

1                                   A bill to be entitled  
 2       An act relating to the Department of Financial  
 3       Services; creating s. 17.69, F.S.; creating the  
 4       Federal Tax Liaison position within the Department of  
 5       Financial Services; providing the duties and authority  
 6       of the liaison; amending s. 20.121, F.S.; renaming a  
 7       division in the department; removing provisions  
 8       relating to duties of such division and to bureaus and  
 9       offices in such division; removing a division;  
 10      amending s. 112.1816, F.S.; providing benefits for  
 11      certain firefighters upon a diagnosis of cancer;  
 12      amending s. 121.0515, F.S.; revising requirements for  
 13      the Special Risk Class membership; amending s.  
 14      215.5586, F.S.; revising legislative intent; revising  
 15      requirements for My Safe Florida Home Program  
 16      mitigation inspections and mitigation grants;  
 17      providing additional requirements for applications for  
 18      inspections and mitigation grants; removing provisions  
 19      relating to matching fund grants; revising  
 20      improvements for which grants may be used; providing a  
 21      timeframe for finalizing construction and requesting a  
 22      final inspection or an extension; providing that grant  
 23      applications are deemed abandoned under a specified  
 24      circumstance; authorizing the department to request  
 25      additional information; providing that applications

26 are deemed withdrawn under a specified circumstance;  
 27 amending s. 284.44, F.S.; removing provisions relating  
 28 to certain quarterly reports prepared by the Division  
 29 of Risk Management; amending s. 440.13, F.S.;;  
 30 providing the reimbursement schedule requirements for  
 31 emergency services and care under workers'  
 32 compensation under certain circumstances; amending s.  
 33 440.385, F.S.; providing requirements for certain  
 34 contracts entered into and purchases made by the  
 35 Florida Self-Insurers Guaranty Association,  
 36 Incorporated; providing duties of the department and  
 37 the association relating to these contracts and  
 38 purchases; providing exemptions; amending s. 497.101,  
 39 F.S.; revising the requirements for appointing and  
 40 nominating members of the Board of Funeral, Cemetery,  
 41 and Consumer Services; revising the members' terms;  
 42 revising the authority to remove board members;  
 43 providing for vacancy appointments; providing that  
 44 board members are subject to the code of ethics;  
 45 providing requirements for board members' conduct;  
 46 providing prohibited acts; providing penalties;  
 47 providing requirements for board meetings, books, and  
 48 records; requiring notices of board meetings;  
 49 providing requirements for such notices; amending s.  
 50 497.153, F.S.; authorizing services by electronic mail

51 of administrative complaints against certain licensees  
52 under certain circumstances; amending s. 497.155,  
53 F.S.; authorizing services of citations by electronic  
54 mail under certain circumstances; amending s. 624.155,  
55 F.S.; removing a cross-reference; amending s. 624.307,  
56 F.S.; requiring eligible surplus lines insurers to  
57 respond to the department or the Office of Insurance  
58 Regulation after receipt of requests for documents and  
59 information concerning consumer complaints; providing  
60 penalties for failure to comply; requiring authorized  
61 insurers and eligible surplus lines insurers to file  
62 e-mail addresses with the department and to designate  
63 contact persons for specified purposes; authorizing  
64 changes of designated contact information; amending s.  
65 626.171, F.S.; requiring the department to make  
66 provisions for certain insurance license applicants to  
67 submit cellular telephone numbers for a specified  
68 purpose; amending s. 626.221, F.S.; providing a  
69 qualification for all-lines adjuster licenses;  
70 amending s. 626.601, F.S.; revising construction;  
71 amending s. 626.7351, F.S.; providing a qualification  
72 for customer representative's licenses; amending s.  
73 626.878, F.S.; providing duties and prohibited acts  
74 for adjusters; amending s. 626.929, F.S.; specifying  
75 that licensed and appointed general lines agents,

76 rather than general lines agents, may engage in  
77 certain activities while also licensed and appointed  
78 as surplus lines agents; authorizing general lines  
79 agents that are also licensed as surplus lines agents  
80 to make certain appointments; authorizing such agents  
81 to originate specified businesses and accept specified  
82 businesses; prohibiting such agents from being  
83 appointed by or transacting certain insurance on  
84 behalf of specified insurers; amending s. 627.351,  
85 F.S.; providing requirements for certain contracts  
86 entered into and purchases made by the Florida Joint  
87 Underwriting Association; providing duties of the  
88 department and the association associated with such  
89 contracts and purchases; amending s. 627.70152, F.S.;  
90 removing a cross-reference; amending s. 631.59, F.S.;  
91 providing requirements for certain contracts entered  
92 into and purchases made by the Florida Insurance  
93 Guaranty Association, Incorporated; providing duties  
94 of the department and the association associated with  
95 such contracts and purchases; providing  
96 nonapplicability; amending ss. 631.722, 631.821, and  
97 631.921, F.S.; providing requirements for certain  
98 contracts entered into and purchases made by the  
99 Florida Life and Health Insurance Guaranty  
100 Association, the board of directors of the Florida

101 Health Maintenance Organization Consumer Assistance  
102 Plan, and the board of directors of the Florida  
103 Workers' Compensation Insurance Guaranty Association,  
104 respectively; providing duties of the department and  
105 of the association and boards associated with such  
106 contracts and purchases; amending s. 633.124, F.S.;  
107 updating the edition of a manual for the use of  
108 pyrotechnics; amending s. 633.202, F.S.; revising the  
109 duties of the State Fire Marshal; amending s. 633.206,  
110 F.S.; revising the requirements for uniform firesafety  
111 standards established by the department; amending s.  
112 634.041, F.S.; specifying the conditions under which  
113 service agreement companies do not have to establish  
114 and maintain unearned premium reserves; amending s.  
115 634.081, F.S.; specifying the conditions under which  
116 service agreement companies' licenses are not  
117 suspended or revoked under certain circumstances;  
118 amending s. 634.3077, F.S.; specifying requirements  
119 for certain contractual liability insurance obtained  
120 by home warranty associations; providing that such  
121 associations are not required to establish unearned  
122 premium reserves or maintain contractual liability  
123 insurance; authorizing such associations to allow  
124 their premiums to exceed certain limitations under  
125 certain circumstances; amending s. 634.317, F.S.;

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

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

176 that holders of such virtual currency are relieved of  
177 all liability upon delivery of the virtual currency to  
178 the department; prohibiting holders from assigning or  
179 transferring certain obligations or from complying  
180 with certain provisions; providing that certain  
181 entities are responsible for meeting holders'  
182 obligations and complying with certain provisions  
183 under certain circumstances; providing construction;  
184 amending s. 717.1201, F.S.; providing that good faith  
185 payments and deliveries of property to the department  
186 relieve holders of all liability; authorizing the  
187 department to refund and redeliver certain money and  
188 property under certain circumstances; amending s.  
189 727.1242, F.S.; revising legislative intent; providing  
190 circumstances under which the department is considered  
191 interested parties in probate proceedings; amending s.  
192 717.1243, F.S.; revising applicability of certain  
193 provisions relating to unclaimed small estate  
194 accounts; amending s. 717.129, F.S.; revising the  
195 prohibition of department enforcement relating to  
196 duties of holders of unclaimed funds and property;  
197 revising the tolling for the periods of limitation  
198 relating to duties of holders of unclaimed funds and  
199 property; amending s. 717.1301, F.S.; revising the  
200 department's authorities on the disposition of



201 unclaimed funds and property for specified purposes;  
202 prohibiting certain materials from being disclosed or  
203 made public under certain circumstances; revising the  
204 basis for the department's cost assessment against  
205 holders of unclaimed funds and property; amending s.  
206 717.1311, F.S.; revising the recordkeeping  
207 requirements for funds and property holders; amending  
208 s. 717.1322, F.S.; revising acts that are violations  
209 of specified provisions and constitute grounds for  
210 administrative enforcement actions and civil  
211 enforcement by the department; providing that  
212 claimants' representatives, rather than registrants,  
213 are subject to civil enforcement and disciplinary  
214 actions for certain violations; amending s. 717.1333,  
215 F.S.; conforming provisions to changes made by the  
216 act; amending s. 717.134, F.S.; conforming a provision  
217 to changes made by the act; amending s. 717.135, F.S.;  
218 revising the information that certain agreements  
219 relating to unclaimed property must disclose; applying  
220 certain provisions relating to such agreements to  
221 purchasers; removing a requirement for Unclaimed  
222 Property Purchase Agreement; providing  
223 nonapplicability; amending s. 717.1400, F.S.; removing  
224 a circumstance under which certain persons must  
225 register with the department; amending ss. 197.582 and

226 717.1382, F.S.; conforming a cross-reference;  
 227 providing a directive to the Division of Law Revision;  
 228 authorizing a position and providing an appropriation;  
 229 providing effective dates.

230

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

232

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

235 17.69 Federal Tax Liaison.—

236 (1) The Federal Tax Liaison position is created within the  
 237 department. The purpose of the position is to assist the  
 238 taxpayers of the state.

239 (2) The Chief Financial Officer shall appoint a Federal  
 240 Tax Liaison. The Federal Tax Liaison reports directly to the  
 241 Chief Financial Officer but is not otherwise under the authority  
 242 of the department or of any employee of the department.

243 (3) The Federal Tax Liaison may:

244 (a) Assist taxpayers by answering taxpayer questions.

245 (b) Direct taxpayers to the proper division or office  
 246 within the Internal Revenue Service in order to facilitate  
 247 timely resolution to taxpayer issues.

248 (c) Prepare recommendations for the Internal Revenue  
 249 Service of any actions that will help resolve problems  
 250 encountered by taxpayers.

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

254 (e) With a taxpayer's consent, request records from the  
 255 Internal Revenue Service to assist with the taxpayer's  
 256 inquiries.

257 Section 2. Paragraphs (g) through (n) of subsection (2) of  
 258 section 20.121, Florida Statutes, are redesignated as paragraphs  
 259 (f) through (m), respectively, and paragraph (e) and present  
 260 paragraph (f) of subsection (2) of that section are amended to  
 261 read:

262 20.121 Department of Financial Services.—There is created  
 263 a Department of Financial Services.

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

266 (e) The Division of Criminal Investigations ~~Investigative~~  
 267 ~~and Forensic Services~~, which shall function as a criminal  
 268 justice agency for purposes of ss. 943.045-943.08. The division  
 269 may initiate and conduct investigations into any matter under  
 270 the jurisdiction of the Chief Financial Officer and Fire Marshal  
 271 within or outside of this state as it deems necessary. ~~If,~~  
 272 ~~during an investigation, the division has reason to believe that~~  
 273 ~~any criminal law of this state or the United States has or may~~  
 274 ~~have been violated, it shall refer any records tending to show~~  
 275 ~~such violation to state law enforcement and, if applicable,~~

276 ~~federal prosecutorial agencies and shall provide investigative~~  
277 ~~assistance to those agencies as appropriate. The division shall~~  
278 ~~include the following bureaus and office:~~

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

280 ~~2. The Bureau of Fire, Arson, and Explosives~~  
281 ~~Investigations;~~

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

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

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

286 ~~(f) The Division of Public Assistance Fraud, which shall~~  
287 ~~function as a criminal justice agency for purposes of ss.~~  
288 ~~943.045-943.08. The division shall conduct investigations~~  
289 ~~pursuant to s. 414.411 within or outside of the state as it~~  
290 ~~deems necessary. If, during an investigation, the division has~~  
291 ~~reason to believe that any criminal law of the state has or may~~  
292 ~~have been violated, it shall refer any records supporting such~~  
293 ~~violation to state or federal law enforcement or prosecutorial~~  
294 ~~agencies and shall provide investigative assistance to those~~  
295 ~~agencies as required.~~

296 Section 3. Paragraph (c) is added to subsection (2) of  
297 section 112.1816, Florida Statutes, to read:

298 112.1816 Firefighters; cancer diagnosis.—

299 (2) Upon a diagnosis of cancer, a firefighter is entitled  
300 to the following benefits, as an alternative to pursuing

301 workers' compensation benefits under chapter 440, if the  
302 firefighter has been employed by his or her employer for at  
303 least 5 continuous years, has not used tobacco products for at  
304 least the preceding 5 years, and has not been employed in any  
305 other position in the preceding 5 years which is proven to  
306 create a higher risk for any cancer:

307 (c) Leave time and employee retention benefits equivalent  
308 to those provided for other injuries or illnesses incurred in  
309 the line of duty.

310  
311 If the firefighter elects to continue coverage in the employer-  
312 sponsored health plan or group health insurance trust fund after  
313 he or she terminates employment, the benefits specified in  
314 paragraphs (a) and (b) must be made available by the former  
315 employer of a firefighter for 10 years following the date on  
316 which the firefighter terminates employment so long as the  
317 firefighter otherwise met the criteria specified in this  
318 subsection when he or she terminated employment and was not  
319 subsequently employed as a firefighter following that date. For  
320 purposes of determining leave time and employee retention  
321 policies, the employer must consider a firefighter's cancer  
322 diagnosis as an injury or illness incurred in the line of duty.

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

326           121.0515 Special Risk Class.—  
 327           (2) MEMBERSHIP.—  
 328           (f) Effective July 1, 2008, the member must be employed by  
 329 the Department of Law Enforcement in the crime laboratory or by  
 330 the Department of Financial Services ~~Division of State Fire~~  
 331 ~~Marshal~~ in the forensic laboratory and meet the special criteria  
 332 set forth in paragraph (3)(h).  
 333           (3) CRITERIA.—A member, to be designated as a special risk  
 334 member, must meet the following criteria:  
 335           (h) Effective July 1, 2024 ~~2008~~, the member must be  
 336 employed by the Department of Law Enforcement in the crime  
 337 laboratory or by the Department of Financial Services ~~Division~~  
 338 ~~of State Fire Marshal~~ in the forensic laboratory in one of the  
 339 following classes:  
 340           1. Forensic technologist (class code 8459);  
 341           2. Crime laboratory technician (class code 8461);  
 342           3. Crime laboratory analyst (class code 8463);  
 343           4. Senior crime laboratory analyst (class code 8464);  
 344           5. Crime laboratory analyst supervisor (class code 8466);  
 345           6. Forensic chief (class code 9602); or  
 346           7. Forensic services quality manager (class code 9603);  
 347           Section 5. Section 215.5586, Florida Statutes, as amended  
 348 by section 5 of chapter 2023-349, Laws of Florida, is amended to  
 349 read:  
 350           215.5586 My Safe Florida Home Program.— There is

351 established within the Department of Financial Services the My  
 352 Safe Florida Home Program. The department shall provide fiscal  
 353 accountability, contract management, and strategic leadership  
 354 for the program, consistent with this section. This section does  
 355 not create an entitlement for property owners or obligate the  
 356 state in any way to fund the inspection or retrofitting of  
 357 residential property in this state. Implementation of this  
 358 program is subject to annual legislative appropriations. It is  
 359 the intent of the Legislature that, subject to the availability  
 360 of funds, the My Safe Florida Home Program provide licensed  
 361 inspectors to perform inspections for eligible homes ~~owners of~~  
 362 ~~site-built, single-family, residential properties~~ and grants to  
 363 fund hurricane mitigation projects for those homes ~~eligible~~  
 364 ~~applicants~~. The department shall implement the program in such a  
 365 manner that the total amount of funding requested by accepted  
 366 applications, whether for inspections, grants, or other services  
 367 or assistance, does not exceed the total amount of available  
 368 funds. If, after applications are processed and approved, funds  
 369 remain available, the department may accept applications up to  
 370 the available amount. The program shall develop and implement a  
 371 comprehensive and coordinated approach for hurricane damage  
 372 mitigation that may include the following:

373 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

381 (b) An application for an inspection must contain a signed  
 382 or electronically verified statement made under penalty of  
 383 perjury that the applicant has submitted only a single  
 384 inspection application and must have attached documents  
 385 demonstrating that the applicant meets the requirements of  
 386 paragraph (a). An applicant may submit a new inspection  
 387 application if all of the following criteria are met:

388 1. The original application has already been denied or  
 389 withdrawn.

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

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

394 (c) An applicant who meets the requirements of paragraph  
 395 (a) may apply for and receive an inspection without also  
 396 applying for a grant pursuant to subsection (2) and without  
 397 meeting the requirements of paragraph (2)(a).

398 (d)-(a) Licensed inspectors are to provide home inspections  
 399 of eligible homes ~~site-built, single-family, residential~~  
 400 ~~properties for which a homestead exemption has been granted, to~~



401 determine what mitigation measures are needed, what insurance  
402 premium discounts may be available, and what improvements to  
403 existing residential properties are needed to reduce the  
404 property's vulnerability to hurricane damage. ~~An inspector may~~  
405 ~~inspect a townhouse as defined in s. 481.203 to determine if~~  
406 ~~opening protection mitigation as listed in paragraph (2) (e)~~  
407 ~~would provide improvements to mitigate hurricane damage.~~

408 (e)~~(b)~~ The Department of Financial Services shall contract  
409 with wind certification entities to provide hurricane mitigation  
410 inspections. The inspections provided to homeowners, at a  
411 minimum, must include:

412 1. A home inspection and report that summarizes the  
413 results and identifies recommended improvements a homeowner may  
414 take to mitigate hurricane damage.

415 2. A range of cost estimates regarding the recommended  
416 mitigation improvements.

417 3. Information regarding estimated premium discounts,  
418 correlated to the current mitigation features and the  
419 recommended mitigation improvements identified by the  
420 inspection.

