1016 including renewal years, as submitted by the vendor. The
1017 association must award the contract to the most responsible and
1018 responsive vendor. Any formal bid solicitation conducted by the
1019 association must be made available, upon request, to the
1020 department via electronic delivery.

1021 Section 25. Subsection (5) is added to section 631.821,
1022 Florida Statutes, to read:

1023 631.821 Powers and duties of the department; board
1024 contracts and purchases.-

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1025 (5) (a) After July 1, 2024, all contracts entered into, and
1026 all purchases made by, the board pursuant to this section which
1027 are valued at or more than \$100,000 must first be approved by
1028 the department. The department has 10 days to approve or deny
1029 the contract or purchase upon electronic receipt of the approval
1030 request. The contract or purchase is automatically approved if
1031 the department is nonresponsive.

1032 (b) All contracts and purchases valued at or more than
1033 \$100,000 require competition through a formal bid solicitation
1034 conducted by the board. The board must undergo a formal bid
1035 solicitation process. The formal bid solicitation process must
1036 include all of the following:

1037 1. The time and date for the receipt of bids, the
1038 proposals, and whether the board contemplates renewal of the
1039 contract, including the price for each year for which the
1040 contract may be renewed.

1041 2. All the contractual terms and conditions applicable to
1042 the procurement.

1043 (c) Evaluation of bids by the board must include
1044 consideration of the total cost for each year of the contract,
1045 including renewal years, as submitted by the vendor. The plan
1046 must award the contract to the most responsible and responsive
1047 vendor. Any formal bid solicitation conducted by the board must
1048 be made available, upon request, to the department via
1049 electronic delivery.

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1050 Section 26. Section 631.921, Florida Statutes, is amended
1051 to read:

1052 631.921 Department powers; board contracts and purchases.—

1053 (1) The corporation shall be subject to examination by the
1054 department. By March 1 of each year, the board of directors
1055 shall cause a financial report to be filed with the department
1056 for the immediately preceding calendar year in a form approved
1057 by the department.

1058 (2) (a) After July 1, 2024, all contracts entered into, and
1059 all purchases made by, the board pursuant to this section which
1060 are valued at or more than \$100,000 must first be approved by
1061 the department. The department has 10 days to approve or deny
1062 the contract or purchase upon electronic receipt of the approval
1063 request. The contract or purchase is automatically approved if
1064 the department is nonresponsive.

1065 (b) All contracts and purchases valued at or more than
1066 \$100,000 require competition through a formal bid solicitation
1067 conducted by the board. The board must undergo a formal bid
1068 solicitation process. The formal bid solicitation process must
1069 include all of the following:

1070 1. The time and date for the receipt of bids, the
1071 proposals, and whether the board contemplates renewal of the
1072 contract, including the price for each year for which the
1073 contract may be renewed.

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1074 2. All the contractual terms and conditions applicable to
1075 the procurement.

1076 (c) Evaluation of bids by the board must include
1077 consideration of the total cost for each year of the contract,
1078 including renewal years, as submitted by the vendor. The
1079 association must award the contract to the most responsible and
1080 responsive vendor. Any formal bid solicitation conducted by the
1081 association must be made available, upon request, to the
1082 department via electronic delivery.

1083 Section 27. Paragraph (b) of subsection (3) of section
1084 633.124, Florida Statutes, is amended to read:

1085 633.124 Penalty for violation of law, rule, or order to
1086 cease and desist or for failure to comply with corrective
1087 order.—

1088 (3)

1089 (b) A person who initiates a pyrotechnic display within
1090 any structure commits a felony of the third degree, punishable
1091 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1092 1. The structure has a fire protection system installed in
1093 compliance with s. 633.334.

1094 2. The owner of the structure has authorized in writing
1095 the pyrotechnic display.

1096 3. If the local jurisdiction requires a permit for the use
1097 of a pyrotechnic display in an occupied structure, such permit
1098 has been obtained and all conditions of the permit complied with

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1099 or, if the local jurisdiction does not require a permit for the
1100 use of a pyrotechnic display in an occupied structure, the
1101 person initiating the display has complied with National Fire
1102 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1103 Standard for the Use of Pyrotechnics before a Proximate
1104 Audience.

1105 Section 28. Subsection (2) of section 633.202, Florida
1106 Statutes, is amended to read:

1107 633.202 Florida Fire Prevention Code.—

1108 (2) The State Fire Marshal shall adopt the current edition
1109 of the National Fire Protection Association's Standard 1, Fire
1110 Prevention Code but may not adopt a building, mechanical,
1111 accessibility, or plumbing code. The State Fire Marshal shall
1112 adopt the current edition of the Life Safety Code, NFPA 101,
1113 current editions, by reference. The State Fire Marshal may
1114 modify the selected codes and standards as needed to accommodate
1115 the specific needs of the state. Standards or criteria in the
1116 selected codes shall be similarly incorporated by reference. The
1117 State Fire Marshal shall incorporate within sections of the
1118 Florida Fire Prevention Code provisions that address uniform
1119 firesafety standards as established in s. 633.206. The State
1120 Fire Marshal shall incorporate within sections of the Florida
1121 Fire Prevention Code provisions addressing regional and local
1122 concerns and variations.

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1123 Section 29. Paragraph (b) of subsection (1) of section
1124 633.206, Florida Statutes, is amended to read:

1125 633.206 Uniform firesafety standards.—The Legislature
1126 hereby determines that to protect the public health, safety, and
1127 welfare it is necessary to provide for firesafety standards
1128 governing the construction and utilization of certain buildings
1129 and structures. The Legislature further determines that certain
1130 buildings or structures, due to their specialized use or to the
1131 special characteristics of the person utilizing or occupying
1132 these buildings or structures, should be subject to firesafety
1133 standards reflecting these special needs as may be appropriate.

1134 (1) The department shall establish uniform firesafety
1135 standards that apply to:

1136 (b) All new, existing, and proposed hospitals, nursing
1137 homes, assisted living facilities, adult family-care homes,
1138 correctional facilities, public schools, transient public
1139 lodging establishments, public food service establishments,
1140 mobile food dispensing vehicles, elevators, migrant labor camps,
1141 mobile home parks, lodging parks, recreational vehicle parks,
1142 recreational camps, residential and nonresidential child care
1143 facilities, facilities for the developmentally disabled, motion
1144 picture and television special effects productions, tunnels,
1145 energy storage systems, and self-service gasoline stations, of
1146 which standards the State Fire Marshal is the final
1147 administrative interpreting authority.

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1148
1149 In the event there is a dispute between the owners of the
1150 buildings specified in paragraph (b) and a local authority
1151 requiring a more stringent uniform firesafety standard for
1152 sprinkler systems, the State Fire Marshal shall be the final
1153 administrative interpreting authority and the State Fire
1154 Marshal's interpretation regarding the uniform firesafety
1155 standards shall be considered final agency action.

1156 Section 30. Paragraph (b) of subsection (8) of section
1157 634.041, Florida Statutes, is amended to read:

1158 634.041 Qualifications for license.—To qualify for and
1159 hold a license to issue service agreements in this state, a
1160 service agreement company must be in compliance with this part,
1161 with applicable rules of the commission, with related sections
1162 of the Florida Insurance Code, and with its charter powers and
1163 must comply with the following:

1164 (8)

1165 (b) A service agreement company does not have to establish
1166 and maintain an unearned premium reserve if it secures and
1167 maintains contractual liability insurance in accordance with the
1168 following:

1169 1. Coverage of 100 percent of the claim exposure is
1170 obtained from an insurer or insurers approved by the office,
1171 which hold ~~holds~~ a certificate of authority under s. 624.401 to
1172 do business within this state, or secured through a risk

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1173 retention groups ~~group~~, which are ~~is~~ authorized to do business
1174 within this state under s. 627.943 or s. 627.944. Such insurers
1175 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1176 as regards policyholders of at least \$15 million.

1177 2. If the service agreement company does not meet its
1178 contractual obligations, the contractual liability insurance
1179 policy binds its issuer to pay or cause to be paid to the
1180 service agreement holder all legitimate claims and cancellation
1181 refunds for all service agreements issued by the service
1182 agreement company while the policy was in effect. This
1183 requirement also applies to those service agreements for which
1184 no premium has been remitted to the insurer.

1185 3. If the issuer of the contractual liability policy is
1186 fulfilling the service agreements covered by the contractual
1187 liability policy and the service agreement holder cancels the
1188 service agreement, the issuer must make a full refund of
1189 unearned premium to the consumer, subject to the cancellation
1190 fee provisions of s. 634.121(3). The sales representative and
1191 agent must refund to the contractual liability policy issuer
1192 their unearned pro rata commission.

1193 4. The policy may not be canceled, terminated, or
1194 nonrenewed by the insurer or the service agreement company
1195 unless a 90-day written notice thereof has been given to the
1196 office by the insurer before the date of the cancellation,
1197 termination, or nonrenewal.

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1198 5. The service agreement company must provide the office
1199 with the claims statistics.

1200 6. A policy issued in compliance with this paragraph may
1201 either pay 100 percent of claims as they are incurred, or pay
1202 100 percent of claims due in the event of the failure of the
1203 service agreement company to pay such claims when due.

1204
1205 All funds or premiums remitted to an insurer by a motor vehicle
1206 service agreement company under this part shall remain in the
1207 care, custody, and control of the insurer and shall be counted
1208 as an asset of the insurer; provided, however, this requirement
1209 does not apply when the insurer and the motor vehicle service
1210 agreement company are affiliated companies and members of an
1211 insurance holding company system. If the motor vehicle service
1212 agreement company chooses to comply with this paragraph but also
1213 maintains a reserve to pay claims, such reserve shall only be
1214 considered an asset of the covered motor vehicle service
1215 agreement company and may not be simultaneously counted as an
1216 asset of any other entity.

1217 Section 31. Subsection (5) of section 634.081, Florida
1218 Statutes, is amended to read:

1219 634.081 Suspension or revocation of license; grounds.—

1220 (5) The office shall suspend or revoke the license of a
1221 company if it finds that the ratio of gross written premiums
1222 written to net assets exceeds 10 to 1 unless the company has in

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1223 excess of \$750,000 in net assets and is utilizing contractual
1224 liability insurance which cedes 100 percent of the service
1225 agreement company's claims liabilities to the contractual
1226 liability insurers ~~insurer~~ or is utilizing contractual liability
1227 insurance which reimburses the service agreement company for 100
1228 percent of its paid claims. However, if a service agreement
1229 company has been licensed by the office in excess of 10 years,
1230 is in compliance with all applicable provisions of this part,
1231 and has net assets at all times in excess of \$3 million that
1232 comply with the provisions of part II of chapter 625, such
1233 company may not exceed a ratio of gross written premiums written
1234 to net assets of 15 to 1.

