

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; renaming a
4 division in the Department of Financial Services;
5 removing provisions relating to duties of such
6 division and to bureaus and offices in such division;
7 removing a division; amending s. 121.0515, F.S.;
8 revising requirements for the Special Risk Class
9 membership; amending s. 215.5586, F.S.; revising
10 legislative intent; revising requirements for My Safe
11 Florida Home Program mitigation inspections and
12 mitigation grants; providing additional requirements
13 for applications for inspections and mitigation
14 grants; removing provisions relating to matching fund
15 grants; revising improvements for which grants may be
16 used; providing a timeframe for finalizing
17 construction and requesting a final inspection or an
18 extension; providing that grant applications are
19 deemed abandoned under a specified circumstance;
20 authorizing the department to request additional
21 information; providing that applications are deemed
22 withdrawn under a specified circumstance; amending s.
23 284.44, F.S.; removing provisions relating to certain
24 quarterly reports prepared by the Division of Risk
25 Management; amending s. 440.13, F.S.; providing the

26 reimbursement schedule requirements for emergency
27 services and care under workers' compensation under
28 certain circumstances; amending s. 440.385, F.S.;
29 providing requirements for certain contracts entered
30 into and purchases made by the Florida Self-Insurers
31 Guaranty Association, Incorporated; providing duties
32 of the department and the association relating to
33 these contracts and purchases; amending s. 497.101,
34 F.S.; revising the requirements for appointing and
35 nominating members of the Board of Funeral, Cemetery,
36 and Consumer Services; revising the members' terms;
37 revising the authority to remove board members;
38 providing for vacancy appointments; providing that
39 board members are subject to the code of ethics;
40 providing requirements for board members' conduct;
41 providing prohibited acts; providing penalties;
42 providing requirements for board meetings, books, and
43 records; requiring notices of board meetings;
44 providing requirements for board meetings; amending s.
45 497.153, F.S.; authorizing services by electronic mail
46 of administrative complaints against certain licensees
47 under certain circumstances; amending s. 497.155,
48 F.S.; authorizing services of citations by electronic
49 mail under certain circumstances; amending s. 624.155,
50 F.S.; removing a cross-reference; amending s. 624.307,

51 F.S.; requiring eligible surplus lines insurers to
52 respond to the department or the Office of Insurance
53 Regulation after receipt of requests for documents and
54 information concerning consumer complaints; providing
55 penalties for failure to comply; requiring authorized
56 insurers and eligible surplus lines insurers to file
57 e-mail addresses with the department and to designate
58 contact persons for specified purposes; authorizing
59 changes of designated contact information; amending s.
60 626.171, F.S.; requiring the department to make
61 provisions for certain insurance license applicants to
62 submit cellular telephone numbers for a specified
63 purpose; amending s. 626.221, F.S.; providing a
64 qualification for all-lines adjuster license; amending
65 s. 626.601, F.S.; revising construction; amending s.
66 626.7351, F.S.; providing a qualification for customer
67 representative's licenses; amending s. 626.878, F.S.;
68 providing duties and prohibited acts for adjusters;
69 amending s. 626.929, F.S.; specifying that licensed
70 and appointed general lines agents, rather than
71 general lines agents, may engage in certain activities
72 while also licensed and appointed as surplus lines
73 agents; authorizing general lines agents that are also
74 licensed as surplus lines agents to make certain
75 appointments; authorizing such agents to originate

76 specified businesses and accept specified businesses;
77 prohibiting such agents from being appointed by or
78 transacting certain insurance; amending s. 627.351,
79 F.S.; providing requirements for certain contracts
80 entered into and purchases made by the Florida Joint
81 Underwriting Association; providing duties of the
82 department and the association associated with such
83 contracts and purchases; amending s. 627.43141, F.S.;
84 providing requirements for certain notice of change in
85 insurance renewal policy terms; amending s. 627.70152,
86 F.S.; removing a cross-reference; amending s. 631.59,
87 F.S.; providing requirements for certain contracts
88 entered into and purchases made by the Florida
89 Insurance Guaranty Association, Incorporated;
90 providing duties of the department and the association
91 associated with such contracts and purchases; creating
92 s. 631.6955, F.S.; requiring insurers subject to the
93 Florida Insurance Guaranty Association requirements to
94 prepare, implement, and maintain a data transfer plan;
95 providing requirements for data transfer plans;
96 providing duties and authority of the Commissioner of
97 Insurance Regulation regarding data transfer plans;
98 amending ss. 631.722, 631.821, and 631.921, F.S.;
99 providing requirements for certain contracts entered
100 into and purchases made by the Florida Life and Health

101 Insurance Guaranty Association, the board of directors
102 of the Florida Health Maintenance Organization
103 Consumer Assistance Plan, and the board of directors
104 of the Florida Workers' Compensation Insurance
105 Guaranty Association, respectively; providing duties
106 of the department and of the association and boards
107 associated with such contracts and purchases; amending
108 s. 633.124, F.S.; updating the edition of a manual for
109 the use of pyrotechnics; amending s. 633.202, F.S.;
110 revising the duties of the State Fire Marshal;
111 amending s. 633.206, F.S.; revising the requirements
112 for uniform firesafety standards established by the
113 department; amending s. 634.041, F.S.; specifying the
114 conditions under which service agreement companies do
115 not have to establish and maintain unearned premium
116 reserves; amending s. 634.081, F.S.; specifying the
117 conditions under which service agreement companies'
118 licenses are not suspended or revoked under certain
119 circumstances; amending s. 634.3077, F.S.; specifying
120 requirements for certain contractual liability
121 insurance obtained by home warranty associations;
122 providing that such associations are not required to
123 establish unearned premium reserves or maintain
124 contractual liability insurance; authorizing such
125 associations to allow their premiums to exceed certain

126 limitations under certain circumstances; amending s.
127 634.317, F.S.; providing that agents and employees of
128 municipal and county government are exempt from sales
129 representative licenses and appointments under certain
130 circumstances; amending s. 648.25, F.S.; providing
131 definitions; amending s. 648.26, F.S.; revising the
132 types of investigatory records of the department which
133 are confidential and exempt from public records
134 requirements; revising the circumstances under which
135 investigatory records are confidential and exempt from
136 public records requirements; revising construction;
137 amending s. 648.30, F.S.; revising circumstances under
138 which a person or entity may act in the capacity of a
139 bail bond agent or bail bond agency and perform
140 certain functions, duties, and powers; amending s.
141 648.355, F.S.; revising the requirements for limited
142 surety agents and professional bail bond agent license
143 applications; amending s. 648.43, F.S.; revising
144 requirements for bail bond agents to execute and
145 countersign transfer bonds; amending s. 717.101, F.S.;
146 providing and revising definitions; amending s.
147 717.102, F.S.; providing a rebuttal to a presumption
148 of unclaimed property; providing requirements for such
149 rebuttal; amending s. 717.106, F.S.; conforming a
150 cross-reference; amending s. 717.1065, F.S.; providing

151 circumstances under which virtual currency held or
152 owing by banking organizations are not presumed
153 unclaimed; prohibiting virtual currency holders from
154 deducting certain charges from amounts of specified
155 instruments under certain circumstances; providing an
156 exception; amending s. 717.1101, F.S.; revising the
157 date on which stocks and other equity interests in
158 business associations are presumed unclaimed; amending
159 s. 717.112, F.S.; providing that certain intangible
160 property held by attorneys in fact and by agents in a
161 fiduciary capacity are presumed unclaimed under
162 certain circumstances; revising the requirements for
163 claiming such property; amending s. 717.117, F.S.;
164 removing the paper option for reports by holders of
165 unclaimed funds and property; revising the
166 requirements for reporting the owners of unclaimed
167 property and funds; authorizing the department to
168 extend reporting dates under certain circumstances;
169 revising the circumstances under which the department
170 may impose and collect penalties; requiring holders of
171 inactive accounts to notify apparent owners; revising
172 the manner of sending such notices; providing
173 requirements for such notices; amending s. 717.119,
174 F.S.; requiring certain virtual currency to be
175 remitted to the department; providing requirements for

176 the liquidation of such virtual currency; providing
177 that holders of such virtual currency are relieved of
178 all liability upon delivery of the virtual currency to
179 the department; prohibiting holders from assigning or
180 transferring certain obligations or from complying
181 with certain provisions; providing that certain
182 entities are responsible for meeting holders'
183 obligations and complying with certain provisions
184 under certain circumstances; providing construction;
185 amending s. 717.1201, F.S.; providing that good faith
186 payments and deliveries of property to the department
187 relieve holders of all liability; authorizing the
188 department to refund and redeliver certain money and
189 property under certain circumstances; amending s.
190 717.123, F.S.; revising the maximum amount that the
191 department shall retain from funds of unclaimed
192 property to make certain payment; amending s.
193 727.1242, F.S.; revising legislative intent; providing
194 circumstances under which the department is considered
195 interested parties in probate proceedings; revising
196 circumstances under which a party is required to pay
197 the department's costs and attorney fees; amending s.
198 717.1243, F.S.; revising applicability of certain
199 provisions relating to unclaimed small estate
200 accounts; amending s. 717.1245, F.S.; specifying the

201 fees, costs, and compensation that persons filing
202 petitions for writ of garnishment of unclaimed
203 property must pay; requiring such persons to file
204 claims with the department under a specified
205 circumstance; amending s. 717.129, F.S.; revising the
206 requirements and the tolling for the periods of
207 limitation relating to duties of holders of unclaimed
208 funds and property; amending s. 717.1301, F.S.;
209 revising the department's authorities on the
210 disposition of unclaimed funds and property for
211 specified purposes; prohibiting certain materials from
212 being disclosed or made public under certain
213 circumstances; revising the basis for the department's
214 cost assessment against holders of unclaimed funds and
215 property; amending s. 717.1311, F.S.; revising the
216 recordkeeping requirements for funds and property
217 holders; amending s. 717.1322, F.S.; revising acts
218 that are violations of specified provisions and
219 constitute grounds for administrative enforcement
220 actions and civil enforcement by the department;
221 providing that claimants' representatives, rather than
222 registrants, are subject to civil enforcement and
223 disciplinary actions for certain violations; amending
224 s. 717.1333, F.S.; conforming provisions to changes
225 made by the act; amending s. 717.134, F.S.; conforming

226 a provision to changes made by the act; amending s.
 227 717.135, F.S.; revising the information that certain
 228 agreements relating to unclaimed property must
 229 disclose; applying certain provisions relating to such
 230 agreements to purchasers; removing a requirement for
 231 Unclaimed Property Purchase Agreement; providing
 232 nonapplicability; amending s. 717.1400, F.S.; removing
 233 a circumstance under which certain persons must
 234 register with the department; amending ss. 197.582 and
 235 717.1382, F.S.; conforming a cross-reference;
 236 providing a directive to the Division of Law Revision;
 237 providing an effective date.

238

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

240

241 Section 1. Paragraphs (g) through (n) of subsection (2) of
 242 section 20.121, Florida Statutes, are redesignated as paragraphs
 243 (f) through (m), respectively, and paragraph (e) and present
 244 paragraph (f) of subsection (2) of that section are amended to
 245 read:

246 20.121 Department of Financial Services.—There is created
 247 a Department of Financial Services.

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

250 (e) The Division of Criminal Investigations ~~Investigative~~

251 ~~and Forensic Services, which shall function as a criminal~~
 252 ~~justice agency for purposes of ss. 943.045-943.08. The division~~
 253 ~~may initiate and conduct investigations into any matter under~~
 254 ~~the jurisdiction of the Chief Financial Officer and Fire Marshal~~
 255 ~~within or outside of this state as it deems necessary. ~~If,~~~~
 256 ~~during an investigation, the division has reason to believe that~~
 257 ~~any criminal law of this state or the United States has or may~~
 258 ~~have been violated, it shall refer any records tending to show~~
 259 ~~such violation to state law enforcement and, if applicable,~~
 260 ~~federal prosecutorial agencies and shall provide investigative~~
 261 ~~assistance to those agencies as appropriate. The division shall~~
 262 ~~include the following bureaus and office:~~

- 263 ~~1. The Bureau of Forensic Services;~~
- 264 ~~2. The Bureau of Fire, Arson, and Explosives~~
 265 ~~Investigations;~~
- 266 ~~3. The Office of Fiscal Integrity, which shall have a~~
 267 ~~separate budget;~~
- 268 ~~4. The Bureau of Insurance Fraud; and~~
- 269 ~~5. The Bureau of Workers' Compensation Fraud.~~

270 ~~(f) The Division of Public Assistance Fraud, which shall~~
 271 ~~function as a criminal justice agency for purposes of ss.~~
 272 ~~943.045-943.08. The division shall conduct investigations~~
 273 ~~pursuant to s. 414.411 within or outside of the state as it~~
 274 ~~deems necessary. If, during an investigation, the division has~~
 275 ~~reason to believe that any criminal law of the state has or may~~

276 | ~~have been violated, it shall refer any records supporting such~~
277 | ~~violation to state or federal law enforcement or prosecutorial~~
278 | ~~agencies and shall provide investigative assistance to those~~
279 | ~~agencies as required.~~

280 | Section 2. Paragraph (f) of subsection (2) and paragraph
281 | (h) of subsection (3) of section 121.0515, Florida Statutes, are
282 | amended to read:

283 | 121.0515 Special Risk Class.—

284 | (2) MEMBERSHIP.—

285 | (f) Effective July 1, 2024 ~~2008~~, the member must be
286 | employed by the Department of Law Enforcement in the crime
287 | laboratory or by the Division of Criminal Investigations ~~State~~
288 | ~~Fire Marshal~~ in the forensic laboratory and meet the special
289 | criteria set forth in paragraph (3) (h).

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

292 | (h) Effective July 1, 2024 ~~2008~~, the member must be
293 | employed by the Department of Law Enforcement in the crime
294 | laboratory or by the Division of Criminal Investigations ~~State~~
295 | ~~Fire Marshal~~ in the forensic laboratory in one of the following
296 | classes:

- 297 | 1. Forensic technologist (class code 8459);
- 298 | 2. Crime laboratory technician (class code 8461);
- 299 | 3. Crime laboratory analyst (class code 8463);
- 300 | 4. Senior crime laboratory analyst (class code 8464);

- 301 5. Crime laboratory analyst supervisor (class code 8466);
- 302 6. Forensic chief (class code 9602); or
- 303 7. Forensic services quality manager (class code 9603);

304 Section 3. Subsections (1) and (2) of section 215.5586,
 305 Florida Statutes, as amended by section 5 of chapter 2023-349,
 306 Laws of Florida, are amended to read:

307 215.5586 My Safe Florida Home Program.—There is
 308 established within the Department of Financial Services the My
 309 Safe Florida Home Program. The department shall provide fiscal
 310 accountability, contract management, and strategic leadership
 311 for the program, consistent with this section. This section does
 312 not create an entitlement for property owners or obligate the
 313 state in any way to fund the inspection or retrofitting of
 314 residential property in this state. Implementation of this
 315 program is subject to annual legislative appropriations. It is
 316 the intent of the Legislature that the My Safe Florida Home
 317 Program provide licensed inspectors to perform inspections for
 318 eligible homes ~~owners of site-built, single-family, residential~~
 319 ~~properties~~ and grants to fund hurricane mitigation projects for
 320 those homes ~~eligible applicants~~ as funding allows. The program
 321 shall develop and implement a comprehensive and coordinated
 322 approach for hurricane damage mitigation that may include the
 323 following:

- 324 (1) HURRICANE MITIGATION INSPECTIONS.—
- 325 (a) To be eligible for a hurricane mitigation inspection,

326 all of the following criteria must be met:

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

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

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

332 (b) An application for an inspection must contain a signed
333 or electronically verified statement made under penalty of
334 perjury that the applicant has submitted only a single
335 inspection application and must have attached documents
336 demonstrating that the applicant meets the requirements of
337 paragraph (a). An applicant may submit a new inspection
338 application if all of the following criteria are met:

339 1. The original application has already been denied or
340 withdrawn.

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

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

345 (c) An applicant who meets the requirements of paragraph
346 (a) may apply for and receive an inspection without also
347 applying for a grant pursuant to subsection (2) and without
348 meeting the requirements of paragraph (2)(a).

349 (d)-(a) Licensed inspectors are to provide home inspections
350 of eligible homes ~~site-built, single-family, residential~~

351 ~~properties for which a homestead exemption has been granted, to~~
352 determine what mitigation measures are needed, what insurance
353 premium discounts may be available, and what improvements to
354 existing residential properties are needed to reduce the
355 property's vulnerability to hurricane damage. ~~An inspector may~~
356 ~~inspect a townhouse as defined in s. 481.203 to determine if~~
357 ~~opening protection mitigation as listed in paragraph (2) (e)~~
358 ~~would provide improvements to mitigate hurricane damage.~~

359 (e)~~(b)~~ The Department of Financial Services shall contract
360 with wind certification entities to provide hurricane mitigation
361 inspections. The inspections provided to homeowners, at a
362 minimum, must include:

363 1. A home inspection and report that summarizes the
364 results and identifies recommended improvements a homeowner may
365 take to mitigate hurricane damage.

366 2. A range of cost estimates regarding the recommended
367 mitigation improvements.

368 3. Information regarding estimated premium discounts,
369 correlated to the current mitigation features and the
370 recommended mitigation improvements identified by the
371 inspection.