421 (f)~~(e)~~ To qualify for selection by the department as a  
422 wind certification entity to provide hurricane mitigation  
423 inspections, the entity must, at a minimum, meet the following  
424 requirements:

425 1. Use hurricane mitigation inspectors who are licensed or

426 certified as:

427 a. A building inspector under s. 468.607;

428 b. A general, building, or residential contractor under s.  
429 489.111;

430 c. A professional engineer under s. 471.015;

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

432 e. A home inspector under s. 468.8314 and who have  
433 completed at least 3 hours of hurricane mitigation training  
434 approved by the Construction Industry Licensing Board, which  
435 training must include hurricane mitigation techniques,  
436 compliance with the uniform mitigation verification form, and  
437 completion of a proficiency exam.

438 2. Use hurricane mitigation inspectors who also have  
439 undergone drug testing and a background screening. The  
440 department may conduct criminal record checks of inspectors used  
441 by wind certification entities. Inspectors must submit a set of  
442 fingerprints to the department for state and national criminal  
443 history checks and must pay the fingerprint processing fee set  
444 forth in s. 624.501. The fingerprints must be sent by the  
445 department to the Department of Law Enforcement and forwarded to  
446 the Federal Bureau of Investigation for processing. The results  
447 must be returned to the department for screening. The  
448 fingerprints must be taken by a law enforcement agency,  
449 designated examination center, or other department-approved  
450 entity.

451 3. Provide a quality assurance program including a  
 452 reinspection component.

453 ~~(d) An application for an inspection must contain a signed~~  
 454 ~~or electronically verified statement made under penalty of~~  
 455 ~~perjury that the applicant has submitted only a single~~  
 456 ~~application for that home.~~

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

463 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be  
 464 ~~used to encourage single-family, site-built, owner-occupied,~~  
 465 ~~residential property owners to retrofit~~ eligible homes based on  
 466 the recommendations made in a hurricane mitigation inspection  
 467 ~~their properties to make~~ the homes ~~them~~ less vulnerable to  
 468 hurricane damage.

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

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

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

474 3.1. The homeowner must have been granted a homestead  
 475 exemption on the home under chapter 196.

476 ~~4.2.~~ The home must be a dwelling with an insured value of  
 477 \$700,000 or less. Homeowners who are low-income persons, as  
 478 defined in s. 420.0004(11), are exempt from this requirement.

479 ~~5.3.~~ The home must undergo an acceptable hurricane  
 480 mitigation inspection as provided in subsection (1).

481 ~~6.4.~~ The building permit application for initial  
 482 construction of the home must have been made before January 1,  
 483 2008.

484 ~~7.5.~~ The homeowner must agree to make his or her home  
 485 available for inspection once a mitigation project is completed.

486 (b)1. An application for a grant must contain a signed or  
 487 electronically verified statement made under penalty of perjury  
 488 that the applicant has submitted only a single grant application  
 489 and must have attached documents demonstrating that the  
 490 applicant meets the requirements of ~~this~~ paragraph (a).

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

493 a. The original application has already been denied or  
 494 withdrawn.

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

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

499 ~~(c)(b)~~ All grants must be matched on the basis of \$1  
 500 provided by the applicant for \$2 provided by the state up to a

501 maximum state contribution of \$10,000 toward the actual cost of  
502 the mitigation project.

503 ~~(d)-(e)~~ The program shall require ~~create a process in which~~  
504 ~~contractors agree to participate and homeowners select from a~~  
505 ~~list of participating contractors. All mitigation work to must~~  
506 be based upon the securing of all required local permits and  
507 inspections, and the work must be performed by properly licensed  
508 contractors. The program shall approve only a homeowner grant  
509 application that includes an acknowledged statement from the  
510 homeowner containing the name and state license number of the  
511 contractor the homeowner intends to use for the mitigation work.  
512 The program must electronically verify that the contractor's  
513 state license number is accurate and up to date before grant  
514 approval ~~Hurricane mitigation inspectors qualifying for the~~  
515 ~~program may also participate as mitigation contractors as long~~  
516 ~~as the inspectors meet the department's qualifications and~~  
517 ~~certification requirements for mitigation contractors.~~

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

525 (e) When recommended by a hurricane mitigation inspection,

526 grants for eligible homes may be used for the following  
 527 improvements:

528 1. Opening protection, including windows, skylights,  
 529 exterior doors, and garage doors.

530 2. Exterior doors, including garage doors.

531 3. Reinforcing roof-to-wall connections.

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

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

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

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

542 ~~(g) Grants may be used on a previously inspected existing~~  
 543 ~~structure or on a rebuild. A rebuild is defined as a site-built,~~  
 544 ~~single-family dwelling under construction to replace a home that~~  
 545 ~~was destroyed or significantly damaged by a hurricane and deemed~~  
 546 ~~unlivable by a regulatory authority. The homeowner must be a~~  
 547 ~~low-income homeowner as defined in paragraph (h), must have had~~  
 548 ~~a homestead exemption for that home before the hurricane, and~~  
 549 ~~must be intending to rebuild the home as that homeowner's~~  
 550 ~~homestead.~~

551 (h) Low-income homeowners, as defined in s. 420.0004(11),  
552 who otherwise meet the requirements of this subsection  
553 ~~paragraphs (a), (c), (e), and (g)~~ are eligible for a grant of up  
554 to \$10,000 and are not required to provide a matching amount to  
555 receive the grant. The program may accept a certification  
556 directly from a low-income homeowner that the homeowner meets  
557 the requirements of s. 420.0004(11) if the homeowner provides  
558 such certification in a signed or electronically verified  
559 statement made under penalty of perjury.

560 (i) The department shall develop a process that ensures  
561 the most efficient means to collect and verify grant  
562 applications to determine eligibility and may direct hurricane  
563 mitigation inspectors to collect and verify grant application  
564 information or use the Internet or other electronic means to  
565 collect information and determine eligibility.

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

571 (3) REQUESTS FOR INFORMATION.—The department may request  
572 that the applicant provide additional information. An  
573 application shall be deemed withdrawn by the applicant if the  
574 department does not receive a response to its request for  
575 additional information within 60 days after the notification of

576 any apparent errors or omissions.

577 (4)~~(3)~~ EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

578 (a) The department may undertake a statewide multimedia  
 579 public outreach and advertising campaign to inform consumers of  
 580 the availability and benefits of hurricane inspections and of  
 581 the safety and financial benefits of residential hurricane  
 582 damage mitigation. The department may seek out and use local,  
 583 state, federal, and private funds to support the campaign.

584 (b) The program may develop brochures for distribution to  
 585 Citizens Property Insurance Corporation, and other licensed  
 586 entities or nonprofits that work with the department to educate  
 587 the public on the benefits of the program ~~general contractors,~~  
 588 ~~roofing contractors, and real estate brokers and sales~~  
 589 ~~associates who are licensed under part I of chapter 475 which~~  
 590 ~~provide information on the benefits to homeowners of residential~~  
 591 ~~hurricane damage mitigation.~~ Citizens Property Insurance  
 592 Corporation is encouraged to distribute the brochure to  
 593 policyholders of the corporation. ~~Contractors are encouraged to~~  
 594 ~~distribute the brochures to homeowners at the first meeting with~~  
 595 ~~a homeowner who is considering contracting for home or roof~~  
 596 ~~repair or contracting for the construction of a new home. Real~~  
 597 ~~estate brokers and sales associates are encouraged to distribute~~  
 598 ~~the brochure to clients before the purchase of a home.~~ The  
 599 brochures may be made available electronically.

600 (5)~~(4)~~ FUNDING.—The department may seek out and leverage



601 local, state, federal, or private funds to enhance the financial  
602 resources of the program.

603 (6)~~(5)~~ RULES.—The Department of Financial Services shall  
604 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the  
605 program; implement the provisions of this section; including  
606 rules governing hurricane mitigation inspections and grants,  
607 mitigation contractors, and training of inspectors and  
608 contractors; and carry out the duties of the department under  
609 this section.

610 (7)~~(6)~~ HURRICANE MITIGATION INSPECTOR LIST.—The department  
611 shall develop and maintain as a public record a current list of  
612 hurricane mitigation inspectors authorized to conduct hurricane  
613 mitigation inspections pursuant to this section.

614 (8)~~(7)~~ CONTRACT MANAGEMENT.—

615 (a) The department may contract with third parties for  
616 grants management, inspection services, contractor services for  
617 low-income homeowners, information technology, educational  
618 outreach, and auditing services. Such contracts are considered  
619 direct costs of the program and are not subject to  
620 administrative cost limits. The department shall contract with  
621 providers that have a demonstrated record of successful business  
622 operations in areas directly related to the services to be  
623 provided and shall ensure the highest accountability for use of  
624 state funds, consistent with this section.

625 (b) The department shall implement a quality assurance and

626 reinspection program that determines whether mitigation ~~initial~~  
627 inspections and mitigation projects ~~home improvements~~ are  
628 completed in a manner consistent with the intent of the program.  
629 The department may use valid random sampling in order to perform  
630 the quality assurance portion of the program.

631 (9) ~~(8)~~ INTENT.—It is the intent of the Legislature that  
632 grants made to residential property owners under this section  
633 shall be considered disaster-relief assistance within the  
634 meaning of s. 139 of the Internal Revenue Code of 1986, as  
635 amended.

636 (10) ~~(9)~~ REPORTS.—The department shall make an annual  
637 report on the activities of the program that shall account for  
638 the use of state funds and indicate the number of inspections  
639 requested, the number of inspections performed, the number of  
640 grant applications received, the number and value of grants  
641 approved, and the estimated average annual amount of insurance  
642 premium discounts and total estimated annual amount of insurance  
643 premium discounts homeowners received from insurers as a result  
644 of mitigation funded through the program. The report must be  
645 delivered to the President of the Senate and the Speaker of the  
646 House of Representatives by February 1 of each year.

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

649 284.44 Salary indemnification costs of state agencies.—

650 ~~(6) The Division of Risk Management shall prepare~~

651 ~~quarterly reports to the Executive Office of the Governor and~~  
652 ~~the chairs of the legislative appropriations committees~~  
653 ~~indicating for each state agency the total amount of salary~~  
654 ~~indemnification benefits paid to claimants and the total amount~~  
655 ~~of reimbursements from state agencies to the State Risk~~  
656 ~~Management Trust Fund for initial costs for the previous~~  
657 ~~quarter. These reports shall also include information for each~~  
658 ~~state agency indicating the number of cases and amounts of~~  
659 ~~initial salary indemnification costs for which reimbursement~~  
660 ~~requirements were waived by the Executive Office of the Governor~~  
661 ~~pursuant to this section.~~

662 Section 7. Paragraph (a) of subsection (12) of section  
663 440.13, Florida Statutes, is amended to read:

664 440.13 Medical services and supplies; penalty for  
665 violations; limitations.—

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

668 (a) A three-member panel is created, consisting of the  
669 Chief Financial Officer, or the Chief Financial Officer's  
670 designee, and two members to be appointed by the Governor,  
671 subject to confirmation by the Senate, one member who, on  
672 account of present or previous vocation, employment, or  
673 affiliation, shall be classified as a representative of  
674 employers, the other member who, on account of previous  
675 vocation, employment, or affiliation, shall be classified as a

676 representative of employees. The panel shall determine statewide  
677 schedules of maximum reimbursement allowances for medically  
678 necessary treatment, care, and attendance provided by hospitals  
679 and ambulatory surgical centers. The maximum reimbursement  
680 allowances for inpatient hospital care shall be based on a  
681 schedule of per diem rates, to be approved by the three-member  
682 panel no later than March 1, 1994, to be used in conjunction  
683 with a precertification manual as determined by the department,  
684 including maximum hours in which an outpatient may remain in  
685 observation status, which shall not exceed 23 hours. All  
686 compensable charges for hospital outpatient care shall be  
687 reimbursed at 75 percent of usual and customary charges, except  
688 as otherwise provided by this subsection. Annually, the three-  
689 member panel shall adopt schedules of maximum reimbursement  
690 allowances for hospital inpatient care, hospital outpatient  
691 care, and ambulatory surgical centers. A hospital or an  
692 ambulatory surgical center shall be reimbursed either the  
693 agreed-upon contract price or the maximum reimbursement  
694 allowance in the appropriate schedule. Reimbursement for  
695 emergency services and care, as defined in s. 395.002, without a  
696 maximum reimbursement allowance must be at 75 percent of the  
697 hospital's charge, unless there is a contract, in which case the  
698 contract governs reimbursement.

699  
700 The department, as requested, shall provide data to the panel,

701 including, but not limited to, utilization trends in the  
 702 workers' compensation health care delivery system. The  
 703 department shall provide the panel with an annual report  
 704 regarding the resolution of medical reimbursement disputes and  
 705 any actions pursuant to subsection (8). The department shall  
 706 provide administrative support and service to the panel to the  
 707 extent requested by the panel. For prescription medication  
 708 purchased under the requirements of this subsection, a  
 709 dispensing practitioner shall not possess such medication unless  
 710 payment has been made by the practitioner, the practitioner's  
 711 professional practice, or the practitioner's practice management  
 712 company or employer to the supplying manufacturer, wholesaler,  
 713 distributor, or drug repackager within 60 days of the dispensing  
 714 practitioner taking possession of that medication.

715 Section 8. Subsections (9) through (13) of section  
 716 440.385, Florida Statutes, are renumbered as subsections (10)  
 717 through (14), respectively, and a new subsection (9) is added to  
 718 that section to read:

719 440.385 Florida Self-Insurers Guaranty Association,  
 720 Incorporated.—

721 (9) CONTRACTS AND PURCHASES.—

722 (a) After July 1, 2024, all contracts entered into, and  
 723 all purchases made by, the association pursuant to this section  
 724 which are valued at or more than \$100,000 must first be approved  
 725 by the department. The department has 10 days to approve or deny

726 the contract or purchase upon electronic receipt of the approval  
727 request. The contract or purchase is automatically approved if  
728 the department is nonresponsive.

729 (b) All contracts and purchases valued at or more than  
730 \$100,000 require competition through a formal bid solicitation  
731 conducted by the association. The association must undergo a  
732 formal bid solicitation process. The formal bid solicitation  
733 process must include all of the following:

734 1. The time and date for the receipt of bids, the  
735 proposals, and whether the association contemplates renewal of  
736 the contract, including the price for each year for which the  
737 contract may be renewed.

738 2. All the contractual terms and conditions applicable to  
739 the procurement.

740 (c) Evaluation of bids by the association must include  
741 consideration of the total cost for each year of the contract,  
742 including renewal years, as submitted by the vendor. The  
743 association must award the contract to the most responsible and  
744 responsive vendor. Any formal bid solicitation conducted by the  
745 association must be made available, upon request, to the  
746 department via electronic delivery.

747 (d) Contracts that are required by law are exempt from  
748 this section.

749 Section 9. Subsection (7) of section 497.101, Florida  
750 Statutes, is renumbered as subsection (11), subsections (1)

751 through (4) are amended, and a new subsection (7) and  
 752 subsections (8), (9), and (10) are added to that section, to  
 753 read:

754 497.101 Board of Funeral, Cemetery, and Consumer Services;  
 755 membership; appointment; terms.-

756 (1) The Board of Funeral, Cemetery, and Consumer Services  
 757 is created within the Department of Financial Services and shall  
 758 consist of 10 members, 9 of whom shall be appointed by ~~the~~  
 759 ~~Governor from nominations made by~~ the Chief Financial Officer  
 760 and confirmed by the Senate. ~~The Chief Financial Officer shall~~  
 761 ~~nominate one to three persons for each of the nine vacancies on~~  
 762 ~~the board, and the Governor shall fill each vacancy on the board~~  
 763 ~~by appointing one of the persons nominated by the Chief~~  
 764 ~~Financial Officer to fill that vacancy. If the Governor objects~~  
 765 ~~to each of the nominations for a vacancy, she or he shall inform~~  
 766 ~~the Chief Financial Officer in writing. Upon notification of an~~  
 767 ~~objection by the Governor, the Chief Financial Officer shall~~  
 768 ~~submit one to three additional nominations for that vacancy~~  
 769 ~~until the vacancy is filled.~~ One member must be the State Health  
 770 Officer or her or his designee.

771 (2) Two members of the board must be funeral directors  
 772 licensed under part III of this chapter who are associated with  
 773 a funeral establishment. One member of the board must be a  
 774 funeral director licensed under part III of this chapter who is  
 775 associated with a funeral establishment licensed under part III

776 of this chapter which has a valid preneed license issued  
777 pursuant to this chapter ~~and who owns or operates a cinerator~~  
778 ~~facility approved under chapter 403 and licensed under part VI~~  
779 ~~of this chapter.~~ Two members of the board must be persons whose  
780 primary occupation is associated with a cemetery company  
781 licensed pursuant to this chapter. Two members of the board must  
782 be consumers who are residents of this state, have never been  
783 licensed as funeral directors or embalmers, are not connected  
784 with a cemetery or cemetery company licensed pursuant to this  
785 chapter, and are not connected with the death care industry or  
786 the practice of embalming, funeral directing, or direct  
787 disposition. One of the two consumer members must be at least 60  
788 years of age. One member of the board must be a consumer who is  
789 a resident of this state; is licensed as a certified public  
790 accountant under chapter 473; has never been licensed as a  
791 funeral director or an embalmer; is not a principal or an  
792 employee of any licensee licensed under this chapter; and does  
793 not otherwise have control, as defined in s. 497.005, over any  
794 licensee licensed under this chapter. One member of the board  
795 must be a principal of a monument establishment licensed under  
796 this chapter as a monument builder. One member must be the State  
797 Health Officer or her or his designee. There may not be two or  
798 more board members who are principals or employees of the same  
799 company or partnership or group of companies or partnerships  
800 under common control.