1235 Section 32. Subsection (5) of section 634.3077, Florida
1236 Statutes, is renumbered as subsection (6), subsection (3) is
1237 amended, and a new subsection (5) is added to that section, to
1238 read:

1239 634.3077 Financial requirements.—

1240 (3) An association may ~~shall~~ not be required to set up an
1241 unearned premium reserve if it has purchased contractual
1242 liability insurance which demonstrates to the satisfaction of
1243 the office that 100 percent of its claim exposure is covered by
1244 such insurance. Such contractual liability insurance shall be
1245 obtained from an insurer or insurers that hold ~~holds~~ a
1246 certificate of authority to do business within the state or from
1247 an insurer or insurers approved by the office as financially

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1248 capable of meeting the obligations incurred pursuant to the
1249 policy. For purposes of this subsection, the contractual
1250 liability policy shall contain the following provisions:

1251 (a) In the event that the home warranty association is
1252 unable to fulfill its obligation under its contracts issued in
1253 this state for any reason, including insolvency, bankruptcy, or
1254 dissolution, the contractual liability insurer will pay losses
1255 and unearned premiums under such plans directly to persons
1256 making claims under such contracts.

1257 (b) The insurer issuing the policy shall assume full
1258 responsibility for the administration of claims in the event of
1259 the inability of the association to do so.

1260 (c) The policy may not be canceled or not renewed by
1261 ~~either~~ the insurer or the association unless 60 days' written
1262 notice thereof has been given to the office by the insurer
1263 before the date of such cancellation or nonrenewal.

1264 (d) The contractual liability insurance policy shall
1265 insure all home warranty contracts that were issued while the
1266 policy was in effect whether or not the premium has been
1267 remitted to the insurer.

1268 (5) An association licensed under this part is not
1269 required to establish an unearned premium reserve or maintain
1270 contractual liability insurance and may allow its premiums to
1271 exceed the ratio to net assets limitation of this section if the
1272 association complies with the following:

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1273 (a) The association or, if the association is a direct or
1274 indirect wholly owned subsidiary of a parent corporation, its
1275 parent corporation has, and maintains at all times, a minimum
1276 net worth of at least \$100 million and provides the office with
1277 the following:

1278 1. A copy of the association's annual audited financial
1279 statements or the audited consolidated financial statements of
1280 the association's parent corporation, prepared by an independent
1281 certified public accountant in accordance with generally
1282 accepted accounting principles, which clearly demonstrate the
1283 net worth of the association or its parent corporation to be
1284 \$100 million, and a quarterly written certification to the
1285 office that the association or its parent corporation continues
1286 to maintain the net worth required under this paragraph.

1287 2. The association's or its parent corporation's Form 10-
1288 K, Form 10-Q, or Form 20-F as filed with the United States
1289 Securities and Exchange Commission or such other documents
1290 required to be filed with a recognized stock exchange, which
1291 shall be provided on a quarterly and annual basis within 10 days
1292 after the last date each such report must be filed with the
1293 Securities and Exchange Commission, the National Association of
1294 Security Dealers Automated Quotation system, or other recognized
1295 stock exchange.

1296

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1297 Failure to timely file the documents required under this
1298 paragraph may, at the discretion of the office, subject the
1299 association to suspension or revocation of its license under
1300 this part.

1301 (b) If the net worth of a parent corporation is used to
1302 satisfy the net worth provisions of paragraph (a), the following
1303 provisions must be met:

1304 1. The parent corporation must guarantee all service
1305 warranty obligations of the association, wherever written, on a
1306 form approved in advance by the office. A cancellation,
1307 termination, or modification of the guarantee does not become
1308 effective unless the parent corporation provides the office
1309 written notice at least 90 days before the effective date of the
1310 cancellation, termination, or modification and the office
1311 approves the request in writing. Before the effective date of
1312 the cancellation, termination, or modification of the guarantee,
1313 the association must demonstrate to the satisfaction of the
1314 office compliance with all applicable provisions of this part,
1315 including whether the association will meet the requirements of
1316 this section by the purchase of contractual liability insurance,
1317 establishing required reserves, or other method allowed under
1318 this section. If the association or parent corporation does not
1319 demonstrate to the satisfaction of the office compliance with
1320 all applicable provisions of this part, the association or
1321 parent association shall immediately cease writing new and

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1322 renewal business upon the effective date of the cancellation,
1323 termination, or modification.

1324 2. The association must maintain at all times net assets
1325 of at least \$750,000.

1326 Section 33. Section 634.317, Florida Statutes, is amended
1327 to read:

1328 634.317 License and appointment required.—No person may
1329 solicit, negotiate, or effectuate home warranty contracts for
1330 remuneration in this state unless such person is licensed and
1331 appointed as a sales representative. A licensed and appointed
1332 sales representative shall be directly responsible and
1333 accountable for all acts of the licensee's employees.

1334 Municipalities, county governments, special districts, entities
1335 operated by a municipality or county government, and the
1336 employees or agents of a municipality, county government,
1337 special district, or entity operated by a municipality or county
1338 government, are exempt from these licensing and appointing
1339 requirements.

1340 Section 34. Subsection (9) of section 648.25, Florida
1341 Statutes, is renumbered as subsection (10), and a new subsection
1342 (9) and subsection (11) are added to that section to read:

1343 648.25 Definitions.—As used in this chapter, the term:

1344 (9) "Referring bail bond agent" is the limited surety
1345 agent who is appointed with the surety company issuing the
1346 transfer bond that is to be posted in a county where the

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1347 referring limited surety agent is not registered. The referring
1348 bail bond agent is the appointed agent held liable for the
1349 transfer bond, along with the issuing surety company.

1350 (11) "Transfer bond" means the appearance bond and power
1351 of attorney form posted by a limited surety agent who is
1352 registered in the county where the defendant is being held in
1353 custody, and who is appointed to represent the same surety
1354 company issuing the appearance bond as the referring bail bond
1355 agent.

1356 Section 35. Subsection (3) of section 648.26, Florida
1357 Statutes, is amended to read:

1358 648.26 Department of Financial Services; administration.—

1359 (3) The papers, documents, reports, or any other
1360 investigatory records of the department are confidential and
1361 exempt from s. 119.07(1) until such investigation is completed
1362 or ceases to be active, unless the department or office files a
1363 formal administrative complaint, emergency order, or consent
1364 order against the individual or entity. For the purpose of this
1365 section, an investigation is considered active while the
1366 investigation is being conducted by the department with a
1367 reasonable, good faith belief that it may lead to the filing of
1368 administrative, civil, or criminal proceedings. An investigation
1369 does not cease to be active if the department is proceeding with
1370 reasonable dispatch and there is good faith belief that action
1371 may be initiated by the department or other administrative or

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1372 law enforcement agency. This subsection does not prevent the
1373 department or office from disclosing the content of a complaint
1374 or such information as it deems necessary to conduct the
1375 investigation, to update the complainant as to the status and
1376 outcome of the complaint, to review the details of the
1377 investigation with the subject or the subject's representative,
1378 or to share such information with any law enforcement agency or
1379 other regulatory body.

1380 Section 36. Paragraph (a) of subsection (1) of section
1381 648.30, Florida Statutes, is amended to read:

1382 648.30 Licensure and appointment required; prohibited
1383 acts; penalties.—

1384 (1)(a) A person or entity may not act in the capacity of a
1385 bail bond agent or bail bond agency or perform any of the
1386 functions, duties, or powers prescribed for bail bond agents or
1387 bail bond agencies under this chapter unless that person or
1388 entity is qualified, licensed, and appointed as provided in this
1389 chapter ~~and employed by a bail bond agency.~~

1390 Section 37. Subsection (1) of section 648.355, Florida
1391 Statutes, is amended to read:

1392 648.355 Limited surety agents and professional bail bond
1393 agents; qualifications.—

1394 (1) The applicant shall furnish, with the application for
1395 license, a complete set of the applicant's fingerprints in
1396 accordance with s. 626.171(4) ~~and a recent credential-sized,~~

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1397 ~~fullface photograph of the applicant.~~ The department may not
1398 issue a license under this section until the department has
1399 received a report from the Department of Law Enforcement and the
1400 Federal Bureau of Investigation relative to the existence or
1401 nonexistence of a criminal history report based on the
1402 applicant's fingerprints.

1403 Section 38. Subsection (3) of section 648.43, Florida
1404 Statutes, is amended to read:

1405 648.43 Power of attorney; approval by office; filing of
1406 copies; notification of transfer bond.—

1407 (3) Every bail bond agent who executes or countersigns a
1408 transfer bond shall indicate in writing on the bond the name,
1409 ~~and~~ address, and license number of the referring bail bond
1410 agent.

1411 Section 39. Section 717.101, Florida Statutes, is amended
1412 to read:

1413 717.101 Definitions.—As used in this chapter, unless the
1414 context otherwise requires:

1415 (1) "Aggregate" means the amounts reported for owners of
1416 unclaimed property of less than \$50 or where there is no name
1417 for the individual or entity listed on the holder's records,
1418 regardless of the amount to be reported.

1419 (2) "Apparent owner" means the person whose name appears
1420 on the records of the holder as the person entitled to property
1421 held, issued, or owing by the holder.

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1422 (3) "Audit" means an action or proceeding to examine and
1423 verify a person's records, books, accounts, and other documents
1424 to ascertain and determine compliance with this chapter.

1425 (4) "Audit agent" means a person with whom the department
1426 enters into a contract with to conduct an audit or examination.
1427 The term includes an independent contractor of the person and
1428 each individual participating in the audit on behalf of the
1429 person or contractor.