372 (f)~~(e)~~ To qualify for selection by the department as a
373 wind certification entity to provide hurricane mitigation
374 inspections, the entity must, at a minimum, meet the following
375 requirements:

- 376 1. Use hurricane mitigation inspectors who are licensed or
377 certified as:
- 378 a. A building inspector under s. 468.607;
- 379 b. A general, building, or residential contractor under s.
380 489.111;
- 381 c. A professional engineer under s. 471.015;
- 382 d. A professional architect under s. 481.213; or
- 383 e. A home inspector under s. 468.8314 and who have
384 completed at least 3 hours of hurricane mitigation training
385 approved by the Construction Industry Licensing Board, which
386 training must include hurricane mitigation techniques,
387 compliance with the uniform mitigation verification form, and
388 completion of a proficiency exam.
- 389 2. Use hurricane mitigation inspectors who also have
390 undergone drug testing and a background screening. The
391 department may conduct criminal record checks of inspectors used
392 by wind certification entities. Inspectors must submit a set of
393 fingerprints to the department for state and national criminal
394 history checks and must pay the fingerprint processing fee set
395 forth in s. 624.501. The fingerprints must be sent by the
396 department to the Department of Law Enforcement and forwarded to
397 the Federal Bureau of Investigation for processing. The results
398 must be returned to the department for screening. The
399 fingerprints must be taken by a law enforcement agency,
400 designated examination center, or other department-approved

401 entity.

402 3. Provide a quality assurance program including a
403 reinspection component.

404 ~~(d) An application for an inspection must contain a signed~~
405 ~~or electronically verified statement made under penalty of~~
406 ~~perjury that the applicant has submitted only a single~~
407 ~~application for that home.~~

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

414 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be
415 used to encourage single-family, site-built, owner-occupied,
416 residential property owners to retrofit eligible homes based on
417 the recommendations made in a hurricane mitigation inspection
418 their properties to make the homes ~~them~~ less vulnerable to
419 hurricane damage.

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

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

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

425 3.1. The homeowner must have been granted a homestead

426 exemption on the home under chapter 196.

427 ~~4.2.~~ The home must be a dwelling with an insured value of
 428 \$700,000 or less. Homeowners who are low-income persons, as
 429 defined in s. 420.0004(11), are exempt from this requirement.

430 ~~5.3.~~ The home must undergo an acceptable hurricane
 431 mitigation inspection as provided in subsection (1).

432 ~~6.4.~~ The building permit application for initial
 433 construction of the home must have been made before January 1,
 434 2008.

435 ~~7.5.~~ The homeowner must agree to make his or her home
 436 available for inspection once a mitigation project is completed.

437 (b)1. An application for a grant must contain a signed or
 438 electronically verified statement made under penalty of perjury
 439 that the applicant has submitted only a single grant application
 440 and must have attached documents demonstrating that the
 441 applicant meets the requirements of ~~this~~ paragraph (a).

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

444 a. The original application has already been denied or
 445 withdrawn.

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

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

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

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

454 ~~(d)(e)~~ The program shall require ~~create a process in which~~
455 ~~contractors agree to participate and homeowners select from a~~
456 ~~list of participating contractors.~~ All mitigation work to ~~must~~
457 be based upon the securing of all required local permits and
458 inspections, and the work must be performed by properly licensed
459 contractors. The program shall approve only a homeowner grant
460 application that includes an acknowledged statement from the
461 homeowner containing the name and state license number of the
462 contractor the homeowner intends to use for the mitigation work.
463 The program must electronically verify that the contractor's
464 state license number is accurate and up to date before grant
465 approval ~~Hurricane mitigation inspectors qualifying for the~~
466 ~~program may also participate as mitigation contractors as long~~
467 ~~as the inspectors meet the department's qualifications and~~
468 ~~certification requirements for mitigation contractors.~~

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

476 (e) When recommended by a hurricane mitigation inspection,
 477 grants for eligible homes may be used for the following
 478 improvements:

- 479 1. Opening protection, including windows, skylights,
 480 exterior doors, and garage doors.
- 481 2. Exterior doors, including garage doors.
- 482 3. Reinforcing roof-to-wall connections.
- 483 4. Improving the strength of roof-deck attachments.
- 484 5. Secondary Water Resistance (SWR) barrier for roof.

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

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

493 ~~(g) Grants may be used on a previously inspected existing~~
 494 ~~structure or on a rebuild. A rebuild is defined as a site-built,~~
 495 ~~single-family dwelling under construction to replace a home that~~
 496 ~~was destroyed or significantly damaged by a hurricane and deemed~~
 497 ~~unlivable by a regulatory authority. The homeowner must be a~~
 498 ~~low-income homeowner as defined in paragraph (h), must have had~~
 499 ~~a homestead exemption for that home before the hurricane, and~~
 500 ~~must be intending to rebuild the home as that homeowner's~~

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501 ~~homestead.~~

502 (h) Low-income homeowners, as defined in s. 420.0004(11),
503 who otherwise meet the requirements of this subsection
504 ~~paragraphs (a), (c), (e), and (g)~~ are eligible for a grant of up
505 to \$10,000 and are not required to provide a matching amount to
506 receive the grant. The program may accept a certification
507 directly from a low-income homeowner that the homeowner meets
508 the requirements of s. 420.0004(11) if the homeowner provides
509 such certification in a signed or electronically verified
510 statement made under penalty of perjury.

511 (i) The department shall develop a process that ensures
512 the most efficient means to collect and verify grant
513 applications to determine eligibility and may direct hurricane
514 mitigation inspectors to collect and verify grant application
515 information or use the Internet or other electronic means to
516 collect information and determine eligibility.

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

522 (3) REQUESTS FOR INFORMATION.—The department may request
523 that the applicant provide additional information. An
524 application shall be deemed withdrawn by the applicant if the
525 department does not receive a response to its request for

526 additional information within 60 days after the notification of
 527 any apparent errors or omissions.

528 ~~(4)-(3)~~ EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

529 (a) The department may undertake a statewide multimedia
 530 public outreach and advertising campaign to inform consumers of
 531 the availability and benefits of hurricane inspections and of
 532 the safety and financial benefits of residential hurricane
 533 damage mitigation. The department may seek out and use local,
 534 state, federal, and private funds to support the campaign.

535 (b) The program may develop brochures for distribution to
 536 Citizens Property Insurance Corporation, and other licensed
 537 entities or nonprofits that work with the department to educate
 538 the public on the benefits of the program ~~general contractors,~~
 539 ~~roofing contractors, and real estate brokers and sales~~
 540 ~~associates who are licensed under part I of chapter 475 which~~
 541 ~~provide information on the benefits to homeowners of residential~~
 542 ~~hurricane damage mitigation. Citizens Property Insurance~~
 543 ~~Corporation is encouraged to distribute the brochure to~~
 544 ~~policyholders of the corporation. Contractors are encouraged to~~
 545 ~~distribute the brochures to homeowners at the first meeting with~~
 546 ~~a homeowner who is considering contracting for home or roof~~
 547 ~~repair or contracting for the construction of a new home. Real~~
 548 ~~estate brokers and sales associates are encouraged to distribute~~
 549 ~~the brochure to clients before the purchase of a home. The~~
 550 brochures may be made available electronically.

551 (5)~~(4)~~ FUNDING.—The department may seek out and leverage
552 local, state, federal, or private funds to enhance the financial
553 resources of the program.

554 (6)~~(5)~~ RULES.—The Department of Financial Services shall
555 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the
556 program; implement the provisions of this section; including
557 rules governing hurricane mitigation inspections and grants,
558 mitigation contractors, and training of inspectors and
559 contractors; and carry out the duties of the department under
560 this section.

561 (7)~~(6)~~ HURRICANE MITIGATION INSPECTOR LIST.—The department
562 shall develop and maintain as a public record a current list of
563 hurricane mitigation inspectors authorized to conduct hurricane
564 mitigation inspections pursuant to this section.

565 (8)~~(7)~~ CONTRACT MANAGEMENT.—

566 (a) The department may contract with third parties for
567 grants management, inspection services, contractor services for
568 low-income homeowners, information technology, educational
569 outreach, and auditing services. Such contracts are considered
570 direct costs of the program and are not subject to
571 administrative cost limits. The department shall contract with
572 providers that have a demonstrated record of successful business
573 operations in areas directly related to the services to be
574 provided and shall ensure the highest accountability for use of
575 state funds, consistent with this section.

576 (b) The department shall implement a quality assurance and
 577 reinspection program that determines whether mitigation initial
 578 inspections and mitigation projects ~~home improvements~~ are
 579 completed in a manner consistent with the intent of the program.
 580 The department may use valid random sampling in order to perform
 581 the quality assurance portion of the program.

582 (9)~~(8)~~ INTENT.—It is the intent of the Legislature that
 583 grants made to residential property owners under this section
 584 shall be considered disaster-relief assistance within the
 585 meaning of s. 139 of the Internal Revenue Code of 1986, as
 586 amended.

587 (10)~~(9)~~ REPORTS.—The department shall make an annual
 588 report on the activities of the program that shall account for
 589 the use of state funds and indicate the number of inspections
 590 requested, the number of inspections performed, the number of
 591 grant applications received, the number and value of grants
 592 approved, and the estimated average annual amount of insurance
 593 premium discounts and total estimated annual amount of insurance
 594 premium discounts homeowners received from insurers as a result
 595 of mitigation funded through the program. The report must be
 596 delivered to the President of the Senate and the Speaker of the
 597 House of Representatives by February 1 of each year.

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

600 284.44 Salary indemnification costs of state agencies.—

601 ~~(6) The Division of Risk Management shall prepare~~
602 ~~quarterly reports to the Executive Office of the Governor and~~
603 ~~the chairs of the legislative appropriations committees~~
604 ~~indicating for each state agency the total amount of salary~~
605 ~~indemnification benefits paid to claimants and the total amount~~
606 ~~of reimbursements from state agencies to the State Risk~~
607 ~~Management Trust Fund for initial costs for the previous~~
608 ~~quarter. These reports shall also include information for each~~
609 ~~state agency indicating the number of cases and amounts of~~
610 ~~initial salary indemnification costs for which reimbursement~~
611 ~~requirements were waived by the Executive Office of the Governor~~
612 ~~pursuant to this section.~~

613 Section 5. Paragraph (a) of subsection (12) of section
614 440.13, Florida Statutes, is amended to read:

615 440.13 Medical services and supplies; penalty for
616 violations; limitations.—

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

619 (a) A three-member panel is created, consisting of the
620 Chief Financial Officer, or the Chief Financial Officer's
621 designee, and two members to be appointed by the Governor,
622 subject to confirmation by the Senate, one member who, on
623 account of present or previous vocation, employment, or
624 affiliation, shall be classified as a representative of
625 employers, the other member who, on account of previous

626 vocation, employment, or affiliation, shall be classified as a
627 representative of employees. The panel shall determine statewide
628 schedules of maximum reimbursement allowances for medically
629 necessary treatment, care, and attendance provided by hospitals
630 and ambulatory surgical centers. The maximum reimbursement
631 allowances for inpatient hospital care shall be based on a
632 schedule of per diem rates, to be approved by the three-member
633 panel no later than March 1, 1994, to be used in conjunction
634 with a precertification manual as determined by the department,
635 including maximum hours in which an outpatient may remain in
636 observation status, which shall not exceed 23 hours. All
637 compensable charges for hospital outpatient care shall be
638 reimbursed at 75 percent of usual and customary charges, except
639 as otherwise provided by this subsection. Annually, the three-
640 member panel shall adopt schedules of maximum reimbursement
641 allowances for hospital inpatient care, hospital outpatient
642 care, and ambulatory surgical centers. A hospital or an
643 ambulatory surgical center shall be reimbursed either the
644 agreed-upon contract price or the maximum reimbursement
645 allowance in the appropriate schedule. Reimbursement for
646 emergency services and care, as defined in s. 395.002, without a
647 maximum reimbursement allowance must be at 75 percent of the
648 hospital's charge, unless there is a contract, in which case the
649 contract governs reimbursement.

650

651 The department, as requested, shall provide data to the panel,
652 including, but not limited to, utilization trends in the
653 workers' compensation health care delivery system. The
654 department shall provide the panel with an annual report
655 regarding the resolution of medical reimbursement disputes and
656 any actions pursuant to subsection (8). The department shall
657 provide administrative support and service to the panel to the
658 extent requested by the panel. For prescription medication
659 purchased under the requirements of this subsection, a
660 dispensing practitioner shall not possess such medication unless
661 payment has been made by the practitioner, the practitioner's
662 professional practice, or the practitioner's practice management
663 company or employer to the supplying manufacturer, wholesaler,
664 distributor, or drug repackager within 60 days of the dispensing
665 practitioner taking possession of that medication.

666 Section 6. Subsections (9) through (13) of section
667 440.385, Florida Statutes, are renumbered as subsections (10)
668 through (14), respectively, and a new subsection (9) is added to
669 that section to read:

670 440.385 Florida Self-Insurers Guaranty Association,
671 Incorporated.—

672 (9) CONTRACTS AND PURCHASES.—

673 (a) After July 1, 2024, all contracts entered into, and
674 all purchases made by, the association pursuant to this section
675 which are valued at or more than \$100,000 must first be approved

676 by the department. The department has 10 days to approve or deny
677 the contract or purchase upon electronic receipt of the approval
678 request. The contract or purchase is automatically approved if
679 the department is nonresponsive.

680 (b) All contracts and purchases valued at or more than
681 \$100,000 require competition through a formal bid solicitation
682 conducted by the association. The association must undergo a
683 formal bid solicitation process. The formal bid solicitation
684 process must include all of the following:

685 1. The time and date for the receipt of bids, the
686 proposals, and whether the association contemplates renewal of
687 the contract, including the price for each year for which the
688 contract may be renewed.

689 2. All the contractual terms and conditions applicable to
690 the procurement.

691 (c) Evaluation of bids by the association must include
692 consideration of the total cost for each year of the contract,
693 including renewal years, as submitted by the vendor. The
694 association must award the contract to the most responsible and
695 responsive vendor. Any formal bid solicitation conducted by the
696 association must be made available, upon request, to the
697 department via electronic delivery.

698 Section 7. Subsection (7) of section 497.101, Florida
699 Statutes, is renumbered as subsection (11), subsections (1)
700 through (4) are amended, and a new subsection (7) and

701 subsections (8), (9), and (10) are added to that section, to
702 read:

703 497.101 Board of Funeral, Cemetery, and Consumer Services;
704 membership; appointment; terms.—

705 (1) The Board of Funeral, Cemetery, and Consumer Services
706 is created within the Department of Financial Services and shall
707 consist of 10 members, 9 of whom shall be appointed by ~~the~~
708 ~~Governor from nominations made by~~ the Chief Financial Officer
709 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
710 ~~nominate one to three persons for each of the nine vacancies on~~
711 ~~the board, and the Governor shall fill each vacancy on the board~~
712 ~~by appointing one of the persons nominated by the Chief~~
713 ~~Financial Officer to fill that vacancy. If the Governor objects~~
714 ~~to each of the nominations for a vacancy, she or he shall inform~~
715 ~~the Chief Financial Officer in writing. Upon notification of an~~
716 ~~objection by the Governor, the Chief Financial Officer shall~~
717 ~~submit one to three additional nominations for that vacancy~~
718 ~~until the vacancy is filled. One member must be the State Health~~
719 ~~Officer or her or his designee.~~

720 (2) Two members of the board must be funeral directors
721 licensed under part III of this chapter who are associated with
722 a funeral establishment. One member of the board must be a
723 funeral director licensed under part III of this chapter who is
724 associated with a funeral establishment licensed under part III
725 of this chapter which has a valid preneed license issued

726 pursuant to this chapter ~~and who owns or operates a cinerator~~
727 ~~facility approved under chapter 403 and licensed under part VI~~
728 ~~of this chapter~~. Two members of the board must be persons whose
729 primary occupation is associated with a cemetery company
730 licensed pursuant to this chapter. Two members of the board must
731 be consumers who are residents of this state, have never been
732 licensed as funeral directors or embalmers, are not connected
733 with a cemetery or cemetery company licensed pursuant to this
734 chapter, and are not connected with the death care industry or
735 the practice of embalming, funeral directing, or direct
736 disposition. One of the two consumer members must be at least 60
737 years of age. One member of the board must be a consumer who is
738 a resident of this state; is licensed as a certified public
739 accountant under chapter 473; has never been licensed as a
740 funeral director or an embalmer; is not a principal or an
741 employee of any licensee licensed under this chapter; and does
742 not otherwise have control, as defined in s. 497.005, over any
743 licensee licensed under this chapter. One member of the board
744 must be a principal of a monument establishment licensed under
745 this chapter as a monument builder. One member must be the State
746 Health Officer or her or his designee. There may not be two or
747 more board members who are principals or employees of the same
748 company or partnership or group of companies or partnerships
749 under common control.

750 (3) Board members shall be appointed for terms of 4 years

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751 and may be reappointed; however, a member may not serve for more
752 than 8 consecutive years.~~and~~ The State Health Officer shall
753 serve as long as that person holds that office. The designee of
754 the State Health Officer shall serve at the pleasure of the
755 Chief Financial Officer Governor.

756 (4) The Chief Financial Officer Governor ~~may suspend and~~
757 ~~the Senate~~ may remove any board member for malfeasance or
758 misfeasance, neglect of duty, incompetence, substantial
759 inability to perform official duties, commission of a crime, or
760 other substantial cause as determined by the Chief Financial
761 Officer Governor or Senate, as applicable, to evidence a lack of
762 fitness to sit on the board. A board member shall be deemed to
763 have resigned her or his board membership, and that position
764 shall be deemed vacant, upon the failure of the member to attend
765 three consecutive meetings of the board or at least half of the
766 meetings of the board during any 12-month period, unless the
767 Chief Financial Officer determines that there was good and
768 adequate justification for the absences and that such absences
769 are not likely to continue. Any vacancy so created shall be
770 filled as provided in subsection (1).