801           (3) Board members shall be appointed for terms of 4 years  
 802 and may be reappointed; however, a member may not serve for more  
 803 than 8 consecutive years.~~and~~ The State Health Officer shall  
 804 serve as long as that person holds that office. The designee of  
 805 the State Health Officer shall serve at the pleasure of the  
 806 Chief Financial Officer ~~Governor~~.

807           (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~  
 808 ~~the Senate~~ may remove any board member for malfeasance or  
 809 misfeasance, neglect of duty, incompetence, substantial  
 810 inability to perform official duties, commission of a crime, or  
 811 other substantial cause as determined by the Chief Financial  
 812 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of  
 813 fitness to sit on the board. A board member shall be deemed to  
 814 have resigned her or his board membership, and that position  
 815 shall be deemed vacant, upon the failure of the member to attend  
 816 three consecutive meetings of the board or at least half of the  
 817 meetings of the board during any 12-month period, unless the  
 818 Chief Financial Officer determines that there was good and  
 819 adequate justification for the absences and that such absences  
 820 are not likely to continue. Any vacancy so created shall be  
 821 filled as provided in subsection (1).

822           (7) Members of the board are subject to the code of ethics  
 823 under part III of chapter 112. For purposes of applying part III  
 824 of chapter 112 to activities of the members of the board, those  
 825 persons are considered public officers, and the department is

826 considered their agency. A board member may not vote on any  
827 measure that would inure to his or her special private gain or  
828 loss and, in accordance with s. 112.3143(2), may not vote on any  
829 measure that he or she knows would inure to the special private  
830 gain or loss of any principal by which he or she is retained,  
831 other than an agency as defined in s. 112.312; or that he or she  
832 knows would inure to the special private gain or loss of his or  
833 her relative or business associate. Before the vote is taken,  
834 such member shall publicly state to the board the nature of his  
835 or her interest in the matter from which he or she is abstaining  
836 from voting and, within 15 days after the vote occurs, disclose  
837 the nature of his or her interest as a public record in a  
838 memorandum filed with the person responsible for recording the  
839 minutes of the meeting, who shall incorporate the memorandum in  
840 the minutes.

841 (8) In accordance with ss. 112.3148 and 112.3149, a board  
842 member may not knowingly accept, directly or indirectly, any  
843 gift or expenditure from a person or entity, or an employee or  
844 representative of such person or entity, which has a contractual  
845 relationship with the department or the board, which is under  
846 consideration for a contract, or which is licensed by the  
847 department.

848 (9) A board member who fails to comply with subsection (7)  
849 or subsection (8) is subject to the penalties provided under ss.  
850 112.317 and 112.3173.

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

855 (b) Except for emergency meetings, the department shall  
856 give notice of any board meeting by publication on the  
857 department's website at least 7 days before the meeting. The  
858 department shall publish a meeting agenda on its website at  
859 least 7 days before the meeting. The agenda must contain the  
860 items to be considered in order of presentation. After the  
861 agenda has been made available, a change may be made only for  
862 good cause, as determined by the person designated to preside,  
863 and must be stated in the record. Notification of such change  
864 must be at the earliest practicable time.

865 Section 10. Paragraph (a) of subsection (4) of section  
866 497.153, Florida Statutes, is amended to read:

867 497.153 Disciplinary procedures and penalties.—

868 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

869 (a) Service of an administrative complaint may be in  
870 person by department staff or any person authorized to make  
871 service of process under the Florida Rules of Civil Procedure.  
872 Service upon a licensee may in the alternative be made by  
873 certified mail, return receipt requested, to the last known  
874 address of record provided by the licensee to the department. If  
875 service by certified mail cannot be made at the last address

876 provided by the licensee to the department, service may be made  
 877 by e-mail, delivery receipt required, sent to the most recent e-  
 878 mail address provided by the licensee to the department in  
 879 accordance with s. 497.146.

880 Section 11. Paragraph (e) of subsection (1) of section  
 881 497.155, Florida Statutes, is amended to read:

882 497.155 Disciplinary citations and minor violations.—

883 (1) CITATIONS.—

884 (e) Service of a citation may be made by personal service  
 885 or certified mail, restricted delivery, to the subject at the  
 886 subject's last known address in accordance with s. 497.146. If  
 887 service by certified mail cannot be made at the last address  
 888 provided by the subject to the department, service may be made  
 889 by e-mail, delivery receipt required, sent to the most recent e-  
 890 mail address provided by the subject to the department in  
 891 accordance with s. 497.146.

892 Section 12. Paragraph (a) of subsection (3) of section  
 893 624.155, Florida Statutes, is amended to read:

894 624.155 Civil remedy.—

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

901           Section 13. Paragraphs (c) and (d) subsection (10) of  
902 section 624.307, Florida Statutes, are redesignated as  
903 paragraphs (d) and (e), respectively, paragraph (b) is amended,  
904 and a new paragraph (c) is added to subsection (10) of that  
905 section, to read:

906           624.307 General powers; duties.—

907           (10)

908           (b) Any person licensed or issued a certificate of  
909 authority or made an eligible surplus lines insurer by the  
910 department or the office shall respond, in writing or  
911 electronically, to the division within 14 days after receipt of  
912 a written request for documents and information from the  
913 division concerning a consumer complaint. The response must  
914 address the issues and allegations raised in the complaint and  
915 include any requested documents concerning the consumer  
916 complaint not subject to attorney-client or work-product  
917 privilege. The division may impose an administrative penalty for  
918 failure to comply with this paragraph of up to \$5,000 per  
919 violation upon any entity licensed by the department or the  
920 office and up to \$1,000 per violation by any individual licensed  
921 by the department or the office.

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

926 insurer shall also designate a contact person for escalated  
927 complaint issues and shall provide the name, e-mail address, and  
928 telephone number of such person. A licensee of the department,  
929 including an agency or a firm, may elect to designated an e-mail  
930 address to which requests for response to consumer complaints  
931 shall be directed pursuant to paragraph (b). If a licensee,  
932 including an agency or a firm, elects not to designate an e-mail  
933 address, the department shall direct requests for response to  
934 consumer complaints to the e-mail of record for the licensee in  
935 the department's licensing system. An insurer or a licensee,  
936 including an agency or a firm, may change a designated contact  
937 information at any time by submitting the new information to the  
938 department using the method designated by rule by the  
939 department.

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

942 626.171 Application for license as an agent, customer  
943 representative, adjuster, service representative, or reinsurance  
944 intermediary.—

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

946 (a) His or her full name, age, social security number,  
947 residence address, business address, mailing address, contact  
948 telephone numbers, including a business telephone number, and e-  
949 mail address.

950 (b) A statement indicating the method the applicant used

951 or is using to meet any required prelicensing education,  
952 knowledge, experience, or instructional requirements for the  
953 type of license applied for.

954 (c) Whether he or she has been refused or has voluntarily  
955 surrendered or has had suspended or revoked a license to solicit  
956 insurance by the department or by the supervising officials of  
957 any state.

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

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

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

965 (g) The applicant's native language.

966 (h) The highest level of education achieved by the  
967 applicant.

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

970 (j) Such other or additional information as the department  
971 may deem proper to enable it to determine the character,  
972 experience, ability, and other qualifications of the applicant  
973 to hold himself or herself out to the public as an insurance  
974 representative.

975

976 | However, the application must contain a statement that an  
 977 | applicant is not required to disclose his or her race or  
 978 | ethnicity, gender, or native language, that he or she will not  
 979 | be penalized for not doing so, and that the department will use  
 980 | this information exclusively for research and statistical  
 981 | purposes and to improve the quality and fairness of the  
 982 | examinations. The department shall make provisions for  
 983 | applicants to submit cellular telephone numbers as part of the  
 984 | application process on a voluntary basis for purpose of two-  
 985 | factor authentication of secure login credentials only.

986 |         Section 15. Paragraph (j) of subsection (2) of section  
 987 | 626.221, Florida Statutes, is amended to read:

988 |             626.221 Examination requirement; exemptions.—

989 |             (2) However, an examination is not necessary for any of  
 990 | the following:

991 |             (j) An applicant for license as an all-lines adjuster who  
 992 | has the designation of Accredited Claims Adjuster (ACA) from a  
 993 | regionally accredited postsecondary institution in this state;  
 994 | Certified All Lines Adjuster (CALA) from Kaplan Financial  
 995 | Education; Associate in Claims (AIC) from the Insurance  
 996 | Institute of America; Professional Claims Adjuster (PCA) from  
 997 | the Professional Career Institute; Professional Property  
 998 | Insurance Adjuster (PPIA) from the HurriClaim Training Academy;  
 999 | Certified Adjuster (CA) from ALL LINES Training; Certified  
 1000 | Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster



1001 Certified Professional (CACP) from WebCE, Inc.; Accredited  
 1002 Insurance Claims Specialist (AICS) from Encore Claim Services;  
 1003 Professional in Claims (PIC) from 2021 Training, LLC; Registered  
 1004 Claims Adjuster (RCA) from American Insurance College; or  
 1005 Universal Claims Certification (UCC) from Claims and Litigation  
 1006 Management Alliance (CLM) whose curriculum has been approved by  
 1007 the department and which includes comprehensive analysis of  
 1008 basic property and casualty lines of insurance and testing at  
 1009 least equal to that of standard department testing for the all-  
 1010 lines adjuster license. The department shall adopt rules  
 1011 establishing standards for the approval of curriculum.

1012 Section 16. Subsection (6) of section 626.601, Florida  
 1013 Statutes, is amended to read:

1014 626.601 Improper conduct; inquiry; fingerprinting.—

1015 (6) The complaint and any information obtained pursuant to  
 1016 the investigation by the department or office are confidential  
 1017 and are exempt from s. 119.07 unless the department or office  
 1018 files a formal administrative complaint, emergency order, or  
 1019 consent order against the individual or entity. This subsection  
 1020 does not prevent the department or office from disclosing the  
 1021 complaint or such information as it deems necessary to conduct  
 1022 the investigation, to update the complainant as to the status  
 1023 and outcome of the complaint, to review the details of the  
 1024 investigation with the individual or entity or their  
 1025 representative, or to share such information with any law

1026 enforcement agency or other regulatory body.

1027 Section 17. Subsection (3) of section 626.7351, Florida  
 1028 Statutes, is amended to read:

1029 626.7351 Qualifications for customer representative's  
 1030 license.—The department shall not grant or issue a license as  
 1031 customer representative to any individual found by it to be  
 1032 untrustworthy or incompetent, or who does not meet each of the  
 1033 following qualifications:

1034 (3) Within 4 years preceding the date that the application  
 1035 for license was filed with the department, the applicant has  
 1036 earned the designation of Accredited Advisor in Insurance (AAI),  
 1037 Associate in General Insurance (AINS), or Accredited Customer  
 1038 Service Representative (ACSR) from the Insurance Institute of  
 1039 America; the designation of Certified Insurance Counselor (CIC)  
 1040 from the Society of Certified Insurance Service Counselors; the  
 1041 designation of Certified Professional Service Representative  
 1042 (CPSR) from the National Foundation for CPSR; the designation of  
 1043 Certified Insurance Service Representative (CISR) from the  
 1044 Society of Certified Insurance Service Representatives; the  
 1045 designation of Certified Insurance Representative (CIR) from  
 1046 All-Lines Training; the designation of Chartered Customer  
 1047 Service Representative (CCSR) from American Insurance College;  
 1048 the designation of Professional Customer Service Representative  
 1049 (PCSR) from the Professional Career Institute; the designation  
 1050 of Insurance Customer Service Representative (ICSR) from

1051 Statewide Insurance Associates LLC; the designation of  
1052 Registered Customer Service Representative (RCSR) from a  
1053 regionally accredited postsecondary institution in the state  
1054 whose curriculum is approved by the department and includes  
1055 comprehensive analysis of basic property and casualty lines of  
1056 insurance and testing which demonstrates mastery of the subject;  
1057 or a degree from an accredited institution of higher learning  
1058 approved by the department when the degree includes a minimum of  
1059 9 credit hours of insurance instruction, including specific  
1060 instruction in the areas of property, casualty, and inland  
1061 marine insurance. The department shall adopt rules establishing  
1062 standards for the approval of curriculum.

1063 Section 18. Section 626.878, Florida Statutes, is amended  
1064 to read:

1065 626.878 Rules; code of ethics.—

1066 (1) An adjuster shall subscribe to the code of ethics  
1067 specified in the rules of the department. The rules shall  
1068 implement the provisions of this part and specify the terms and  
1069 conditions of contracts, including a right to cancel, and  
1070 require practices necessary to ensure fair dealing, prohibit  
1071 conflicts of interest, and ensure preservation of the rights of  
1072 the claimant to participate in the adjustment of claims.

1073 (2) A person licensed as an adjuster must identify himself  
1074 or herself in any advertisement, solicitation, or written  
1075 document based on the adjuster appointment type held.

1076        (3) An adjuster who has had his or her licensed revoked or  
1077 suspended may not participate in any part of an insurance claim  
1078 or in the insurance claims adjusting process, including  
1079 estimating, completing, filing, negotiating, appraising,  
1080 mediating, umpiring, or effecting settlement of a claim for loss  
1081 or damage covered under an insurance contract. A person who  
1082 provides these services while the person's license is revoked or  
1083 suspended acts as an unlicensed adjuster.

1084        Section 19. Subsection (1) of section 626.929, Florida  
1085 Statutes, is amended, and subsection (4) is added to that  
1086 section, to read:

1087        626.929 Origination, acceptance, placement of surplus  
1088 lines business.—

1089        (1) A licensed and appointed general lines agent while  
1090 also licensed and appointed as a surplus lines agent under this  
1091 part may originate surplus lines business and may accept surplus  
1092 lines business from any other originating Florida-licensed  
1093 general lines agent appointed and licensed as to the kinds of  
1094 insurance involved and may compensate such agent therefor.

1095        (4) A general lines agent while licensed as a surplus  
1096 lines agent under this part may appoint these licenses with a  
1097 single surplus license agent appointment pursuant to s. 624.501.  
1098 Such agent may only originate surplus lines business and accept  
1099 surplus lines business from other originating Florida-licensed  
1100 general lines agents appointed and licensed as to the kinds of

1101 insurance involved and may compensate such agent therefor. Such  
 1102 agent may not be appointed by or transact general lines  
 1103 insurance on behalf of an admitted insurer.

1104 Section 20. Paragraph (j) is added to subsection (4) of  
 1105 section 627.351, Florida Statutes, to read:

1106 627.351 Insurance risk apportionment plans.—

1107 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION  
 1108 CONTRACTS AND PURCHASES.—

1109 (j)1. After July 1, 2024, all contracts entered into, and  
 1110 all purchases made by, the association pursuant to this  
 1111 subsection which are valued at or more than \$100,000 must first  
 1112 be approved by the department. The department has 10 days to  
 1113 approve or deny a contract or purchase upon electronic receipt  
 1114 of the approval request. The contract or purchase is  
 1115 automatically approved if the department is nonresponsive.

1116 2. All contracts and purchases valued at or more than  
 1117 \$100,000 require competition through a formal bid solicitation  
 1118 conducted by the association. The association must undergo a  
 1119 formal bid solicitation process by a minimum of three vendors.  
 1120 The formal bid solicitation process must include all of the  
 1121 following:

1122 a. The time and date for the receipt of bids, the  
 1123 proposals, and whether the association contemplates renewal of  
 1124 the contract, including the price for each year for which the  
 1125 contract may be renewed.

1126 b. All the contractual terms and conditions applicable to  
 1127 the procurement.

1128 3. Evaluation of bids by the association must include  
 1129 consideration of the total cost for each year of the contract,  
 1130 including renewal years, as submitted by the vendor. The  
 1131 association must award the contract to the most responsible and  
 1132 responsive vendor. Any formal bid solicitation conducted by the  
 1133 association must be made available, upon request, to the  
 1134 department by electronic delivery.

1135 Section 21. Paragraph (a) of subsection (3) of section  
 1136 627.70152, Florida Statutes, is amended to read:

1137 627.70152 Suits arising under a property insurance  
 1138 policy.—

1139 (3) NOTICE.—

1140 (a) As a condition precedent to filing a suit under a  
 1141 property insurance policy, a claimant must provide the  
 1142 department with written notice of intent to initiate litigation  
 1143 on a form provided by the department. Such notice must be given  
 1144 at least 10 business days before filing suit under the policy,  
 1145 but may not be given before the insurer has made a determination  
 1146 of coverage under s. 627.70131. Notice to the insurer must be  
 1147 provided by the department to the e-mail address designated by  
 1148 the insurer ~~under s. 624.422~~. The notice must state with  
 1149 specificity all of the following information:

1150 1. That the notice is provided pursuant to this section.

1151           2. The alleged acts or omissions of the insurer giving  
1152 rise to the suit, which may include a denial of coverage.

1153           3. If provided by an attorney or other representative,  
1154 that a copy of the notice was provided to the claimant.

1155           4. If the notice is provided following a denial of  
1156 coverage, an estimate of damages, if known.

1157           5. If the notice is provided following acts or omissions  
1158 by the insurer other than denial of coverage, both of the  
1159 following:

1160           a. The presuit settlement demand, which must itemize the  
1161 damages, attorney fees, and costs.

1162           b. The disputed amount.

1163  
1164 Documentation to support the information provided in this  
1165 paragraph may be provided along with the notice to the insurer.

1166           Section 22. Subsection (5) is added to section 631.59,  
1167 Florida Statutes, to read:

1168           631.59 Duties and powers of department and office;  
1169 association contracts and purchases.-

1170           (5) (a) After July 1, 2024, all contracts entered into, and  
1171 all purchases made by, the association pursuant to this section  
1172 which are valued at or more than \$100,000 must first be approved  
1173 by the department. The department has 10 days to approve or deny  
1174 the contract or purchase upon electronic receipt of the approval  
1175 request. The contract or purchase is automatically approved if

1176 the department is nonresponsive.