1430 (5)~~(3)~~ "Banking organization" means any and all banks,
1431 trust companies, private bankers, savings banks, industrial
1432 banks, safe-deposit companies, savings and loan associations,
1433 credit unions, and investment companies in this state, organized
1434 under or subject to the laws of this state or of the United
1435 States, including entities organized under 12 U.S.C. s. 611, but
1436 does not include federal reserve banks. The term also includes
1437 any corporation, business association, or other organization
1438 that:

1439 (a) Is a wholly or partially owned subsidiary of any
1440 banking, banking corporation, or bank holding company that
1441 performs any or all of the functions of a banking organization;
1442 or

1443 (b) Performs functions pursuant to the terms of a contract
1444 with any banking organization ~~state or national bank,~~
1445 ~~international banking entity or similar entity, trust company,~~
1446 ~~savings bank, industrial savings bank, land bank, safe-deposit~~

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1447 ~~company, private bank, or any organization otherwise defined by~~
1448 ~~law as a bank or banking organization.~~

1449 ~~(6)-(4) "Business association" means any for-profit or~~
1450 ~~nonprofit corporation other than a public corporation; joint~~
1451 ~~stock company; investment company; unincorporated association or~~
1452 ~~association of two or more individuals for business purposes,~~
1453 ~~whether or not for profit; partnership; joint venture; limited~~
1454 ~~liability company; sole proprietorship; business trust; trust~~
1455 ~~company; land bank; safe-deposit company; safekeeping~~
1456 ~~depository; financial organization; insurance company; federally~~
1457 ~~chartered entity; utility company; or other business entity,~~
1458 ~~whether or not for profit corporation (other than a public~~
1459 ~~corporation), joint stock company, investment company, business~~
1460 ~~trust, partnership, limited liability company, or association of~~
1461 ~~two or more individuals for business purposes, whether for~~
1462 ~~profit or not for profit.~~

1463 ~~(7)-(5) "Claimant" means the person on whose behalf a claim~~
1464 ~~is filed.~~

1465 ~~(8) "Claimant's representative" means an attorney who is a~~
1466 ~~member in good standing of The Florida Bar, a certified public~~
1467 ~~accountant licensed in this state, or private investigator who~~
1468 ~~is duly licensed to do business in the state, registered with~~
1469 ~~the department, and authorized by the claimant to claim~~
1470 ~~unclaimed property on the claimant's behalf. The term does not~~
1471 ~~include a person acting in a representative capacity, such as a~~

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1472 personal representative, guardian, trustee, or attorney, whose
1473 representation is not contingent upon the discovery or location
1474 of unclaimed property; provided, however, that any agreement
1475 entered into for the purpose of evading s. 717.135 is invalid
1476 and unenforceable.

1477 (9)-(6) "Credit balance" means an account balance in the
1478 customer's favor.

1479 (10)-(7) "Department" means the Department of Financial
1480 Services.

1481 (11)-(8) "Domicile" means the state of incorporation for a
1482 corporation; the state of filing for a business association,
1483 other than a corporation, whose formation or organization
1484 requires a filing with a state; the state of organization for a
1485 business association, other than a corporation, whose formation
1486 or organization does not require a filing with a state; the
1487 state of home office for a federally chartered entity ~~incorporated~~
1488 under the laws of a state, or, for an unincorporated business
1489 association, the state where the business association is
1490 organized.

1491 (12)-(9) "Due diligence" means the use of reasonable and
1492 prudent methods under particular circumstances to locate
1493 apparent owners of inactive accounts using the taxpayer
1494 identification number or social security number, if known, which
1495 may include, but are not limited to, using a nationwide
1496 database, cross-indexing with other records of the holder,

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1497 mailing to the last known address unless the last known address
1498 is known to be inaccurate, providing written notice as described
1499 in this chapter by electronic mail if an apparent owner has
1500 elected such delivery, or engaging a licensed agency or company
1501 capable of conducting such search and providing updated
1502 addresses.

1503 (13) "Electronic" means relating to technology having
1504 electrical, digital, magnetic, wireless, optical,
1505 electromagnetic, or similar capabilities.

1506 (14)-(10) "Financial organization" means a ~~state or federal~~
1507 savings association, savings and loan association, savings bank,
1508 industrial bank, bank, banking organization, trust company,
1509 international bank agency, cooperative bank, building and loan
1510 association, or credit union.

1511 (15)-(11) "Health care provider" means any state-licensed
1512 entity that provides and receives payment for health care
1513 services. These entities include, but are not limited to,
1514 hospitals, outpatient centers, physician practices, and skilled
1515 nursing facilities.

1516 (16)-(12) "Holder" means:

1517 (a) A person, ~~wherever organized or domiciled,~~ who is in
1518 possession or control or has custody of property or the rights
1519 to property belonging to another; is indebted to another on an
1520 obligation; or is obligated to hold for the account of, or to

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1521 deliver or pay to, the owner, property subject to this chapter;
1522 or:

1523 ~~(a) In possession of property belonging to another;~~

1524 (b) A trustee in case of a trust; ~~or~~

1525 ~~(c) Indebted to another on an obligation.~~

1526 (17) ~~(13)~~ "Insurance company" means an association,
1527 corporation, or fraternal or mutual benefit organization,
1528 whether for profit or not for profit, which is engaged in
1529 providing insurance coverage.

1530 (18) ~~(14)~~ "Intangible property" includes, by way of
1531 illustration and not limitation:

1532 (a) Moneys, checks, virtual currency, drafts, deposits,
1533 interest, dividends, and income.

1534 (b) Credit balances, customer overpayments, security
1535 deposits and other instruments as defined by chapter 679,
1536 refunds, unpaid wages, unused airline tickets, and unidentified
1537 remittances.

1538 (c) Stocks, and other intangible ownership interests in
1539 business associations.

1540 (d) Moneys deposited to redeem stocks, bonds, bearer
1541 bonds, original issue discount bonds, coupons, and other
1542 securities, or to make distributions.

1543 (e) Amounts due and payable under the terms of insurance
1544 policies.

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1545 (f) Amounts distributable from a trust or custodial fund
1546 established under a plan to provide any health, welfare,
1547 pension, vacation, severance, retirement, death, stock purchase,
1548 profit sharing, employee savings, supplemental unemployment
1549 insurance, or similar benefit.

1550 ~~(19)-(15)~~ "Last known address" means a description of the
1551 location of the apparent owner sufficient for the purpose of the
1552 delivery of mail. For the purposes of identifying, reporting,
1553 and remitting property to the department which is presumed to be
1554 unclaimed, "last known address" includes any partial description
1555 of the location of the apparent owner sufficient to establish
1556 the apparent owner was a resident of this state at the time of
1557 last contact with the apparent owner or at the time the property
1558 became due and payable.

1559 ~~(20)-(16)~~ "Lawful charges" means charges against dormant
1560 accounts that are authorized by statute for the purpose of
1561 offsetting the costs of maintaining the dormant account.

1562 ~~(21)-(17)~~ "Managed care payor" means a health care plan
1563 that has a defined system of selecting and limiting health care
1564 providers as evidenced by a managed care contract with the
1565 health care providers. These plans include, but are not limited
1566 to, managed care health insurance companies and health
1567 maintenance organizations.

1568 ~~(22)-(18)~~ "Owner" means a person, or the person's legal
1569 representative, entitled to receive or having a legal or

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1570 equitable interest in or claim against property subject to this
1571 chapter; a depositor in the case of a deposit; a beneficiary in
1572 the case of a trust or a deposit in trust; or a payee in the
1573 case of a negotiable instrument or other intangible property a
1574 depositor in the case of a deposit, a beneficiary in the case of
1575 a trust or a deposit in trust, or a payee in the case of other
1576 intangible property, or a person having a legal or equitable
1577 interest in property subject to this chapter or his or her legal
1578 representative.

1579 (23) "Person" means an individual; estate; business
1580 association; corporation; firm; association; joint adventure;
1581 partnership; government or governmental subdivision, agency, or
1582 instrumentality; or any other legal or commercial entity.

1583 (24)-(19) "Public corporation" means a corporation created
1584 by the state, founded and owned in the public interest,
1585 supported by public funds, and governed by those deriving their
1586 power from the state.

1587 (25) "Record" means information that is inscribed on a
1588 tangible medium or that is stored in an electronic or other
1589 medium and is retrievable in perceivable form.

1590 (26)-(20) "Reportable period" means the calendar year
1591 ending December 31 of each year.

1592 (27)-(21) "State," when applied to a part of the United
1593 States, includes any state, district, commonwealth, territory,

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1594 insular possession, and any other area subject to the
1595 legislative authority of the United States.

1596 ~~(28)-(22)~~ "Trust instrument" means a trust instrument as
1597 defined in s. 736.0103.

1598 ~~(23) "Ultimate equitable owner" means a natural person
1599 who, directly or indirectly, owns or controls an ownership
1600 interest in a corporation, a foreign corporation, an alien
1601 business organization, or any other form of business
1602 organization, regardless of whether such natural person owns or
1603 controls such ownership interest through one or more natural
1604 persons or one or more proxies, powers of attorney, nominees,
1605 corporations, associations, partnerships, trusts, joint stock
1606 companies, or other entities or devices, or any combination
1607 thereof.~~

1608 (29) "Unclaimed Property Purchase Agreement" means the
1609 form adopted by the department pursuant to s. 717.135 which must
1610 be used, without modification or amendment, by a claimant's
1611 representative to purchase unclaimed property from an owner.

1612 (30) "Unclaimed Property Recovery Agreement" means the
1613 form adopted by the department pursuant to s. 717.135 which must
1614 be used, without modification or amendment, by a claimant's
1615 representative to obtain an owner's consent and authority to
1616 recover unclaimed property on the owner's behalf.

1617 ~~(31)-(24)~~ "United States" means any state, district,
1618 commonwealth, territory, insular possession, and any other area

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1619 subject to the legislative authority of the United States of
1620 America.

1621 ~~(32)-(25)~~ "Utility" means a person who owns or operates,
1622 for public use, any plant, equipment, property, franchise, or
1623 license for the transmission of communications or the
1624 production, storage, transmission, sale, delivery, or furnishing
1625 of electricity, water, steam, or gas.

1626 (33) (a) "Virtual currency" means digital units of exchange
1627 that:

1628 1. Have a centralized repository or administrator;
1629 2. Are decentralized and have no centralized repository or
1630 administrator; or
1631 3. May be created or obtained by computing or
1632 manufacturing effort.