771 (7) Members of the board are subject to the code of ethics
772 under part III of chapter 112. For purposes of applying part III
773 of chapter 112 to activities of the members of the board, those
774 persons are considered public officers, and the department is
775 considered their agency. A board member may not vote on any

776 measure that would inure to his or her special private gain or
777 loss and, in accordance with s. 112.3143(2), may not vote on any
778 measure that he or she knows would inure to the special private
779 gain or loss of any principal by which he or she is retained,
780 other than an agency as defined in s. 112.312; or that he or she
781 knows would inure to the special private gain or loss of his or
782 her relative or business associate. Before the vote is taken,
783 such member shall publicly state to the board the nature of his
784 or her interest in the matter from which he or she is abstaining
785 from voting and, within 15 days after the vote occurs, disclose
786 the nature of his or her interest as a public record in a
787 memorandum filed with the person responsible for recording the
788 minutes of the meeting, who shall incorporate the memorandum in
789 the minutes.

790 (8) In accordance with ss. 112.3148 and 112.3149, a board
791 member may not knowingly accept, directly or indirectly, any
792 gift or expenditure from a person or entity, or an employee or
793 representative of such person or entity, which has a contractual
794 relationship with the department or the board, which is under
795 consideration for a contract, or which is licensed by the
796 department.

797 (9) A board member who fails to comply with subsection (7)
798 or subsection (8) is subject to the penalties provided under ss.
799 112.317 and 112.3173.

800 (10) (a) All meetings of the board are subject to the

801 requirements of s. 286.011, and all books and records of the
802 board are open to the public for reasonable inspection except as
803 otherwise provided by s. 497.172 or other applicable law.

804 (b) Except for emergency meetings, the board shall give
805 notice of any board meeting by publication on the association's
806 website at least 7 days before the meeting. The board shall
807 prepare and publish a meeting agenda on its website at least 7
808 days before the meeting. The agenda must contain the items to be
809 considered in order of presentation. After the agenda has been
810 made available, a change may be made only for good cause, as
811 determined by the person designated to preside, and must be
812 stated in the record. Notification of such change must be at the
813 earliest practicable time.

814 Section 8. Paragraph (a) of subsection (4) of section
815 497.153, Florida Statutes, is amended to read:

816 497.153 Disciplinary procedures and penalties.—

817 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

818 (a) Service of an administrative complaint may be in
819 person by department staff or any person authorized to make
820 service of process under the Florida Rules of Civil Procedure.
821 Service upon a licensee may in the alternative be made by
822 certified mail, return receipt requested, to the last known
823 address of record provided by the licensee to the department. If
824 service by certified mail cannot be made at the last address
825 provided by the licensee to the department, service may be made

826 by e-mail, delivery receipt required, sent to the most recent e-
 827 mail address provided by the licensee to the department in
 828 accordance with s. 497.146.

829 Section 9. Paragraph (e) of subsection (1) of section
 830 497.155, Florida Statutes, is amended to read:

831 497.155 Disciplinary citations and minor violations.—

832 (1) CITATIONS.—

833 (e) Service of a citation may be made by personal service
 834 or certified mail, restricted delivery, to the subject at the
 835 subject's last known address in accordance with s. 497.146. If
 836 service by certified mail cannot be made at the last address
 837 provided by the subject to the department, service may be made
 838 by e-mail, delivery receipt required, sent to the most recent e-
 839 mail address provided by the subject to the department in
 840 accordance with s. 497.146.

841 Section 10. Paragraph (a) of subsection (3) of section
 842 624.155, Florida Statutes, is amended to read:

843 624.155 Civil remedy.—

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

850 Section 11. Paragraphs (c) and (d) subsection (10) of

851 section 624.307, Florida Statutes, are redesignated as
852 paragraphs (d) and (e), respectively, paragraph (b) is amended,
853 and a new paragraph (c) is added to subsection (10) of that
854 section, to read:

855 624.307 General powers; duties.—

856 (10)

857 (b) Any person licensed or issued a certificate of
858 authority or made an eligible surplus lines insurer by the
859 department or the office shall respond, in writing or
860 electronically, to the division within 14 days after receipt of
861 a written request for documents and information from the
862 division concerning a consumer complaint. The response must
863 address the issues and allegations raised in the complaint and
864 include any requested documents concerning the consumer
865 complaint not subject to attorney-client or work-product
866 privilege. The division may impose an administrative penalty for
867 failure to comply with this paragraph of up to \$5,000 per
868 violation upon any entity licensed by the department or the
869 office and up to \$1,000 per violation by any individual licensed
870 by the department or the office.

871 (c) Each insurer issued a certificate of authority or made
872 an eligible surplus lines insurer shall file with the department
873 an e-mail address to which requests for response to consumer
874 complaints shall be directed pursuant to paragraph (b). Such
875 insurer shall also designate a contact person for escalated

876 complaint issues and shall provide the name, e-mail address, and
877 telephone number of such person. A licensee of the department,
878 including an agency or a firm, may elect to designate an e-mail
879 address to which requests for response to consumer complaints
880 shall be directed pursuant to paragraph (b). If a licensee,
881 including an agency or a firm, elects not to designate an e-mail
882 address, the department shall direct requests for response to
883 consumer complaints to the e-mail of record for the licensee in
884 the department's licensing system. An insurer or a licensee,
885 including an agency or a firm, may change a designated contact
886 information at any time by submitting the new information to the
887 department using the method designated by rule by the
888 department.

889 Section 12. Subsection (2) of section 626.171, Florida
890 Statutes, is amended to read:

891 626.171 Application for license as an agent, customer
892 representative, adjuster, service representative, or reinsurance
893 intermediary.—

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

895 (a) His or her full name, age, social security number,
896 residence address, business address, mailing address, contact
897 telephone numbers, including a business telephone number, and e-
898 mail address.

899 (b) A statement indicating the method the applicant used
900 or is using to meet any required prelicensing education,

901 knowledge, experience, or instructional requirements for the
902 type of license applied for.

903 (c) Whether he or she has been refused or has voluntarily
904 surrendered or has had suspended or revoked a license to solicit
905 insurance by the department or by the supervising officials of
906 any state.

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

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

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

914 (g) The applicant's native language.

915 (h) The highest level of education achieved by the
916 applicant.

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

919 (j) Such other or additional information as the department
920 may deem proper to enable it to determine the character,
921 experience, ability, and other qualifications of the applicant
922 to hold himself or herself out to the public as an insurance
923 representative.

924

925 However, the application must contain a statement that an

926 applicant is not required to disclose his or her race or
927 ethnicity, gender, or native language, that he or she will not
928 be penalized for not doing so, and that the department will use
929 this information exclusively for research and statistical
930 purposes and to improve the quality and fairness of the
931 examinations. The department shall make provisions for
932 applicants to submit cellular telephone numbers as part of the
933 application process on a voluntary basis for purpose of two-
934 factor authentication of secure login credentials only.

935 Section 13. Paragraph (j) of subsection (2) of section
936 626.221, Florida Statutes, is amended to read:

937 626.221 Examination requirement; exemptions.—

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

940 (j) An applicant for license as an all-lines adjuster who
941 has the designation of Accredited Claims Adjuster (ACA) from a
942 regionally accredited postsecondary institution in this state;
943 Certified All Lines Adjuster (CALA) from Kaplan Financial
944 Education; Associate in Claims (AIC) from the Insurance
945 Institute of America; Professional Claims Adjuster (PCA) from
946 the Professional Career Institute; Professional Property
947 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
948 Certified Adjuster (CA) from ALL LINES Training; Certified
949 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
950 Certified Professional (CACP) from WebCE, Inc.; Accredited

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951 Insurance Claims Specialist (AICS) from Encore Claim Services;
952 Professional in Claims (PIC) from 2021 Training, LLC; Registered
953 Claims Adjuster (RCA) from American Insurance College; or
954 Universal Claims Certification (UCC) from Claims and Litigation
955 Management Alliance (CLM) whose curriculum has been approved by
956 the department and which includes comprehensive analysis of
957 basic property and casualty lines of insurance and testing at
958 least equal to that of standard department testing for the all-
959 lines adjuster license. The department shall adopt rules
960 establishing standards for the approval of curriculum.

961 Section 14. Subsection (6) of section 626.601, Florida
962 Statutes, is amended to read:

963 626.601 Improper conduct; inquiry; fingerprinting.—

964 (6) The complaint and any information obtained pursuant to
965 the investigation by the department or office are confidential
966 and are exempt from s. 119.07 unless the department or office
967 files a formal administrative complaint, emergency order, or
968 consent order against the individual or entity. This subsection
969 does not prevent the department or office from disclosing the
970 complaint or such information as it deems necessary to conduct
971 the investigation, to update the complainant as to the status
972 and outcome of the complaint, to review the details of the
973 investigation with the individual or entity or their
974 representative, or to share such information with any law
975 enforcement agency or other regulatory body.

976 Section 15. Subsection (3) of section 626.7351, Florida
 977 Statutes, is amended to read:

978 626.7351 Qualifications for customer representative's
 979 license.—The department shall not grant or issue a license as
 980 customer representative to any individual found by it to be
 981 untrustworthy or incompetent, or who does not meet each of the
 982 following qualifications:

983 (3) Within 4 years preceding the date that the application
 984 for license was filed with the department, the applicant has
 985 earned the designation of Accredited Advisor in Insurance (AAI),
 986 Associate in General Insurance (AINS), or Accredited Customer
 987 Service Representative (ACSR) from the Insurance Institute of
 988 America; the designation of Certified Insurance Counselor (CIC)
 989 from the Society of Certified Insurance Service Counselors; the
 990 designation of Certified Professional Service Representative
 991 (CPSR) from the National Foundation for CPSR; the designation of
 992 Certified Insurance Service Representative (CISR) from the
 993 Society of Certified Insurance Service Representatives; the
 994 designation of Certified Insurance Representative (CIR) from
 995 All-Lines Training; the designation of Chartered Customer
 996 Service Representative (CCSR) from American Insurance College;
 997 the designation of Professional Customer Service Representative
 998 (PCSR) from the Professional Career Institute; the designation
 999 of Insurance Customer Service Representative (ICSR) from
 1000 Statewide Insurance Associates LLC; the designation of

1001 Registered Customer Service Representative (RCSR) from a
 1002 regionally accredited postsecondary institution in the state
 1003 whose curriculum is approved by the department and includes
 1004 comprehensive analysis of basic property and casualty lines of
 1005 insurance and testing which demonstrates mastery of the subject;
 1006 or a degree from an accredited institution of higher learning
 1007 approved by the department when the degree includes a minimum of
 1008 9 credit hours of insurance instruction, including specific
 1009 instruction in the areas of property, casualty, and inland
 1010 marine insurance. The department shall adopt rules establishing
 1011 standards for the approval of curriculum.

1012 Section 16. Section 626.878, Florida Statutes, is amended
 1013 to read:

1014 626.878 Rules; code of ethics.—

1015 (1) An adjuster shall subscribe to the code of ethics
 1016 specified in the rules of the department. The rules shall
 1017 implement the provisions of this part and specify the terms and
 1018 conditions of contracts, including a right to cancel, and
 1019 require practices necessary to ensure fair dealing, prohibit
 1020 conflicts of interest, and ensure preservation of the rights of
 1021 the claimant to participate in the adjustment of claims.

1022 (2) A person licensed as an adjuster must identify himself
 1023 or herself in any advertisement, solicitation, or written
 1024 document based on the adjuster appointment type held.

1025 (3) An adjuster who has had his or her licensed revoked or

1026 suspended may not participate in any part of an insurance claim
 1027 or in the insurance claims adjusting process, including
 1028 estimating, completing, filing, negotiating, appraising,
 1029 mediating, umpiring, or effecting settlement of a claim for loss
 1030 or damage covered under an insurance contract. A person who
 1031 provides these services while the person's license is revoked or
 1032 suspended acts as an unlicensed adjuster.

1033 Section 17. Subsection (1) of section 626.929, Florida
 1034 Statutes, is amended, and subsection (4) is added to that
 1035 section, to read:

1036 626.929 Origination, acceptance, placement of surplus
 1037 lines business.—

1038 (1) A licensed and appointed general lines agent while
 1039 also licensed and appointed as a surplus lines agent under this
 1040 part may originate surplus lines business and may accept surplus
 1041 lines business from any other originating Florida-licensed
 1042 general lines agent appointed and licensed as to the kinds of
 1043 insurance involved and may compensate such agent therefor.

1044 (4) A general lines agent while licensed as a surplus
 1045 lines agent under this part may appoint these licenses with a
 1046 single surplus license agent appointment pursuant to s. 624.501.
 1047 Such agent may only originate surplus lines business and accept
 1048 surplus lines business from other originating Florida-licensed
 1049 general lines agents appointed and licensed as to the kinds of
 1050 insurance involved and may compensate such agent therefor. Such

1051 agent may not be appointed by or transact general lines
 1052 insurance on behalf of an admitted insurer.

1053 Section 18. Paragraphs (j) is added to subsection (4) of
 1054 section 627.351, Florida Statutes, to read:

1055 627.351 Insurance risk apportionment plans.—

1056 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
 1057 CONTRACTS AND PURCHASES.—

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

1065 2. All contracts and purchases valued at or more than
 1066 \$100,000 require competition through a formal bid solicitation
 1067 conducted by the association. The association must undergo a
 1068 formal bid solicitation process by a minimum of three vendors.
 1069 The formal bid solicitation process must include all of the
 1070 following:

1071 a. The time and date for the receipt of bids, the
 1072 proposals, and whether the association contemplates renewal of
 1073 the contract, including the price for each year for which the
 1074 contract may be renewed.

1075 b. All the contractual terms and conditions applicable to

1076 the procurement.

1077 3. Evaluation of bids by the association must include
 1078 consideration of the total cost for each year of the contract,
 1079 including renewal years, as submitted by the vendor. The
 1080 association must award the contract to the most responsible and
 1081 responsive vendor. Any formal bid solicitation conducted by the
 1082 association must be made available, upon request, to the
 1083 department by electronic delivery.

1084 Section 19. Subsection (2) of section 627.43141, Florida
 1085 Statutes, is amended to read:

1086 627.43141 Notice of change in policy terms.—

1087 (2) A renewal policy may contain a change in policy terms.
 1088 If such change occurs, the insurer shall give the named insured
 1089 advance written notice summarizing the change, which may be
 1090 enclosed in along with the written notice of renewal premium
 1091 required under ss. 627.4133 and 627.728 or sent separately
 1092 within the timeframe required under the Florida Insurance Code
 1093 for the provision of a notice of nonrenewal to the named insured
 1094 for that line of insurance. The insurer must also provide a
 1095 sample copy of the notice to the named insured's insurance agent
 1096 before or at the same time that notice is provided to the named
 1097 insured. Such notice shall be entitled "Notice of Change in
 1098 Policy Terms—" and shall be in bold type of not less than 14
 1099 points and included as a single page within the written notice.

1100 Section 20. Paragraph (a) of subsection (3) of section

1101 627.70152, Florida Statutes, is amended to read:

1102 627.70152 Suits arising under a property insurance
1103 policy.—

1104 (3) NOTICE.—

1105 (a) As a condition precedent to filing a suit under a
1106 property insurance policy, a claimant must provide the
1107 department with written notice of intent to initiate litigation
1108 on a form provided by the department. Such notice must be given
1109 at least 10 business days before filing suit under the policy,
1110 but may not be given before the insurer has made a determination
1111 of coverage under s. 627.70131. Notice to the insurer must be
1112 provided by the department to the e-mail address designated by
1113 the insurer ~~under s. 624.422~~. The notice must state with
1114 specificity all of the following information:

1115 1. That the notice is provided pursuant to this section.

1116 2. The alleged acts or omissions of the insurer giving
1117 rise to the suit, which may include a denial of coverage.

1118 3. If provided by an attorney or other representative,
1119 that a copy of the notice was provided to the claimant.

1120 4. If the notice is provided following a denial of
1121 coverage, an estimate of damages, if known.

1122 5. If the notice is provided following acts or omissions
1123 by the insurer other than denial of coverage, both of the
1124 following:

1125 a. The presuit settlement demand, which must itemize the

1126 damages, attorney fees, and costs.

1127 b. The disputed amount.

1128

1129 Documentation to support the information provided in this
 1130 paragraph may be provided along with the notice to the insurer.

1131 Section 21. Subsection (5) is added to section 631.59,
 1132 Florida Statutes, to read:

1133 631.59 Duties and powers of department and office;
 1134 association contracts and purchases.—

1135 (5) (a) After July 1, 2024, all contracts entered into, and
 1136 all purchases made by, the association pursuant to this section
 1137 which are valued at or more than \$100,000 must first be approved
 1138 by the department. The department has 10 days to approve or deny
 1139 the contract or purchase upon electronic receipt of the approval
 1140 request. The contract or purchase is automatically approved if
 1141 the department is nonresponsive.

1142 (b) All contracts and purchases valued at or more than
 1143 \$100,000 require competition through a formal bid solicitation
 1144 conducted by the association. The association must undergo a
 1145 formal bid solicitation process. The formal bid solicitation
 1146 process must include all of the following:

1147 1. The time and date for the receipt of bids, the
 1148 proposals, and whether the association contemplates renewal of
 1149 the contract, including the price for each year for which the
 1150 contract may be renewed.

1151 2. All the contractual terms and conditions applicable to
 1152 the procurement.