1177 (b) All contracts and purchases valued at or more than  
1178 \$100,000 require competition through a formal bid solicitation  
1179 conducted by the association. The association must undergo a  
1180 formal bid solicitation process. The formal bid solicitation  
1181 process must include all of the following:

1182 1. The time and date for the receipt of bids, the  
1183 proposals, and whether the association contemplates renewal of  
1184 the contract, including the price for each year for which the  
1185 contract may be renewed.

1186 2. All the contractual terms and conditions applicable to  
1187 the procurement.

1188 (c) Evaluation of bids by the association must include  
1189 consideration of the total cost for each year of the contract,  
1190 including renewal years, as submitted by the vendor. The  
1191 association must award the contract to the most responsible and  
1192 responsive vendor. Any formal bid solicitation conducted by the  
1193 association must be made available, upon request, to the  
1194 department via electronic delivery.

1195 (d) Paragraphs (b) and (c) do not apply to claims defense  
1196 counsel or claims vendors if contracts with all vendors which  
1197 may exceed \$100,000 are provided to the department for prior  
1198 approval in accordance with paragraph (a).

1199 Section 23. Subsection (6) is added to section 631.722,  
1200 Florida Statutes, to read:



1201           631.722 Powers and duties of department and office;  
 1202 association contracts and purchases.—

1203           (6) (a) After July 1, 2024, all contracts entered into, and  
 1204 all purchases made by, the association pursuant to this section  
 1205 which are valued at or more than \$100,000 must first be approved  
 1206 by the department. The department has 10 days to approve or deny  
 1207 the contract or purchase upon electronic receipt of the approval  
 1208 request. The contract or purchase is automatically approved if  
 1209 the department is nonresponsive.

1210           (b) All contracts and purchases valued at or more than  
 1211 \$100,000 require competition through a formal bid solicitation  
 1212 conducted by the association. The association must undergo a  
 1213 formal bid solicitation process. The formal bid solicitation  
 1214 process must include all of the following:

1215           1. The time and date for the receipt of bids, the  
 1216 proposals, and whether the association contemplates renewal of  
 1217 the contract, including the price for each year for which the  
 1218 contract may be renewed.

1219           2. All the contractual terms and conditions applicable to  
 1220 the procurement.

1221           (c) Evaluation of bids by the association must include  
 1222 consideration of the total cost for each year of the contract,  
 1223 including renewal years, as submitted by the vendor. The  
 1224 association must award the contract to the most responsible and  
 1225 responsive vendor. Any formal bid solicitation conducted by the

1226 association must be made available, upon request, to the  
1227 department via electronic delivery.

1228 Section 24. Subsection (5) is added to section 631.821,  
1229 Florida Statutes, to read:

1230 631.821 Powers and duties of the department; board  
1231 contracts and purchases.—

1232 (5)(a) After July 1, 2024, all contracts entered into, and  
1233 all purchases made by, the board pursuant to this section which  
1234 are valued at or more than \$100,000 must first be approved by  
1235 the department. The department has 10 days to approve or deny  
1236 the contract or purchase upon electronic receipt of the approval  
1237 request. The contract or purchase is automatically approved if  
1238 the department is nonresponsive.

1239 (b) All contracts and purchases valued at or more than  
1240 \$100,000 require competition through a formal bid solicitation  
1241 conducted by the board. The board must undergo a formal bid  
1242 solicitation process. The formal bid solicitation process must  
1243 include all of the following:

1244 1. The time and date for the receipt of bids, the  
1245 proposals, and whether the board contemplates renewal of the  
1246 contract, including the price for each year for which the  
1247 contract may be renewed.

1248 2. All the contractual terms and conditions applicable to  
1249 the procurement.

1250 (c) Evaluation of bids by the board must include

1251 consideration of the total cost for each year of the contract,  
 1252 including renewal years, as submitted by the vendor. The plan  
 1253 must award the contract to the most responsible and responsive  
 1254 vendor. Any formal bid solicitation conducted by the board must  
 1255 be made available, upon request, to the department via  
 1256 electronic delivery.

1257 Section 25. Section 631.921, Florida Statutes, is amended  
 1258 to read:

1259 631.921 Department powers; board contracts and purchases.—

1260 (1) The corporation shall be subject to examination by the  
 1261 department. By March 1 of each year, the board of directors  
 1262 shall cause a financial report to be filed with the department  
 1263 for the immediately preceding calendar year in a form approved  
 1264 by the department.

1265 (2) (a) After July 1, 2024, all contracts entered into, and  
 1266 all purchases made by, the board pursuant to this section which  
 1267 are valued at or more than \$100,000 must first be approved by  
 1268 the department. The department has 10 days to approve or deny  
 1269 the contract or purchase upon electronic receipt of the approval  
 1270 request. The contract or purchase is automatically approved if  
 1271 the department is nonresponsive.

1272 (b) All contracts and purchases valued at or more than  
 1273 \$100,000 require competition through a formal bid solicitation  
 1274 conducted by the board. The board must undergo a formal bid  
 1275 solicitation process. The formal bid solicitation process must

1276 include all of the following:

1277 1. The time and date for the receipt of bids, the  
 1278 proposals, and whether the board contemplates renewal of the  
 1279 contract, including the price for each year for which the  
 1280 contract may be renewed.

1281 2. All the contractual terms and conditions applicable to  
 1282 the procurement.

1283 (c) Evaluation of bids by the board must include  
 1284 consideration of the total cost for each year of the contract,  
 1285 including renewal years, as submitted by the vendor. The  
 1286 association must award the contract to the most responsible and  
 1287 responsive vendor. Any formal bid solicitation conducted by the  
 1288 association must be made available, upon request, to the  
 1289 department via electronic delivery.

1290 Section 26. Paragraph (b) of subsection (3) of section  
 1291 633.124, Florida Statutes, is amended to read:

1292 633.124 Penalty for violation of law, rule, or order to  
 1293 cease and desist or for failure to comply with corrective  
 1294 order.—

1295 (3)

1296 (b) A person who initiates a pyrotechnic display within  
 1297 any structure commits a felony of the third degree, punishable  
 1298 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1299 1. The structure has a fire protection system installed in  
 1300 compliance with s. 633.334.

1301           2. The owner of the structure has authorized in writing  
1302 the pyrotechnic display.

1303           3. If the local jurisdiction requires a permit for the use  
1304 of a pyrotechnic display in an occupied structure, such permit  
1305 has been obtained and all conditions of the permit complied with  
1306 or, if the local jurisdiction does not require a permit for the  
1307 use of a pyrotechnic display in an occupied structure, the  
1308 person initiating the display has complied with National Fire  
1309 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,  
1310 Standard for the Use of Pyrotechnics before a Proximate  
1311 Audience.

1312           Section 27. Subsection (2) of section 633.202, Florida  
1313 Statutes, is amended to read:

1314           633.202 Florida Fire Prevention Code.—

1315           (2) The State Fire Marshal shall adopt the current edition  
1316 of the National Fire Protection Association's Standard 1, Fire  
1317 Prevention Code but may not adopt a building, mechanical,  
1318 accessibility, or plumbing code. The State Fire Marshal shall  
1319 adopt the current edition of the Life Safety Code, NFPA 101,  
1320 current editions, by reference. The State Fire Marshal may  
1321 modify the selected codes and standards as needed to accommodate  
1322 the specific needs of the state. Standards or criteria in the  
1323 selected codes shall be similarly incorporated by reference. The  
1324 State Fire Marshal shall incorporate within sections of the  
1325 Florida Fire Prevention Code provisions that address uniform

1326 firesafety standards as established in s. 633.206. The State  
1327 Fire Marshal shall incorporate within sections of the Florida  
1328 Fire Prevention Code provisions addressing regional and local  
1329 concerns and variations.

1330 Section 28. Paragraph (b) of subsection (1) of section  
1331 633.206, Florida Statutes, is amended to read:

1332 633.206 Uniform firesafety standards.—The Legislature  
1333 hereby determines that to protect the public health, safety, and  
1334 welfare it is necessary to provide for firesafety standards  
1335 governing the construction and utilization of certain buildings  
1336 and structures. The Legislature further determines that certain  
1337 buildings or structures, due to their specialized use or to the  
1338 special characteristics of the person utilizing or occupying  
1339 these buildings or structures, should be subject to firesafety  
1340 standards reflecting these special needs as may be appropriate.

1341 (1) The department shall establish uniform firesafety  
1342 standards that apply to:

1343 (b) All new, existing, and proposed hospitals, nursing  
1344 homes, assisted living facilities, adult family-care homes,  
1345 correctional facilities, public schools, transient public  
1346 lodging establishments, public food service establishments,  
1347 mobile food dispensing vehicles, elevators, migrant labor camps,  
1348 mobile home parks, lodging parks, recreational vehicle parks,  
1349 recreational camps, residential and nonresidential child care  
1350 facilities, facilities for the developmentally disabled, motion

1351 picture and television special effects productions, tunnels,  
1352 energy storage systems, and self-service gasoline stations, of  
1353 which standards the State Fire Marshal is the final  
1354 administrative interpreting authority.  
1355

1356 In the event there is a dispute between the owners of the  
1357 buildings specified in paragraph (b) and a local authority  
1358 requiring a more stringent uniform firesafety standard for  
1359 sprinkler systems, the State Fire Marshal shall be the final  
1360 administrative interpreting authority and the State Fire  
1361 Marshal's interpretation regarding the uniform firesafety  
1362 standards shall be considered final agency action.

1363 Section 29. Paragraph (b) of subsection (8) of section  
1364 634.041, Florida Statutes, is amended to read:

1365 634.041 Qualifications for license.—To qualify for and  
1366 hold a license to issue service agreements in this state, a  
1367 service agreement company must be in compliance with this part,  
1368 with applicable rules of the commission, with related sections  
1369 of the Florida Insurance Code, and with its charter powers and  
1370 must comply with the following:

1371 (8)

1372 (b) A service agreement company does not have to establish  
1373 and maintain an unearned premium reserve if it secures and  
1374 maintains contractual liability insurance in accordance with the  
1375 following:

1376           1. Coverage of 100 percent of the claim exposure is  
1377 obtained from an insurer or insurers approved by the office,  
1378 which hold ~~holds~~ a certificate of authority under s. 624.401 to  
1379 do business within this state, or secured through a risk  
1380 retention groups ~~group~~, which are ~~is~~ authorized to do business  
1381 within this state under s. 627.943 or s. 627.944. Such insurers  
1382 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus  
1383 as regards policyholders of at least \$15 million.

1384           2. If the service agreement company does not meet its  
1385 contractual obligations, the contractual liability insurance  
1386 policy binds its issuer to pay or cause to be paid to the  
1387 service agreement holder all legitimate claims and cancellation  
1388 refunds for all service agreements issued by the service  
1389 agreement company while the policy was in effect. This  
1390 requirement also applies to those service agreements for which  
1391 no premium has been remitted to the insurer.

1392           3. If the issuer of the contractual liability policy is  
1393 fulfilling the service agreements covered by the contractual  
1394 liability policy and the service agreement holder cancels the  
1395 service agreement, the issuer must make a full refund of  
1396 unearned premium to the consumer, subject to the cancellation  
1397 fee provisions of s. 634.121(3). The sales representative and  
1398 agent must refund to the contractual liability policy issuer  
1399 their unearned pro rata commission.

1400           4. The policy may not be canceled, terminated, or



1401 nonrenewed by the insurer or the service agreement company  
1402 unless a 90-day written notice thereof has been given to the  
1403 office by the insurer before the date of the cancellation,  
1404 termination, or nonrenewal.

1405         5. The service agreement company must provide the office  
1406 with the claims statistics.

1407         6. A policy issued in compliance with this paragraph may  
1408 either pay 100 percent of claims as they are incurred, or pay  
1409 100 percent of claims due in the event of the failure of the  
1410 service agreement company to pay such claims when due.

1411  
1412 All funds or premiums remitted to an insurer by a motor vehicle  
1413 service agreement company under this part shall remain in the  
1414 care, custody, and control of the insurer and shall be counted  
1415 as an asset of the insurer; provided, however, this requirement  
1416 does not apply when the insurer and the motor vehicle service  
1417 agreement company are affiliated companies and members of an  
1418 insurance holding company system. If the motor vehicle service  
1419 agreement company chooses to comply with this paragraph but also  
1420 maintains a reserve to pay claims, such reserve shall only be  
1421 considered an asset of the covered motor vehicle service  
1422 agreement company and may not be simultaneously counted as an  
1423 asset of any other entity.

1424         Section 30. Subsection (5) of section 634.081, Florida  
1425 Statutes, is amended to read:

1426           634.081 Suspension or revocation of license; grounds.—  
1427           (5) The office shall suspend or revoke the license of a  
1428 company if it finds that the ratio of gross written premiums  
1429 written to net assets exceeds 10 to 1 unless the company has in  
1430 excess of \$750,000 in net assets and is utilizing contractual  
1431 liability insurance which cedes 100 percent of the service  
1432 agreement company's claims liabilities to the contractual  
1433 liability insurers ~~insurer~~ or is utilizing contractual liability  
1434 insurance which reimburses the service agreement company for 100  
1435 percent of its paid claims. However, if a service agreement  
1436 company has been licensed by the office in excess of 10 years,  
1437 is in compliance with all applicable provisions of this part,  
1438 and has net assets at all times in excess of \$3 million that  
1439 comply with the provisions of part II of chapter 625, such  
1440 company may not exceed a ratio of gross written premiums written  
1441 to net assets of 15 to 1.

1442           Section 31. Subsection (5) of section 634.3077, Florida  
1443 Statutes, is renumbered as subsection (6), subsection (3) is  
1444 amended, and a new subsection (5) is added to that section, to  
1445 read:

1446           634.3077 Financial requirements.—

1447           (3) An association may ~~shall~~ not be required to set up an  
1448 unearned premium reserve if it has purchased contractual  
1449 liability insurance which demonstrates to the satisfaction of  
1450 the office that 100 percent of its claim exposure is covered by

1451 such insurance. Such contractual liability insurance shall be  
1452 obtained from an insurer or insurers that hold ~~holds~~ a  
1453 certificate of authority to do business within the state or from  
1454 an insurer or insurers approved by the office as financially  
1455 capable of meeting the obligations incurred pursuant to the  
1456 policy. For purposes of this subsection, the contractual  
1457 liability policy shall contain the following provisions:

1458 (a) In the event that the home warranty association is  
1459 unable to fulfill its obligation under its contracts issued in  
1460 this state for any reason, including insolvency, bankruptcy, or  
1461 dissolution, the contractual liability insurer will pay losses  
1462 and unearned premiums under such plans directly to persons  
1463 making claims under such contracts.

1464 (b) The insurer issuing the policy shall assume full  
1465 responsibility for the administration of claims in the event of  
1466 the inability of the association to do so.

1467 (c) The policy may not be canceled or not renewed by  
1468 ~~either~~ the insurer or the association unless 60 days' written  
1469 notice thereof has been given to the office by the insurer  
1470 before the date of such cancellation or nonrenewal.

1471 (d) The contractual liability insurance policy shall  
1472 insure all home warranty contracts that were issued while the  
1473 policy was in effect whether or not the premium has been  
1474 remitted to the insurer.

1475 (5) An association licensed under this part is not

1476 required to establish an unearned premium reserve or maintain  
1477 contractual liability insurance and may allow its premiums to  
1478 exceed the ratio to net assets limitation of this section if the  
1479 association complies with the following:

1480 (a) The association or, if the association is a direct or  
1481 indirect wholly owned subsidiary of a parent corporation, its  
1482 parent corporation has, and maintains at all times, a minimum  
1483 net worth of at least \$100 million and provides the office with  
1484 the following:

1485 1. A copy of the association's annual audited financial  
1486 statements or the audited consolidated financial statements of  
1487 the association's parent corporation, prepared by an independent  
1488 certified public accountant in accordance with generally  
1489 accepted accounting principles, which clearly demonstrate the  
1490 net worth of the association or its parent corporation to be  
1491 \$100 million, and a quarterly written certification to the  
1492 office that the association or its parent corporation continues  
1493 to maintain the net worth required under this paragraph.

1494 2. The association's or its parent corporation's Form 10-  
1495 K, Form 10-Q, or Form 20-F as filed with the United States  
1496 Securities and Exchange Commission or such other documents  
1497 required to be filed with a recognized stock exchange, which  
1498 shall be provided on a quarterly and annual basis within 10 days  
1499 after the last date each such report must be filed with the  
1500 Securities and Exchange Commission, the National Association of

1501 Security Dealers Automated Quotation system, or other recognized  
1502 stock exchange.

1503  
1504 Failure to timely file the documents required under this  
1505 paragraph may, at the discretion of the office, subject the  
1506 association to suspension or revocation of its license under  
1507 this part.

1508 (b) If the net worth of a parent corporation is used to  
1509 satisfy the net worth provisions of paragraph (a), the following  
1510 provisions must be met:

1511 1. The parent corporation must guarantee all service  
1512 warranty obligations of the association, wherever written, on a  
1513 form approved in advance by the office. A cancellation,  
1514 termination, or modification of the guarantee does not become  
1515 effective unless the parent corporation provides the office  
1516 written notice at least 90 days before the effective date of the  
1517 cancellation, termination, or modification and the office  
1518 approves the request in writing. Before the effective date of  
1519 the cancellation, termination, or modification of the guarantee,  
1520 the association must demonstrate to the satisfaction of the  
1521 office compliance with all applicable provisions of this part,  
1522 including whether the association will meet the requirements of  
1523 this section by the purchase of contractual liability insurance,  
1524 establishing required reserves, or other method allowed under  
1525 this section. If the association or parent corporation does not

1526 demonstrate to the satisfaction of the office compliance with  
 1527 all applicable provisions of this part, the association or  
 1528 parent association shall immediately cease writing new and  
 1529 renewal business upon the effective date of the cancellation,  
 1530 termination, or modification.

