

1 A bill to be entitled
2 An act relating to the Chief Financial Officer;
3 creating s. 17.69, F.S.; creating the Federal Tax
4 Liaison position within the Department of Financial
5 Services; providing the duties and authority of the
6 liaison; amending s. 20.121, F.S.; renaming a division
7 in the department; removing provisions relating to
8 duties of such division and to bureaus and offices in
9 such division; removing a division; amending s.
10 112.1816, F.S.; providing that, upon a diagnosis of
11 cancer, firefighters are entitled to certain benefits
12 under specified circumstances; amending s. 121.0515,
13 F.S.; revising requirements for the Special Risk Class
14 membership; amending s. 280.051, F.S.; providing
15 additional grounds for qualified public depositories
16 to be suspended and disqualified; amending s. 280.054,
17 F.S.; providing additional acts deemed knowing and
18 willful violations by qualified public depositories
19 which are subject to certain penalties; amending s.
20 284.44, F.S.; removing provisions relating to certain
21 quarterly reports prepared by the Division of Risk
22 Management; amending s. 440.13, F.S.; providing the
23 reimbursement schedule requirements for emergency
24 services and care under workers' compensation under
25 certain circumstances; providing rulemaking authority;

26 | amending s. 440.385, F.S.; providing requirements for
27 | certain contracts entered into and purchases made by
28 | the Florida Self-Insurers Guaranty Association,
29 | Incorporated; providing duties of the department and
30 | the association relating to such contracts and
31 | purchases; providing exemptions; amending s. 497.101,
32 | F.S.; revising the requirements for appointing and
33 | nominating members of the Board of Funeral, Cemetery,
34 | and Consumer Services; revising the members' terms;
35 | revising the authority to remove board members;
36 | providing for vacancy appointments; providing that
37 | board members are subject to the code of ethics;
38 | providing requirements for board members' conduct;
39 | prohibiting certain acts by the board; providing
40 | penalties; providing requirements for board meetings,
41 | books, and records; requiring notices of board
42 | meetings; providing requirements for such notices;
43 | amending s. 497.153, F.S.; authorizing services by
44 | electronic mail of administrative complaints against
45 | certain licensees under certain circumstances;
46 | amending s. 497.155, F.S.; authorizing services of
47 | citations by electronic mail under certain
48 | circumstances; amending s. 497.172, F.S.; revising
49 | circumstances under which the department may disclose
50 | certain information that is confidential and exempt

51 from public records requirements; amending s. 497.386,
52 F.S.; authorizing the department to enter and secure
53 certain establishments, facilities, and morgues and
54 remove certain remains under specified circumstances;
55 requiring the department to make certain
56 determinations; prohibiting certain licensees and
57 facilities from being held liable under certain
58 circumstances; providing penalties; creating s.
59 497.469, F.S.; authorizing preneed licensees to
60 withdraw certain amounts of money under certain
61 circumstances; providing documents that show that a
62 preneed contract has been fulfilled; providing
63 recordkeeping requirements; amending s. 624.307, F.S.;
64 requiring eligible surplus lines insurers to respond
65 to the department or the Office of Insurance
66 Regulation after receipt of requests for documents and
67 information concerning consumer complaints; providing
68 penalties for failure to comply; requiring authorized
69 insurers and eligible surplus lines insurers to file
70 e-mail addresses with the department and to designate
71 contact persons for specified purposes; authorizing
72 changes of designated contact information; amending s.
73 626.171, F.S.; requiring the department to make
74 provisions for certain insurance license applicants to
75 submit cellular telephone numbers for a specified

76 | purpose; amending s. 626.221, F.S.; providing a
77 | qualification for all-lines adjuster licenses;
78 | amending s. 626.601, F.S.; revising construction;
79 | amending s. 626.7351, F.S.; providing a qualification
80 | for customer representative's licenses; amending s.
81 | 626.878, F.S.; providing duties and prohibited acts
82 | for adjusters; amending s. 626.929, F.S.; specifying
83 | that licensed and appointed general lines agents,
84 | rather than general lines agents, may engage in
85 | certain activities while also licensed and appointed
86 | as surplus lines agents; authorizing general lines
87 | agents that are also licensed as surplus lines agents
88 | to make certain appointments; authorizing such agents
89 | to originate specified businesses and accept specified
90 | businesses; prohibiting such agents from being
91 | appointed by or transacting certain insurance on
92 | behalf of specified insurers; amending s. 627.351,
93 | F.S.; providing requirements for certain contracts
94 | entered into and purchases made by the Florida Joint
95 | Underwriting Association; providing duties of the
96 | department and the association associated with such
97 | contracts and purchases; amending s. 631.59, F.S.;
98 | providing requirements for certain contracts entered
99 | into and purchases made by the Florida Insurance
100 | Guaranty Association, Incorporated; providing duties