1153 (c) Evaluation of bids by the association must include
 1154 consideration of the total cost for each year of the contract,
 1155 including renewal years, as submitted by the vendor. The
 1156 association must award the contract to the most responsible and
 1157 responsive vendor. Any formal bid solicitation conducted by the
 1158 association must be made available, upon request, to the
 1159 department via electronic delivery.

1160 Section 22. Section 631.6955, Florida Statutes, is created
 1161 to read:

1162 631.6955 Florida Insurance Guaranty Fund data transfer
 1163 plan.—

1164 (1) Each insurer that is subject to the Florida Insurance
 1165 Guaranty Association requirements shall prepare, implement, and
 1166 maintain a data transfer plan. Upon the occurrence of a company-
 1167 action level event, as described in s. 624.4085, the insurer
 1168 shall file the data transfer plan with the Commissioner of
 1169 Insurance Regulation.

1170 (2) The data transfer plan required by subsection (1) must
 1171 outline specific procedures, actions, and safeguards that, at
 1172 minimum, include all of the following:

1173 (a) The manner, methods, and formats in which the insurer
 1174 maintains and preserves its claims and underwriting records.

1175 (b) The process by which the insurer will transfer all of

1176 its claims and underwriting records to the department and the
1177 association if an order of liquidation is issued pursuant to s.
1178 631.395.

1179 (c) Any other information deemed necessary by the
1180 Commissioner of Insurance Regulation.

1181 (3) If the insurer uses a third-party vendor to maintain
1182 and preserve its claims and underwriting records, the insurer
1183 shall include in its data transfer plan the process by which the
1184 third-party vendor will provide the insurer's claims and
1185 underwriting records without delay to the department and the
1186 association if an order of liquidation is issued pursuant to s.
1187 631.395.

1188 (4) The Commissioner of Insurance Regulation shall review
1189 each data transfer plan submitted pursuant to this section to
1190 determine compliance with the requirements of this section and
1191 shall consult with the department and the association to confirm
1192 that the data transfer plans will integrate with the
1193 department's and the association's manner and means of
1194 maintaining records received from insurers that are subject to
1195 orders of liquidation.

1196 (5) The Commissioner of Insurance Regulation may do all of
1197 the following:

1198 (a) Investigate and examine the records and operations of
1199 insurers to determine if each insurer has implemented and
1200 complied with the data transfer plan requirements of this

1201 section.

1202 (b) Direct an insurer to test the processes set forth in
 1203 its data transfer plan to ensure that the data can be
 1204 effectively transferred.

1205 (c) Direct an insurer to modify its data transfer plan to
 1206 comply with the requirements of this section.

1207 (d) Require an insurer to prefund the services required to
 1208 initiate a data transfer.

1209 (e) Require an insurer to take action to remedy
 1210 substantial noncompliance with the requirements of this section
 1211 regarding data transfer plans.

1212 Section 23. Subsection (6) is added to section 631.722,
 1213 Florida Statutes, to read:

1214 631.722 Powers and duties of department and office;
 1215 association contracts and purchases.-

1216 (6) (a) After July 1, 2024, all contracts entered into, and
 1217 all purchases made by, the association pursuant to this section
 1218 which are valued at or more than \$100,000 must first be approved
 1219 by the department. The department has 10 days to approve or deny
 1220 the contract or purchase upon electronic receipt of the approval
 1221 request. The contract or purchase is automatically approved if
 1222 the department is nonresponsive.

1223 (b) All contracts and purchases valued at or more than
 1224 \$100,000 require competition through a formal bid solicitation
 1225 conducted by the association. The association must undergo a

1226 formal bid solicitation process. The formal bid solicitation
1227 process must include all of the following:

1228 1. The time and date for the receipt of bids, the
1229 proposals, and whether the association contemplates renewal of
1230 the contract, including the price for each year for which the
1231 contract may be renewed.

1232 2. All the contractual terms and conditions applicable to
1233 the procurement.

1234 (c) Evaluation of bids by the association must include
1235 consideration of the total cost for each year of the contract,
1236 including renewal years, as submitted by the vendor. The
1237 association must award the contract to the most responsible and
1238 responsive vendor. Any formal bid solicitation conducted by the
1239 association must be made available, upon request, to the
1240 department via electronic delivery.

1241 Section 24. Subsection (5) is added to section 631.821,
1242 Florida Statutes, to read:

1243 631.821 Powers and duties of the department; board
1244 contracts and purchases.-

1245 (5)(a) After July 1, 2024, all contracts entered into, and
1246 all purchases made by, the board pursuant to this section which
1247 are valued at or more than \$100,000 must first be approved by
1248 the department. The department has 10 days to approve or deny
1249 the contract or purchase upon electronic receipt of the approval
1250 request. The contract or purchase is automatically approved if

1251 the department is nonresponsive.

1252 (b) All contracts and purchases valued at or more than
 1253 \$100,000 require competition through a formal bid solicitation
 1254 conducted by the board. The board must undergo a formal bid
 1255 solicitation process. The formal bid solicitation process must
 1256 include all of the following:

1257 1. The time and date for the receipt of bids, the
 1258 proposals, and whether the board contemplates renewal of the
 1259 contract, including the price for each year for which the
 1260 contract may be renewed.

1261 2. All the contractual terms and conditions applicable to
 1262 the procurement.

1263 (c) Evaluation of bids by the board must include
 1264 consideration of the total cost for each year of the contract,
 1265 including renewal years, as submitted by the vendor. The plan
 1266 must award the contract to the most responsible and responsive
 1267 vendor. Any formal bid solicitation conducted by the board must
 1268 be made available, upon request, to the department via
 1269 electronic delivery.

1270 Section 25. Section 631.921, Florida Statutes, is amended
 1271 to read:

1272 631.921 Department powers; board contracts and purchases.—

1273 (1) The corporation shall be subject to examination by the
 1274 department. By March 1 of each year, the board of directors
 1275 shall cause a financial report to be filed with the department

1276 for the immediately preceding calendar year in a form approved
1277 by the department.

1278 (2) (a) After July 1, 2024, all contracts entered into, and
1279 all purchases made by, the board pursuant to this section which
1280 are valued at or more than \$100,000 must first be approved by
1281 the department. The department has 10 days to approve or deny
1282 the contract or purchase upon electronic receipt of the approval
1283 request. The contract or purchase is automatically approved if
1284 the department is nonresponsive.

1285 (b) All contracts and purchases valued at or more than
1286 \$100,000 require competition through a formal bid solicitation
1287 conducted by the board. The board must undergo a formal bid
1288 solicitation process. The formal bid solicitation process must
1289 include all of the following:

1290 1. The time and date for the receipt of bids, the
1291 proposals, and whether the board contemplates renewal of the
1292 contract, including the price for each year for which the
1293 contract may be renewed.

1294 2. All the contractual terms and conditions applicable to
1295 the procurement.

1296 (c) Evaluation of bids by the board must include
1297 consideration of the total cost for each year of the contract,
1298 including renewal years, as submitted by the vendor. The
1299 association must award the contract to the most responsible and
1300 responsive vendor. Any formal bid solicitation conducted by the

1301 association must be made available, upon request, to the
 1302 department via electronic delivery.

1303 Section 26. Paragraph (b) of subsection (3) of section
 1304 633.124, Florida Statutes, is amended to read:

1305 633.124 Penalty for violation of law, rule, or order to
 1306 cease and desist or for failure to comply with corrective
 1307 order.—

1308 (3)

1309 (b) A person who initiates a pyrotechnic display within
 1310 any structure commits a felony of the third degree, punishable
 1311 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1312 1. The structure has a fire protection system installed in
 1313 compliance with s. 633.334.

1314 2. The owner of the structure has authorized in writing
 1315 the pyrotechnic display.

1316 3. If the local jurisdiction requires a permit for the use
 1317 of a pyrotechnic display in an occupied structure, such permit
 1318 has been obtained and all conditions of the permit complied with
 1319 or, if the local jurisdiction does not require a permit for the
 1320 use of a pyrotechnic display in an occupied structure, the
 1321 person initiating the display has complied with National Fire
 1322 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
 1323 Standard for the Use of Pyrotechnics before a Proximate
 1324 Audience.

1325 Section 27. Subsection (2) of section 633.202, Florida

1326 Statutes, is amended to read:

1327 633.202 Florida Fire Prevention Code.—

1328 (2) The State Fire Marshal shall adopt the current edition
1329 of the National Fire Protection Association's Standard 1, Fire
1330 Prevention Code but may not adopt a building, mechanical,
1331 accessibility, or plumbing code. The State Fire Marshal shall
1332 adopt the current edition of the Life Safety Code, NFPA 101,
1333 current editions, by reference. The State Fire Marshal may
1334 modify the selected codes and standards as needed to accommodate
1335 the specific needs of the state. Standards or criteria in the
1336 selected codes shall be similarly incorporated by reference. The
1337 State Fire Marshal shall incorporate within sections of the
1338 Florida Fire Prevention Code provisions that address uniform
1339 firesafety standards as established in s. 633.206. The State
1340 Fire Marshal shall incorporate within sections of the Florida
1341 Fire Prevention Code provisions addressing regional and local
1342 concerns and variations.

1343 Section 28. Paragraph (b) of subsection (1) of section
1344 633.206, Florida Statutes, is amended to read:

1345 633.206 Uniform firesafety standards.—The Legislature
1346 hereby determines that to protect the public health, safety, and
1347 welfare it is necessary to provide for firesafety standards
1348 governing the construction and utilization of certain buildings
1349 and structures. The Legislature further determines that certain
1350 buildings or structures, due to their specialized use or to the

1351 special characteristics of the person utilizing or occupying
1352 these buildings or structures, should be subject to firesafety
1353 standards reflecting these special needs as may be appropriate.

1354 (1) The department shall establish uniform firesafety
1355 standards that apply to:

1356 (b) All new, existing, and proposed hospitals, nursing
1357 homes, assisted living facilities, adult family-care homes,
1358 correctional facilities, public schools, transient public
1359 lodging establishments, public food service establishments,
1360 mobile food dispensing vehicles, elevators, migrant labor camps,
1361 mobile home parks, lodging parks, recreational vehicle parks,
1362 recreational camps, residential and nonresidential child care
1363 facilities, facilities for the developmentally disabled, motion
1364 picture and television special effects productions, tunnels,
1365 energy storage systems, and self-service gasoline stations, of
1366 which standards the State Fire Marshal is the final
1367 administrative interpreting authority.

1368
1369 In the event there is a dispute between the owners of the
1370 buildings specified in paragraph (b) and a local authority
1371 requiring a more stringent uniform firesafety standard for
1372 sprinkler systems, the State Fire Marshal shall be the final
1373 administrative interpreting authority and the State Fire
1374 Marshal's interpretation regarding the uniform firesafety
1375 standards shall be considered final agency action.

1376 Section 29. Paragraph (b) of subsection (8) of section
 1377 634.041, Florida Statutes, is amended to read:

1378 634.041 Qualifications for license.—To qualify for and
 1379 hold a license to issue service agreements in this state, a
 1380 service agreement company must be in compliance with this part,
 1381 with applicable rules of the commission, with related sections
 1382 of the Florida Insurance Code, and with its charter powers and
 1383 must comply with the following:

1384 (8)

1385 (b) A service agreement company does not have to establish
 1386 and maintain an unearned premium reserve if it secures and
 1387 maintains contractual liability insurance in accordance with the
 1388 following:

1389 1. Coverage of 100 percent of the claim exposure is
 1390 obtained from an insurer or insurers approved by the office,
 1391 which hold ~~holds~~ a certificate of authority under s. 624.401 to
 1392 do business within this state, or secured through a risk
 1393 retention groups ~~group~~, which are ~~is~~ authorized to do business
 1394 within this state under s. 627.943 or s. 627.944. Such insurers
 1395 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
 1396 as regards policyholders of at least \$15 million.

1397 2. If the service agreement company does not meet its
 1398 contractual obligations, the contractual liability insurance
 1399 policy binds its issuer to pay or cause to be paid to the
 1400 service agreement holder all legitimate claims and cancellation

1401 refunds for all service agreements issued by the service
1402 agreement company while the policy was in effect. This
1403 requirement also applies to those service agreements for which
1404 no premium has been remitted to the insurer.

1405 3. If the issuer of the contractual liability policy is
1406 fulfilling the service agreements covered by the contractual
1407 liability policy and the service agreement holder cancels the
1408 service agreement, the issuer must make a full refund of
1409 unearned premium to the consumer, subject to the cancellation
1410 fee provisions of s. 634.121(3). The sales representative and
1411 agent must refund to the contractual liability policy issuer
1412 their unearned pro rata commission.

1413 4. The policy may not be canceled, terminated, or
1414 nonrenewed by the insurer or the service agreement company
1415 unless a 90-day written notice thereof has been given to the
1416 office by the insurer before the date of the cancellation,
1417 termination, or nonrenewal.

1418 5. The service agreement company must provide the office
1419 with the claims statistics.

1420 6. A policy issued in compliance with this paragraph may
1421 either pay 100 percent of claims as they are incurred, or pay
1422 100 percent of claims due in the event of the failure of the
1423 service agreement company to pay such claims when due.

1424
1425 All funds or premiums remitted to an insurer by a motor vehicle

1426 service agreement company under this part shall remain in the
 1427 care, custody, and control of the insurer and shall be counted
 1428 as an asset of the insurer; provided, however, this requirement
 1429 does not apply when the insurer and the motor vehicle service
 1430 agreement company are affiliated companies and members of an
 1431 insurance holding company system. If the motor vehicle service
 1432 agreement company chooses to comply with this paragraph but also
 1433 maintains a reserve to pay claims, such reserve shall only be
 1434 considered an asset of the covered motor vehicle service
 1435 agreement company and may not be simultaneously counted as an
 1436 asset of any other entity.

1437 Section 30. Subsection (5) of section 634.081, Florida
 1438 Statutes, is amended to read:

1439 634.081 Suspension or revocation of license; grounds.—

1440 (5) The office shall suspend or revoke the license of a
 1441 company if it finds that the ratio of gross written premiums
 1442 written to net assets exceeds 10 to 1 unless the company has in
 1443 excess of \$750,000 in net assets and is utilizing contractual
 1444 liability insurance which cedes 100 percent of the service
 1445 agreement company's claims liabilities to the contractual
 1446 liability insurers ~~insurer~~ or is utilizing contractual liability
 1447 insurance which reimburses the service agreement company for 100
 1448 percent of its paid claims. However, if a service agreement
 1449 company has been licensed by the office in excess of 10 years,
 1450 is in compliance with all applicable provisions of this part,

1451 and has net assets at all times in excess of \$3 million that
1452 comply with the provisions of part II of chapter 625, such
1453 company may not exceed a ratio of gross written premiums written
1454 to net assets of 15 to 1.

1455 Section 31. Subsection (5) of section 634.3077, Florida
1456 Statutes, is renumbered as subsection (6), subsection (3) is
1457 amended, and a new subsection (5) is added to that section, to
1458 read:

1459 634.3077 Financial requirements.—

1460 (3) An association may ~~shall~~ not be required to set up an
1461 unearned premium reserve if it has purchased contractual
1462 liability insurance which demonstrates to the satisfaction of
1463 the office that 100 percent of its claim exposure is covered by
1464 such insurance. Such contractual liability insurance shall be
1465 obtained from an insurer or insurers that hold ~~holds~~ a
1466 certificate of authority to do business within the state or from
1467 an insurer or insurers approved by the office as financially
1468 capable of meeting the obligations incurred pursuant to the
1469 policy. For purposes of this subsection, the contractual
1470 liability policy shall contain the following provisions:

1471 (a) In the event that the home warranty association is
1472 unable to fulfill its obligation under its contracts issued in
1473 this state for any reason, including insolvency, bankruptcy, or
1474 dissolution, the contractual liability insurer will pay losses
1475 and unearned premiums under such plans directly to persons

1476 making claims under such contracts.

1477 (b) The insurer issuing the policy shall assume full
 1478 responsibility for the administration of claims in the event of
 1479 the inability of the association to do so.

1480 (c) The policy may not be canceled or not renewed by
 1481 ~~either~~ the insurer or the association unless 60 days' written
 1482 notice thereof has been given to the office by the insurer
 1483 before the date of such cancellation or nonrenewal.

1484 (d) The contractual liability insurance policy shall
 1485 insure all home warranty contracts that were issued while the
 1486 policy was in effect whether or not the premium has been
 1487 remitted to the insurer.

1488 (5) An association licensed under this part is not
 1489 required to establish an unearned premium reserve or maintain
 1490 contractual liability insurance and may allow its premiums to
 1491 exceed the ratio to net assets limitation of this section if the
 1492 association complies with the following:

1493 (a) The association or, if the association is a direct or
 1494 indirect wholly owned subsidiary of a parent corporation, its
 1495 parent corporation has, and maintains at all times, a minimum
 1496 net worth of at least \$100 million and provides the office with
 1497 the following:

1498 1. A copy of the association's annual audited financial
 1499 statements or the audited consolidated financial statements of
 1500 the association's parent corporation, prepared by an independent

1501 certified public accountant in accordance with generally
1502 accepted accounting principles, which clearly demonstrate the
1503 net worth of the association or its parent corporation to be
1504 \$100 million, and a quarterly written certification to the
1505 office that the association or its parent corporation continues
1506 to maintain the net worth required under this paragraph.

1507 2. The association's or its parent corporation's Form 10-
1508 K, Form 10-Q, or Form 20-F as filed with the United States
1509 Securities and Exchange Commission or such other documents
1510 required to be filed with a recognized stock exchange, which
1511 shall be provided on a quarterly and annual basis within 10 days
1512 after the last date each such report must be filed with the
1513 Securities and Exchange Commission, the National Association of
1514 Security Dealers Automated Quotation system, or other recognized
1515 stock exchange.