1531 2. The association must maintain at all times net assets  
 1532 of at least \$750,000.

1533 Section 32. Section 634.317, Florida Statutes, is amended  
 1534 to read:

1535 634.317 License and appointment required.—No person may  
 1536 solicit, negotiate, or effectuate home warranty contracts for  
 1537 remuneration in this state unless such person is licensed and  
 1538 appointed as a sales representative. A licensed and appointed  
 1539 sales representative shall be directly responsible and  
 1540 accountable for all acts of the licensee's employees. A  
 1541 municipality, a county government, a special district, an entity  
 1542 operated by a municipality or county government, or an employee  
 1543 or agent of a municipality, county government, special district,  
 1544 or entity operated by a municipality or county government is  
 1545 exempt from the licensing and appointing requirements under this  
 1546 section.

1547 Section 33. Subsection (9) of section 648.25, Florida  
 1548 Statutes, is renumbered as subsection (10), and a new subsection  
 1549 (9) and subsection (11) are added to that section to read:

1550 648.25 Definitions.—As used in this chapter, the term:

1551           (9) "Referring bail bond agent" is the limited surety  
 1552 agent who is appointed with the surety company issuing the  
 1553 transfer bond that is to be posted in a county where the  
 1554 referring limited surety agent is not registered. The referring  
 1555 bail bond agent is the appointed agent held liable for the  
 1556 transfer bond, along with the issuing surety company.

1557           (11) "Transfer bond" means the appearance bond and power  
 1558 of attorney form posted by a limited surety agent who is  
 1559 registered in the county where the defendant is being held in  
 1560 custody, and who is appointed to represent the same surety  
 1561 company issuing the appearance bond as the referring bail bond  
 1562 agent.

1563           Section 34. Subsection (3) of section 648.26, Florida  
 1564 Statutes, is amended to read:

1565           648.26 Department of Financial Services; administration.—

1566           (3) The papers, documents, reports, or any other  
 1567 investigatory records of the department are confidential and  
 1568 exempt from s. 119.07(1) until such investigation is completed  
 1569 or ceases to be active, unless the department or office files a  
 1570 formal administrative complaint, emergency order, or consent  
 1571 order against the individual or entity. For the purpose of this  
 1572 section, an investigation is considered active while the  
 1573 investigation is being conducted by the department with a  
 1574 reasonable, good faith belief that it may lead to the filing of  
 1575 administrative, civil, or criminal proceedings. An investigation

1576 | does not cease to be active if the department is proceeding with  
 1577 | reasonable dispatch and there is good faith belief that action  
 1578 | may be initiated by the department or other administrative or  
 1579 | law enforcement agency. This subsection does not prevent the  
 1580 | department or office from disclosing the content of a complaint  
 1581 | or such information as it deems necessary to conduct the  
 1582 | investigation, to update the complainant as to the status and  
 1583 | outcome of the complaint, to review the details of the  
 1584 | investigation with the subject or the subject's representative,  
 1585 | or to share such information with any law enforcement agency or  
 1586 | other regulatory body.

1587 |       Section 35. Paragraph (a) of subsection (1) of section  
 1588 | 648.30, Florida Statutes, is amended to read:

1589 |       648.30 Licensure and appointment required; prohibited  
 1590 | acts; penalties.—

1591 |       (1)(a) A person or entity may not act in the capacity of a  
 1592 | bail bond agent or bail bond agency or perform any of the  
 1593 | functions, duties, or powers prescribed for bail bond agents or  
 1594 | bail bond agencies under this chapter unless that person or  
 1595 | entity is qualified, licensed, and appointed as provided in this  
 1596 | chapter ~~and employed by a bail bond agency.~~

1597 |       Section 36. Subsection (1) of section 648.355, Florida  
 1598 | Statutes, is amended to read:

1599 |       648.355 Limited surety agents and professional bail bond  
 1600 | agents; qualifications.—



1601 (1) The applicant shall furnish, with the application for  
1602 license, a complete set of the applicant's fingerprints in  
1603 accordance with s. 626.171(4) ~~and a recent credential-sized,~~  
1604 ~~fullface photograph of the applicant.~~ The department may not  
1605 issue a license under this section until the department has  
1606 received a report from the Department of Law Enforcement and the  
1607 Federal Bureau of Investigation relative to the existence or  
1608 nonexistence of a criminal history report based on the  
1609 applicant's fingerprints.

1610 Section 37. Subsection (3) of section 648.43, Florida  
1611 Statutes, is amended to read:

1612 648.43 Power of attorney; approval by office; filing of  
1613 copies; notification of transfer bond.—

1614 (3) Every bail bond agent who executes or countersigns a  
1615 transfer bond shall indicate in writing on the bond the name, and  
1616 address, and license number of the referring bail bond  
1617 agent.

1618 Section 38. Section 717.101, Florida Statutes, is amended  
1619 to read:

1620 717.101 Definitions.—As used in this chapter, unless the  
1621 context otherwise requires:

1622 (1) "Aggregate" means the amounts reported for owners of  
1623 unclaimed property of less than \$50 or where there is no name  
1624 for the individual or entity listed on the holder's records,  
1625 regardless of the amount to be reported.

1626 (2) "Apparent owner" means the person whose name appears  
 1627 on the records of the holder as the person entitled to property  
 1628 held, issued, or owing by the holder.

1629 (3) "Audit" means an action or proceeding to examine and  
 1630 verify a person's records, books, accounts, and other documents  
 1631 to ascertain and determine compliance with this chapter.

1632 (4) "Audit agent" means a person with whom the department  
 1633 enters into a contract with to conduct an audit or examination.  
 1634 The term includes an independent contractor of the person and  
 1635 each individual participating in the audit on behalf of the  
 1636 person or contractor.

1637 (5)~~(3)~~ "Banking organization" means any and all banks,  
 1638 trust companies, private bankers, savings banks, industrial  
 1639 banks, safe-deposit companies, savings and loan associations,  
 1640 credit unions, and investment companies in this state, organized  
 1641 under or subject to the laws of this state or of the United  
 1642 States, including entities organized under 12 U.S.C. s. 611, but  
 1643 does not include federal reserve banks. The term also includes  
 1644 any corporation, business association, or other organization  
 1645 that:

1646 (a) Is a wholly or partially owned subsidiary of any  
 1647 banking, banking corporation, or bank holding company that  
 1648 performs any or all of the functions of a banking organization;

1649 or

1650 (b) Performs functions pursuant to the terms of a contract

1651 ~~with any banking organization state or national bank,~~  
1652 ~~international banking entity or similar entity, trust company,~~  
1653 ~~savings bank, industrial savings bank, land bank, safe-deposit~~  
1654 ~~company, private bank, or any organization otherwise defined by~~  
1655 ~~law as a bank or banking organization.~~

1656 (6)-(4) "Business association" means any for-profit or  
1657 nonprofit corporation other than a public corporation; joint  
1658 stock company; investment company; unincorporated association or  
1659 association of two or more individuals for business purposes,  
1660 whether or not for profit; partnership; joint venture; limited  
1661 liability company; sole proprietorship; business trust; trust  
1662 company; land bank; safe-deposit company; safekeeping  
1663 depository; financial organization; insurance company; federally  
1664 chartered entity; utility company; or other business entity,  
1665 whether or not for profit corporation (other than a public  
1666 corporation), joint stock company, investment company, business-  
1667 trust, partnership, limited liability company, or association of  
1668 two or more individuals for business purposes, whether for  
1669 profit or not for profit.

1670 (7)-(5) "Claimant" means the person on whose behalf a claim  
1671 is filed.

1672 (8) "Claimant's representative" means an attorney who is a  
1673 member in good standing of The Florida Bar, a certified public  
1674 accountant licensed in this state, or private investigator who  
1675 is duly licensed to do business in the state, registered with

1676 the department, and authorized by the claimant to claim  
1677 unclaimed property on the claimant's behalf. The term does not  
1678 include a person acting in a representative capacity, such as a  
1679 personal representative, guardian, trustee, or attorney, whose  
1680 representation is not contingent upon the discovery or location  
1681 of unclaimed property; provided, however, that any agreement  
1682 entered into for the purpose of evading s. 717.135 is invalid  
1683 and unenforceable.

1684 (9)-(6) "Credit balance" means an account balance in the  
1685 customer's favor.

1686 (10)-(7) "Department" means the Department of Financial  
1687 Services.

1688 (11)-(8) "Domicile" means the state of incorporation for a  
1689 corporation; the state of filing for a business association,  
1690 other than a corporation, whose formation or organization  
1691 requires a filing with a state; the state of organization for a  
1692 business association, other than a corporation, whose formation  
1693 or organization does not require a filing with a state; the  
1694 state of home office for a federally chartered entity ~~incorporated~~  
1695 under the laws of a state, or, for an unincorporated business-  
1696 association, the state where the business association is  
1697 organized.

1698 (12)-(9) "Due diligence" means the use of reasonable and  
1699 prudent methods under particular circumstances to locate  
1700 apparent owners of inactive accounts using the taxpayer

1701 identification number or social security number, if known, which  
 1702 may include, but are not limited to, using a nationwide  
 1703 database, cross-indexing with other records of the holder,  
 1704 mailing to the last known address unless the last known address  
 1705 is known to be inaccurate, providing written notice as described  
 1706 in this chapter by electronic mail if an apparent owner has  
 1707 elected such delivery, or engaging a licensed agency or company  
 1708 capable of conducting such search and providing updated  
 1709 addresses.

1710 (13) "Electronic" means relating to technology having  
 1711 electrical, digital, magnetic, wireless, optical,  
 1712 electromagnetic, or similar capabilities.

1713 (14)-(10) "Financial organization" means a ~~state or federal~~  
 1714 savings association, savings and loan association, savings bank,  
 1715 industrial bank, bank, banking organization, trust company,  
 1716 international bank agency, cooperative bank, building and loan  
 1717 association, or credit union.

1718 (15)-(11) "Health care provider" means any state-licensed  
 1719 entity that provides and receives payment for health care  
 1720 services. These entities include, but are not limited to,  
 1721 hospitals, outpatient centers, physician practices, and skilled  
 1722 nursing facilities.

1723 (16)-(12) "Holder" means:

1724 (a) A person, ~~wherever organized or domiciled,~~ who is in  
 1725 possession or control or has custody of property or the rights

1726 to property belonging to another; is indebted to another on an  
 1727 obligation; or is obligated to hold for the account of, or to  
 1728 deliver or pay to, the owner, property subject to this chapter;

1729 or÷

1730 ~~(a) In possession of property belonging to another;~~

1731 (b) A trustee in case of a trust; ~~or~~

1732 ~~(c) Indebted to another on an obligation.~~

1733 (17) ~~(13)~~ "Insurance company" means an association,  
 1734 corporation, or fraternal or mutual benefit organization,  
 1735 whether for profit or not for profit, which is engaged in  
 1736 providing insurance coverage.

1737 (18) ~~(14)~~ "Intangible property" includes, by way of  
 1738 illustration and not limitation:

1739 (a) Moneys, checks, virtual currency, drafts, deposits,  
 1740 interest, dividends, and income.

1741 (b) Credit balances, customer overpayments, security  
 1742 deposits and other instruments as defined by chapter 679,  
 1743 refunds, unpaid wages, unused airline tickets, and unidentified  
 1744 remittances.

1745 (c) Stocks, and other intangible ownership interests in  
 1746 business associations.

1747 (d) Moneys deposited to redeem stocks, bonds, bearer  
 1748 bonds, original issue discount bonds, coupons, and other  
 1749 securities, or to make distributions.

1750 (e) Amounts due and payable under the terms of insurance

1751 policies.

1752 (f) Amounts distributable from a trust or custodial fund  
1753 established under a plan to provide any health, welfare,  
1754 pension, vacation, severance, retirement, death, stock purchase,  
1755 profit sharing, employee savings, supplemental unemployment  
1756 insurance, or similar benefit.

1757 (19)~~(15)~~ "Last known address" means a description of the  
1758 location of the apparent owner sufficient for the purpose of the  
1759 delivery of mail. For the purposes of identifying, reporting,  
1760 and remitting property to the department which is presumed to be  
1761 unclaimed, "last known address" includes any partial description  
1762 of the location of the apparent owner sufficient to establish  
1763 the apparent owner was a resident of this state at the time of  
1764 last contact with the apparent owner or at the time the property  
1765 became due and payable.

1766 (20)~~(16)~~ "Lawful charges" means charges against dormant  
1767 accounts that are authorized by statute for the purpose of  
1768 offsetting the costs of maintaining the dormant account.

1769 (21)~~(17)~~ "Managed care payor" means a health care plan  
1770 that has a defined system of selecting and limiting health care  
1771 providers as evidenced by a managed care contract with the  
1772 health care providers. These plans include, but are not limited  
1773 to, managed care health insurance companies and health  
1774 maintenance organizations.

1775 (22)~~(18)~~ "Owner" means a person, or the person's legal

1776 representative, entitled to receive or having a legal or  
 1777 equitable interest in or claim against property subject to this  
 1778 chapter; a depositor in the case of a deposit; a beneficiary in  
 1779 the case of a trust or a deposit in trust; or a payee in the  
 1780 case of a negotiable instrument or other intangible property a  
 1781 ~~depositor in the case of a deposit, a beneficiary in the case of~~  
 1782 ~~a trust or a deposit in trust, or a payee in the case of other~~  
 1783 ~~intangible property, or a person having a legal or equitable~~  
 1784 ~~interest in property subject to this chapter or his or her legal~~  
 1785 ~~representative.~~

1786 (23) "Person" means an individual; estate; business  
 1787 association; corporation; firm; association; joint adventure;  
 1788 partnership; government or governmental subdivision, agency, or  
 1789 instrumentality; or any other legal or commercial entity.

1790 (24)~~(19)~~ "Public corporation" means a corporation created  
 1791 by the state, founded and owned in the public interest,  
 1792 supported by public funds, and governed by those deriving their  
 1793 power from the state.

1794 (25) "Record" means information that is inscribed on a  
 1795 tangible medium or that is stored in an electronic or other  
 1796 medium and is retrievable in perceivable form.

1797 (26)~~(20)~~ "Reportable period" means the calendar year  
 1798 ending December 31 of each year.

1799 (27)~~(21)~~ "State," when applied to a part of the United  
 1800 States, includes any state, district, commonwealth, territory,



1801 insular possession, and any other area subject to the  
 1802 legislative authority of the United States.

1803 ~~(28)-(22)~~ "Trust instrument" means a trust instrument as  
 1804 defined in s. 736.0103.

1805 ~~(23) "Ultimate equitable owner" means a natural person~~  
 1806 ~~who, directly or indirectly, owns or controls an ownership~~  
 1807 ~~interest in a corporation, a foreign corporation, an alien~~  
 1808 ~~business organization, or any other form of business~~  
 1809 ~~organization, regardless of whether such natural person owns or~~  
 1810 ~~controls such ownership interest through one or more natural~~  
 1811 ~~persons or one or more proxies, powers of attorney, nominees,~~  
 1812 ~~corporations, associations, partnerships, trusts, joint stock~~  
 1813 ~~companies, or other entities or devices, or any combination~~  
 1814 ~~thereof.~~

1815 (29) "Unclaimed Property Purchase Agreement" means the  
 1816 form adopted by the department pursuant to s. 717.135 which must  
 1817 be used, without modification or amendment, by a claimant's  
 1818 representative to purchase unclaimed property from an owner.

1819 (30) "Unclaimed Property Recovery Agreement" means the  
 1820 form adopted by the department pursuant to s. 717.135 which must  
 1821 be used, without modification or amendment, by a claimant's  
 1822 representative to obtain an owner's consent and authority to  
 1823 recover unclaimed property on the owner's behalf.

1824 ~~(31)-(24)~~ "United States" means any state, district,  
 1825 commonwealth, territory, insular possession, and any other area

1826 subject to the legislative authority of the United States of  
 1827 America.

1828 ~~(32)-(25)~~ "Utility" means a person who owns or operates,  
 1829 for public use, any plant, equipment, property, franchise, or  
 1830 license for the transmission of communications or the  
 1831 production, storage, transmission, sale, delivery, or furnishing  
 1832 of electricity, water, steam, or gas.

1833 (33) (a) "Virtual currency" means digital units of exchange  
 1834 that:

- 1835 1. Have a centralized repository or administrator;
- 1836 2. Are decentralized and have no centralized repository or  
 1837 administrator; or
- 1838 3. May be created or obtained by computing or  
 1839 manufacturing effort.

1840 (b) The term does not include any of the following:

- 1841 1. Digital units that:
  - 1842 a. Are used solely within online gaming platforms;
  - 1843 b. Have no market or application outside of the online  
 1844 gaming platforms in sub-subparagraph a.;
  - 1845 c. Cannot be converted into, or redeemed for, fiat  
 1846 currency or virtual currency; and
  - 1847 d. Can or cannot be redeemed for real-world goods,  
 1848 services, discounts, or purchases.

- 1849 2. Digital units that can be redeemed for:
  - 1850 a. Real-world goods, services, discounts, or purchases as

1851 part of a customer affinity or rewards program with the issuer  
 1852 or other designated merchants; or

1853 b. Digital units in another customer affinity or rewards  
 1854 program, but cannot be converted into, or redeemed for, fiat  
 1855 currency or virtual currency.