101 of the department and the association associated with
102 such contracts and purchases; providing
103 nonapplicability; amending ss. 631.722, 631.821, and
104 631.921, F.S.; providing requirements for certain
105 contracts entered into and purchases made by the
106 Florida Life and Health Insurance Guaranty
107 Association, the board of directors of the Florida
108 Health Maintenance Organization Consumer Assistance
109 Plan, and the board of directors of the Florida
110 Workers' Compensation Insurance Guaranty Association,
111 respectively; providing duties of the department and
112 of the association and boards associated with such
113 contracts and purchases; amending s. 633.124, F.S.;
114 updating the edition of a manual for the use of
115 pyrotechnics; amending s. 633.202, F.S.; revising the
116 duties of the State Fire Marshal; amending s. 633.206,
117 F.S.; revising the requirements for uniform firesafety
118 standards established by the department; amending s.
119 634.041, F.S.; specifying the conditions under which
120 service agreement companies do not have to establish
121 and maintain unearned premium reserves; amending s.
122 634.081, F.S.; specifying the conditions under which
123 service agreement companies' licenses are not
124 suspended or revoked under certain circumstances;
125 amending s. 634.3077, F.S.; specifying requirements

126 for certain contractual liability insurance obtained
127 by home warranty associations; providing that such
128 associations are not required to establish unearned
129 premium reserves or maintain contractual liability
130 insurance; authorizing such associations to allow
131 their premiums to exceed certain limitations under
132 certain circumstances; amending s. 634.317, F.S.;
133 providing that certain entities, employees, and agents
134 are exempt from sales representative licenses and
135 appointments under certain circumstances; amending s.
136 648.25, F.S.; providing definitions; amending s.
137 648.26, F.S.; revising the types of investigatory
138 records of the department which are confidential and
139 exempt from public records requirements; revising the
140 circumstances under which investigatory records are
141 confidential and exempt from public records
142 requirements; revising construction; amending s.
143 648.30, F.S.; revising circumstances under which a
144 person or entity may act in the capacity of a bail
145 bond agent or bail bond agency and perform certain
146 functions, duties, and powers; amending s. 648.355,
147 F.S.; revising the requirements for limited surety
148 agents and professional bail bond agent license
149 applications; creating s. 655.49, F.S.; authorizing
150 the Office of Financial Regulation to receive

151 | complaints from a customer or member who reasonably
152 | believes that a financial institution has acted in bad
153 | faith in terminating, suspending, or taking similar
154 | action restricting access to such customer's or
155 | member's account; providing a time limit for a
156 | customer or member to file a complaint; providing
157 | nonapplicability; providing duties of the office upon
158 | receipt of a customer's or member's complaint;
159 | providing duties of a financial institution upon
160 | receipt of notification that a complaint has been
161 | filed; providing violations and penalties; providing
162 | that certain actions or certain failure of financial
163 | institutions to cooperate in specified investigations
164 | constitute violations of the Florida Deceptive and
165 | Unfair Trade Practices Act; providing that violations
166 | are enforced only by the enforcing authority;
167 | providing attorney fees and costs; requiring the
168 | office to provide certain reports and information to
169 | specified entities under certain circumstances;
170 | providing that the financial institutions' customers
171 | and members have a cause of action under certain
172 | circumstances; authorizing such customers and members
173 | to recover damages, together with costs and attorney
174 | fees; providing a time limit for initiating causes of
175 | action; requiring the office to make available