1516
1517 Failure to timely file the documents required under this
1518 paragraph may, at the discretion of the office, subject the
1519 association to suspension or revocation of its license under
1520 this part.

1521 (b) If the net worth of a parent corporation is used to
1522 satisfy the net worth provisions of paragraph (a), the following
1523 provisions must be met:

1524 1. The parent corporation must guarantee all service
1525 warranty obligations of the association, wherever written, on a

1526 form approved in advance by the office. A cancellation,
1527 termination, or modification of the guarantee does not become
1528 effective unless the parent corporation provides the office
1529 written notice at least 90 days before the effective date of the
1530 cancellation, termination, or modification and the office
1531 approves the request in writing. Before the effective date of
1532 the cancellation, termination, or modification of the guarantee,
1533 the association must demonstrate to the satisfaction of the
1534 office compliance with all applicable provisions of this part,
1535 including whether the association will meet the requirements of
1536 this section by the purchase of contractual liability insurance,
1537 establishing required reserves, or other method allowed under
1538 this section. If the association or parent corporation does not
1539 demonstrate to the satisfaction of the office compliance with
1540 all applicable provisions of this part, the association or
1541 parent association shall immediately cease writing new and
1542 renewal business upon the effective date of the cancellation,
1543 termination, or modification.

1544 2. The association must maintain at all times net assets
1545 of at least \$750,000.

1546 Section 32. Section 634.317, Florida Statutes, is amended
1547 to read:

1548 634.317 License and appointment required.—No person may
1549 solicit, negotiate, or effectuate home warranty contracts for
1550 remuneration in this state unless such person is licensed and

1551 appointed as a sales representative. A licensed and appointed
 1552 sales representative shall be directly responsible and
 1553 accountable for all acts of the licensee's employees. An agent
 1554 or employee of a municipal or county government is exempt from
 1555 these licensing and appointment requirements.

1556 Section 33. Subsection (9) of section 648.25, Florida
 1557 Statutes, is renumbered as subsection (10), and a new subsection
 1558 (9) and subsection (11) are added to that section to read:

1559 648.25 Definitions.—As used in this chapter, the term:

1560 (9) "Referring bail bond agent" is the limited surety
 1561 agent who is appointed with the surety company issuing the
 1562 transfer bond that is to be posted in a county where the
 1563 referring limited surety agent is not registered. The referring
 1564 bail bond agent is the appointed agent held liable for the
 1565 transfer bond, along with the issuing surety company.

1566 (11) "Transfer bond" means the appearance bond and power
 1567 of attorney form posted by a limited surety agent who is
 1568 registered in the county where the defendant is being held in
 1569 custody, and who is appointed to represent the same surety
 1570 company issuing the appearance bond as the referring bail bond
 1571 agent.

1572 Section 34. Subsection (3) of section 648.26, Florida
 1573 Statutes, is amended to read:

1574 648.26 Department of Financial Services; administration.—

1575 (3) The papers, documents, reports, or any other

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1576 | investigatory records of the department are confidential and
1577 | exempt from s. 119.07(1) until such investigation is completed
1578 | or ceases to be active, unless the department or office files a
1579 | formal administrative complaint, emergency order, or consent
1580 | order against the individual or entity. For the purpose of this
1581 | section, an investigation is considered active while the
1582 | investigation is being conducted by the department with a
1583 | reasonable, good faith belief that it may lead to the filing of
1584 | administrative, civil, or criminal proceedings. An investigation
1585 | does not cease to be active if the department is proceeding with
1586 | reasonable dispatch and there is good faith belief that action
1587 | may be initiated by the department or other administrative or
1588 | law enforcement agency. This subsection does not prevent the
1589 | department or office from disclosing the content of a complaint
1590 | or such information as it deems necessary to conduct the
1591 | investigation, to update the complainant as to the status and
1592 | outcome of the complaint, to review the details of the
1593 | investigation with the subject or the subject's representative,
1594 | or to share such information with any law enforcement agency or
1595 | other regulatory body.

1596 | Section 35. Paragraph (a) of subsection (1) of section
1597 | 648.30, Florida Statutes, is amended to read:

1598 | 648.30 Licensure and appointment required; prohibited
1599 | acts; penalties.—

1600 | (1) (a) A person or entity may not act in the capacity of a

1601 | bail bond agent or bail bond agency or perform any of the
 1602 | functions, duties, or powers prescribed for bail bond agents or
 1603 | bail bond agencies under this chapter unless that person or
 1604 | entity is qualified, licensed, and appointed as provided in this
 1605 | chapter ~~and employed by a bail bond agency.~~

1606 | Section 36. Subsection (1) of section 648.355, Florida
 1607 | Statutes, is amended to read:

1608 | 648.355 Limited surety agents and professional bail bond
 1609 | agents; qualifications.—

1610 | (1) The applicant shall furnish, with the application for
 1611 | license, a complete set of the applicant's fingerprints in
 1612 | accordance with s. 626.171(4) ~~and a recent credential-sized,~~
 1613 | ~~fullface photograph of the applicant.~~ The department may not
 1614 | issue a license under this section until the department has
 1615 | received a report from the Department of Law Enforcement and the
 1616 | Federal Bureau of Investigation relative to the existence or
 1617 | nonexistence of a criminal history report based on the
 1618 | applicant's fingerprints.

1619 | Section 37. Subsection (3) of section 648.43, Florida
 1620 | Statutes, is amended to read:

1621 | 648.43 Power of attorney; approval by office; filing of
 1622 | copies; notification of transfer bond.—

1623 | (3) Every bail bond agent who executes or countersigns a
 1624 | transfer bond shall indicate in writing on the bond the name,
 1625 | ~~and~~ address, and license number of the referring bail bond

1626 agent.

1627 Section 38. Section 717.101, Florida Statutes, is amended
1628 to read:

1629 717.101 Definitions.—As used in this chapter, unless the
1630 context otherwise requires:

1631 (1) "Aggregate" means the amounts reported for owners of
1632 unclaimed property of less than \$50 or where there is no name
1633 for the individual or entity listed on the holder's records,
1634 regardless of the amount to be reported.

1635 (2) "Apparent owner" means the person whose name appears
1636 on the records of the holder as the person entitled to property
1637 held, issued, or owing by the holder.

1638 (3) "Audit" means an action or proceeding to examine and
1639 verify a person's records, books, accounts, and other documents
1640 to ascertain and determine compliance with this chapter.

1641 (4) "Audit agent" means a person with whom the department
1642 enters into a contract with to conduct an audit or examination.
1643 The term includes an independent contractor of the person and
1644 each individual participating in the audit on behalf of the
1645 person or contractor.

1646 (5)-(3) "Banking organization" means any and all banks,
1647 trust companies, private bankers, savings banks, industrial
1648 banks, safe-deposit companies, savings and loan associations,
1649 credit unions, and investment companies in this state, organized
1650 under or subject to the laws of this state or of the United

1651 States, including entities organized under 12 U.S.C. s. 611, but
 1652 does not include federal reserve banks. The term also includes
 1653 any corporation, business association, or other organization
 1654 that:

1655 (a) Is a wholly or partially owned subsidiary of any
 1656 banking, banking corporation, or bank holding company that
 1657 performs any or all of the functions of a banking organization;
 1658 or

1659 (b) Performs functions pursuant to the terms of a contract
 1660 with any banking organization ~~state or national bank,~~
 1661 ~~international banking entity or similar entity, trust company,~~
 1662 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
 1663 ~~company, private bank, or any organization otherwise defined by~~
 1664 ~~law as a bank or banking organization.~~

1665 (6)-(4) "Business association" means any for-profit or
 1666 nonprofit corporation other than a public corporation; joint
 1667 stock company; investment company; unincorporated association or
 1668 association of two or more individuals for business purposes,
 1669 whether or not for profit; partnership; joint venture; limited
 1670 liability company; sole proprietorship; business trust; trust
 1671 company; land bank; safe-deposit company; safekeeping
 1672 depository; financial organization; insurance company; federally
 1673 chartered entity; utility company; or other business entity,
 1674 whether or not for profit ~~corporation (other than a public~~
 1675 ~~corporation), joint stock company, investment company, business~~

1676 ~~trust, partnership, limited liability company, or association of~~
 1677 ~~two or more individuals for business purposes, whether for~~
 1678 ~~profit or not for profit.~~

1679 ~~(7)-(5)~~ "Claimant" means the person on whose behalf a claim
 1680 is filed.

1681 (8) "Claimant's representative" means an attorney who is a
 1682 member in good standing of The Florida Bar, a certified public
 1683 accountant licensed in this state, or private investigator who
 1684 is duly licensed to do business in the state, registered with
 1685 the department, and authorized by the claimant to claim
 1686 unclaimed property on the claimant's behalf. The term does not
 1687 include a person acting in a representative capacity, such as a
 1688 personal representative, guardian, trustee, or attorney, whose
 1689 representation is not contingent upon the discovery or location
 1690 of unclaimed property; provided, however, that any agreement
 1691 entered into for the purpose of evading s. 717.135 is invalid
 1692 and unenforceable.

1693 ~~(9)-(6)~~ "Credit balance" means an account balance in the
 1694 customer's favor.

1695 ~~(10)-(7)~~ "Department" means the Department of Financial
 1696 Services.

1697 ~~(11)-(8)~~ "Domicile" means the state of incorporation for a
 1698 corporation; the state of filing for a business association,
 1699 other than a corporation, whose formation or organization
 1700 requires a filing with a state; the state of organization for a

1701 business association, other than a corporation, whose formation
1702 or organization does not require a filing with a state; the
1703 state of home office for a federally chartered entity ~~incorporated~~
1704 ~~under the laws of a state, or, for an unincorporated business~~
1705 ~~association, the state where the business association is~~
1706 ~~organized.~~

1707 (12)-(9) "Due diligence" means the use of reasonable and
1708 prudent methods under particular circumstances to locate
1709 apparent owners of inactive accounts using the taxpayer
1710 identification number or social security number, if known, which
1711 may include, but are not limited to, using a nationwide
1712 database, cross-indexing with other records of the holder,
1713 mailing to the last known address unless the last known address
1714 is known to be inaccurate, providing written notice as described
1715 in this chapter by electronic mail if an apparent owner has
1716 elected such delivery, or engaging a licensed agency or company
1717 capable of conducting such search and providing updated
1718 addresses.

1719 (13) "Electronic" means relating to technology having
1720 electrical, digital, magnetic, wireless, optical,
1721 electromagnetic, or similar capabilities.

1722 (14)-(10) "Financial organization" means a ~~state or federal~~
1723 savings association, savings and loan association, savings bank,
1724 industrial bank, bank, banking organization, trust company,
1725 international bank agency, cooperative bank, building and loan

1726 association, or credit union.

1727 (15)~~(11)~~ "Health care provider" means any state-licensed
 1728 entity that provides and receives payment for health care
 1729 services. These entities include, but are not limited to,
 1730 hospitals, outpatient centers, physician practices, and skilled
 1731 nursing facilities.

1732 (16)~~(12)~~ "Holder" means:

1733 (a) A person, ~~wherever organized or domiciled,~~ who is in
 1734 possession or control or has custody of property or the rights
 1735 to property belonging to another; is indebted to another on an
 1736 obligation; or is obligated to hold for the account of, or to
 1737 deliver or pay to, the owner, property subject to this chapter;
 1738 or÷

1739 ~~(a) In possession of property belonging to another;~~

1740 ~~(b) A trustee in case of a trust; or~~

1741 ~~(c) Indebted to another on an obligation.~~

1742 (17)~~(13)~~ "Insurance company" means an association,
 1743 corporation, or fraternal or mutual benefit organization,
 1744 whether for profit or not for profit, which is engaged in
 1745 providing insurance coverage.

1746 (18)~~(14)~~ "Intangible property" means an item of value that
 1747 cannot be touched or physically held. The term includes, but is
 1748 not limited to includes, by way of illustration and not
 1749 limitation:

1750 (a) Moneys, checks, virtual currency, drafts, deposits,

1751 interest, dividends, and income.

1752 (b) Credit balances, customer overpayments, security
1753 deposits and other instruments as defined by chapter 679,
1754 refunds, unpaid wages, unused airline tickets, and unidentified
1755 remittances.

1756 (c) Stocks, and other intangible ownership interests in
1757 business associations.

1758 (d) Moneys deposited to redeem stocks, bonds, bearer
1759 bonds, original issue discount bonds, coupons, and other
1760 securities, or to make distributions.

1761 (e) Amounts due and payable under the terms of insurance
1762 policies.

1763 (f) Amounts distributable from a trust or custodial fund
1764 established under a plan to provide any health, welfare,
1765 pension, vacation, severance, retirement, death, stock purchase,
1766 profit sharing, employee savings, supplemental unemployment
1767 insurance, or similar benefit.

1768 (19)~~(15)~~ "Last known address" means a description of the
1769 location of the apparent owner sufficient for the purpose of the
1770 delivery of mail. For the purposes of identifying, reporting,
1771 and remitting property to the department which is presumed to be
1772 unclaimed, "last known address" includes any partial description
1773 of the location of the apparent owner sufficient to establish
1774 the apparent owner was a resident of this state at the time of
1775 last contact with the apparent owner or at the time the property

1776 | became due and payable.

1777 | ~~(20)-(16)~~ "Lawful charges" means charges against dormant
 1778 | accounts that are authorized by statute for the purpose of
 1779 | offsetting the costs of maintaining the dormant account.

1780 | ~~(21)-(17)~~ "Managed care payor" means a health care plan
 1781 | that has a defined system of selecting and limiting health care
 1782 | providers as evidenced by a managed care contract with the
 1783 | health care providers. These plans include, but are not limited
 1784 | to, managed care health insurance companies and health
 1785 | maintenance organizations.

1786 | ~~(22)-(18)~~ "Owner" means a person, or the person's legal
 1787 | representative, entitled to receive or having a legal or
 1788 | equitable interest in or claim against property subject to this
 1789 | chapter; a depositor in the case of a deposit; a beneficiary in
 1790 | the case of a trust or a deposit in trust; or a payee in the
 1791 | case of a negotiable instrument or other intangible property a
 1792 | ~~depositor in the case of a deposit, a beneficiary in the case of~~
 1793 | ~~a trust or a deposit in trust, or a payee in the case of other~~
 1794 | ~~intangible property, or a person having a legal or equitable~~
 1795 | ~~interest in property subject to this chapter or his or her legal~~
 1796 | ~~representative.~~

1797 | (23) "Person" means an individual; estate; business
 1798 | association; corporation; firm; association; joint adventure;
 1799 | partnership; government or governmental subdivision, agency, or
 1800 | instrumentality; or any other legal or commercial entity.

1801 (24)~~(19)~~ "Public corporation" means a corporation created
 1802 by the state, founded and owned in the public interest,
 1803 supported by public funds, and governed by those deriving their
 1804 power from the state.

1805 (25) "Record" means information that is inscribed on a
 1806 tangible medium or that is stored in an electronic or other
 1807 medium and is retrievable in perceivable form.

1808 (26)~~(20)~~ "Reportable period" means the calendar year
 1809 ending December 31 of each year.

1810 (27)~~(21)~~ "State," when applied to a part of the United
 1811 States, includes any state, district, commonwealth, territory,
 1812 insular possession, and any other area subject to the
 1813 legislative authority of the United States.

1814 (28)~~(22)~~ "Trust instrument" means a trust instrument as
 1815 defined in s. 736.0103.

1816 ~~(23) "Ultimate equitable owner" means a natural person~~
 1817 ~~who, directly or indirectly, owns or controls an ownership~~
 1818 ~~interest in a corporation, a foreign corporation, an alien~~
 1819 ~~business organization, or any other form of business~~
 1820 ~~organization, regardless of whether such natural person owns or~~
 1821 ~~controls such ownership interest through one or more natural~~
 1822 ~~persons or one or more proxies, powers of attorney, nominees,~~
 1823 ~~corporations, associations, partnerships, trusts, joint stock~~
 1824 ~~companies, or other entities or devices, or any combination~~
 1825 ~~thereof.~~

1826 (29) "Unclaimed Property Purchase Agreement" means the
 1827 form adopted by the department pursuant to s. 717.135 which must
 1828 be used, without modification or amendment, by a claimant's
 1829 representative to purchase unclaimed property from an owner.

1830 (30) "Unclaimed Property Recovery Agreement" means the
 1831 form adopted by the department pursuant to s. 717.135 which must
 1832 be used, without modification or amendment, by a claimant's
 1833 representative to obtain an owner's consent and authority to
 1834 recover unclaimed property on the owner's behalf.

1835 (31)~~(24)~~ "United States" means any state, district,
 1836 commonwealth, territory, insular possession, and any other area
 1837 subject to the legislative authority of the United States of
 1838 America.

1839 (32)~~(25)~~ "Utility" means a person who owns or operates,
 1840 for public use, any plant, equipment, property, franchise, or
 1841 license for the transmission of communications or the
 1842 production, storage, transmission, sale, delivery, or furnishing
 1843 of electricity, water, steam, or gas.

1844 (33) (a) "Virtual currency" means digital units of exchange
 1845 that:

- 1846 1. Have a centralized repository or administrator;
- 1847 2. Are decentralized and have no centralized repository or
 1848 administrator; or
- 1849 3. May be created or obtained by computing or
 1850 manufacturing effort.