1856 3. Digital units used as part of prepaid cards.

1857 Section 39. Subsections (3) and (4) are added to section  
 1858 717.102, Florida Statutes, to read:

1859 717.102 Property presumed unclaimed; general rule.—

1860 (3) A presumption that property is unclaimed is rebutted  
 1861 by an apparent owner's expression of interest in the property.

1862 An owner's expression of interest in property includes:

1863 (a) A record communicated by the apparent owner to the  
 1864 holder or agent of the holder concerning the property or the  
 1865 account in which the property is held;

1866 (b) An oral communication by the apparent owner to the  
 1867 holder or agent of the holder concerning the property or the  
 1868 account in which the property is held, if the holder or its  
 1869 agent contemporaneously makes and preserves a record of the fact  
 1870 of the apparent owner's communication;

1871 (c) Presentment of a check or other instrument of payment  
 1872 of a dividend, interest payment, or other distribution, with  
 1873 respect to an account, underlying security, or interest in a  
 1874 business association;

1875 (d) Activity directed by an apparent owner in the account

1876 in which the property is held, including accessing the account  
 1877 or information concerning the account, or a direction by the  
 1878 apparent owner to increase, decrease, or otherwise change the  
 1879 amount or type of property held in the account;

1880 (e) A deposit into or withdrawal from an account at a  
 1881 financial organization, excluding an automatic deposit or  
 1882 withdrawal previously authorized by the apparent owner or an  
 1883 automatic reinvestment of dividends or interest, which does not  
 1884 constitute an expression of interest; or

1885 (f) Any other action by the apparent owner which  
 1886 reasonably demonstrates to the holder that the apparent owner  
 1887 knows that the property exists.

1888 (4) A deceased owner is incapable of expressing an  
 1889 interest in property.

1890 Section 40. Subsection (5) of section 717.106, Florida  
 1891 Statutes, is amended to read:

1892 717.106 Bank deposits and funds in financial  
 1893 organizations.—

1894 (5) If the documents establishing a deposit described in  
 1895 subsection (1) state the address of a beneficiary of the  
 1896 deposit, and the account has a value of at least \$50, notice  
 1897 shall be given to the beneficiary as provided for notice to the  
 1898 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This  
 1899 subsection shall apply to accounts opened on or after October 1,  
 1900 1990.

1901 Section 41. Section 717.1065, Florida Statutes, is created  
 1902 to read:

1903 717.1065 Virtual currency.-

1904 (1) Any virtual currency held or owing by a banking  
 1905 organization, corporation, custodian, exchange, or other entity  
 1906 engaged in virtual currency business activity is presumed  
 1907 unclaimed unless the owner, within 5 years, has communicated in  
 1908 writing with the banking organization, corporation, custodian,  
 1909 exchange, or other entity engaged in virtual currency business  
 1910 activity concerning the virtual currency or otherwise indicated  
 1911 an interest as evidenced by a memorandum or other record on file  
 1912 with the banking organization, corporation, custodian, exchange,  
 1913 or other entity engaged in virtual currency business activity.

1914 (2) A holder may not deduct from the amount of any virtual  
 1915 currency subject to this section any charges imposed by reason  
 1916 of the virtual currency unless there is a valid and enforceable  
 1917 written contract between the holder and the owner of the virtual  
 1918 currency pursuant to which the holder may impose those charges  
 1919 and does not regularly reverse or otherwise cancel those charges  
 1920 with respect to the virtual currency.

1921 Section 42. Paragraph (a) of subsection (1) of section  
 1922 717.1101, Florida Statutes, is amended to read:

1923 717.1101 Unclaimed equity and debt of business  
 1924 associations.-

1925 (1) (a) Stock or other equity interest in a business

1926 association is presumed unclaimed on the date of ~~3 years after~~  
 1927 the earliest of the following:

1928 1. Three years after ~~The date of~~ the most recent of any  
 1929 owner-generated activity or communication related to the  
 1930 account, as recorded and maintained in the holder's database and  
 1931 records systems sufficient enough to demonstrate the owners  
 1932 continued awareness or interest in the property dividend, stock  
 1933 split, or other distribution unclaimed by the apparent owner;

1934 2. Three years after the date of the death of the owner,  
 1935 as evidenced by: ~~The date of a statement of account or other~~  
 1936 ~~notification or communication that was returned as~~  
 1937 ~~undeliverable; or~~

1938 a. Notice to the holder of the owner's death by an  
 1939 administrator, beneficiary, relative, or trustee, or by a  
 1940 personal representative or other legal representative of the  
 1941 owner's estate;

1942 b. Receipt by the holder of a copy of the death  
 1943 certificate of the owner;

1944 c. Confirmation by the holder of the owner's death though  
 1945 other means; or

1946 d. Other evidence from which the holder may reasonably  
 1947 conclude that the owner is deceased; or

1948 3. One year after the date on which the holder receives  
 1949 notice under subparagraph 2. if the notice is received 2 years  
 1950 or less after the owner's death and the holder lacked knowledge

1951 of the owner's death during that period of 2 years or less ~~The~~  
 1952 ~~date the holder discontinued mailings, notifications, or~~  
 1953 ~~communications to the apparent owner.~~

1954 Section 43. Subsection (1) of section 717.112, Florida  
 1955 Statutes, is amended to read:

1956 717.112 Property held by agents and fiduciaries.—

1957 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All  
 1958 intangible property and any income or increment thereon held in  
 1959 a fiduciary capacity for the benefit of another person,  
 1960 including property held by an attorney in fact or an agent,  
 1961 except as provided in ss. 717.1125 and 733.816, is presumed  
 1962 unclaimed unless the owner has within 5 years after it has  
 1963 become payable or distributable increased or decreased the  
 1964 principal, accepted payment of principal or income, communicated  
 1965 in writing concerning the property, or otherwise indicated an  
 1966 interest as evidenced by a memorandum or other record on file  
 1967 with the fiduciary.

1968 Section 44. Effective January 1, 2025, section 717.117,  
 1969 Florida Statutes, is amended to read:

1970 717.117 Report of unclaimed property.—

1971 (1) Every person holding funds or other property, tangible  
 1972 or intangible, presumed unclaimed and subject to custody as  
 1973 unclaimed property under this chapter shall report to the  
 1974 department ~~on such forms as the department may prescribe by~~  
 1975 ~~rule. In lieu of forms, a report identifying 25 or more~~

1976 ~~different apparent owners must be submitted by the holder via~~  
 1977 electronic medium as the department may prescribe by rule. The  
 1978 report must include:

1979 (a) Except for traveler's checks and money orders, the  
 1980 name, social security number or taxpayer identification number,  
 1981 ~~and~~ date of birth, if known, and last known address, if any, of  
 1982 each person appearing from the records of the holder to be the  
 1983 owner of any property which is presumed unclaimed and which has  
 1984 a value of \$10 ~~\$50~~ or more.

1985 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~  
 1986 or more held or owing under any life or endowment insurance  
 1987 policy or annuity contract, the identifying information provided  
 1988 in paragraph (a) for both ~~full name, taxpayer identification~~  
 1989 ~~number or social security number, date of birth, if known, and~~  
 1990 ~~last known address of~~ the insured or annuitant and ~~of~~ the  
 1991 beneficiary according to records of the insurance company  
 1992 holding or owing the funds.

1993 (c) For all tangible property held in a safe-deposit box  
 1994 or other safekeeping repository, a description of the property  
 1995 and the place where the property is held and may be inspected by  
 1996 the department, and any amounts owing to the holder. Contents of  
 1997 a safe-deposit box or other safekeeping repository which consist  
 1998 of documents or writings of a private nature and which have  
 1999 little or no apparent value shall not be presumed unclaimed.

2000 (d) The nature or type of property, any accounting or ~~and~~



2001 identifying number associated with the property, ~~a if any, or~~  
 2002 description of the property, and the amount appearing from the  
 2003 records to be due. Items of value under \$10 ~~\$50~~ each may be  
 2004 reported in the aggregate.

2005 (e) The date the property became payable, demandable, or  
 2006 returnable, and the date of the last transaction with the  
 2007 apparent owner with respect to the property.

2008 (f) Any other information the department may prescribe by  
 2009 rule as necessary for the administration of this chapter.

2010 (2) If the total value of all presumed unclaimed property,  
 2011 whether tangible or intangible, held by a person is less than  
 2012 \$10, a zero balance report may be filed for that reporting  
 2013 period.

2014 ~~(f) Any person or business association or public~~  
 2015 ~~corporation holding funds presumed unclaimed and having a total~~  
 2016 ~~value of \$10 or less may file a zero balance report for that~~  
 2017 ~~reporting period. The balance brought forward to the new~~  
 2018 ~~reporting period is zero.~~

2019 ~~(g) Such other information as the department may prescribe~~  
 2020 ~~by rule as necessary for the administration of this chapter.~~

2021 (3)-(h) Credit balances, customer overpayments, security  
 2022 deposits, and refunds having a value of less than \$10 shall not  
 2023 be presumed unclaimed.

2024 (4)-(2) If the holder of property presumed unclaimed and  
 2025 subject to custody as unclaimed property is a successor holder

2026 or if the holder has changed the holder's name while in  
2027 possession of the property, the holder shall file with the  
2028 holder's report all known names and addresses of each prior  
2029 holder of the property. Compliance with this subsection means  
2030 the holder exercises reasonable and prudent efforts to determine  
2031 the names of all prior holders.

2032 (5)~~(3)~~ The report must be filed before May 1 of each year.  
2033 The report shall apply to the preceding calendar year. On  
2034 written request by any person required to file a report, and  
2035 upon a showing of good cause, the department may extend the  
2036 reporting date. The department may impose and collect a penalty  
2037 of \$10 per day up to a maximum of \$500 for the failure to timely  
2038 report, if an extension was not provided or if the holder of the  
2039 property failed ~~the failure~~ to include in a report information  
2040 required by this chapter which was in the holder's possession at  
2041 the time of reporting. The penalty shall be remitted to the  
2042 department within 30 days after the date of the notification to  
2043 the holder that the penalty is due and owing. As necessary for  
2044 proper administration of this chapter, the department may waive  
2045 any penalty due with appropriate justification. ~~On written~~  
2046 ~~request by any person required to file a report and upon a~~  
2047 ~~showing of good cause, the department may postpone the reporting~~  
2048 ~~date.~~ The department must provide information contained in a  
2049 report filed with the department to any person requesting a copy  
2050 of the report or information contained in a report, to the

2051 extent the information requested is not confidential, within 45  
2052 days after the department determines that the report ~~has been~~  
2053 ~~processed and added to the unclaimed property database~~  
2054 ~~subsequent to a determination that the report~~ is accurate and  
2055 acceptable and that the reported property is the same as the  
2056 remitted property.

2057 ~~(6)(4)~~ Holders of inactive accounts having a value of \$50  
2058 or more shall use due diligence to locate and notify apparent  
2059 owners that the entity is holding unclaimed property available  
2060 for them to recover. Not more than 120 days and not less than 60  
2061 days prior to filing the report required by this section, the  
2062 holder in possession of property presumed unclaimed and subject  
2063 to custody as unclaimed property under this chapter shall send  
2064 written notice by first-class United States mail to the apparent  
2065 owner at the apparent owner's last known address from the  
2066 holder's records or from other available sources, or via  
2067 electronic mail if the apparent owner has elected this method of  
2068 delivery, informing the apparent owner that the holder is in  
2069 possession of property subject to this chapter, if the holder  
2070 has in its records a mailing or electronic ~~an~~ address for the  
2071 apparent owner which the holder's records do not disclose to be  
2072 inaccurate. These two means of contact are not mutually  
2073 exclusive; if the mailing address is determined to be  
2074 inaccurate, electronic mail may be used if so elected by the  
2075 apparent owner.

2076        (7) The written notice to the apparent owner required  
 2077 under this section must:

2078        (a) Contain a heading that reads substantially as follows:  
 2079 "Notice. The State of Florida requires us to notify you that  
 2080 your property may be transferred to the custody of the Florida  
 2081 Department of Financial Services if you do not contact us before  
 2082 (insert date that is 30 days after the date of notice)."

2083        (b) Identify the type, nature, and, except for property  
 2084 that does not have a fixed value, value of the property that is  
 2085 the subject of the notice.

2086        (c) State that the property will be turned over to the  
 2087 custody of the department if no response is received within 30  
 2088 days after the date of the notice.

2089        (d) State that any property that is not legal tender of  
 2090 the United States may be sold or liquidated by the department.

2091        (e) State that after the property is turned over to the  
 2092 department, an apparent owner seeking return of the property may  
 2093 file a claim with the department.

2094        (f) State that the property is currently with a holder and  
 2095 provide instructions that the apparent owner must follow to  
 2096 prevent the holder from reporting and paying for the property or  
 2097 from delivering the property to the department.

2098        (8)~~(5)~~ Any holder of intangible property may file with the  
 2099 department a petition for determination that the property is  
 2100 unclaimed requesting the department to accept custody of the

2101 property. The petition shall state any special circumstances  
 2102 that exist, contain the information required by subsection (4)  
 2103 ~~(2)~~, and show that a diligent search has been made to locate the  
 2104 owner. If the department finds that the proof of diligent search  
 2105 is satisfactory, it shall give notice as provided in s. 717.118  
 2106 and accept custody of the property.

2107 (9)~~(6)~~ Upon written request by any entity or person  
 2108 required to file a report, stating such entity's or person's  
 2109 justification for such action, the department may place that  
 2110 entity or person in an inactive status as an unclaimed property  
 2111 "holder."

2112 (10)~~(7)~~(a) This section does not apply to the unclaimed  
 2113 patronage refunds as provided for by contract or through bylaw  
 2114 provisions of entities organized under chapter 425 or that are  
 2115 exempt from ad valorem taxation pursuant to s. 196.2002.

2116 (b) This section does not apply to intangible property  
 2117 held, issued, or owing by a business association subject to the  
 2118 jurisdiction of the United States Surface Transportation Board  
 2119 or its successor federal agency if the apparent owner of such  
 2120 intangible property is a business association. The holder of  
 2121 such property does not have any obligation to report, to pay, or  
 2122 to deliver such property to the department.

2123 (c) This section does not apply to credit balances,  
 2124 overpayments, refunds, or outstanding checks owed by a health  
 2125 care provider to a managed care payor with whom the health care

2126 provider has a managed care contract, provided that the credit  
 2127 balances, overpayments, refunds, or outstanding checks become  
 2128 due and owing pursuant to the managed care contract.

2129 (11)~~(8)~~(a) As used in this subsection, the term "property  
 2130 identifier" means the descriptor used by the holder to identify  
 2131 the unclaimed property.

2132 (b) Social security numbers and property identifiers  
 2133 contained in reports required under this section, held by the  
 2134 department, are confidential and exempt from s. 119.07(1) and s.  
 2135 24(a), Art. I of the State Constitution.

2136 (c) This exemption applies to social security numbers and  
 2137 property identifiers held by the department before, on, or after  
 2138 the effective date of this exemption.

2139 Section 45. Subsections (4), (5), and (6) of section  
 2140 717.119, Florida Statutes, are renumbered as subsections (5),  
 2141 (6), and (7), respectively, and a new subsection (4) and  
 2142 subsection (8) are added to that section, to read:

2143 717.119 Payment or delivery of unclaimed property.—

2144 (4) All virtual currency reported under this chapter on  
 2145 the annual report filing required in s. 717.117 shall be  
 2146 remitted to the department with the report. The holder shall  
 2147 liquidate the virtual currency and remit the proceeds to the  
 2148 department. The liquidation must occur within 30 before the  
 2149 filing of the report. Upon delivery of the virtual currency  
 2150 proceeds to the department, the holder is relieved of all

2151 liability of every kind in accordance with the provisions of s.  
2152 717.1201 to every person for any losses or damages resulting to  
2153 the person by the delivery to the department of the virtual  
2154 currency proceeds.

2155 (8) A holder may not assign or otherwise transfer its  
2156 obligation to report, pay, or deliver property or to comply with  
2157 the provisions of this chapter, other than to a parent,  
2158 subsidiary, or affiliate of the holder.

2159 (a) Unless otherwise agreed to by the parties to a  
2160 transaction, the holder's successor by merger or consolidation,  
2161 or any person or entity that acquires all or substantially all  
2162 of the holder's capital stock or assets, is responsible for  
2163 fulfilling the holder's obligation to report, pay, or deliver  
2164 property or to comply with the duties of this chapter regarding  
2165 the transfer to it of property owed to and being held for an  
2166 owner resulting from the merger, consolidation, or acquisition.

2167 (b) This subsection does not prohibit a holder from  
2168 contracting with a third party for the reporting of unclaimed  
2169 property, but the holder remains responsible to the department  
2170 for the complete, accurate, and timely reporting of the  
2171 property.

2172 Section 46. Section 717.1201, Florida Statutes, is amended  
2173 to read:

2174 717.1201 Custody by state; holder ~~relieved from~~ liability;  
2175 reimbursement of holder paying claim; reclaiming for owner;

2176 ~~defense of holder;~~ payment of safe-deposit box or repository  
 2177 charges.—

2178 (1) Upon the good faith payment or delivery of property to  
 2179 the department, the state assumes custody and responsibility for  
 2180 the safekeeping of property. Any person who pays or delivers  
 2181 property to the department in good faith is relieved of all  
 2182 liability to the extent of the value of the property paid or  
 2183 delivered for any claim then existing or which thereafter may  
 2184 arise or be made in respect to the property.