176 information necessary for filing complaints on its
177 website; amending s. 717.101, F.S.; providing and
178 revising definitions; amending s. 717.102, F.S.;
179 providing a rebuttal to a presumption of unclaimed
180 property; providing requirements for such rebuttal;
181 providing circumstances under which a property is
182 presumed unclaimed; providing construction; amending
183 s. 717.106, F.S.; conforming a cross-reference;
184 creating s. 717.1065, F.S.; providing circumstances
185 under which virtual currency held or owing by banking
186 organizations are not presumed unclaimed; prohibiting
187 virtual currency holders from deducting certain
188 charges from amounts of specified virtual currency
189 under certain circumstances; providing an exception;
190 amending s. 717.1101, F.S.; revising the date on which
191 stocks and other equity interests in business
192 associations are presumed unclaimed; amending s.
193 717.112, F.S.; providing that certain intangible
194 property held by attorneys in fact and by agents in a
195 fiduciary capacity are presumed unclaimed under
196 certain circumstances; revising the requirements for
197 claiming such property; providing construction;
198 amending s. 717.1125, F.S.; providing construction;
199 amending s. 717.117, F.S.; removing the paper option
200 for reports by holders of unclaimed funds and

201 property; revising the requirements for reporting the
202 owners of unclaimed property and funds; authorizing
203 the department to extend reporting dates under certain
204 circumstances; revising the circumstances under which
205 the department may impose and collect penalties;
206 requiring holders of inactive accounts to notify
207 apparent owners; revising the manner of sending such
208 notices; providing requirements for such notices;
209 amending s. 717.119, F.S.; requiring certain virtual
210 currency to be remitted to the department; providing
211 requirements for the liquidation of such virtual
212 currency; providing that holders of such virtual
213 currency are relieved of all liability upon delivery
214 of the virtual currency to the department; prohibiting
215 holders from assigning or transferring certain
216 obligations or from complying with certain provisions;
217 providing that certain entities are responsible for
218 meeting holders' obligations and complying with
219 certain provisions under certain circumstances;
220 providing construction; amending s. 717.1201, F.S.;
221 providing that the state assumes custody and
222 responsibility for the safekeeping of unclaimed
223 property upon good faith payments or deliveries of
224 property to the department; providing that the
225 department relieves holders of certain liability under

226 specified circumstances; providing construction;
227 requiring the department to defend holders against
228 certain claims and indemnify holders against certain
229 liability under specified circumstances; revising
230 circumstances under which payments or deliveries of
231 unclaimed property are considered to be made in good
232 faith; authorizing the department to refund and
233 redeliver certain money and property under certain
234 circumstances; amending s. 727.1242, F.S.; revising
235 legislative intent; amending s. 717.1243, F.S.;
236 revising applicability of certain provisions relating
237 to unclaimed small estate accounts; amending s.
238 717.129, F.S.; revising the prohibition of department
239 enforcement relating to duties of holders of unclaimed
240 funds and property; revising the tolling for the
241 periods of limitation relating to duties of holders of
242 unclaimed funds and property; amending s. 717.1301,
243 F.S.; revising the department's authorities on the
244 disposition of unclaimed funds and property for
245 specified purposes; prohibiting certain materials from
246 being disclosed or made public under certain
247 circumstances; revising the basis for the department's
248 cost assessment against holders of unclaimed funds and
249 property; amending s. 717.1311, F.S.; revising the
250 recordkeeping requirements for funds and property

251 holders; amending s. 717.1322, F.S.; revising acts
 252 that are violations of specified provisions and
 253 constitute grounds for administrative enforcement
 254 actions and civil enforcement by the department;
 255 providing that claimants' representatives, rather than
 256 registrants, are subject to civil enforcement and
 257 disciplinary actions for certain violations; amending
 258 s. 717.1333, F.S.; conforming provisions to changes
 259 made by the act; amending s. 717.134, F.S.; conforming
 260 a provision to changes made by the act; amending s.
 261 717.135, F.S.; revising the information that certain
 262 agreements relating to unclaimed property must
 263 disclose; removing a requirement for Unclaimed
 264 Property Purchase Agreement; providing
 265 nonapplicability; amending s. 717.1400, F.S.; removing
 266 a circumstance under which certain persons must
 267 register with the department; amending s. 766.302,
 268 F.S.; revising a definition; amending s. 766.314,
 269 F.S.; revising circumstances under which the Florida
 270 Birth-Related Neurological Injury Compensation Plan
 271 may not accept new claims; amending ss. 197.582 and
 272 717.1382, F.S.; conforming a cross-reference;
 273 providing a directive to the Division of Law Revision;
 274 providing reporting requirements for the Florida
 275 Birth-Related Neurological Injury Compensation

276 Association; providing effective dates.

277

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

279

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

282 17.69 Federal Tax Liaison.—

283 (1) The Federal Tax Liaison position is created within the
284 department. The purpose of the position is to assist the
285 taxpayers of the state.