1851 (b) The term does not include any of the following:
 1852 1. Digital units that:
 1853 a. Are used solely within online gaming platforms;
 1854 b. Have no market or application outside of the online
 1855 gaming platforms in sub-subparagraph a.;
 1856 c. Cannot be converted into, or redeemed for, fiat
 1857 currency or virtual currency; and
 1858 d. Can or cannot be redeemed for real-world goods,
 1859 services, discounts, or purchases.
 1860 2. Digital units that can be redeemed for:
 1861 a. Real-world goods, services, discounts, or purchases as
 1862 part of a customer affinity or rewards program with the issuer
 1863 or other designated merchants; or
 1864 b. Digital units in another customer affinity or rewards
 1865 program, but cannot be converted into, or redeemed for, fiat
 1866 currency or virtual currency.
 1867 3. Digital units used as part of prepaid cards.
 1868 Section 39. Subsections (3) and (4) are added to section
 1869 717.102, Florida Statutes, to read:
 1870 717.102 Property presumed unclaimed; general rule.—
 1871 (3) A presumption that property is unclaimed is rebutted
 1872 by an apparent owner's expression of interest in the property.
 1873 An owner's expression of interest in property includes:
 1874 (a) A record communicated by the apparent owner to the
 1875 holder or agent of the holder concerning the property or the

1876 account in which the property is held;

1877 (b) An oral communication by the apparent owner to the
1878 holder or agent of the holder concerning the property or the
1879 account in which the property is held, if the holder or its
1880 agent contemporaneously makes and preserves a record of the fact
1881 of the apparent owner's communication;

1882 (c) Presentment of a check or other instrument of payment
1883 of a dividend, interest payment, or other distribution, with
1884 respect to an account, underlying security, or interest in a
1885 business association;

1886 (d) Activity directed by an apparent owner in the account
1887 in which the property is held, including accessing the account
1888 or information concerning the account, or a direction by the
1889 apparent owner to increase, decrease, or otherwise change the
1890 amount or type of property held in the account;

1891 (e) A deposit into or withdrawal from an account at a
1892 financial organization, excluding an automatic deposit or
1893 withdrawal previously authorized by the apparent owner or an
1894 automatic reinvestment of dividends or interest, which does not
1895 constitute an expression of interest; or

1896 (f) Any other action by the apparent owner which
1897 reasonably demonstrates to the holder that the apparent owner
1898 knows that the property exists.

1899 (4) A deceased owner is incapable of expressing an
1900 interest in property.

1901 Section 40. Subsection (5) of section 717.106, Florida
 1902 Statutes, is amended to read:

1903 717.106 Bank deposits and funds in financial
 1904 organizations.—

1905 (5) If the documents establishing a deposit described in
 1906 subsection (1) state the address of a beneficiary of the
 1907 deposit, and the account has a value of at least \$50, notice
 1908 shall be given to the beneficiary as provided for notice to the
 1909 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
 1910 subsection shall apply to accounts opened on or after October 1,
 1911 1990.

1912 Section 41. Section 717.1065, Florida Statutes, is created
 1913 to read:

1914 717.1065 Virtual currency.—

1915 (1) Any virtual currency held or owing by a banking
 1916 organization, corporation, custodian, exchange, or other entity
 1917 engaged in virtual currency business activity is presumed
 1918 unclaimed unless the owner, within 5 years, has communicated in
 1919 writing with the banking organization, corporation, custodian,
 1920 exchange, or other entity engaged in virtual currency business
 1921 activity concerning the virtual currency or otherwise indicated
 1922 an interest as evidenced by a memorandum or other record on file
 1923 with the banking organization, corporation, custodian, exchange,
 1924 or other entity engaged in virtual currency business activity.

1925 (2) A holder may not deduct from the amount of any

1926 instrument subject to this section any charges imposed by reason
 1927 of the failure to present the instrument for encashment unless
 1928 there is a valid and enforceable written contract between the
 1929 holder and the owner of the instrument pursuant to which the
 1930 holder may impose those charges and does not regularly reverse
 1931 or otherwise cancel those charges with respect to the
 1932 instrument.

1933 Section 42. Paragraph (a) of subsection (1) of section
 1934 717.1101, Florida Statutes, is amended to read:

1935 717.1101 Unclaimed equity and debt of business
 1936 associations.—

1937 (1)(a) Stock or other equity interest in a business
 1938 association is presumed unclaimed on the date of ~~3 years after~~
 1939 the earliest of the following:

1940 1. Three years after ~~The date of~~ the most recent of any
 1941 owner-generated activity or communication related to the
 1942 account, as recorded and maintained in the holder's database and
 1943 records systems sufficient enough to demonstrate the owners
 1944 continued awareness or interest in the property ~~dividend, stock~~
 1945 ~~split, or other distribution unclaimed by the apparent owner;~~

1946 2. Three years after the date of the death of the owner,
 1947 as evidenced by: ~~The date of a statement of account or other~~
 1948 ~~notification or communication that was returned as~~
 1949 ~~undeliverable; or~~

1950 a. Notice to the holder of the owner's death by an

1951 administrator, beneficiary, relative, or trustee, or by a
 1952 personal representative or other legal representative of the
 1953 owner's estate;

1954 b. Receipt by the holder of a copy of the death
 1955 certificate of the owner;

1956 c. Confirmation by the holder of the owner's death through
 1957 other means; or

1958 d. Other evidence from which the holder may reasonably
 1959 conclude that the owner is deceased; or

1960 3. One year after the date on which the holder receives
 1961 notice under subparagraph 2. if the notice is received 2 years
 1962 or less after the owner's death and the holder lacked knowledge
 1963 of the owner's death during that period of 2 years or less ~~The~~
 1964 ~~date the holder discontinued mailings, notifications, or~~
 1965 ~~communications to the apparent owner.~~

1966 Section 43. Subsection (1) of section 717.112, Florida
 1967 Statutes, is amended to read:

1968 717.112 Property held by agents and fiduciaries.—

1969 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
 1970 intangible property and any income or increment thereon held in
 1971 a fiduciary capacity for the benefit of another person,
 1972 including property held by an attorney in fact or an agent,
 1973 except as provided in ss. 717.1125 and 733.816, is presumed
 1974 unclaimed unless the owner has within 5 years after it has
 1975 become payable or distributable increased or decreased the

1976 principal, accepted payment of principal or income, communicated
 1977 in writing concerning the property, or otherwise indicated an
 1978 interest as evidenced by a memorandum or other record on file
 1979 with the fiduciary.

1980 Section 44. Section 717.117, Florida Statutes, is amended
 1981 to read:

1982 717.117 Report of unclaimed property.—

1983 (1) Every person holding funds or other property, tangible
 1984 or intangible, presumed unclaimed and subject to custody as
 1985 unclaimed property under this chapter shall report to the
 1986 department ~~on such forms as the department may prescribe by~~
 1987 ~~rule. In lieu of forms, a report identifying 25 or more~~
 1988 ~~different apparent owners must be submitted by the holder via~~
 1989 electronic medium as the department may prescribe by rule. The
 1990 report must include:

1991 (a) ~~Except for traveler's checks and money orders,~~ The
 1992 name, social security number or taxpayer identification number,
 1993 ~~and date of birth, if known,~~ and last known address, ~~if any,~~ of
 1994 each person appearing from the records of the holder to be the
 1995 owner of any property which is presumed unclaimed and which has
 1996 a value of \$10 ~~\$50~~ or more.

1997 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
 1998 or more held or owing under any life or endowment insurance
 1999 policy or annuity contract, the identifying information provided
 2000 in paragraph (a) for both ~~full name, taxpayer identification~~

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2001 ~~number or social security number, date of birth, if known, and~~
2002 ~~last known address of the insured or annuitant and of the~~
2003 beneficiary according to records of the insurance company
2004 holding or owing the funds.

2005 (c) For all tangible property held in a safe-deposit box
2006 or other safekeeping repository, a description of the property
2007 and the place where the property is held and may be inspected by
2008 the department, and any amounts owing to the holder. Contents of
2009 a safe-deposit box or other safekeeping repository which consist
2010 of documents or writings of a private nature and which have
2011 little or no apparent value shall not be presumed unclaimed.

2012 (d) The nature or type of property, any accounting or ~~and~~
2013 identifying number associated with the property, a if any, or
2014 description of the property, and the amount appearing from the
2015 records to be due. Items of value under \$10 ~~\$50~~ each may be
2016 reported in the aggregate.

2017 (e) The date the property became payable, demandable, or
2018 returnable, and the date of the last transaction with the
2019 apparent owner with respect to the property.

2020 (f) Any other information the department may prescribe by
2021 rule as necessary for the administration of this chapter.

2022 (2) If the total value of all presumed unclaimed property,
2023 whether tangible or intangible, held by a person is less than
2024 \$10, a zero balance report may be filed for that reporting
2025 period.

2026 ~~(f) Any person or business association or public~~
 2027 ~~corporation holding funds presumed unclaimed and having a total~~
 2028 ~~value of \$10 or less may file a zero balance report for that~~
 2029 ~~reporting period. The balance brought forward to the new~~
 2030 ~~reporting period is zero.~~

2031 ~~(g) Such other information as the department may prescribe~~
 2032 ~~by rule as necessary for the administration of this chapter.~~

2033 (3)~~(h)~~ Credit balances, customer overpayments, security
 2034 deposits, and refunds having a value of less than \$10 shall not
 2035 be presumed unclaimed.

2036 (4)~~(2)~~ If the holder of property presumed unclaimed and
 2037 subject to custody as unclaimed property is a successor holder
 2038 or if the holder has changed the holder's name while in
 2039 possession of the property, the holder shall file with the
 2040 holder's report all known names and addresses of each prior
 2041 holder of the property. Compliance with this subsection means
 2042 the holder exercises reasonable and prudent efforts to determine
 2043 the names of all prior holders.

2044 (5)~~(3)~~ The report must be filed before May 1 of each year.
 2045 The report shall apply to the preceding calendar year. On
 2046 written request by any person required to file a report, and
 2047 upon a showing of good cause, the department may extend the
 2048 reporting date. The department may impose and collect a penalty
 2049 of \$10 per day up to a maximum of \$500 for the failure to timely
 2050 report, if an extension was not provided or if the holder of the

2051 property failed ~~the failure~~ to include in a report information
2052 required by this chapter which was in the holder's possession at
2053 the time of reporting. The penalty shall be remitted to the
2054 department within 30 days after the date of the notification to
2055 the holder that the penalty is due and owing. As necessary for
2056 proper administration of this chapter, the department may waive
2057 any penalty due with appropriate justification. ~~On written~~
2058 ~~request by any person required to file a report and upon a~~
2059 ~~showing of good cause, the department may postpone the reporting~~
2060 ~~date~~. The department must provide information contained in a
2061 report filed with the department to any person requesting a copy
2062 of the report or information contained in a report, to the
2063 extent the information requested is not confidential, within 45
2064 days after the department determines that the report ~~has been~~
2065 ~~processed and added to the unclaimed property database~~
2066 ~~subsequent to a determination that the report is accurate and~~
2067 acceptable and that the reported property is the same as the
2068 remitted property.

2069 ~~(6)(4)~~ Holders of inactive accounts having a value of \$50
2070 or more shall use due diligence to locate and notify apparent
2071 owners that the entity is holding unclaimed property available
2072 for them to recover. Not more than 120 days and not less than 60
2073 days prior to filing the report required by this section, the
2074 holder in possession of property presumed unclaimed and subject
2075 to custody as unclaimed property under this chapter shall send

2076 | written notice by first-class United States mail to the apparent
 2077 | owner at the apparent owner's last known address from the
 2078 | holder's records or from other available sources, or via
 2079 | electronic mail if the apparent owner has elected this method of
 2080 | delivery, informing the apparent owner that the holder is in
 2081 | possession of property subject to this chapter, if the holder
 2082 | has in its records a mailing or electronic ~~an~~ address for the
 2083 | apparent owner which the holder's records do not disclose to be
 2084 | inaccurate. These two means of contact are not mutually
 2085 | exclusive; if the mailing address is determined to be
 2086 | inaccurate, electronic mail may be used if so elected by the
 2087 | apparent owner.

2088 | (7) The written notice to the apparent owner required
 2089 | under this section must:

2090 | (a) Contain a heading that reads substantially as follows:
 2091 | "Notice. The State of Florida requires us to notify you that
 2092 | your property may be transferred to the custody of the Florida
 2093 | Department of Financial Services if you do not contact us before
 2094 | (insert date that is 30 days after the date of notice)."

2095 | (b) Identify the type, nature, and, except for property
 2096 | that does not have a fixed value, value of the property that is
 2097 | the subject of the notice.

2098 | (c) State that the property will be turned over to the
 2099 | custody of the department if no response is received within 30
 2100 | days after the date of the notice.

2101 (d) State that any property that is not legal tender of
 2102 the United States may be sold or liquidated by the department.

2103 (e) State that after the property is turned over to the
 2104 department, an apparent owner seeking return of the property may
 2105 file a claim with the department.

2106 (f) State that the property is currently with a holder and
 2107 provide instructions that the apparent owner must follow to
 2108 prevent the holder from reporting and paying for the property or
 2109 from delivering the property to the department.

2110 (8)-(5) Any holder of intangible property may file with the
 2111 department a petition for determination that the property is
 2112 unclaimed requesting the department to accept custody of the
 2113 property. The petition shall state any special circumstances
 2114 that exist, contain the information required by subsection (4)
 2115 ~~(2)~~, and show that a diligent search has been made to locate the
 2116 owner. If the department finds that the proof of diligent search
 2117 is satisfactory, it shall give notice as provided in s. 717.118
 2118 and accept custody of the property.

2119 (9)-(6) Upon written request by any entity or person
 2120 required to file a report, stating such entity's or person's
 2121 justification for such action, the department may place that
 2122 entity or person in an inactive status as an unclaimed property
 2123 "holder."

2124 (10)-(7)(a) This section does not apply to the unclaimed
 2125 patronage refunds as provided for by contract or through bylaw

2126 provisions of entities organized under chapter 425 or that are
2127 exempt from ad valorem taxation pursuant to s. 196.2002.

2128 (b) This section does not apply to intangible property
2129 held, issued, or owing by a business association subject to the
2130 jurisdiction of the United States Surface Transportation Board
2131 or its successor federal agency if the apparent owner of such
2132 intangible property is a business association. The holder of
2133 such property does not have any obligation to report, to pay, or
2134 to deliver such property to the department.

2135 (c) This section does not apply to credit balances,
2136 overpayments, refunds, or outstanding checks owed by a health
2137 care provider to a managed care payor with whom the health care
2138 provider has a managed care contract, provided that the credit
2139 balances, overpayments, refunds, or outstanding checks become
2140 due and owing pursuant to the managed care contract.

2141 (11)~~(8)~~(a) As used in this subsection, the term "property
2142 identifier" means the descriptor used by the holder to identify
2143 the unclaimed property.

2144 (b) Social security numbers and property identifiers
2145 contained in reports required under this section, held by the
2146 department, are confidential and exempt from s. 119.07(1) and s.
2147 24(a), Art. I of the State Constitution.

2148 (c) This exemption applies to social security numbers and
2149 property identifiers held by the department before, on, or after
2150 the effective date of this exemption.

2151 Section 45. Subsections (4), (5), and (6) of section
2152 717.119, Florida Statutes, are renumbered as subsections (5),
2153 (6), and (7), respectively, and a new subsection (4) and
2154 subsection (8) are added to that section, to read:

2155 717.119 Payment or delivery of unclaimed property.—

2156 (4) All virtual currency reported under this chapter on
2157 the annual report filing required in s. 717.117 shall be
2158 remitted to the department with the report. The holder shall
2159 liquidate the virtual currency and remit the proceeds to the
2160 department. The liquidation must occur within 30 before the
2161 filing of the report. Upon delivery of the virtual currency
2162 proceeds to the department, the holder is relieved of all
2163 liability of every kind in accordance with the provisions of s.
2164 717.1201 to every person for any losses or damages resulting to
2165 the person by the delivery to the department of the virtual
2166 currency proceeds.

2167 (8) A holder may not assign or otherwise transfer its
2168 obligation to report, pay, or deliver property or to comply with
2169 the provisions of this chapter, other than to a parent,
2170 subsidiary, or affiliate of the holder.

2171 (a) Unless otherwise agreed to by the parties to a
2172 transaction, the holder's successor by merger or consolidation,
2173 or any person or entity that acquires all or substantially all
2174 of the holder's capital stock or assets, is responsible for
2175 fulfilling the holder's obligation to report, pay, or deliver

2176 property or to comply with the duties of this chapter regarding
 2177 the transfer to it of property owed to and being held for an
 2178 owner resulting from the merger, consolidation, or acquisition.

2179 (b) This subsection does not prohibit a holder from
 2180 contracting with a third party for the reporting of unclaimed
 2181 property, but the holder remains responsible to the department
 2182 for the complete, accurate, and timely reporting of the
 2183 property.

2184 Section 46. Section 717.1201, Florida Statutes, is amended
 2185 to read:

2186 717.1201 Custody by state; holder ~~relieved from~~ liability;
 2187 reimbursement of holder paying claim; reclaiming for owner;
 2188 ~~defense of holder;~~ payment of safe-deposit box or repository
 2189 charges.—

2190 (1) Upon the good faith payment or delivery of property to
 2191 the department, the state assumes custody and responsibility for
 2192 the safekeeping of property. Any person who pays or delivers
 2193 property to the department in good faith is relieved of all
 2194 liability to the extent of the value of the property paid or
 2195 delivered for any claim then existing or which thereafter may
 2196 arise or be made in respect to the property.