2185 (a) A holder's substantial compliance with s. 717.117(4)  
 2186 and good faith payment or delivery of property to the department  
 2187 terminates any legal relationship between the holder and the  
 2188 owner with respect to the property reported and releases and  
 2189 discharges the holder from any and all liability to the owner,  
 2190 the owner's heirs, personal representatives, successors, or  
 2191 assigns by reason of such payment or delivery, regardless of  
 2192 whether such property is in fact and in law unclaimed property,  
 2193 and such delivery and payment may be plead as a bar to recovery  
 2194 and are a conclusive defense in any suit or action brought by  
 2195 the owner, the owner's heirs, personal representatives,  
 2196 successors, and assigns or any claimant against the holder by  
 2197 reason of such delivery or payment.

2198 (b) If the holder pays or delivers property to the  
 2199 department in good faith and thereafter any other person claims  
 2200 the property from the holder paying or delivering, or another



2201 state claims the money or property under that state's laws  
 2202 relating to escheat or abandoned or unclaimed property, the  
 2203 department, upon written notice of the claim, shall defend the  
 2204 holder against the claim and indemnify the holder against any  
 2205 liability on the claim, except that a holder may not be  
 2206 indemnified against penalties imposed by another state.

2207 (2) For the purposes of this section, a payment or  
 2208 delivery of property is made in good faith if:

2209 (a) The payment or delivery was made in conjunction with  
 2210 an accurate and acceptable report.

2211 (b) The payment or delivery was made in a reasonable  
 2212 attempt to comply with this chapter.

2213 (c) The holder had a reasonable basis for believing, based  
 2214 on the facts then known, that the property was unclaimed and  
 2215 subject to this chapter.

2216 (d) There is no showing that the records pursuant to which  
 2217 the delivery was made did not meet reasonable commercial  
 2218 standards of practice in the industry.

2219 (3)~~(2)~~ Any holder who has paid money to the department  
 2220 pursuant to this chapter may make payment to any person  
 2221 appearing to be entitled to payment and, upon filing proof that  
 2222 the payee is entitled thereto, the department shall forthwith  
 2223 repay the holder without deduction of any fee or other charges.  
 2224 If repayment is sought for a payment made on a negotiable  
 2225 instrument, including a traveler's check or money order, the

2226 holder must be repaid under this subsection upon filing proof  
 2227 that the instrument was duly presented and that the payee is  
 2228 entitled to payment. The holder shall be repaid for payment made  
 2229 under this subsection even if the payment was made to a person  
 2230 whose claim was barred under s. 717.129(1).

2231 (4)~~(3)~~ Any holder who has delivered property, including a  
 2232 certificate of any interest in a business association, other  
 2233 than money to the department pursuant to this chapter may  
 2234 reclaim the property if still in the possession of the  
 2235 department, without payment of any fee or other charges, upon  
 2236 filing proof that the owner has claimed the property from the  
 2237 holder.

2238 (5)~~(4)~~ The department may accept an affidavit of the  
 2239 holder stating the facts that entitle the holder to recover  
 2240 money and property under this section as sufficient proof.

2241 ~~(5) If the holder pays or delivers property to the~~  
 2242 ~~department in good faith and thereafter any other person claims~~  
 2243 ~~the property from the holder paying or delivering, or another~~  
 2244 ~~state claims the money or property under that state's laws~~  
 2245 ~~relating to escheat or abandoned or unclaimed property, the~~  
 2246 ~~department, upon written notice of the claim, shall defend the~~  
 2247 ~~holder against the claim and indemnify the holder against any~~  
 2248 ~~liability on the claim.~~

2249 ~~(6) For the purposes of this section, "good faith" means~~  
 2250 ~~that:~~

2251 ~~(a) Payment or delivery was made in a reasonable attempt~~  
 2252 ~~to comply with this chapter.~~

2253 ~~(b) The person delivering the property was not a fiduciary~~  
 2254 ~~then in breach of trust in respect to the property and had a~~  
 2255 ~~reasonable basis for believing, based on the facts then known to~~  
 2256 ~~that person, that the property was unclaimed for the purposes of~~  
 2257 ~~this chapter.~~

2258 ~~(c) There is no showing that the records pursuant to which~~  
 2259 ~~the delivery was made did not meet reasonable commercial~~  
 2260 ~~standards of practice in the industry.~~

2261 (6) ~~(7)~~ Property removed from a safe-deposit box or other  
 2262 safekeeping repository is received by the department subject to  
 2263 the holder's right under this subsection to be reimbursed for  
 2264 the actual cost of the opening and to any valid lien or contract  
 2265 providing for the holder to be reimbursed for unpaid rent or  
 2266 storage charges. The department shall make the reimbursement to  
 2267 the holder out of the proceeds remaining after the deduction of  
 2268 the department's selling cost.

2269 (7) If it appears to the satisfaction of the department  
 2270 that, because of some mistake of fact, error in calculation, or  
 2271 erroneous interpretation of a statute, a person has paid or  
 2272 delivered to the department pursuant to any provision of this  
 2273 chapter any money or other property not required by this chapter  
 2274 to be so paid or delivered, the department may, within 5 years  
 2275 after such erroneous payment or delivery, refund or redeliver

2276 such money or other property to the person, provided that such  
 2277 money or property has not been paid or delivered to a claimant  
 2278 or otherwise disposed of in accordance with this chapter.

2279 Section 47. Section 717.1242, Florida Statutes, is amended  
 2280 to read:

2281 717.1242 Restatement of jurisdiction of the circuit court  
 2282 sitting in probate and the department.—

2283 (1) It is and has been the intent of the Legislature that,  
 2284 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of  
 2285 proceedings relating to the settlement of the estates of  
 2286 decedents and other jurisdiction usually pertaining to courts of  
 2287 probate. It is and has been the intent of the Legislature that,  
 2288 pursuant to this chapter ~~s. 717.124~~, the department determines  
 2289 the merits of claims and entitlements to ~~for~~ property paid or  
 2290 delivered to the department under this chapter. Consistent with  
 2291 this legislative intent, any ~~estate or~~ beneficiary, devisee,  
 2292 heir, personal representative, or other interested person, as  
 2293 those terms are defined in s. 731.201, of an estate seeking to  
 2294 obtain property paid or delivered to the department under this  
 2295 chapter must file a claim with the department as provided in s.  
 2296 717.124.

2297 (2) If a beneficiary, devisee, heir, personal  
 2298 representative, or other interested person, as those terms are  
 2299 defined in s. 731.201, of an estate seeks administration of the  
 2300 estate, of which unclaimed property makes up 50 percent or more

2301 of the assets, the department shall be considered an interested  
 2302 party and provided with notice of any such proceeding as  
 2303 provided in the Florida Probate Code and the Florida Probate  
 2304 Rules.

2305 (3)~~(2)~~ If any estate or heir of an estate seeks or obtains  
 2306 an order from a circuit court sitting in probate directing the  
 2307 department to pay or deliver to any person property paid or  
 2308 delivered to the department under this chapter, the estate or  
 2309 heir shall be ordered to pay the department reasonable costs and  
 2310 attorney ~~attorney's~~ fees in any proceeding brought by the  
 2311 department to oppose, appeal, or collaterally attack the order  
 2312 if the department is the prevailing party in any such  
 2313 proceeding.

2314 Section 48. Subsection (4) of section 717.1243, Florida  
 2315 Statutes, is amended to read:

2316 717.1243 Small estate accounts.—

2317 (4) This section ~~only~~ applies only if all of the unclaimed  
 2318 property held by the department on behalf of the owner has an  
 2319 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate  
 2320 proceeding is pending.

2321 Section 49. Subsection (2) of section 717.129, Florida  
 2322 Statutes, is amended to read:

2323 717.129 Periods of limitation.—

2324 (2) The department may not commence an ~~No~~ action or  
 2325 proceeding to enforce this chapter with respect to the

2326 reporting, payment, or delivery of property or any other duty of  
 2327 a holder under this chapter ~~may be commenced by the department~~  
 2328 ~~with respect to any duty of a holder under this chapter~~ more  
 2329 than 10 years after the duty arose. The period of limitation  
 2330 established under this subsection is tolled by the earlier of  
 2331 the department's or audit agent's delivery of a notice that a  
 2332 holder is subject to an audit or examination under s. 717.1301  
 2333 or the holder's written election to enter into an unclaimed  
 2334 property voluntary disclosure agreement.

2335 Section 50. Section 717.1301, Florida Statutes, is amended  
 2336 to read:

2337 717.1301 Investigations; examinations; subpoenas.—

2338 (1) To carry out the chapter's purpose of protecting the  
 2339 interest of missing owners through the safeguarding of their  
 2340 property and to administer and enforce this chapter, the  
 2341 department may:

2342 (a) Investigate, examine, inspect, request, or otherwise  
 2343 gather information or evidence on, claim documents from a  
 2344 claimant or a claimant's representative during its review of a  
 2345 claim.

2346 (b) Audit the records of a person or the records in the  
 2347 possession of an agent, representative, subsidiary, or affiliate  
 2348 of the person subject to this chapter to determine whether the  
 2349 person complied with this chapter. Such records may include  
 2350 information to verify the completeness or accuracy of the

2351 records provided, even if such records may not identify property  
2352 reportable to the department.

2353 (c) Take testimony of a person, including the person's  
2354 employee, agent, representative, subsidiary, or affiliate, to  
2355 determine whether the person complied with this chapter.

2356 (d) Issue an administrative subpoena to require that the  
2357 records specified in paragraph (b) be made available for  
2358 examination or audit and that the testimony specified in  
2359 paragraph (c) be provided.

2360 (e) Bring an action in a court of competent jurisdiction  
2361 seeking enforcement of an administrative subpoena issued under  
2362 this section, which the court shall consider under procedures  
2363 that will lead to an expeditious resolution of the action.

2364 (f) Bring an administrative action or an action in a court  
2365 of competent jurisdiction to enforce this chapter.

2366 (2) If a person is subject to reporting property under  
2367 this chapter, the department may require the person to file a  
2368 verified report in a form prescribed by the department. The  
2369 verified report must:

2370 (a) State whether the person is holding property  
2371 reportable under this chapter;

2372 (b) Describe the property not previously reported, the  
2373 property about which the department has inquired, or the  
2374 property that is in dispute as to whether it is reportable under  
2375 this chapter; and

2376        (c) State the amount or value of the property.

2377        (3) The department may authorize a compliance review of a  
 2378 report for a specified reporting year. The review must be  
 2379 limited to the contents of the report filed, as required by s.  
 2380 717.117 and subsection (2), and all supporting documents related  
 2381 to the reports. If the review results in a finding of a  
 2382 deficiency in unclaimed property due and payable to the  
 2383 department, the department shall notify the holder in writing of  
 2384 the amount of deficiency within 1 year after the authorization  
 2385 of the compliance review. If the holder fails to pay the  
 2386 deficiency within 90 days, the department may seek to enforce  
 2387 the assessment under subsection (1). The department is not  
 2388 required to conduct a review under this section before  
 2389 initiating an audit.

2390        (4) Notwithstanding any other provision of law, in a  
 2391 contract providing for the location or collection of unclaimed  
 2392 property, the department may authorize the contractor to deduct  
 2393 its fees and expenses for services provided under the contract  
 2394 from the unclaimed property that the contractor has recovered or  
 2395 collected under the contract. The department shall annually  
 2396 report to the Chief Financial Officer the total amount collected  
 2397 or recovered by each contractor during the previous fiscal year  
 2398 and the total fees and expenses deducted by each contractor.

2399        ~~(1) The department may make investigations and~~  
 2400 ~~examinations within or outside this state of claims, reports,~~



2401 ~~and other records as it deems necessary to administer and~~  
 2402 ~~enforce the provisions of this chapter. In such investigations~~  
 2403 ~~and examinations the department may administer oaths, examine~~  
 2404 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~  
 2405 ~~department may request any person who has not filed a report~~  
 2406 ~~under s. 717.117 to file a verified report stating whether or~~  
 2407 ~~not the person is holding any unclaimed property reportable or~~  
 2408 ~~deliverable under this chapter.~~

2409 ~~(2) Subpoenas for witnesses whose evidence is deemed~~  
 2410 ~~material to any investigation or examination under this section~~  
 2411 ~~may be issued by the department under seal of the department, or~~  
 2412 ~~by any court of competent jurisdiction, commanding such~~  
 2413 ~~witnesses to appear before the department at a time and place~~  
 2414 ~~named and to bring such books, records, and documents as may be~~  
 2415 ~~specified or to submit such books, records, and documents to~~  
 2416 ~~inspection. Such subpoenas may be served by an authorized~~  
 2417 ~~representative of the department.~~

2418 ~~(3) If any person shall refuse to testify, produce books,~~  
 2419 ~~records, and documents, or otherwise refuse to obey a subpoena~~  
 2420 ~~issued under this section, the department may present its~~  
 2421 ~~petition to a court of competent jurisdiction in or for the~~  
 2422 ~~county in which such person resides or has its principal place~~  
 2423 ~~of business, whereupon the court shall issue its rule nisi~~  
 2424 ~~requiring such person to obey forthwith the subpoena issued by~~  
 2425 ~~the department or show cause for failing to obey said subpoena.~~

2426 ~~Unless said person shows sufficient cause for failing to obey~~  
2427 ~~the subpoena, the court shall forthwith direct such person to~~  
2428 ~~obey the same subject to such punishment as the court may direct~~  
2429 ~~including, but not limited to, the restraint, by injunction or~~  
2430 ~~by appointment of a receiver, of any transfer, pledge,~~  
2431 ~~assignment, or other disposition of such person's assets or any~~  
2432 ~~concealment, alteration, destruction, or other disposition of~~  
2433 ~~subpoenaed books, records, or documents as the court deems~~  
2434 ~~appropriate, until such person has fully complied with such~~  
2435 ~~subpoena and the department has completed its investigation or~~  
2436 ~~examination. The department is entitled to the summary procedure~~  
2437 ~~provided in s. 51.011, and the court shall advance the cause on~~  
2438 ~~its calendar. Costs incurred by the department to obtain an~~  
2439 ~~order granting, in whole or in part, its petition shall be taxed~~  
2440 ~~against the subpoenaed person, and failure to comply with such~~  
2441 ~~order shall be a contempt of court.~~

2442 ~~(4) Witnesses shall be entitled to the same fees and~~  
2443 ~~mileage as they may be entitled by law for attending as~~  
2444 ~~witnesses in the circuit court, except where such examination or~~  
2445 ~~investigation is held at the place of business or residence of~~  
2446 ~~the witness.~~

2447 (5) The material compiled by the department in an  
2448 investigation or examination under this chapter is confidential  
2449 until the investigation or examination is complete. If any such  
2450 material contains a holder's financial or proprietary

2451 information, it may not be disclosed or made public by the  
 2452 department after the investigation or audit is completed, except  
 2453 as required by a court of competent jurisdiction in the course  
 2454 of a judicial proceeding in which the state is a party, or  
 2455 pursuant to an agreement with another state allowing joint  
 2456 audits. Such material may be considered trade secret and exempt  
 2457 from s. 119.07(1) as provided for in s. 119.0715. The records,  
 2458 data, and information gathered ~~material compiled~~ by the  
 2459 department in an investigation or audit ~~examination~~ under this  
 2460 chapter remain ~~remains~~ confidential after the department's  
 2461 ~~investigation or examination is complete~~ if the department has  
 2462 submitted the material or any part of it to any law enforcement  
 2463 agency or other administrative agency for further investigation  
 2464 or for the filing of a criminal or civil prosecution and such  
 2465 investigation has not been completed or become inactive.

2466 (6) If an investigation or an audit ~~examination~~ of the  
 2467 records of any person results in the disclosure of property  
 2468 reportable and deliverable under this chapter, the department  
 2469 may assess the cost of the investigation or audit ~~the~~  
 2470 ~~examination~~ against the holder at the rate of \$100 per 8-hour  
 2471 ~~day for each investigator or examiner. Such fee shall be~~  
 2472 ~~calculated on an hourly basis and shall be rounded to the~~  
 2473 ~~nearest hour. The person shall also pay the travel expense and~~  
 2474 ~~per diem subsistence allowance provided for state employees in~~  
 2475 ~~s. 112.061. The person shall not be required to pay a per diem~~

2476 ~~fee and expenses of an examination or investigation which shall~~  
2477 ~~consume more than 30 worker-days in any one year unless such~~  
2478 ~~examination or investigation is due to fraudulent practices of~~  
2479 ~~the person, in which case such person shall be required to pay~~  
2480 ~~the entire cost regardless of time consumed.~~ The fee for the  
2481 costs of the investigation or audit shall be remitted to the  
2482 department within 30 days after the date of the notification  
2483 that the fee is due and owing. Any person who fails to pay the  
2484 fee within 30 days after the date of the notification that the  
2485 fee is due and owing shall pay to the department interest at the  
2486 rate of 12 percent per annum on such fee from the date of the  
2487 notification.

2488 Section 51. Subsection (1) of section 717.1311, Florida  
2489 Statutes, is amended to read:

2490 717.1311 Retention of records.—

2491 (1) Every holder required to file a report under s.  
2492 717.117 shall maintain a record of the specific type of  
2493 property, amount, name, and last known address of the owner for  
2494 10 ~~5~~ years after the property becomes reportable, except to the  
2495 extent that a shorter time is provided in subsection (2) or by  
2496 rule of the department.