1633 (b) The term does not include any of the following:

1634 1. Digital units that:
1635 a. Are used solely within online gaming platforms;
1636 b. Have no market or application outside of the online
1637 gaming platforms in sub-subparagraph a.;
1638 c. Cannot be converted into, or redeemed for, fiat
1639 currency or virtual currency; and
1640 d. Can or cannot be redeemed for real-world goods,
1641 services, discounts, or purchases.

1642 2. Digital units that can be redeemed for:

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1643 a. Real-world goods, services, discounts, or purchases as
1644 part of a customer affinity or rewards program with the issuer
1645 or other designated merchants; or

1646 b. Digital units in another customer affinity or rewards
1647 program, but cannot be converted into, or redeemed for, fiat
1648 currency or virtual currency.

1649 3. Digital units used as part of prepaid cards.

1650 Section 40. Subsections (3) and (4) are added to section
1651 717.102, Florida Statutes, to read:

1652 717.102 Property presumed unclaimed; general rule.—

1653 (3) A presumption that property is unclaimed is rebutted
1654 by an apparent owner's expression of interest in the property.
1655 An owner's expression of interest in property includes:

1656 (a) A record communicated by the apparent owner to the
1657 holder or agent of the holder concerning the property or the
1658 account in which the property is held;

1659 (b) An oral communication by the apparent owner to the
1660 holder or agent of the holder concerning the property or the
1661 account in which the property is held, if the holder or its
1662 agent contemporaneously makes and preserves a record of the fact
1663 of the apparent owner's communication;

1664 (c) Presentment of a check or other instrument of payment
1665 of a dividend, interest payment, or other distribution, with
1666 respect to an account, underlying security, or interest in a
1667 business association;

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1668 (d) Activity directed by an apparent owner in the account
1669 in which the property is held, including accessing the account
1670 or information concerning the account, or a direction by the
1671 apparent owner to increase, decrease, or otherwise change the
1672 amount or type of property held in the account;

1673 (e) A deposit into or withdrawal from an account at a
1674 financial organization, excluding an automatic deposit or
1675 withdrawal previously authorized by the apparent owner or an
1676 automatic reinvestment of dividends or interest, which does not
1677 constitute an expression of interest; or

1678 (f) Any other action by the apparent owner which
1679 reasonably demonstrates to the holder that the apparent owner
1680 knows that the property exists.

1681 (4) A deceased owner is incapable of expressing an
1682 interest in property.

1683 Section 41. Subsection (5) of section 717.106, Florida
1684 Statutes, is amended to read:

1685 717.106 Bank deposits and funds in financial
1686 organizations.—

1687 (5) If the documents establishing a deposit described in
1688 subsection (1) state the address of a beneficiary of the
1689 deposit, and the account has a value of at least \$50, notice
1690 shall be given to the beneficiary as provided for notice to the
1691 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This

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1692 subsection shall apply to accounts opened on or after October 1,
1693 1990.

1694 Section 42. Section 717.1065, Florida Statutes, is created
1695 to read:

1696 717.1065 Virtual currency.-

1697 (1) Any virtual currency held or owing by a banking
1698 organization, corporation, custodian, exchange, or other entity
1699 engaged in virtual currency business activity is presumed
1700 unclaimed unless the owner, within 5 years, has communicated in
1701 writing with the banking organization, corporation, custodian,
1702 exchange, or other entity engaged in virtual currency business
1703 activity concerning the virtual currency or otherwise indicated
1704 an interest as evidenced by a memorandum or other record on file
1705 with the banking organization, corporation, custodian, exchange,
1706 or other entity engaged in virtual currency business activity.

1707 (2) A holder may not deduct from the amount of any virtual
1708 currency subject to this section any charges imposed by reason
1709 of the virtual currency unless there is a valid and enforceable
1710 written contract between the holder and the owner of the virtual
1711 currency pursuant to which the holder may impose those charges
1712 and does not regularly reverse or otherwise cancel those charges
1713 with respect to the virtual currency.

1714 Section 43. Paragraph (a) of subsection (1) of section
1715 717.1101, Florida Statutes, is amended to read:

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1716 717.1101 Unclaimed equity and debt of business
1717 associations.—

1718 (1)(a) Stock or other equity interest in a business
1719 association is presumed unclaimed on the date of 3 years after
1720 the earliest of the following:

1721 1. Three years after The date of the most recent of any
1722 owner-generated activity or communication related to the
1723 account, as recorded and maintained in the holder's database and
1724 records systems sufficient enough to demonstrate the owners
1725 continued awareness or interest in the property dividend, stock
1726 split, or other distribution unclaimed by the apparent owner;

1727 2. Three years after the date of the death of the owner,
1728 as evidenced by: The date of a statement of account or other
1729 notification or communication that was returned as
1730 undeliverable; or

1731 a. Notice to the holder of the owner's death by an
1732 administrator, beneficiary, relative, or trustee, or by a
1733 personal representative or other legal representative of the
1734 owner's estate;

1735 b. Receipt by the holder of a copy of the death
1736 certificate of the owner;

1737 c. Confirmation by the holder of the owner's death though
1738 other means; or

1739 d. Other evidence from which the holder may reasonably
1740 conclude that the owner is deceased; or

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1741 3. One year after the date on which the holder receives
1742 notice under subparagraph 2. if the notice is received 2 years
1743 or less after the owner's death and the holder lacked knowledge
1744 of the owner's death during that period of 2 years or less ~~The~~
1745 ~~date the holder discontinued mailings, notifications, or~~
1746 ~~communications to the apparent owner.~~

1747 Section 44. Subsection (1) of section 717.112, Florida
1748 Statutes, is amended to read:

1749 717.112 Property held by agents and fiduciaries.—

1750 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
1751 intangible property and any income or increment thereon held in
1752 a fiduciary capacity for the benefit of another person,
1753 including property held by an attorney in fact or an agent,
1754 except as provided in ss. 717.1125 and 733.816, is presumed
1755 unclaimed unless the owner has within 5 years after it has
1756 become payable or distributable increased or decreased the
1757 principal, accepted payment of principal or income, communicated
1758 in writing concerning the property, or otherwise indicated an
1759 interest as evidenced by a memorandum or other record on file
1760 with the fiduciary.

1761 Section 45. Section 717.117, Florida Statutes, is amended
1762 to read:

1763 717.117 Report of unclaimed property.—

1764 (1) Every person holding funds or other property, tangible
1765 or intangible, presumed unclaimed and subject to custody as

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1766 unclaimed property under this chapter shall report to the
1767 department ~~on such forms as the department may prescribe by~~
1768 ~~rule. In lieu of forms, a report identifying 25 or more~~
1769 ~~different apparent owners must be submitted by the holder via~~
1770 electronic medium as the department may prescribe by rule. The
1771 report must include:

1772 (a) ~~Except for traveler's checks and money orders,~~ The
1773 name, social security number or taxpayer identification number,
1774 ~~and date of birth, if known,~~ and last known address, ~~if any,~~ of
1775 each person appearing from the records of the holder to be the
1776 owner of any property which is presumed unclaimed and which has
1777 a value of \$10 ~~\$50~~ or more.

1778 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
1779 or more held or owing under any life or endowment insurance
1780 policy or annuity contract, the identifying information provided
1781 in paragraph (a) for both full name, taxpayer identification
1782 number or social security number, date of birth, if known, and
1783 last known address of the insured or annuitant and ~~of~~ the
1784 beneficiary according to records of the insurance company
1785 holding or owing the funds.

1786 (c) For all tangible property held in a safe-deposit box
1787 or other safekeeping repository, a description of the property
1788 and the place where the property is held and may be inspected by
1789 the department, and any amounts owing to the holder. Contents of
1790 a safe-deposit box or other safekeeping repository which consist

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1791 of documents or writings of a private nature and which have
1792 little or no apparent value shall not be presumed unclaimed.

1793 (d) The nature or type of property, any accounting or ~~and~~
1794 identifying number associated with the property, a if any, or
1795 description of the property, and the amount appearing from the
1796 records to be due. Items of value under \$10 ~~\$50~~ each may be
1797 reported in the aggregate.

1798 (e) The date the property became payable, demandable, or
1799 returnable, and the date of the last transaction with the
1800 apparent owner with respect to the property.

1801 (f) Any other information the department may prescribe by
1802 rule as necessary for the administration of this chapter.

1803 (2) If the total value of all presumed unclaimed property,
1804 whether tangible or intangible, held by a person is less than
1805 \$10, a zero balance report may be filed for that reporting
1806 period.

1807 ~~(f) Any person or business association or public~~
1808 ~~corporation holding funds presumed unclaimed and having a total~~
1809 ~~value of \$10 or less may file a zero balance report for that~~
1810 ~~reporting period. The balance brought forward to the new~~
1811 ~~reporting period is zero.~~

1812 ~~(g) Such other information as the department may prescribe~~
1813 ~~by rule as necessary for the administration of this chapter.~~

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1814 ~~(3)(h)~~ Credit balances, customer overpayments, security
1815 deposits, and refunds having a value of less than \$10 shall not
1816 be presumed unclaimed.

1817 ~~(4)(2)~~ If the holder of property presumed unclaimed and
1818 subject to custody as unclaimed property is a successor holder
1819 or if the holder has changed the holder's name while in
1820 possession of the property, the holder shall file with the
1821 holder's report all known names and addresses of each prior
1822 holder of the property. Compliance with this subsection means
1823 the holder exercises reasonable and prudent efforts to determine
1824 the names of all prior holders.

1825 ~~(5)(3)~~ The report must be filed before May 1 of each year.
1826 The report shall apply to the preceding calendar year. On
1827 written request by any person required to file a report, and
1828 upon a showing of good cause, the department may extend the
1829 reporting date. The department may impose and collect a penalty
1830 of \$10 per day up to a maximum of \$500 for the failure to timely
1831 report, if an extension was not provided or if the holder of the
1832 property failed the failure to include in a report information
1833 required by this chapter which was in the holder's possession at
1834 the time of reporting. The penalty shall be remitted to the
1835 department within 30 days after the date of the notification to
1836 the holder that the penalty is due and owing. As necessary for
1837 proper administration of this chapter, the department may waive
1838 any penalty due with appropriate justification. ~~On written~~

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1839 ~~request by any person required to file a report and upon a~~
1840 ~~showing of good cause, the department may postpone the reporting~~
1841 ~~date.~~ The department must provide information contained in a
1842 report filed with the department to any person requesting a copy
1843 of the report or information contained in a report, to the
1844 extent the information requested is not confidential, within 45
1845 days after the department determines that the report ~~has been~~
1846 ~~processed and added to the unclaimed property database~~
1847 ~~subsequent to a determination that the report is accurate and~~
1848 acceptable and that the reported property is the same as the
1849 remitted property.