2197 (a) A holder's substantial compliance with s. 717.117(4)
 2198 and good faith payment or delivery of property to the department
 2199 terminates any legal relationship between the holder and the
 2200 owner with respect to the property reported and releases and

2201 discharges the holder from any and all liability to the owner,
2202 the owner's heirs, personal representatives, successors, or
2203 assigns by reason of such payment or delivery, regardless of
2204 whether such property is in fact and in law abandoned property,
2205 and such delivery and payment may be plead as a bar to recovery
2206 and are a conclusive defense in any suit or action brought by
2207 the owner, the owner's heirs, personal representatives,
2208 successors, and assigns or any claimant against the holder by
2209 reason of such delivery or payment.

2210 (b) If the holder pays or delivers property to the
2211 department in good faith and thereafter any other person claims
2212 the property from the holder paying or delivering, or another
2213 state claims the money or property under that state's laws
2214 relating to escheat or abandoned or unclaimed property, the
2215 department, upon written notice of the claim, shall defend the
2216 holder against the claim and indemnify the holder against any
2217 liability on the claim, except that a holder may not be
2218 indemnified against penalties imposed by another state.

2219 (2) For the purposes of this section, a payment or
2220 delivery of property is made in good faith if:

2221 (a) The payment or delivery was made in conjunction with
2222 an accurate and acceptable report.

2223 (b) The payment or delivery was made in a reasonable
2224 attempt to comply with this chapter.

2225 (c) The holder had a reasonable basis for believing, based

2226 on the facts then known, that the property was unclaimed and
2227 subject to this chapter.

2228 (d) There is no showing that the records pursuant to which
2229 the delivery was made did not meet reasonable commercial
2230 standards of practice in the industry.

2231 (3)-(2) Any holder who has paid money to the department
2232 pursuant to this chapter may make payment to any person
2233 appearing to be entitled to payment and, upon filing proof that
2234 the payee is entitled thereto, the department shall forthwith
2235 repay the holder without deduction of any fee or other charges.
2236 If repayment is sought for a payment made on a negotiable
2237 instrument, including a traveler's check or money order, the
2238 holder must be repaid under this subsection upon filing proof
2239 that the instrument was duly presented and that the payee is
2240 entitled to payment. The holder shall be repaid for payment made
2241 under this subsection even if the payment was made to a person
2242 whose claim was barred under s. 717.129(1).

2243 (4)-(3) Any holder who has delivered property, including a
2244 certificate of any interest in a business association, other
2245 than money to the department pursuant to this chapter may
2246 reclaim the property if still in the possession of the
2247 department, without payment of any fee or other charges, upon
2248 filing proof that the owner has claimed the property from the
2249 holder.

2250 (5)-(4) The department may accept an affidavit of the

2251 holder stating the facts that entitle the holder to recover
 2252 money and property under this section as sufficient proof.

2253 ~~(5) If the holder pays or delivers property to the~~
 2254 ~~department in good faith and thereafter any other person claims~~
 2255 ~~the property from the holder paying or delivering, or another~~
 2256 ~~state claims the money or property under that state's laws~~
 2257 ~~relating to escheat or abandoned or unclaimed property, the~~
 2258 ~~department, upon written notice of the claim, shall defend the~~
 2259 ~~holder against the claim and indemnify the holder against any~~
 2260 ~~liability on the claim.~~

2261 ~~(6) For the purposes of this section, "good faith" means~~
 2262 ~~that:~~

2263 ~~(a) Payment or delivery was made in a reasonable attempt~~
 2264 ~~to comply with this chapter.~~

2265 ~~(b) The person delivering the property was not a fiduciary~~
 2266 ~~then in breach of trust in respect to the property and had a~~
 2267 ~~reasonable basis for believing, based on the facts then known to~~
 2268 ~~that person, that the property was unclaimed for the purposes of~~
 2269 ~~this chapter.~~

2270 ~~(c) There is no showing that the records pursuant to which~~
 2271 ~~the delivery was made did not meet reasonable commercial~~
 2272 ~~standards of practice in the industry.~~

2273 (6) ~~(7)~~ Property removed from a safe-deposit box or other
 2274 safekeeping repository is received by the department subject to
 2275 the holder's right under this subsection to be reimbursed for

2276 the actual cost of the opening and to any valid lien or contract
 2277 providing for the holder to be reimbursed for unpaid rent or
 2278 storage charges. The department shall make the reimbursement to
 2279 the holder out of the proceeds remaining after the deduction of
 2280 the department's selling cost.

2281 (7) If it appears to the satisfaction of the department
 2282 that, because of some mistake of fact, error in calculation, or
 2283 erroneous interpretation of a statute, a person has paid or
 2284 delivered to the department pursuant to any provision of this
 2285 chapter any money or other property not required by this chapter
 2286 to be so paid or delivered, the department may, within 5 years
 2287 after such erroneous payment or delivery, refund or redeliver
 2288 such money or other property to the person, provided that such
 2289 money or property has not been paid or delivered to a claimant
 2290 or otherwise disposed of in accordance with this chapter.

2291 Section 47. Subsection (1) of section 717.123, Florida
 2292 Statutes, is amended to read:

2293 717.123 Deposit of funds.—

2294 (1) All funds received under this chapter, including the
 2295 proceeds from the sale of unclaimed property under s. 717.122,
 2296 shall forthwith be deposited by the department in the Unclaimed
 2297 Property Trust Fund. The department shall retain, from funds
 2298 received under this chapter, an amount not exceeding \$65 ~~\$15~~
 2299 million from which the department shall make prompt payment of
 2300 claims allowed by the department and shall pay the costs

2301 incurred by the department in administering and enforcing this
 2302 chapter. All remaining funds received by the department under
 2303 this chapter shall be deposited by the department into the State
 2304 School Fund.

2305 Section 48. Section 717.1242, Florida Statutes, is amended
 2306 to read:

2307 717.1242 Restatement of jurisdiction of the circuit court
 2308 sitting in probate and the department.—

2309 (1) It is and has been the intent of the Legislature that,
 2310 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 2311 proceedings relating to the settlement of the estates of
 2312 decedents and other jurisdiction usually pertaining to courts of
 2313 probate. It is and has been the intent of the Legislature that,
 2314 pursuant to this chapter ~~s. 717.124~~, the department determines
 2315 the merits of claims and entitlements to ~~for~~ property paid or
 2316 delivered to the department under this chapter. Consistent with
 2317 this legislative intent, any ~~estate or~~ beneficiary, devisee,
 2318 heir, personal representative, or other interested person, as
 2319 those terms are defined in s. 731.201, of an estate seeking to
 2320 obtain property paid or delivered to the department under this
 2321 chapter must file a claim with the department as provided in s.
 2322 717.124.

2323 (2) If a beneficiary, devisee, heir, personal
 2324 representative, or other interested person, as those terms are
 2325 defined in s. 731.201, of an estate seeks administration of the

2326 estate, of which unclaimed property makes up 50 percent or more
 2327 of the assets, the department shall be considered an interested
 2328 party and provided with notice of any such proceeding as
 2329 provided in the Florida Probate Code and the Florida Probate
 2330 Rules.

2331 (3)-(2) If a beneficiary, devisee, heir, personal
 2332 representative, or other interested person, as those terms are
 2333 defined in s. 731.201, of an any estate or heir of an estate
 2334 seeks or obtains an order from a circuit court sitting in
 2335 probate directing the department to pay or deliver unclaimed
 2336 property to any person property paid or delivered to the
 2337 department under this chapter, and the notice required in
 2338 subsection (2) was not provided or administration of the estate
 2339 was obtained by fraud or mistake of fact, the party seeking the
 2340 order estate or heir shall be ordered to pay the department's
 2341 department reasonable costs and attorney attorney's fees in any
 2342 proceeding brought by the department to oppose, appeal, or
 2343 collaterally attack the order if the department is the
 2344 prevailing party in any such proceeding.

2345 Section 49. Subsection (4) of section 717.1243, Florida
 2346 Statutes, is amended to read:

2347 717.1243 Small estate accounts.—

2348 (4) This section ~~only~~ only applies only if all of the unclaimed
 2349 property held by the department on behalf of the owner has an
 2350 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate

2351 proceeding is pending.

2352 Section 50. Section 717.1245, Florida Statutes, is amended
2353 to read:

2354 717.1245 Garnishment of unclaimed property.—

2355 (1) In addition to the fees, costs, and compensation
2356 specified in ss. 77.17 and 77.28, if any person files a petition
2357 for writ of garnishment seeking to obtain property paid or
2358 delivered to the department under this chapter, the plaintiff
2359 petitioner shall be ordered to pay the department reasonable
2360 costs and attorney ~~attorney's~~ fees if in any proceeding brought
2361 by the department ~~opposes to oppose,~~ appeals appeal, or
2362 collaterally attacks ~~attack~~ the petition or writ and if the
2363 department is the prevailing party in any such proceeding.

2364 (2) If a final judgment on the writ is issued in the
2365 plaintiff's favor, the plaintiff must still file a claim with
2366 the department as provided in s. 717.124.

2367 Section 51. Subsection (2) of section 717.129, Florida
2368 Statutes, is amended to read:

2369 717.129 Periods of limitation.—

2370 (2) The department may not commence an ~~No~~ action or
2371 proceeding to enforce this chapter with respect to the
2372 reporting, payment, or delivery of property or any other duty of
2373 a holder under this chapter ~~may be commenced by the department~~
2374 ~~with respect to any duty of a holder under this chapter~~ more
2375 than 10 years after the duty arose. The period of limitation

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2376 established under this subsection is tolled by the earlier of
2377 the department's or audit agent's delivery of a notice that a
2378 holder is subject to an audit or examination under s. 717.1301
2379 or the holder's written election to enter into an unclaimed
2380 property voluntary disclosure agreement.

2381 Section 52. Section 717.1301, Florida Statutes, is amended
2382 to read:

2383 717.1301 Investigations; examinations; subpoenas.—

2384 (1) To carry out the chapter's purpose of protecting the
2385 interest of missing owners through the safeguarding of their
2386 property and to administer and enforce this chapter, the
2387 department may:

2388 (a) Investigate, examine, inspect, request, or otherwise
2389 gather information or evidence on, claim documents from a
2390 claimant or a claimant's representative during its review of a
2391 claim.

2392 (b) Audit the records of a person or the records in the
2393 possession of an agent, representative, subsidiary, or affiliate
2394 of the person subject to this chapter to determine whether the
2395 person complied with this chapter. Such records may include
2396 information to verify the completeness or accuracy of the
2397 records provided, even if such records may not identify property
2398 reportable to the department.

2399 (c) Take testimony of a person, including the person's
2400 employee, agent, representative, subsidiary, or affiliate, to

2401 determine whether the person complied with this chapter.

2402 (d) Issue an administrative subpoena to require that the
2403 records specified in paragraph (b) be made available for
2404 examination or audit and that the testimony specified in
2405 paragraph (c) be provided.

2406 (e) Bring an action in a court of competent jurisdiction
2407 seeking enforcement of an administrative subpoena issued under
2408 this section, which the court shall consider under procedures
2409 that will lead to an expeditious resolution of the action.

2410 (f) Bring an administrative action or an action in a court
2411 of competent jurisdiction to enforce this chapter.

2412 (2) If a person is subject to reporting property under
2413 this chapter, the department may require the person to file a
2414 verified report in a form prescribed by the department. The
2415 verified report must:

2416 (a) State whether the person is holding property
2417 reportable under this chapter;

2418 (b) Describe the property not previously reported, the
2419 property about which the department has inquired, or the
2420 property that is in dispute as to whether it is reportable under
2421 this chapter; and

2422 (c) State the amount or value of the property.

2423 (3) The department may authorize a compliance review of a
2424 report for a specified reporting year. The review must be
2425 limited to the contents of the report filed, as required by s.

2426 717.117 and subsection (2), and all supporting documents related
 2427 to the reports. If the review results in a finding of a
 2428 deficiency in unclaimed property due and payable to the
 2429 department, the department shall notify the holder in writing of
 2430 the amount of deficiency within 1 year after the authorization
 2431 of the compliance review. If the holder fails to pay the
 2432 deficiency within 90 days, the department may seek to enforce
 2433 the assessment under subsection (1). The department is not
 2434 required to conduct a review under this section before
 2435 initiating an audit.

2436 (4) Notwithstanding any other provision of law, in a
 2437 contract providing for the location or collection of unclaimed
 2438 property, the department may authorize the contractor to deduct
 2439 its fees and expenses for services provided under the contract
 2440 from the unclaimed property that the contractor has recovered or
 2441 collected under the contract. The department shall annually
 2442 report to the Chief Financial Officer the total amount collected
 2443 or recovered by each contractor during the previous fiscal year
 2444 and the total fees and expenses deducted by each contractor.

2445 ~~(1) The department may make investigations and~~
 2446 ~~examinations within or outside this state of claims, reports,~~
 2447 ~~and other records as it deems necessary to administer and~~
 2448 ~~enforce the provisions of this chapter. In such investigations~~
 2449 ~~and examinations the department may administer oaths, examine~~
 2450 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~

2451 ~~department may request any person who has not filed a report~~
 2452 ~~under s. 717.117 to file a verified report stating whether or~~
 2453 ~~not the person is holding any unclaimed property reportable or~~
 2454 ~~deliverable under this chapter.~~

2455 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
 2456 ~~material to any investigation or examination under this section~~
 2457 ~~may be issued by the department under seal of the department, or~~
 2458 ~~by any court of competent jurisdiction, commanding such~~
 2459 ~~witnesses to appear before the department at a time and place~~
 2460 ~~named and to bring such books, records, and documents as may be~~
 2461 ~~specified or to submit such books, records, and documents to~~
 2462 ~~inspection. Such subpoenas may be served by an authorized~~
 2463 ~~representative of the department.~~

2464 ~~(3) If any person shall refuse to testify, produce books,~~
 2465 ~~records, and documents, or otherwise refuse to obey a subpoena~~
 2466 ~~issued under this section, the department may present its~~
 2467 ~~petition to a court of competent jurisdiction in or for the~~
 2468 ~~county in which such person resides or has its principal place~~
 2469 ~~of business, whereupon the court shall issue its rule nisi~~
 2470 ~~requiring such person to obey forthwith the subpoena issued by~~
 2471 ~~the department or show cause for failing to obey said subpoena.~~
 2472 ~~Unless said person shows sufficient cause for failing to obey~~
 2473 ~~the subpoena, the court shall forthwith direct such person to~~
 2474 ~~obey the same subject to such punishment as the court may direct~~
 2475 ~~including, but not limited to, the restraint, by injunction or~~

2476 | ~~by appointment of a receiver, of any transfer, pledge,~~
 2477 | ~~assignment, or other disposition of such person's assets or any~~
 2478 | ~~concealment, alteration, destruction, or other disposition of~~
 2479 | ~~subpoenaed books, records, or documents as the court deems~~
 2480 | ~~appropriate, until such person has fully complied with such~~
 2481 | ~~subpoena and the department has completed its investigation or~~
 2482 | ~~examination. The department is entitled to the summary procedure~~
 2483 | ~~provided in s. 51.011, and the court shall advance the cause on~~
 2484 | ~~its calendar. Costs incurred by the department to obtain an~~
 2485 | ~~order granting, in whole or in part, its petition shall be taxed~~
 2486 | ~~against the subpoenaed person, and failure to comply with such~~
 2487 | ~~order shall be a contempt of court.~~

2488 | ~~(4) Witnesses shall be entitled to the same fees and~~
 2489 | ~~mileage as they may be entitled by law for attending as~~
 2490 | ~~witnesses in the circuit court, except where such examination or~~
 2491 | ~~investigation is held at the place of business or residence of~~
 2492 | ~~the witness.~~

2493 | (5) The material compiled by the department in an
 2494 | investigation or examination under this chapter is confidential
 2495 | until the investigation or examination is complete. If any such
 2496 | material contains a holder's financial or proprietary
 2497 | information, it may not be disclosed or made public by the
 2498 | department after the investigation or audit is completed, except
 2499 | as required by a court of competent jurisdiction in the course
 2500 | of a judicial proceeding in which the state is a party, or

2501 pursuant to an agreement with another state allowing joint
 2502 audits. Such material may be considered trade secret and exempt
 2503 from s. 119.07(1) as provided for in s. 119.0715. The records,
 2504 data, and information gathered ~~material compiled~~ by the
 2505 department in an investigation or audit examination under this
 2506 chapter remain ~~remains~~ confidential ~~after the department's~~
 2507 ~~investigation or examination is complete~~ if the department has
 2508 submitted the material or any part of it to any law enforcement
 2509 agency or other administrative agency for further investigation
 2510 or for the filing of a criminal or civil prosecution and such
 2511 investigation has not been completed or become inactive.

2512 (6) If an investigation or an audit examination of the
 2513 records of any person results in the disclosure of property
 2514 reportable and deliverable under this chapter, the department
 2515 may assess the cost of the investigation or audit ~~the~~
 2516 ~~examination~~ against the holder at ~~the rate of \$100 per 8-hour~~
 2517 ~~day for each investigator or examiner. Such fee shall be~~
 2518 ~~calculated on an hourly basis and shall be rounded to the~~
 2519 ~~nearest hour. The person shall also pay the travel expense and~~
 2520 ~~per diem subsistence allowance provided for state employees in~~
 2521 ~~s. 112.061. The person shall not be required to pay a per diem~~
 2522 ~~fee and expenses of an examination or investigation which shall~~
 2523 ~~consume more than 30 worker-days in any one year unless such~~
 2524 ~~examination or investigation is due to fraudulent practices of~~
 2525 ~~the person, in which case such person shall be required to pay~~

2526 ~~the entire cost regardless of time consumed.~~ The fee for the
 2527 costs of the investigation or audit shall be remitted to the
 2528 department within 30 days after the date of the notification
 2529 that the fee is due and owing. Any person who fails to pay the
 2530 fee within 30 days after the date of the notification that the
 2531 fee is due and owing shall pay to the department interest at the
 2532 rate of 12 percent per annum on such fee from the date of the
 2533 notification.