286 (2) The Chief Financial Officer shall appoint a Federal
287 Tax Liaison. The Federal Tax Liaison reports directly to the
288 Chief Financial Officer but is not otherwise under the authority
289 of the department or of any employee of the department.

290 (3) The Federal Tax Liaison may:

291 (a) Assist taxpayers by answering taxpayer questions.

292 (b) Direct taxpayers to the proper division or office
293 within the Internal Revenue Service in order to facilitate
294 timely resolution to taxpayer issues.

295 (c) Prepare recommendations for the Internal Revenue
296 Service of any actions that will help resolve problems
297 encountered by taxpayers.

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

301 (e) With the consent of the taxpayer, request records from
 302 the Internal Revenue Service to assist the liaison in responding
 303 to taxpayer inquiries.

304 Section 2. Paragraphs (g) through (n) of subsection (2) of
 305 section 20.121, Florida Statutes, are redesignated as paragraphs
 306 (f) through (m), respectively, and paragraph (e) and present
 307 paragraph (f) of subsection (2) of that section are amended to
 308 read:

309 20.121 Department of Financial Services.—There is created
 310 a Department of Financial Services.

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

313 (e) The Division of Criminal Investigations ~~Investigative~~
 314 ~~and Forensic Services~~, which shall function as a criminal
 315 justice agency for purposes of ss. 943.045-943.08. The division
 316 may initiate and conduct investigations into any matter under
 317 the jurisdiction of the Chief Financial Officer and Fire Marshal
 318 within or outside of this state as it deems necessary. ~~If,~~
 319 ~~during an investigation, the division has reason to believe that~~
 320 ~~any criminal law of this state or the United States has or may~~
 321 ~~have been violated, it shall refer any records tending to show~~
 322 ~~such violation to state law enforcement and, if applicable,~~
 323 ~~federal prosecutorial agencies and shall provide investigative~~
 324 ~~assistance to those agencies as appropriate. The division shall~~
 325 ~~include the following bureaus and office:~~

- 326 ~~1. The Bureau of Forensic Services;~~
- 327 ~~2. The Bureau of Fire, Arson, and Explosives~~
- 328 ~~Investigations;~~
- 329 ~~3. The Office of Fiscal Integrity, which shall have a~~
- 330 ~~separate budget;~~
- 331 ~~4. The Bureau of Insurance Fraud; and~~
- 332 ~~5. The Bureau of Workers' Compensation Fraud.~~
- 333 ~~(f) The Division of Public Assistance Fraud, which shall~~
- 334 ~~function as a criminal justice agency for purposes of ss.~~
- 335 ~~943.045-943.08. The division shall conduct investigations~~
- 336 ~~pursuant to s. 414.411 within or outside of the state as it~~
- 337 ~~deems necessary. If, during an investigation, the division has~~
- 338 ~~reason to believe that any criminal law of the state has or may~~
- 339 ~~have been violated, it shall refer any records supporting such~~
- 340 ~~violation to state or federal law enforcement or prosecutorial~~
- 341 ~~agencies and shall provide investigative assistance to those~~
- 342 ~~agencies as required.~~

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

345 112.1816 Firefighters; cancer diagnosis.—

346 (2) Upon a diagnosis of cancer, a firefighter is entitled
 347 to the following benefits, as an alternative to pursuing
 348 workers' compensation benefits under chapter 440, if the
 349 firefighter has been employed by his or her employer for at
 350 least 5 continuous years, has not used tobacco products for at

351 least the preceding 5 years, and has not been employed in any
352 other position in the preceding 5 years which is proven to
353 create a higher risk for any cancer:

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

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

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

364
365 If the firefighter elects to continue coverage in the employer-
366 sponsored health plan or group health insurance trust fund after
367 he or she terminates employment, the benefits specified in
368 paragraphs (a) and (b) must be made available by the former
369 employer of a firefighter for 10 years following the date on
370 which the firefighter terminates employment so long as the
371 firefighter otherwise met the criteria specified in this
372 subsection when he or she terminated employment and was not
373 subsequently employed as a firefighter following that date. ~~For~~
374 ~~purposes of determining leave time and employee retention~~
375 ~~policies, the employer must consider a firefighter's cancer~~