1850 (6)(4) Holders of inactive accounts having a value of \$50
1851 or more shall use due diligence to locate and notify apparent
1852 owners that the entity is holding unclaimed property available
1853 for them to recover. Not more than 120 days and not less than 60
1854 days prior to filing the report required by this section, the
1855 holder in possession of property presumed unclaimed and subject
1856 to custody as unclaimed property under this chapter shall send
1857 written notice by first-class United States mail to the apparent
1858 owner at the apparent owner's last known address from the
1859 holder's records or from other available sources, or via
1860 electronic mail if the apparent owner has elected this method of
1861 delivery, informing the apparent owner that the holder is in
1862 possession of property subject to this chapter, if the holder
1863 has in its records a mailing or electronic ~~an~~ address for the

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1864 | apparent owner which the holder's records do not disclose to be
1865 | inaccurate. These two means of contact are not mutually
1866 | exclusive; if the mailing address is determined to be
1867 | inaccurate, electronic mail may be used if so elected by the
1868 | apparent owner.

1869 | (7) The written notice to the apparent owner required
1870 | under this section must:

1871 | (a) Contain a heading that reads substantially as follows:
1872 | "Notice. The State of Florida requires us to notify you that
1873 | your property may be transferred to the custody of the Florida
1874 | Department of Financial Services if you do not contact us before
1875 | (insert date that is 30 days after the date of notice)."

1876 | (b) Identify the type, nature, and, except for property
1877 | that does not have a fixed value, value of the property that is
1878 | the subject of the notice.

1879 | (c) State that the property will be turned over to the
1880 | custody of the department if no response is received within 30
1881 | days after the date of the notice.

1882 | (d) State that any property that is not legal tender of
1883 | the United States may be sold or liquidated by the department.

1884 | (e) State that after the property is turned over to the
1885 | department, an apparent owner seeking return of the property may
1886 | file a claim with the department.

1887 | (f) State that the property is currently with a holder and
1888 | provide instructions that the apparent owner must follow to

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1889 prevent the holder from reporting and paying for the property or
1890 from delivering the property to the department.

1891 ~~(8)-(5)~~ Any holder of intangible property may file with the
1892 department a petition for determination that the property is
1893 unclaimed requesting the department to accept custody of the
1894 property. The petition shall state any special circumstances
1895 that exist, contain the information required by subsection (4)
1896 ~~(2)~~, and show that a diligent search has been made to locate the
1897 owner. If the department finds that the proof of diligent search
1898 is satisfactory, it shall give notice as provided in s. 717.118
1899 and accept custody of the property.

1900 ~~(9)-(6)~~ Upon written request by any entity or person
1901 required to file a report, stating such entity's or person's
1902 justification for such action, the department may place that
1903 entity or person in an inactive status as an unclaimed property
1904 "holder."

1905 ~~(10)-(7)~~(a) This section does not apply to the unclaimed
1906 patronage refunds as provided for by contract or through bylaw
1907 provisions of entities organized under chapter 425 or that are
1908 exempt from ad valorem taxation pursuant to s. 196.2002.

1909 (b) This section does not apply to intangible property
1910 held, issued, or owing by a business association subject to the
1911 jurisdiction of the United States Surface Transportation Board
1912 or its successor federal agency if the apparent owner of such
1913 intangible property is a business association. The holder of

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1914 such property does not have any obligation to report, to pay, or
1915 to deliver such property to the department.

1916 (c) This section does not apply to credit balances,
1917 overpayments, refunds, or outstanding checks owed by a health
1918 care provider to a managed care payor with whom the health care
1919 provider has a managed care contract, provided that the credit
1920 balances, overpayments, refunds, or outstanding checks become
1921 due and owing pursuant to the managed care contract.

1922 ~~(11)~~(8)(a) As used in this subsection, the term "property
1923 identifier" means the descriptor used by the holder to identify
1924 the unclaimed property.

1925 (b) Social security numbers and property identifiers
1926 contained in reports required under this section, held by the
1927 department, are confidential and exempt from s. 119.07(1) and s.
1928 24(a), Art. I of the State Constitution.

1929 (c) This exemption applies to social security numbers and
1930 property identifiers held by the department before, on, or after
1931 the effective date of this exemption.

1932 (12) This section shall take effect on January 1, 2025.

1933 Section 46. Subsections (4), (5), and (6) of section
1934 717.119, Florida Statutes, are renumbered as subsections (5),
1935 (6), and (7), respectively, and a new subsection (4) and
1936 subsection (8) are added to that section, to read:

1937 717.119 Payment or delivery of unclaimed property.-

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1938 (4) All virtual currency reported under this chapter on
1939 the annual report filing required in s. 717.117 shall be
1940 remitted to the department with the report. The holder shall
1941 liquidate the virtual currency and remit the proceeds to the
1942 department. The liquidation must occur within 30 before the
1943 filing of the report. Upon delivery of the virtual currency
1944 proceeds to the department, the holder is relieved of all
1945 liability of every kind in accordance with the provisions of s.
1946 717.1201 to every person for any losses or damages resulting to
1947 the person by the delivery to the department of the virtual
1948 currency proceeds.

1949 (8) A holder may not assign or otherwise transfer its
1950 obligation to report, pay, or deliver property or to comply with
1951 the provisions of this chapter, other than to a parent,
1952 subsidiary, or affiliate of the holder.

1953 (a) Unless otherwise agreed to by the parties to a
1954 transaction, the holder's successor by merger or consolidation,
1955 or any person or entity that acquires all or substantially all
1956 of the holder's capital stock or assets, is responsible for
1957 fulfilling the holder's obligation to report, pay, or deliver
1958 property or to comply with the duties of this chapter regarding
1959 the transfer to it of property owed to and being held for an
1960 owner resulting from the merger, consolidation, or acquisition.

1961 (b) This subsection does not prohibit a holder from
1962 contracting with a third party for the reporting of unclaimed

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1963 property, but the holder remains responsible to the department
1964 for the complete, accurate, and timely reporting of the
1965 property.

1966 Section 47. Section 717.1201, Florida Statutes, is amended
1967 to read:

1968 717.1201 Custody by state; holder ~~relieved from~~ liability;
1969 reimbursement of holder paying claim; reclaiming for owner;
1970 ~~defense of holder;~~ payment of safe-deposit box or repository
1971 charges.-

1972 (1) Upon the good faith payment or delivery of property to
1973 the department, the state assumes custody and responsibility for
1974 the safekeeping of property. Any person who pays or delivers
1975 property to the department in good faith is relieved of all
1976 liability to the extent of the value of the property paid or
1977 delivered for any claim then existing or which thereafter may
1978 arise or be made in respect to the property.

1979 (a) A holder's substantial compliance with s. 717.117(4)
1980 and good faith payment or delivery of property to the department
1981 terminates any legal relationship between the holder and the
1982 owner with respect to the property reported and releases and
1983 discharges the holder from any and all liability to the owner,
1984 the owner's heirs, personal representatives, successors, or
1985 assigns by reason of such payment or delivery, regardless of
1986 whether such property is in fact and in law unclaimed property,
1987 and such delivery and payment may be plead as a bar to recovery

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1988 and are a conclusive defense in any suit or action brought by
1989 the owner, the owner's heirs, personal representatives,
1990 successors, and assigns or any claimant against the holder by
1991 reason of such delivery or payment.

1992 (b) If the holder pays or delivers property to the
1993 department in good faith and thereafter any other person claims
1994 the property from the holder paying or delivering, or another
1995 state claims the money or property under that state's laws
1996 relating to escheat or abandoned or unclaimed property, the
1997 department, upon written notice of the claim, shall defend the
1998 holder against the claim and indemnify the holder against any
1999 liability on the claim, except that a holder may not be
2000 indemnified against penalties imposed by another state.

2001 (2) For the purposes of this section, a payment or
2002 delivery of property is made in good faith if:

2003 (a) The payment or delivery was made in conjunction with
2004 an accurate and acceptable report.

2005 (b) The payment or delivery was made in a reasonable
2006 attempt to comply with this chapter.

2007 (c) The holder had a reasonable basis for believing, based
2008 on the facts then known, that the property was unclaimed and
2009 subject to this chapter.

2010 (d) There is no showing that the records pursuant to which
2011 the delivery was made did not meet reasonable commercial
2012 standards of practice in the industry.

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2013 ~~(3)-(2)~~ Any holder who has paid money to the department
2014 pursuant to this chapter may make payment to any person
2015 appearing to be entitled to payment and, upon filing proof that
2016 the payee is entitled thereto, the department shall forthwith
2017 repay the holder without deduction of any fee or other charges.
2018 If repayment is sought for a payment made on a negotiable
2019 instrument, including a traveler's check or money order, the
2020 holder must be repaid under this subsection upon filing proof
2021 that the instrument was duly presented and that the payee is
2022 entitled to payment. The holder shall be repaid for payment made
2023 under this subsection even if the payment was made to a person
2024 whose claim was barred under s. 717.129(1).

2025 ~~(4)-(3)~~ Any holder who has delivered property, including a
2026 certificate of any interest in a business association, other
2027 than money to the department pursuant to this chapter may
2028 reclaim the property if still in the possession of the
2029 department, without payment of any fee or other charges, upon
2030 filing proof that the owner has claimed the property from the
2031 holder.

2032 ~~(5)-(4)~~ The department may accept an affidavit of the
2033 holder stating the facts that entitle the holder to recover
2034 money and property under this section as sufficient proof.