2534 Section 53. Subsection (1) of section 717.1311, Florida
 2535 Statutes, is amended to read:

2536 717.1311 Retention of records.—

2537 (1) Every holder required to file a report under s.
 2538 717.117 shall maintain a record of the specific type of
 2539 property, amount, name, and last known address of the owner for
 2540 10 ~~5~~ years after the property becomes reportable, except to the
 2541 extent that a shorter time is provided in subsection (2) or by
 2542 rule of the department.

2543 Section 54. Paragraph (j) of subsection (1) and subsection
 2544 (3) of section 717.1322, Florida Statutes, are amended to read:

2545 717.1322 Administrative and civil enforcement.—

2546 (1) The following acts are violations of this chapter and
 2547 constitute grounds for an administrative enforcement action by
 2548 the department in accordance with the requirements of chapter
 2549 120 and for civil enforcement by the department in a court of
 2550 competent jurisdiction:

2551 (j) Requesting or receiving compensation for notifying a
2552 person of his or her unclaimed property or assisting another
2553 person in filing a claim for unclaimed property, unless the
2554 person is an attorney licensed to practice law in this state, a
2555 Florida-certified public accountant, or a private investigator
2556 licensed under chapter 493, or entering into, or making a
2557 solicitation to enter into, an agreement to file a claim for
2558 unclaimed property owned by another, ~~or a contract or agreement~~
2559 ~~to purchase unclaimed property,~~ unless such person is registered
2560 with the department under this chapter and an attorney licensed
2561 to practice law in this state in the regular practice of her or
2562 his profession, a Florida-certified public accountant who is
2563 acting within the scope of the practice of public accounting as
2564 defined in chapter 473, or a private investigator licensed under
2565 chapter 493. This paragraph does not apply to a person who has
2566 been granted a durable power of attorney to convey and receive
2567 all of the real and personal property of the owner, is the
2568 court-appointed guardian of the owner, has been employed as an
2569 attorney or qualified representative to contest the department's
2570 denial of a claim, or has been employed as an attorney to
2571 probate the estate of the owner or an heir or legatee of the
2572 owner.

2573 (3) A claimant's representative ~~registrant~~ is subject to
2574 civil enforcement and the disciplinary actions specified in
2575 subsection (2) for violations of subsection (1) by an agent or

2576 employee of the registrant's employer if the claimant's
 2577 representative ~~registrant~~ knew or should have known that such
 2578 agent or employee was violating any provision of this chapter.

2579 Section 55. Subsection (1) of section 717.1333, Florida
 2580 Statutes, is amended to read:

2581 717.1333 Evidence; estimations; audit reports and
 2582 worksheets, investigator ~~examiner's worksheets, investigative~~
 2583 reports and worksheets, other related documents.—

2584 (1) In any proceeding involving a holder under ss. 120.569
 2585 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
 2586 investigator acting under authority of this chapter is available
 2587 for cross-examination, any official written report, worksheet,
 2588 or other related paper, or copy thereof, compiled, prepared,
 2589 drafted, or otherwise made or received by the audit agent
 2590 ~~auditor, examiner,~~ or investigator, after being duly
 2591 authenticated by the audit agent ~~auditor, examiner,~~ or
 2592 investigator, may be admitted as competent evidence upon the
 2593 oath of the audit agent ~~auditor, examiner,~~ or investigator that
 2594 the report, worksheet, or related paper was prepared or received
 2595 as a result of an audit, examination, or investigation of the
 2596 books and records of the person audited, examined, or
 2597 investigated, or the agent thereof.

2598 Section 56. Subsections (1) and (2) of section 717.134,
 2599 Florida Statutes, are amended to read:

2600 717.134 Penalties and interest.—

2601 (1) For any person who willfully fails to render any
 2602 report required under this chapter, the department may impose
 2603 and collect a penalty of \$500 per day up to a maximum of \$5,000
 2604 and 25 percent of the value of property not reported until an
 2605 appropriate a report is provided ~~rendered for any person who~~
 2606 ~~willfully fails to render any report required under this~~
 2607 ~~chapter.~~ Upon a holder's showing of good cause, the department
 2608 may waive said penalty or any portion thereof. If the holder
 2609 acted in good faith and without negligence, the department shall
 2610 waive the penalty provided herein.

2611 (2) For any person who willfully refuses to pay or deliver
 2612 unclaimed property to the department as required under this
 2613 chapter, the department may impose and collect a penalty of \$500
 2614 per day up to a maximum of \$5,000 and 25 percent of the value of
 2615 property not paid or delivered until the property is paid or
 2616 delivered ~~for any person who willfully refuses to pay or deliver~~
 2617 ~~abandoned property to the department as required under this~~
 2618 ~~chapter.~~

2619 Section 57. Section 717.135, Florida Statutes, is amended
 2620 to read:

2621 717.135 Recovery agreements and purchase agreements for
 2622 claims filed by a claimant's representative or a purchaser; fees
 2623 and costs, or total net gain.—

2624 (1) In order to protect the interests of owners of
 2625 unclaimed property, the department shall adopt by rule a form

2626 entitled "Unclaimed Property Recovery Agreement" and a form
2627 entitled "Unclaimed Property Purchase Agreement."

2628 (2) The Unclaimed Property Recovery Agreement and the
2629 Unclaimed Property Purchase Agreement must include and disclose
2630 all of the following:

2631 (a) The total dollar amount of unclaimed property accounts
2632 claimed or sold.

2633 (b) The total percentage of all authorized fees and costs
2634 to be paid to the claimant's representative or the percentage of
2635 the value of the property to be paid as net gain to the
2636 purchaser ~~purchasing claimant's representative~~.

2637 (c) The total dollar amount to be deducted and received
2638 from the claimant as fees and costs by the claimant's
2639 representative or the total net dollar amount to be received by
2640 the purchaser ~~purchasing claimant's representative~~.

2641 (d) The net dollar amount to be received by the claimant
2642 or the seller.

2643 (e) For each account claimed, the unclaimed property
2644 account number.

2645 (f) For the Unclaimed Property Purchase Agreement, a
2646 statement that the amount of the purchase price will be remitted
2647 to the seller by the purchaser within 30 days after the
2648 execution of the agreement by the seller.

2649 (g) The name, address, e-mail address, phone number, and
2650 license number of the claimant's representative, or the name,

2651 address, e-mail address, and phone number of the purchaser.

2652 (h)1. The manual signature of the claimant or seller and
2653 the date signed, affixed on the agreement by the claimant or
2654 seller.

2655 2. Notwithstanding any other provision of this chapter to
2656 the contrary, the department may allow an apparent owner, who is
2657 also the claimant or seller, to sign the agreement
2658 electronically ~~for claims of \$2,000 or less~~. All electronic
2659 signatures on the Unclaimed Property Recovery Agreement and the
2660 Unclaimed Property Purchase Agreement must be affixed on the
2661 agreement by the claimant or seller using the specific,
2662 exclusive eSignature product and protocol authorized by the
2663 department.

2664 (i) The social security number or taxpayer identification
2665 number of the claimant or seller, if a number has been issued to
2666 the claimant or seller.

2667 (j) The total fees and costs, or the total discount in the
2668 case of a purchase agreement, which may not exceed 30 percent of
2669 the claimed amount. In the case of a recovery agreement, if the
2670 total fees and costs exceed 30 percent, the fees and costs shall
2671 be reduced to 30 percent and the net balance shall be remitted
2672 directly by the department to the claimant. In the case of a
2673 purchase agreement, if the total net gain of the purchaser
2674 exceeds 30 percent, the claim will be denied.

2675 (3) For an Unclaimed Property Purchase Agreement form,

2676 proof that the purchaser has made payment must be filed with the
2677 department along with the claim. If proof of payment is not
2678 provided, the claim is void.

2679 (4) A claimant's representative or a purchaser must use
2680 the Unclaimed Property Recovery Agreement or the Unclaimed
2681 Property Purchase Agreement as the exclusive means of entering
2682 into an agreement or a contract with a claimant or seller to
2683 file a claim with the department.

2684 (5) Fees and costs may be owed or paid to, or received by,
2685 a claimant's representative or a purchaser only after a filed
2686 claim has been approved and if the claimant's representative
2687 used an agreement authorized by this section.

2688 (6) A claimant's representative or a purchaser may not use
2689 or distribute any other agreement of any type, conveyed by any
2690 method, with respect to the claimant or seller which relates,
2691 directly or indirectly, to unclaimed property accounts held by
2692 the department or the Chief Financial Officer other than the
2693 agreements authorized by this section. Any engagement,
2694 authorization, recovery, or fee agreement that is not authorized
2695 by this section is void. A claimant's representative or a
2696 purchaser is subject to administrative and civil enforcement
2697 under s. 717.1322 if he or she uses an agreement that is not
2698 authorized by this section and if the agreement is used to
2699 apply, directly or indirectly, to unclaimed property held by
2700 this state. This subsection does not prohibit lawful

2701 nonagreement, noncontractual, or advertising communications
 2702 between or among the parties.

2703 (7) The Unclaimed Property Recovery Agreement ~~and the~~
 2704 ~~Unclaimed Property Purchase Agreement~~ may not contain language
 2705 that makes the agreement irrevocable or that creates an
 2706 assignment of any portion of unclaimed property held by the
 2707 department.

2708 (8) When a claim is approved, the department may pay any
 2709 additional account that is owned by the claimant but has not
 2710 been claimed at the time of approval, provided that a subsequent
 2711 claim has not been filed or is not pending for the claimant at
 2712 the time of approval.

2713 (9) This section does not supersede s. 717.1241.

2714 (10) This section does not apply to the sale and purchase
 2715 of Florida-held unclaimed property accounts through a bankruptcy
 2716 trustee appointed to represent a debtor's estate in a bankruptcy
 2717 proceeding in accordance with the United States Bankruptcy Code.

2718 Section 58. Subsections (1), (2), and (3) of section
 2719 717.1400, Florida Statutes, are amended to read:

2720 717.1400 Registration.—

2721 (1) In order to file claims as a claimant's
 2722 representative, ~~acquire ownership of or entitlement to unclaimed~~
 2723 ~~property,~~ receive a distribution of fees and costs from the
 2724 department, and obtain unclaimed property dollar amounts and
 2725 numbers of reported shares of stock held by the department, a

2726 private investigator holding a Class "C" individual license
 2727 under chapter 493 must register with the department on such form
 2728 as the department prescribes by rule and must be verified by the
 2729 applicant. To register with the department, a private
 2730 investigator must provide:

2731 (a) A legible copy of the applicant's Class "A" business
 2732 license under chapter 493 or that of the applicant's firm or
 2733 employer which holds a Class "A" business license under chapter
 2734 493.

2735 (b) A legible copy of the applicant's Class "C" individual
 2736 license issued under chapter 493.

2737 (c) The business address and telephone number of the
 2738 applicant's private investigative firm or employer.

2739 (d) The names of agents or employees, if any, who are
 2740 designated to act on behalf of the private investigator,
 2741 together with a legible copy of their photo identification
 2742 issued by an agency of the United States, or a state, or a
 2743 political subdivision thereof.

2744 (e) Sufficient information to enable the department to
 2745 disburse funds by electronic funds transfer.

2746 (f) The tax identification number of the private
 2747 investigator's firm or employer which holds a Class "A" business
 2748 license under chapter 493.

2749 (2) In order to file claims as a claimant's
 2750 representative, ~~acquire ownership of or entitlement to unclaimed~~

2751 ~~property,~~ receive a distribution of fees and costs from the
 2752 department, and obtain unclaimed property dollar amounts and
 2753 numbers of reported shares of stock held by the department, a
 2754 Florida-certified public accountant must register with the
 2755 department on such form as the department prescribes by rule and
 2756 must be verified by the applicant. To register with the
 2757 department, a Florida-certified public accountant must provide:

2758 (a) The applicant's Florida Board of Accountancy number.

2759 (b) A legible copy of the applicant's current driver
 2760 license showing the full name and current address of such
 2761 person. If a current driver license is not available, another
 2762 form of identification showing the full name and current address
 2763 of such person or persons shall be filed with the department.

2764 (c) The business address and telephone number of the
 2765 applicant's public accounting firm or employer.

2766 (d) The names of agents or employees, if any, who are
 2767 designated to act on behalf of the Florida-certified public
 2768 accountant, together with a legible copy of their photo
 2769 identification issued by an agency of the United States, or a
 2770 state, or a political subdivision thereof.

2771 (e) Sufficient information to enable the department to
 2772 disburse funds by electronic funds transfer.

2773 (f) The tax identification number of the accountant's
 2774 public accounting firm employer.

2775 (3) In order to file claims as a claimant's

2776 representative, ~~acquire ownership of or entitlement to unclaimed~~
2777 ~~property,~~ receive a distribution of fees and costs from the
2778 department, and obtain unclaimed property dollar amounts and
2779 numbers of reported shares of stock held by the department, an
2780 attorney licensed to practice in this state must register with
2781 the department on such form as the department prescribes by rule
2782 and must be verified by the applicant. To register with the
2783 department, such attorney must provide:

2784 (a) The applicant's Florida Bar number.

2785 (b) A legible copy of the applicant's current driver
2786 license showing the full name and current address of such
2787 person. If a current driver license is not available, another
2788 form of identification showing the full name and current address
2789 of such person or persons shall be filed with the department.

2790 (c) The business address and telephone number of the
2791 applicant's firm or employer.

2792 (d) The names of agents or employees, if any, who are
2793 designated to act on behalf of the attorney, together with a
2794 legible copy of their photo identification issued by an agency
2795 of the United States, or a state, or a political subdivision
2796 thereof.

2797 (e) Sufficient information to enable the department to
2798 disburse funds by electronic funds transfer.

2799 (f) The tax identification number of the attorney's firm
2800 or employer.

2801 Section 59. Paragraph (a) of subsection (2) of section
 2802 197.582, Florida Statutes, is amended to read:
 2803 197.582 Disbursement of proceeds of sale.—
 2804 (2)(a) If the property is purchased for an amount in
 2805 excess of the statutory bid of the certificateholder, the
 2806 surplus must be paid over and disbursed by the clerk as set
 2807 forth in subsections (3), (5), and (6). If the opening bid
 2808 included the homestead assessment pursuant to s. 197.502(6)(c),
 2809 that amount must be treated as surplus and distributed in the
 2810 same manner. The clerk shall distribute the surplus to the
 2811 governmental units for the payment of any lien of record held by
 2812 a governmental unit against the property, including any tax
 2813 certificates not incorporated in the tax deed application and
 2814 omitted taxes, if any. If there remains a balance of
 2815 undistributed funds, the balance must be retained by the clerk
 2816 for the benefit of persons described in s. 197.522(1)(a), except
 2817 those persons described in s. 197.502(4)(h), as their interests
 2818 may appear. The clerk shall mail notices to such persons
 2819 notifying them of the funds held for their benefit at the
 2820 addresses provided in s. 197.502(4). Such notice constitutes
 2821 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.
 2822 Any service charges and costs of mailing notices shall be paid
 2823 out of the excess balance held by the clerk. Notice must be
 2824 provided in substantially the following form:

2825 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2826 CLERK OF COURT
 2827 COUNTY, FLORIDA
 2828 Tax Deed #.....
 2829 Certificate #.....
 2830 Property Description:

2831 Pursuant to chapter 197, Florida Statutes, the above
 2832 property was sold at public sale on ...(date of sale)..., and a
 2833 surplus of \$...(amount)... (subject to change) will be held by
 2834 this office for 120 days beginning on the date of this notice to
 2835 benefit the persons having an interest in this property as
 2836 described in section 197.502(4), Florida Statutes, as their
 2837 interests may appear (except for those persons described in
 2838 section 197.502(4)(h), Florida Statutes).

2839 To the extent possible, these funds will be used to satisfy
 2840 in full each claimant with a senior mortgage or lien in the
 2841 property before distribution of any funds to any junior mortgage
 2842 or lien claimant or to the former property owner. To be
 2843 considered for funds when they are distributed, you must file a
 2844 notarized statement of claim with this office within 120 days of
 2845 this notice. If you are a lienholder, your claim must include
 2846 the particulars of your lien and the amounts currently due. Any
 2847 lienholder claim that is not filed within the 120-day deadline
 2848 is barred.

2849 A copy of this notice must be attached to your statement of
 2850 claim. After the office examines the filed claim statements, it

2851 will notify you if you are entitled to any payment.

2852 Dated:

2853 Clerk of Court

2854 Section 60. Subsection (1) of section 717.1382, Florida
 2855 Statutes, is amended to read:

2856 717.1382 United States savings bond; unclaimed property;
 2857 escheatment; procedure.—

2858 (1) Notwithstanding any other provision of law, a United
 2859 States savings bond in possession of the department or
 2860 registered to a person with a last known address in the state,
 2861 including a bond that is lost, stolen, or destroyed, is presumed
 2862 abandoned and unclaimed 5 years after the bond reaches maturity
 2863 and no longer earns interest and shall be reported and remitted
 2864 to the department by the financial institution or other holder
 2865 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
 2866 the department is not in possession of the bond.

2867 Section 61. The Division of Law Revision is directed to
 2868 prepare a reviser's bill for the 2025 Regular Session of the
 2869 Legislature to change the term "Division of Investigative and
 2870 Forensic Services" wherever the term appears in the Florida
 2871 Statutes to "Division of Criminal Investigations."

2872 Section 62. This act shall take effect upon becoming a
 2873 law.