376 ~~diagnosis as an injury or illness incurred in the line of duty.~~

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

380 121.0515 Special Risk Class.—

381 (2) MEMBERSHIP.—

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

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

389 (h) Effective July 1, 2008, the member must be employed by
390 the Department of Law Enforcement in the crime laboratory or by
391 the Department of Financial Services ~~Division of State Fire~~
392 ~~Marshal~~ in the forensic laboratory in one of the following
393 classes:

- 394 1. Forensic technologist (class code 8459);
395 2. Crime laboratory technician (class code 8461);
396 3. Crime laboratory analyst (class code 8463);
397 4. Senior crime laboratory analyst (class code 8464);
398 5. Crime laboratory analyst supervisor (class code 8466);
399 6. Forensic chief (class code 9602); or
400 7. Forensic services quality manager (class code 9603);

401 Section 5. Effective July 1, 2024, subsection (16) is
402 added to section 280.051, Florida Statutes, to read:

403 280.051 Grounds for suspension or disqualification of a
404 qualified public depository.—A qualified public depository may
405 be suspended or disqualified or both if the Chief Financial
406 Officer determines that the qualified public depository has:

407 (16) Pursuant to a determination notice reported by the
408 Office of Financial Regulation under s. 655.49, acted in bad
409 faith when terminating, suspending, or taking similar action
410 restricting access to a customer's or member's account, or
411 failed to cooperate in an investigation conducted pursuant to s.
412 655.49(3), including, without limitation, failing to timely file
413 a termination-of-access report with the office.

414 Section 6. Effective July 1, 2024, paragraph (b) of
415 subsection (1) of section 280.054, Florida Statutes, is amended
416 to read:

417 280.054 Administrative penalty in lieu of suspension or
418 disqualification.—

419 (1) If the Chief Financial Officer finds that one or more
420 grounds exist for the suspension or disqualification of a
421 qualified public depository, the Chief Financial Officer may, in
422 lieu of suspension or disqualification, impose an administrative
423 penalty upon the qualified public depository.

424 (b) With respect to any knowing and willful violation of a
425 lawful order or rule, the Chief Financial Officer may impose a

426 penalty upon the qualified public depository in an amount not
 427 exceeding \$1,000 for each violation. If restitution is due, the
 428 qualified public depository shall make restitution upon the
 429 order of the Chief Financial Officer and shall pay interest on
 430 such amount at the legal rate. Each day a violation continues
 431 constitutes a separate violation. Each of the following Failure
 432 ~~to timely file the attestation required under s. 280.025~~ is
 433 deemed a knowing and willful violation by the qualified public
 434 depository:

435 1. Failure to timely file the attestation required under
 436 s. 280.025.

437 2. Bad faith termination, suspension, or similar action
 438 restricting a customer's or member's account access, as
 439 determined by the Office of Financial Regulation pursuant to s.
 440 655.49.

441 3. Failure to cooperate in an investigation conducted
 442 pursuant to s. 655.49(3), including, without limitation, failure
 443 to timely file a termination-of-access report with the office.

444 Section 7. Subsection (6) of section 284.44, Florida
 445 Statutes, is amended to read:

446 284.44 Salary indemnification costs of state agencies.—

447 ~~(6) The Division of Risk Management shall prepare~~
 448 ~~quarterly reports to the Executive Office of the Governor and~~
 449 ~~the chairs of the legislative appropriations committees~~
 450 ~~indicating for each state agency the total amount of salary~~

451 ~~indemnification benefits paid to claimants and the total amount~~
452 ~~of reimbursements from state agencies to the State Risk~~
453 ~~Management Trust Fund for initial costs for the previous~~
454 ~~quarter. These reports shall also include information for each~~
455 ~~state agency indicating the number of cases and amounts of~~
456 ~~initial salary indemnification costs for which reimbursement~~
457 ~~requirements were waived by the Executive Office of the Governor~~
458 ~~pursuant to this section.~~

459 Section 8. Subsection (12) of section 440.13, Florida
460 Statutes, is amended to read:

461 440.13 Medical services and supplies; penalty for
462 violations; limitations.—

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

465 (a) A three-member panel is created, consisting of the
466 Chief Financial Officer, or the Chief Financial Officer's
467 designee, and two members to be appointed by the Governor,
468 subject to confirmation by the Senate, one member who, on
469 account of present or previous vocation, employment, or
470 affiliation, shall be classified as a representative of
471 employers, the other member who, on account of previous
472 vocation, employment, or affiliation, shall be classified as a
473 representative of employees. The panel shall determine statewide
474 schedules of maximum reimbursement allowances for medically
475 necessary treatment, care, and attendance provided by hospitals