2035 ~~(5) If the holder pays or delivers property to the~~
2036 ~~department in good faith and thereafter any other person claims~~
2037 ~~the property from the holder paying or delivering, or another~~

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2038 ~~state claims the money or property under that state's laws~~
2039 ~~relating to escheat or abandoned or unclaimed property, the~~
2040 ~~department, upon written notice of the claim, shall defend the~~
2041 ~~holder against the claim and indemnify the holder against any~~
2042 ~~liability on the claim.~~

2043 ~~(6) For the purposes of this section, "good faith" means~~
2044 ~~that:~~

2045 ~~(a) Payment or delivery was made in a reasonable attempt~~
2046 ~~to comply with this chapter.~~

2047 ~~(b) The person delivering the property was not a fiduciary~~
2048 ~~then in breach of trust in respect to the property and had a~~
2049 ~~reasonable basis for believing, based on the facts then known to~~
2050 ~~that person, that the property was unclaimed for the purposes of~~
2051 ~~this chapter.~~

2052 ~~(c) There is no showing that the records pursuant to which~~
2053 ~~the delivery was made did not meet reasonable commercial~~
2054 ~~standards of practice in the industry.~~

2055 ~~(6)-(7)~~ Property removed from a safe-deposit box or other
2056 safekeeping repository is received by the department subject to
2057 the holder's right under this subsection to be reimbursed for
2058 the actual cost of the opening and to any valid lien or contract
2059 providing for the holder to be reimbursed for unpaid rent or
2060 storage charges. The department shall make the reimbursement to
2061 the holder out of the proceeds remaining after the deduction of
2062 the department's selling cost.

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2063 (7) If it appears to the satisfaction of the department
2064 that, because of some mistake of fact, error in calculation, or
2065 erroneous interpretation of a statute, a person has paid or
2066 delivered to the department pursuant to any provision of this
2067 chapter any money or other property not required by this chapter
2068 to be so paid or delivered, the department may, within 5 years
2069 after such erroneous payment or delivery, refund or redeliver
2070 such money or other property to the person, provided that such
2071 money or property has not been paid or delivered to a claimant
2072 or otherwise disposed of in accordance with this chapter.

2073 Section 48. Subsection (1) of section 717.123, Florida
2074 Statutes, is amended to read:

2075 717.123 Deposit of funds.—

2076 (1) All funds received under this chapter, including the
2077 proceeds from the sale of unclaimed property under s. 717.122,
2078 shall forthwith be deposited by the department in the Unclaimed
2079 Property Trust Fund. The department shall retain, from funds
2080 received under this chapter, an amount not exceeding ~~\$65~~ \$15
2081 million from which the department shall make prompt payment of
2082 claims allowed by the department and shall pay the costs
2083 incurred by the department in administering and enforcing this
2084 chapter. All remaining funds received by the department under
2085 this chapter shall be deposited by the department into the State
2086 School Fund.

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2087 Section 49. Section 717.1242, Florida Statutes, is amended
2088 to read:

2089 717.1242 Restatement of jurisdiction of the circuit court
2090 sitting in probate and the department.—

2091 (1) It is and has been the intent of the Legislature that,
2092 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
2093 proceedings relating to the settlement of the estates of
2094 decedents and other jurisdiction usually pertaining to courts of
2095 probate. It is and has been the intent of the Legislature that,
2096 pursuant to this chapter s. 717.124, the department determines
2097 the merits of claims and entitlements to ~~for~~ property paid or
2098 delivered to the department under this chapter. Consistent with
2099 this legislative intent, any ~~estate or~~ beneficiary, devisee,
2100 heir, personal representative, or other interested person, as
2101 those terms are defined in s. 731.201, of an estate seeking to
2102 obtain property paid or delivered to the department under this
2103 chapter must file a claim with the department as provided in s.
2104 717.124.

2105 (2) If a beneficiary, devisee, heir, personal
2106 representative, or other interested person, as those terms are
2107 defined in s. 731.201, of an estate seeks administration of the
2108 estate, of which unclaimed property makes up 50 percent or more
2109 of the assets, the department shall be considered an interested
2110 party and provided with notice of any such proceeding as

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2111 provided in the Florida Probate Code and the Florida Probate
2112 Rules.

2113 ~~(3)-(2)~~ If any estate or heir of an estate seeks or obtains
2114 an order from a circuit court sitting in probate directing the
2115 department to pay or deliver to any person property paid or
2116 delivered to the department under this chapter, the estate or
2117 heir shall be ordered to pay the department reasonable costs and
2118 attorney's fees in any proceeding brought by the department to
2119 oppose, appeal, or collaterally attack the order if the
2120 department is the prevailing party in any such proceeding.

2121 Section 50. Subsection (4) of section 717.1243, Florida
2122 Statutes, is amended to read:

2123 717.1243 Small estate accounts.—

2124 (4) This section ~~only~~ applies only if all of the unclaimed
2125 property held by the department on behalf of the owner has an
2126 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
2127 proceeding is pending.

2128 Section 51. Subsection (2) of section 717.129, Florida
2129 Statutes, is amended to read:

2130 717.129 Periods of limitation.—

2131 (2) The department may not commence an ~~No~~ action or
2132 proceeding to enforce this chapter with respect to the
2133 reporting, payment, or delivery of property or any other duty of
2134 a holder under this chapter ~~may be commenced by the department~~
2135 ~~with respect to any duty of a holder under this chapter~~ more

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2136 than 10 years after the duty arose. The period of limitation
2137 established under this subsection is tolled by the earlier of
2138 the department's or audit agent's delivery of a notice that a
2139 holder is subject to an audit or examination under s. 717.1301
2140 or the holder's written election to enter into an unclaimed
2141 property voluntary disclosure agreement.

2142 Section 52. Section 717.1301, Florida Statutes, is amended
2143 to read:

2144 717.1301 Investigations; examinations; subpoenas.—

2145 (1) To carry out the chapter's purpose of protecting the
2146 interest of missing owners through the safeguarding of their
2147 property and to administer and enforce this chapter, the
2148 department may:

2149 (a) Investigate, examine, inspect, request, or otherwise
2150 gather information or evidence on, claim documents from a
2151 claimant or a claimant's representative during its review of a
2152 claim.

2153 (b) Audit the records of a person or the records in the
2154 possession of an agent, representative, subsidiary, or affiliate
2155 of the person subject to this chapter to determine whether the
2156 person complied with this chapter. Such records may include
2157 information to verify the completeness or accuracy of the
2158 records provided, even if such records may not identify property
2159 reportable to the department.

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2160 (c) Take testimony of a person, including the person's
2161 employee, agent, representative, subsidiary, or affiliate, to
2162 determine whether the person complied with this chapter.

2163 (d) Issue an administrative subpoena to require that the
2164 records specified in paragraph (b) be made available for
2165 examination or audit and that the testimony specified in
2166 paragraph (c) be provided.

2167 (e) Bring an action in a court of competent jurisdiction
2168 seeking enforcement of an administrative subpoena issued under
2169 this section, which the court shall consider under procedures
2170 that will lead to an expeditious resolution of the action.

2171 (f) Bring an administrative action or an action in a court
2172 of competent jurisdiction to enforce this chapter.

2173 (2) If a person is subject to reporting property under
2174 this chapter, the department may require the person to file a
2175 verified report in a form prescribed by the department. The
2176 verified report must:

2177 (a) State whether the person is holding property
2178 reportable under this chapter;

2179 (b) Describe the property not previously reported, the
2180 property about which the department has inquired, or the
2181 property that is in dispute as to whether it is reportable under
2182 this chapter; and

2183 (c) State the amount or value of the property.

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2184 (3) The department may authorize a compliance review of a
2185 report for a specified reporting year. The review must be
2186 limited to the contents of the report filed, as required by s.
2187 717.117 and subsection (2), and all supporting documents related
2188 to the reports. If the review results in a finding of a
2189 deficiency in unclaimed property due and payable to the
2190 department, the department shall notify the holder in writing of
2191 the amount of deficiency within 1 year after the authorization
2192 of the compliance review. If the holder fails to pay the
2193 deficiency within 90 days, the department may seek to enforce
2194 the assessment under subsection (1). The department is not
2195 required to conduct a review under this section before
2196 initiating an audit.

2197 (4) Notwithstanding any other provision of law, in a
2198 contract providing for the location or collection of unclaimed
2199 property, the department may authorize the contractor to deduct
2200 its fees and expenses for services provided under the contract
2201 from the unclaimed property that the contractor has recovered or
2202 collected under the contract. The department shall annually
2203 report to the Chief Financial Officer the total amount collected
2204 or recovered by each contractor during the previous fiscal year
2205 and the total fees and expenses deducted by each contractor.

2206 ~~(1) The department may make investigations and~~
2207 ~~examinations within or outside this state of claims, reports,~~
2208 ~~and other records as it deems necessary to administer and~~

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2209 ~~enforce the provisions of this chapter. In such investigations~~
2210 ~~and examinations the department may administer oaths, examine~~
2211 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2212 ~~department may request any person who has not filed a report~~
2213 ~~under s. 717.117 to file a verified report stating whether or~~
2214 ~~not the person is holding any unclaimed property reportable or~~
2215 ~~deliverable under this chapter.~~

2216 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2217 ~~material to any investigation or examination under this section~~
2218 ~~may be issued by the department under seal of the department, or~~
2219 ~~by any court of competent jurisdiction, commanding such~~
2220 ~~witnesses to appear before the department at a time and place~~
2221 ~~named and to bring such books, records, and documents as may be~~
2222 ~~specified or to submit such books, records, and documents to~~
2223 ~~inspection. Such subpoenas may be served by an authorized~~
2224 ~~representative of the department.~~

2225 ~~(3) If any person shall refuse to testify, produce books,~~
2226 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2227 ~~issued under this section, the department may present its~~
2228 ~~petition to a court of competent jurisdiction in or for the~~
2229 ~~county in which such person resides or has its principal place~~
2230 ~~of business, whereupon the court shall issue its rule nisi~~
2231 ~~requiring such person to obey forthwith the subpoena issued by~~
2232 ~~the department or show cause for failing to obey said subpoena.~~
2233 ~~Unless said person shows sufficient cause for failing to obey~~

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2234 ~~the subpoena, the court shall forthwith direct such person to~~
2235 ~~obey the same subject to such punishment as the court may direct~~
2236 ~~including, but not limited to, the restraint, by injunction or~~
2237 ~~by appointment of a receiver, of any transfer, pledge,~~
2238 ~~assignment, or other disposition of such person's assets or any~~
2239 ~~concealment, alteration, destruction, or other disposition of~~
2240 ~~subpoenaed books, records, or documents as the court deems~~
2241 ~~appropriate, until such person has fully complied with such~~
2242 ~~subpoena and the department has completed its investigation or~~
2243 ~~examination. The department is entitled to the summary procedure~~
2244 ~~provided in s. 51.011, and the court shall advance the cause on~~
2245 ~~its calendar. Costs incurred by the department to obtain an~~
2246 ~~order granting, in whole or in part, its petition shall be taxed~~
2247 ~~against the subpoenaed person, and failure to comply with such~~
2248 ~~order shall be a contempt of court.~~