2497 Section 52. Paragraph (j) of subsection (1) and subsection  
2498 (3) of section 717.1322, Florida Statutes, are amended to read:

2499 717.1322 Administrative and civil enforcement.—

2500 (1) The following acts are violations of this chapter and

2501 constitute grounds for an administrative enforcement action by  
 2502 the department in accordance with the requirements of chapter  
 2503 120 and for civil enforcement by the department in a court of  
 2504 competent jurisdiction:

2505 (j) Requesting or receiving compensation for notifying a  
 2506 person of his or her unclaimed property or assisting another  
 2507 person in filing a claim for unclaimed property, unless the  
 2508 person is an attorney licensed to practice law in this state, a  
 2509 Florida-certified public accountant, or a private investigator  
 2510 licensed under chapter 493, or entering into, or making a  
 2511 solicitation to enter into, an agreement to file a claim for  
 2512 unclaimed property owned by another, ~~or a contract or agreement~~  
 2513 ~~to purchase unclaimed property,~~ unless such person is registered  
 2514 with the department under this chapter and an attorney licensed  
 2515 to practice law in this state in the regular practice of her or  
 2516 his profession, a Florida-certified public accountant who is  
 2517 acting within the scope of the practice of public accounting as  
 2518 defined in chapter 473, or a private investigator licensed under  
 2519 chapter 493. This paragraph does not apply to a person who has  
 2520 been granted a durable power of attorney to convey and receive  
 2521 all of the real and personal property of the owner, is the  
 2522 court-appointed guardian of the owner, has been employed as an  
 2523 attorney or qualified representative to contest the department's  
 2524 denial of a claim, or has been employed as an attorney to  
 2525 probate the estate of the owner or an heir or legatee of the

2526 owner.

2527 (3) A claimant's representative ~~registrant~~ is subject to  
 2528 civil enforcement and the disciplinary actions specified in  
 2529 subsection (2) for violations of subsection (1) by an agent or  
 2530 employee of the registrant's employer if the claimant's  
 2531 representative ~~registrant~~ knew or should have known that such  
 2532 agent or employee was violating any provision of this chapter.

2533 Section 53. Subsection (1) of section 717.1333, Florida  
 2534 Statutes, is amended to read:

2535 717.1333 Evidence; estimations; audit reports and  
 2536 worksheets, investigator ~~examiner's worksheets, investigative~~  
 2537 reports and worksheets, other related documents.—

2538 (1) In any proceeding involving a holder under ss. 120.569  
 2539 and 120.57 in which an audit agent ~~auditor, examiner,~~ or  
 2540 investigator acting under authority of this chapter is available  
 2541 for cross-examination, any official written report, worksheet,  
 2542 or other related paper, or copy thereof, compiled, prepared,  
 2543 drafted, or otherwise made or received by the audit agent  
 2544 ~~auditor, examiner,~~ or investigator, after being duly  
 2545 authenticated by the audit agent ~~auditor, examiner,~~ or  
 2546 investigator, may be admitted as competent evidence upon the  
 2547 oath of the audit agent ~~auditor, examiner,~~ or investigator that  
 2548 the report, worksheet, or related paper was prepared or received  
 2549 as a result of an audit, examination, or investigation of the  
 2550 books and records of the person audited, examined, or

2551 investigated, or the agent thereof.

2552 Section 54. Subsections (1) and (2) of section 717.134,  
2553 Florida Statutes, are amended to read:

2554 717.134 Penalties and interest.—

2555 (1) For any person who willfully fails to render any  
2556 report required under this chapter, the department may impose  
2557 and collect a penalty of \$500 per day up to a maximum of \$5,000  
2558 and 25 percent of the value of property not reported until an  
2559 appropriate a report is provided ~~rendered for any person who~~  
2560 ~~willfully fails to render any report required under this~~  
2561 ~~chapter.~~ Upon a holder's showing of good cause, the department  
2562 may waive said penalty or any portion thereof. If the holder  
2563 acted in good faith and without negligence, the department shall  
2564 waive the penalty provided herein.

2565 (2) For any person who willfully refuses to pay or deliver  
2566 unclaimed property to the department as required under this  
2567 chapter, the department may impose and collect a penalty of \$500  
2568 per day up to a maximum of \$5,000 and 25 percent of the value of  
2569 property not paid or delivered until the property is paid or  
2570 delivered ~~for any person who willfully refuses to pay or deliver~~  
2571 ~~abandoned property to the department as required under this~~  
2572 ~~chapter.~~

2573 Section 55. Section 717.135, Florida Statutes, is amended  
2574 to read:

2575 717.135 Recovery agreements and purchase agreements for

2576 | claims filed by a claimant's representative or a purchaser; fees  
 2577 | and costs, or total net gain.—

2578 |       (1) In order to protect the interests of owners of  
 2579 | unclaimed property, the department shall adopt by rule a form  
 2580 | entitled "Unclaimed Property Recovery Agreement" and a form  
 2581 | entitled "Unclaimed Property Purchase Agreement."

2582 |       (2) The Unclaimed Property Recovery Agreement and the  
 2583 | Unclaimed Property Purchase Agreement must include and disclose  
 2584 | all of the following:

2585 |       (a) The total dollar amount of unclaimed property accounts  
 2586 | claimed or sold.

2587 |       (b) The total percentage of all authorized fees and costs  
 2588 | to be paid to the claimant's representative or the percentage of  
 2589 | the value of the property to be paid as net gain to the  
 2590 | purchaser ~~purchasing claimant's representative~~.

2591 |       (c) The total dollar amount to be deducted and received  
 2592 | from the claimant as fees and costs by the claimant's  
 2593 | representative or the total net dollar amount to be received by  
 2594 | the purchaser ~~purchasing claimant's representative~~.

2595 |       (d) The net dollar amount to be received by the claimant  
 2596 | or the seller.

2597 |       (e) For each account claimed, the unclaimed property  
 2598 | account number.

2599 |       (f) For the Unclaimed Property Purchase Agreement, a  
 2600 | statement that the amount of the purchase price will be remitted



2601 to the seller by the purchaser within 30 days after the  
2602 execution of the agreement by the seller.

2603 (g) The name, address, e-mail address, phone number, and  
2604 license number of the claimant's representative, or the name,  
2605 address, e-mail address, and phone number of the purchaser.

2606 (h)1. The manual signature of the claimant or seller and  
2607 the date signed, affixed on the agreement by the claimant or  
2608 seller.

2609 2. Notwithstanding any other provision of this chapter to  
2610 the contrary, the department may allow an apparent owner, who is  
2611 also the claimant or seller, to sign the agreement  
2612 electronically ~~for claims of \$2,000 or less~~. All electronic  
2613 signatures on the Unclaimed Property Recovery Agreement and the  
2614 Unclaimed Property Purchase Agreement must be affixed on the  
2615 agreement by the claimant or seller using the specific,  
2616 exclusive eSignature product and protocol authorized by the  
2617 department.

2618 (i) The social security number or taxpayer identification  
2619 number of the claimant or seller, if a number has been issued to  
2620 the claimant or seller.

2621 (j) The total fees and costs, or the total discount in the  
2622 case of a purchase agreement, which may not exceed 30 percent of  
2623 the claimed amount. In the case of a recovery agreement, if the  
2624 total fees and costs exceed 30 percent, the fees and costs shall  
2625 be reduced to 30 percent and the net balance shall be remitted

2626 directly by the department to the claimant. In the case of a  
2627 purchase agreement, if the total net gain of the purchaser  
2628 exceeds 30 percent, the claim will be denied.

2629 (3) For an Unclaimed Property Purchase Agreement form,  
2630 proof that the purchaser has made payment must be filed with the  
2631 department along with the claim. If proof of payment is not  
2632 provided, the claim is void.

2633 (4) A claimant's representative or a purchaser must use  
2634 the Unclaimed Property Recovery Agreement or the Unclaimed  
2635 Property Purchase Agreement as the exclusive means of entering  
2636 into an agreement or a contract with a claimant or seller to  
2637 file a claim with the department.

2638 (5) Fees and costs may be owed or paid to, or received by,  
2639 a claimant's representative or a purchaser only after a filed  
2640 claim has been approved and if the claimant's representative  
2641 used an agreement authorized by this section.

2642 (6) A claimant's representative or a purchaser may not use  
2643 or distribute any other agreement of any type, conveyed by any  
2644 method, with respect to the claimant or seller which relates,  
2645 directly or indirectly, to unclaimed property accounts held by  
2646 the department or the Chief Financial Officer other than the  
2647 agreements authorized by this section. Any engagement,  
2648 authorization, recovery, or fee agreement that is not authorized  
2649 by this section is void. A claimant's representative or a  
2650 purchaser is subject to administrative and civil enforcement

2651 under s. 717.1322 if he or she uses an agreement that is not  
2652 authorized by this section and if the agreement is used to  
2653 apply, directly or indirectly, to unclaimed property held by  
2654 this state. This subsection does not prohibit lawful  
2655 nonagreement, noncontractual, or advertising communications  
2656 between or among the parties.

2657 (7) The Unclaimed Property Recovery Agreement ~~and the~~  
2658 ~~Unclaimed Property Purchase Agreement~~ may not contain language  
2659 that makes the agreement irrevocable or that creates an  
2660 assignment of any portion of unclaimed property held by the  
2661 department.

2662 (8) When a claim is approved, the department may pay any  
2663 additional account that is owned by the claimant but has not  
2664 been claimed at the time of approval, provided that a subsequent  
2665 claim has not been filed or is not pending for the claimant at  
2666 the time of approval.

2667 (9) This section does not supersede s. 717.1241.

2668 (10) This section does not apply to the sale and purchase  
2669 of Florida-held unclaimed property accounts through a bankruptcy  
2670 trustee appointed to represent a debtor's estate in a bankruptcy  
2671 proceeding in accordance with the United States Bankruptcy Code.

2672 Section 56. Subsections (1), (2), and (3) of section  
2673 717.1400, Florida Statutes, are amended to read:

2674 717.1400 Registration.—

2675 (1) In order to file claims as a claimant's

2676 representative, ~~acquire ownership of or entitlement to unclaimed~~  
2677 ~~property,~~ receive a distribution of fees and costs from the  
2678 department, and obtain unclaimed property dollar amounts and  
2679 numbers of reported shares of stock held by the department, a  
2680 private investigator holding a Class "C" individual license  
2681 under chapter 493 must register with the department on such form  
2682 as the department prescribes by rule and must be verified by the  
2683 applicant. To register with the department, a private  
2684 investigator must provide:

2685 (a) A legible copy of the applicant's Class "A" business  
2686 license under chapter 493 or that of the applicant's firm or  
2687 employer which holds a Class "A" business license under chapter  
2688 493.

2689 (b) A legible copy of the applicant's Class "C" individual  
2690 license issued under chapter 493.

2691 (c) The business address and telephone number of the  
2692 applicant's private investigative firm or employer.

2693 (d) The names of agents or employees, if any, who are  
2694 designated to act on behalf of the private investigator,  
2695 together with a legible copy of their photo identification  
2696 issued by an agency of the United States, or a state, or a  
2697 political subdivision thereof.

2698 (e) Sufficient information to enable the department to  
2699 disburse funds by electronic funds transfer.

2700 (f) The tax identification number of the private

2701 investigator's firm or employer which holds a Class "A" business  
2702 license under chapter 493.

2703 (2) In order to file claims as a claimant's  
2704 representative, ~~acquire ownership of or entitlement to unclaimed~~  
2705 ~~property,~~ receive a distribution of fees and costs from the  
2706 department, and obtain unclaimed property dollar amounts and  
2707 numbers of reported shares of stock held by the department, a  
2708 Florida-certified public accountant must register with the  
2709 department on such form as the department prescribes by rule and  
2710 must be verified by the applicant. To register with the  
2711 department, a Florida-certified public accountant must provide:

2712 (a) The applicant's Florida Board of Accountancy number.

2713 (b) A legible copy of the applicant's current driver  
2714 license showing the full name and current address of such  
2715 person. If a current driver license is not available, another  
2716 form of identification showing the full name and current address  
2717 of such person or persons shall be filed with the department.

2718 (c) The business address and telephone number of the  
2719 applicant's public accounting firm or employer.

2720 (d) The names of agents or employees, if any, who are  
2721 designated to act on behalf of the Florida-certified public  
2722 accountant, together with a legible copy of their photo  
2723 identification issued by an agency of the United States, or a  
2724 state, or a political subdivision thereof.

2725 (e) Sufficient information to enable the department to

2726 disburse funds by electronic funds transfer.

2727 (f) The tax identification number of the accountant's  
2728 public accounting firm employer.

2729 (3) In order to file claims as a claimant's  
2730 representative, ~~acquire ownership of or entitlement to unclaimed~~  
2731 ~~property,~~ receive a distribution of fees and costs from the  
2732 department, and obtain unclaimed property dollar amounts and  
2733 numbers of reported shares of stock held by the department, an  
2734 attorney licensed to practice in this state must register with  
2735 the department on such form as the department prescribes by rule  
2736 and must be verified by the applicant. To register with the  
2737 department, such attorney must provide:

2738 (a) The applicant's Florida Bar number.

2739 (b) A legible copy of the applicant's current driver  
2740 license showing the full name and current address of such  
2741 person. If a current driver license is not available, another  
2742 form of identification showing the full name and current address  
2743 of such person or persons shall be filed with the department.

2744 (c) The business address and telephone number of the  
2745 applicant's firm or employer.

2746 (d) The names of agents or employees, if any, who are  
2747 designated to act on behalf of the attorney, together with a  
2748 legible copy of their photo identification issued by an agency  
2749 of the United States, or a state, or a political subdivision  
2750 thereof.

2751 (e) Sufficient information to enable the department to  
 2752 disburse funds by electronic funds transfer.

2753 (f) The tax identification number of the attorney's firm  
 2754 or employer.

2755 Section 57. Paragraph (a) of subsection (2) of section  
 2756 197.582, Florida Statutes, is amended to read:

2757 197.582 Disbursement of proceeds of sale.—

2758 (2)(a) If the property is purchased for an amount in  
 2759 excess of the statutory bid of the certificateholder, the  
 2760 surplus must be paid over and disbursed by the clerk as set  
 2761 forth in subsections (3), (5), and (6). If the opening bid  
 2762 included the homestead assessment pursuant to s. 197.502(6)(c),  
 2763 that amount must be treated as surplus and distributed in the  
 2764 same manner. The clerk shall distribute the surplus to the  
 2765 governmental units for the payment of any lien of record held by  
 2766 a governmental unit against the property, including any tax  
 2767 certificates not incorporated in the tax deed application and  
 2768 omitted taxes, if any. If there remains a balance of  
 2769 undistributed funds, the balance must be retained by the clerk  
 2770 for the benefit of persons described in s. 197.522(1)(a), except  
 2771 those persons described in s. 197.502(4)(h), as their interests  
 2772 may appear. The clerk shall mail notices to such persons  
 2773 notifying them of the funds held for their benefit at the  
 2774 addresses provided in s. 197.502(4). Such notice constitutes  
 2775 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.

2776 Any service charges and costs of mailing notices shall be paid  
 2777 out of the excess balance held by the clerk. Notice must be  
 2778 provided in substantially the following form:

2779 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2780 CLERK OF COURT

2781 .... COUNTY, FLORIDA

2782 Tax Deed #.....

2783 Certificate #.....

2784 Property Description: .....

2785 Pursuant to chapter 197, Florida Statutes, the above  
 2786 property was sold at public sale on ...(date of sale)..., and a  
 2787 surplus of \$...(amount)... (subject to change) will be held by  
 2788 this office for 120 days beginning on the date of this notice to  
 2789 benefit the persons having an interest in this property as  
 2790 described in section 197.502(4), Florida Statutes, as their  
 2791 interests may appear (except for those persons described in  
 2792 section 197.502(4)(h), Florida Statutes).

2793 To the extent possible, these funds will be used to satisfy  
 2794 in full each claimant with a senior mortgage or lien in the  
 2795 property before distribution of any funds to any junior mortgage  
 2796 or lien claimant or to the former property owner. To be  
 2797 considered for funds when they are distributed, you must file a  
 2798 notarized statement of claim with this office within 120 days of  
 2799 this notice. If you are a lienholder, your claim must include  
 2800 the particulars of your lien and the amounts currently due. Any



2801 | lienholder claim that is not filed within the 120-day deadline  
 2802 | is barred.

2803 |         A copy of this notice must be attached to your statement of  
 2804 | claim. After the office examines the filed claim statements, it  
 2805 | will notify you if you are entitled to any payment.

2806 |         Dated: .....

2807 |         Clerk of Court

2808 |         Section 58. Subsection (1) of section 717.1382, Florida  
 2809 | Statutes, is amended to read:

2810 |         717.1382 United States savings bond; unclaimed property;  
 2811 | escheatment; procedure.—

2812 |         (1) Notwithstanding any other provision of law, a United  
 2813 | States savings bond in possession of the department or  
 2814 | registered to a person with a last known address in the state,  
 2815 | including a bond that is lost, stolen, or destroyed, is presumed  
 2816 | abandoned and unclaimed 5 years after the bond reaches maturity  
 2817 | and no longer earns interest and shall be reported and remitted  
 2818 | to the department by the financial institution or other holder  
 2819 | in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if  
 2820 | the department is not in possession of the bond.

2821 |         Section 59. The Division of Law Revision is directed to  
 2822 | prepare a reviser's bill for the 2025 Regular Session of the  
 2823 | Legislature to change the term "Division of Investigative and  
 2824 | Forensic Services" wherever the term appears in the Florida  
 2825 | Statutes to "Division of Criminal Investigations."

2826           Section 60. For the 2024-2025 fiscal year, one full-time  
2827 equivalent position with associated salary rate of 110,000 is  
2828 authorized, and the sums of \$183,863 in recurring funds and  
2829 \$5,067 in nonrecurring funds from the Insurance Regulatory Trust  
2830 Fund are appropriated to the Department of Financial Services  
2831 for the purpose of implementing this act.

2832           Section 61. Except as otherwise provided in this act, this  
2833 act shall take effect upon becoming a law.