2249 ~~(4) Witnesses shall be entitled to the same fees and~~
2250 ~~mileage as they may be entitled by law for attending as~~
2251 ~~witnesses in the circuit court, except where such examination or~~
2252 ~~investigation is held at the place of business or residence of~~
2253 ~~the witness.~~

2254 (5) The material compiled by the department in an
2255 investigation or examination under this chapter is confidential
2256 until the investigation or examination is complete. If any such
2257 material contains a holder's financial or proprietary
2258 information, it may not be disclosed or made public by the

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2259 department after the investigation or audit is completed, except
2260 as required by a court of competent jurisdiction in the course
2261 of a judicial proceeding in which the state is a party, or
2262 pursuant to an agreement with another state allowing joint
2263 audits. Such material may be considered trade secret and exempt
2264 from s. 119.07(1) as provided for in s. 119.0715. The records,
2265 data, and information gathered ~~material compiled~~ by the
2266 department in an investigation or audit ~~examination~~ under this
2267 chapter remain ~~remains~~ confidential ~~after the department's~~
2268 ~~investigation or examination is complete~~ if the department has
2269 submitted the material or any part of it to any law enforcement
2270 agency or other administrative agency for further investigation
2271 or for the filing of a criminal or civil prosecution and such
2272 investigation has not been completed or become inactive.

2273 (6) If an investigation or an audit ~~examination~~ of the
2274 records of any person results in the disclosure of property
2275 reportable and deliverable under this chapter, the department
2276 may assess the cost of the investigation or audit ~~the~~
2277 ~~examination~~ against the holder ~~at the rate of \$100 per 8-hour~~
2278 ~~day for each investigator or examiner. Such fee shall be~~
2279 ~~calculated on an hourly basis and shall be rounded to the~~
2280 ~~nearest hour. The person shall also pay the travel expense and~~
2281 ~~per diem subsistence allowance provided for state employees in~~
2282 ~~s. 112.061. The person shall not be required to pay a per diem~~
2283 ~~fee and expenses of an examination or investigation which shall~~

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2284 ~~consume more than 30 worker-days in any one year unless such~~
2285 ~~examination or investigation is due to fraudulent practices of~~
2286 ~~the person, in which case such person shall be required to pay~~
2287 ~~the entire cost regardless of time consumed.~~ The fee for the
2288 costs of the investigation or audit shall be remitted to the
2289 department within 30 days after the date of the notification
2290 that the fee is due and owing. Any person who fails to pay the
2291 fee within 30 days after the date of the notification that the
2292 fee is due and owing shall pay to the department interest at the
2293 rate of 12 percent per annum on such fee from the date of the
2294 notification.

2295 Section 53. Subsection (1) of section 717.1311, Florida
2296 Statutes, is amended to read:

2297 717.1311 Retention of records.—

2298 (1) Every holder required to file a report under s.
2299 717.117 shall maintain a record of the specific type of
2300 property, amount, name, and last known address of the owner for
2301 10 ~~5~~ years after the property becomes reportable, except to the
2302 extent that a shorter time is provided in subsection (2) or by
2303 rule of the department.

2304 Section 54. Paragraph (j) of subsection (1) and subsection
2305 (3) of section 717.1322, Florida Statutes, are amended to read:

2306 717.1322 Administrative and civil enforcement.—

2307 (1) The following acts are violations of this chapter and
2308 constitute grounds for an administrative enforcement action by

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2309 the department in accordance with the requirements of chapter
2310 120 and for civil enforcement by the department in a court of
2311 competent jurisdiction:

2312 (j) Requesting or receiving compensation for notifying a
2313 person of his or her unclaimed property or assisting another
2314 person in filing a claim for unclaimed property, unless the
2315 person is an attorney licensed to practice law in this state, a
2316 Florida-certified public accountant, or a private investigator
2317 licensed under chapter 493, or entering into, or making a
2318 solicitation to enter into, an agreement to file a claim for
2319 unclaimed property owned by another, ~~or a contract or agreement~~
2320 ~~to purchase unclaimed property,~~ unless such person is registered
2321 with the department under this chapter and an attorney licensed
2322 to practice law in this state in the regular practice of her or
2323 his profession, a Florida-certified public accountant who is
2324 acting within the scope of the practice of public accounting as
2325 defined in chapter 473, or a private investigator licensed under
2326 chapter 493. This paragraph does not apply to a person who has
2327 been granted a durable power of attorney to convey and receive
2328 all of the real and personal property of the owner, is the
2329 court-appointed guardian of the owner, has been employed as an
2330 attorney or qualified representative to contest the department's
2331 denial of a claim, or has been employed as an attorney to
2332 probate the estate of the owner or an heir or legatee of the
2333 owner.

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2334 (3) A claimant's representative ~~registrant~~ is subject to
2335 civil enforcement and the disciplinary actions specified in
2336 subsection (2) for violations of subsection (1) by an agent or
2337 employee of the registrant's employer if the claimant's
2338 representative ~~registrant~~ knew or should have known that such
2339 agent or employee was violating any provision of this chapter.

2340 Section 55. Subsection (1) of section 717.1333, Florida
2341 Statutes, is amended to read:

2342 717.1333 Evidence; estimations; audit reports and
2343 worksheets, investigator ~~examiner's worksheets~~, ~~investigative~~
2344 ~~reports and worksheets~~, other related documents.-

2345 (1) In any proceeding involving a holder under ss. 120.569
2346 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2347 investigator acting under authority of this chapter is available
2348 for cross-examination, any official written report, worksheet,
2349 or other related paper, or copy thereof, compiled, prepared,
2350 drafted, or otherwise made or received by the audit agent
2351 ~~auditor, examiner,~~ or investigator, after being duly
2352 authenticated by the audit agent ~~auditor, examiner,~~ or
2353 investigator, may be admitted as competent evidence upon the
2354 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2355 the report, worksheet, or related paper was prepared or received
2356 as a result of an audit, examination, or investigation of the
2357 books and records of the person audited, examined, or
2358 investigated, or the agent thereof.

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2359 Section 56. Subsections (1) and (2) of section 717.134,
2360 Florida Statutes, are amended to read:

2361 717.134 Penalties and interest.—

2362 (1) For any person who willfully fails to render any
2363 report required under this chapter, the department may impose
2364 and collect a penalty of \$500 per day up to a maximum of \$5,000
2365 and 25 percent of the value of property not reported until an
2366 appropriate a report is provided ~~rendered for any person who~~
2367 ~~willfully fails to render any report required under this~~
2368 ~~chapter.~~ Upon a holder's showing of good cause, the department
2369 may waive said penalty or any portion thereof. If the holder
2370 acted in good faith and without negligence, the department shall
2371 waive the penalty provided herein.

2372 (2) For any person who willfully refuses to pay or deliver
2373 unclaimed property to the department as required under this
2374 chapter, the department may impose and collect a penalty of \$500
2375 per day up to a maximum of \$5,000 and 25 percent of the value of
2376 property not paid or delivered until the property is paid or
2377 delivered ~~for any person who willfully refuses to pay or deliver~~
2378 ~~abandoned property to the department as required under this~~
2379 ~~chapter.~~

2380 Section 57. Section 717.135, Florida Statutes, is amended
2381 to read:

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2382 717.135 Recovery agreements and purchase agreements for
2383 claims filed by a claimant's representative or a purchaser; fees
2384 and costs, or total net gain.-

2385 (1) In order to protect the interests of owners of
2386 unclaimed property, the department shall adopt by rule a form
2387 entitled "Unclaimed Property Recovery Agreement" and a form
2388 entitled "Unclaimed Property Purchase Agreement."

2389 (2) The Unclaimed Property Recovery Agreement and the
2390 Unclaimed Property Purchase Agreement must include and disclose
2391 all of the following:

2392 (a) The total dollar amount of unclaimed property accounts
2393 claimed or sold.

2394 (b) The total percentage of all authorized fees and costs
2395 to be paid to the claimant's representative or the percentage of
2396 the value of the property to be paid as net gain to the
2397 purchaser ~~purchasing claimant's representative~~.

2398 (c) The total dollar amount to be deducted and received
2399 from the claimant as fees and costs by the claimant's
2400 representative or the total net dollar amount to be received by
2401 the purchaser ~~purchasing claimant's representative~~.

2402 (d) The net dollar amount to be received by the claimant
2403 or the seller.

2404 (e) For each account claimed, the unclaimed property
2405 account number.

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2406 (f) For the Unclaimed Property Purchase Agreement, a
2407 statement that the amount of the purchase price will be remitted
2408 to the seller by the purchaser within 30 days after the
2409 execution of the agreement by the seller.

2410 (g) The name, address, e-mail address, phone number, and
2411 license number of the claimant's representative, or the name,
2412 address, e-mail address, and phone number of the purchaser.

2413 (h)1. The manual signature of the claimant or seller and
2414 the date signed, affixed on the agreement by the claimant or
2415 seller.

2416 2. Notwithstanding any other provision of this chapter to
2417 the contrary, the department may allow an apparent owner, who is
2418 also the claimant or seller, to sign the agreement
2419 electronically ~~for claims of \$2,000 or less~~. All electronic
2420 signatures on the Unclaimed Property Recovery Agreement and the
2421 Unclaimed Property Purchase Agreement must be affixed on the
2422 agreement by the claimant or seller using the specific,
2423 exclusive eSignature product and protocol authorized by the
2424 department.

2425 (i) The social security number or taxpayer identification
2426 number of the claimant or seller, if a number has been issued to
2427 the claimant or seller.

2428 (j) The total fees and costs, or the total discount in the
2429 case of a purchase agreement, which may not exceed 30 percent of
2430 the claimed amount. In the case of a recovery agreement, if the

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2431 total fees and costs exceed 30 percent, the fees and costs shall
2432 be reduced to 30 percent and the net balance shall be remitted
2433 directly by the department to the claimant. In the case of a
2434 purchase agreement, if the total net gain of the purchaser
2435 exceeds 30 percent, the claim will be denied.

2436 (3) For an Unclaimed Property Purchase Agreement form,
2437 proof that the purchaser has made payment must be filed with the
2438 department along with the claim. If proof of payment is not
2439 provided, the claim is void.

2440 (4) A claimant's representative or a purchaser must use
2441 the Unclaimed Property Recovery Agreement or the Unclaimed
2442 Property Purchase Agreement as the exclusive means of entering
2443 into an agreement or a contract with a claimant or seller to
2444 file a claim with the department.

2445 (5) Fees and costs may be owed or paid to, or received by,
2446 a claimant's representative or a purchaser only after a filed
2447 claim has been approved and if the claimant's representative
2448 used an agreement authorized by this section.

2449 (6) A claimant's representative or a purchaser may not use
2450 or distribute any other agreement of any type, conveyed by any
2451 method, with respect to the claimant or seller which relates,
2452 directly or indirectly, to unclaimed property accounts held by
2453 the department or the Chief Financial Officer other than the
2454 agreements authorized by this section. Any engagement,
2455 authorization, recovery, or fee agreement that is not authorized

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2456 by this section is void. A claimant's representative or a
2457 purchaser is subject to administrative and civil enforcement
2458 under s. 717.1322 if he or she uses an agreement that is not
2459 authorized by this section and if the agreement is used to
2460 apply, directly or indirectly, to unclaimed property held by
2461 this state. This subsection does not prohibit lawful
2462 nonagreement, noncontractual, or advertising communications
2463 between or among the parties.

2464 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2465 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2466 that makes the agreement irrevocable or that creates an
2467 assignment of any portion of unclaimed property held by the
2468 department.

2469 (8) When a claim is approved, the department may pay any
2470 additional account that is owned by the claimant but has not
2471 been claimed at the time of approval, provided that a subsequent
2472 claim has not been filed or is not pending for the claimant at
2473 the time of approval.

2474 (9) This section does not supersede s. 717.1241.

2475 (10) This section does not apply to the sale and purchase
2476 of Florida-held unclaimed property accounts through a bankruptcy
2477 trustee appointed to represent a debtor's estate in a bankruptcy
2478 proceeding in accordance with the United States Bankruptcy Code.

2479 Section 58. Subsections (1), (2), and (3) of section
2480 717.1400, Florida Statutes, are amended to read:

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2481 717.1400 Registration.—

2482 (1) In order to file claims as a claimant's
2483 representative, ~~acquire ownership of or entitlement to unclaimed~~
2484 ~~property,~~ receive a distribution of fees and costs from the
2485 department, and obtain unclaimed property dollar amounts and
2486 numbers of reported shares of stock held by the department, a
2487 private investigator holding a Class "C" individual license
2488 under chapter 493 must register with the department on such form
2489 as the department prescribes by rule and must be verified by the
2490 applicant. To register with the department, a private
2491 investigator must provide:

2492 (a) A legible copy of the applicant's Class "A" business
2493 license under chapter 493 or that of the applicant's firm or
2494 employer which holds a Class "A" business license under chapter
2495 493.

2496 (b) A legible copy of the applicant's Class "C" individual
2497 license issued under chapter 493.

2498 (c) The business address and telephone number of the
2499 applicant's private investigative firm or employer.

2500 (d) The names of agents or employees, if any, who are
2501 designated to act on behalf of the private investigator,
2502 together with a legible copy of their photo identification
2503 issued by an agency of the United States, or a state, or a
2504 political subdivision thereof.

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2505 (e) Sufficient information to enable the department to
2506 disburse funds by electronic funds transfer.

2507 (f) The tax identification number of the private
2508 investigator's firm or employer which holds a Class "A" business
2509 license under chapter 493.

2510 (2) In order to file claims as a claimant's
2511 representative, ~~acquire ownership of or entitlement to unclaimed~~
2512 ~~property,~~ receive a distribution of fees and costs from the
2513 department, and obtain unclaimed property dollar amounts and
2514 numbers of reported shares of stock held by the department, a
2515 Florida-certified public accountant must register with the
2516 department on such form as the department prescribes by rule and
2517 must be verified by the applicant. To register with the
2518 department, a Florida-certified public accountant must provide:

2519 (a) The applicant's Florida Board of Accountancy number.

2520 (b) A legible copy of the applicant's current driver
2521 license showing the full name and current address of such
2522 person. If a current driver license is not available, another
2523 form of identification showing the full name and current address
2524 of such person or persons shall be filed with the department.

2525 (c) The business address and telephone number of the
2526 applicant's public accounting firm or employer.

2527 (d) The names of agents or employees, if any, who are
2528 designated to act on behalf of the Florida-certified public
2529 accountant, together with a legible copy of their photo

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2530 identification issued by an agency of the United States, or a
2531 state, or a political subdivision thereof.

2532 (e) Sufficient information to enable the department to
2533 disburse funds by electronic funds transfer.

2534 (f) The tax identification number of the accountant's
2535 public accounting firm employer.

2536 (3) In order to file claims as a claimant's
2537 representative, ~~acquire ownership of or entitlement to unclaimed~~
2538 ~~property,~~ receive a distribution of fees and costs from the
2539 department, and obtain unclaimed property dollar amounts and
2540 numbers of reported shares of stock held by the department, an
2541 attorney licensed to practice in this state must register with
2542 the department on such form as the department prescribes by rule
2543 and must be verified by the applicant. To register with the
2544 department, such attorney must provide:

2545 (a) The applicant's Florida Bar number.

2546 (b) A legible copy of the applicant's current driver
2547 license showing the full name and current address of such
2548 person. If a current driver license is not available, another
2549 form of identification showing the full name and current address
2550 of such person or persons shall be filed with the department.

2551 (c) The business address and telephone number of the
2552 applicant's firm or employer.

2553 (d) The names of agents or employees, if any, who are
2554 designated to act on behalf of the attorney, together with a

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2555 legible copy of their photo identification issued by an agency
2556 of the United States, or a state, or a political subdivision
2557 thereof.

2558 (e) Sufficient information to enable the department to
2559 disburse funds by electronic funds transfer.

2560 (f) The tax identification number of the attorney's firm
2561 or employer.

2562 Section 59. Paragraph (a) of subsection (2) of section
2563 197.582, Florida Statutes, is amended to read:

2564 197.582 Disbursement of proceeds of sale.—

2565 (2)(a) If the property is purchased for an amount in
2566 excess of the statutory bid of the certificateholder, the
2567 surplus must be paid over and disbursed by the clerk as set
2568 forth in subsections (3), (5), and (6). If the opening bid
2569 included the homestead assessment pursuant to s. 197.502(6)(c),
2570 that amount must be treated as surplus and distributed in the
2571 same manner. The clerk shall distribute the surplus to the
2572 governmental units for the payment of any lien of record held by
2573 a governmental unit against the property, including any tax
2574 certificates not incorporated in the tax deed application and
2575 omitted taxes, if any. If there remains a balance of
2576 undistributed funds, the balance must be retained by the clerk
2577 for the benefit of persons described in s. 197.522(1)(a), except
2578 those persons described in s. 197.502(4)(h), as their interests
2579 may appear. The clerk shall mail notices to such persons

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2580 notifying them of the funds held for their benefit at the
2581 addresses provided in s. 197.502(4). Such notice constitutes
2582 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.
2583 Any service charges and costs of mailing notices shall be paid
2584 out of the excess balance held by the clerk. Notice must be
2585 provided in substantially the following form:

2586 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2587 CLERK OF COURT

2588 COUNTY, FLORIDA

2589 Tax Deed #.....

2590 Certificate #.....

2591 Property Description:

2592 Pursuant to chapter 197, Florida Statutes, the above
2593 property was sold at public sale on ...(date of sale)..., and a
2594 surplus of \$...(amount)... (subject to change) will be held by
2595 this office for 120 days beginning on the date of this notice to
2596 benefit the persons having an interest in this property as
2597 described in section 197.502(4), Florida Statutes, as their
2598 interests may appear (except for those persons described in
2599 section 197.502(4)(h), Florida Statutes).

2600 To the extent possible, these funds will be used to satisfy
2601 in full each claimant with a senior mortgage or lien in the
2602 property before distribution of any funds to any junior mortgage
2603 or lien claimant or to the former property owner. To be
2604 considered for funds when they are distributed, you must file a

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2605 | notarized statement of claim with this office within 120 days of
2606 | this notice. If you are a lienholder, your claim must include
2607 | the particulars of your lien and the amounts currently due. Any
2608 | lienholder claim that is not filed within the 120-day deadline
2609 | is barred.

2610 | A copy of this notice must be attached to your statement of
2611 | claim. After the office examines the filed claim statements, it
2612 | will notify you if you are entitled to any payment.

2613 | Dated:

2614 | Clerk of Court

2615 | Section 60. Subsection (1) of section 717.1382, Florida
2616 | Statutes, is amended to read:

2617 | 717.1382 United States savings bond; unclaimed property;
2618 | escheatment; procedure.—

2619 | (1) Notwithstanding any other provision of law, a United
2620 | States savings bond in possession of the department or
2621 | registered to a person with a last known address in the state,
2622 | including a bond that is lost, stolen, or destroyed, is presumed
2623 | abandoned and unclaimed 5 years after the bond reaches maturity
2624 | and no longer earns interest and shall be reported and remitted
2625 | to the department by the financial institution or other holder
2626 | in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
2627 | the department is not in possession of the bond.

2628 | Section 61. The Division of Law Revision is directed to
2629 | prepare a reviser's bill for the 2025 Regular Session of the

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2630 Legislature to change the term "Division of Investigative and
2631 Forensic Services" wherever the term appears in the Florida
2632 Statutes to "Division of Criminal Investigations."

2633 Section 62. For the 2024-2025 fiscal year, 1 full-time
2634 equivalent position with associated salary rate of \$110,000 is
2635 authorized and the sum of \$183,863 in recurring funds and the
2636 sum of \$5,067 in non-recurring funds is appropriated from the
2637 Insurance Regulatory Trust Fund to the Department of Financial
2638 Services to support the full-time equivalent position.

2639 Section 63. Except as otherwise, this act shall take
2640 effect upon becoming law.

2641