476 and ambulatory surgical centers. The maximum reimbursement
477 allowances for inpatient hospital care shall be based on a
478 schedule of per diem rates, to be approved by the three-member
479 panel no later than March 1, 1994, to be used in conjunction
480 with a precertification manual as determined by the department,
481 including maximum hours in which an outpatient may remain in
482 observation status, which shall not exceed 23 hours. All
483 compensable charges for hospital outpatient care shall be
484 reimbursed at 75 percent of usual and customary charges, except
485 as otherwise provided by this subsection. Annually, the three-
486 member panel shall adopt schedules of maximum reimbursement
487 allowances for hospital inpatient care, hospital outpatient
488 care, and ambulatory surgical centers. A hospital or an
489 ambulatory surgical center shall be reimbursed either the
490 agreed-upon contract price or the maximum reimbursement
491 allowance in the appropriate schedule.

492 (b) Payments for outpatient physical, occupational, and
493 speech therapy provided by hospitals shall be the schedule of
494 maximum reimbursement allowances for these services which
495 applies to nonhospital providers.

496 (c) Payments for scheduled outpatient nonemergency
497 radiological and clinical laboratory services that are not
498 provided in conjunction with a surgical procedure shall be the
499 schedule of maximum reimbursement allowances for these services
500 which applies to nonhospital providers.

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

503 2. Reimbursement for emergency services and care as
504 defined in s. 395.002 which does not include a maximum
505 reimbursement allowance must be 250 percent of Medicare, unless
506 there is a contract, in which case the contract governs
507 reimbursement. Upon this subparagraph taking effect, the
508 department shall engage with an actuarial services firm to begin
509 development of maximum reimbursement allowances for services
510 subject to the reimbursement provisions of this subparagraph.
511 This subparagraph expires June 30, 2026.

512 (e)1. By July 1 of each year, the department shall notify
513 carriers and self-insurers of the physician and nonhospital
514 services schedule of maximum reimbursement allowances. The
515 notice must include publication of this schedule of maximum
516 reimbursement allowances on the division's website. This
517 schedule is not subject to approval by the three-member panel
518 and does not include reimbursement for prescription medication.

519 2. Subparagraph 1. shall take effect January 1, following
520 the July 1, 2024, notice of the physician and nonhospital
521 services schedule of maximum reimbursement allowances that the
522 department provides to carriers and self-insurers.

523 (f) Maximum reimbursement for a physician licensed under
524 chapter 458 or chapter 459 shall be 110 percent of the
525 reimbursement allowed by Medicare, using appropriate codes and

526 modifiers or the medical reimbursement level adopted by the
527 three-member panel as of January 1, 2003, whichever is greater.

528 (g) Maximum reimbursement for surgical procedures shall be
529 140 percent of the reimbursement allowed by Medicare or the
530 medical reimbursement level adopted by the three-member panel as
531 of January 1, 2003, whichever is greater.

532 (h) As to reimbursement for a prescription medication, the
533 reimbursement amount for a prescription shall be the average
534 wholesale price plus \$4.18 for the dispensing fee. For
535 repackaged or relabeled prescription medications dispensed by a
536 dispensing practitioner as provided in s. 465.0276, the fee
537 schedule for reimbursement shall be 112.5 percent of the average
538 wholesale price, plus \$8.00 for the dispensing fee. For purposes
539 of this subsection, the average wholesale price shall be
540 calculated by multiplying the number of units dispensed times
541 the per-unit average wholesale price set by the original
542 manufacturer of the underlying drug dispensed by the
543 practitioner, based upon the published manufacturer's average
544 wholesale price published in the Medi-Span Master Drug Database
545 as of the date of dispensing. All pharmaceutical claims
546 submitted for repackaged or relabeled prescription medications
547 must include the National Drug Code of the original
548 manufacturer. Fees for pharmaceuticals and pharmaceutical
549 services shall be reimbursable at the applicable fee schedule
550 amount except where the employer or carrier, or a service

551 company, third party administrator, or any entity acting on
552 behalf of the employer or carrier directly contracts with the
553 provider seeking reimbursement for a lower amount.

554 (i) Reimbursement for all fees and other charges for such
555 treatment, care, and attendance, including treatment, care, and
556 attendance provided by any hospital or other health care
557 provider, ambulatory surgical center, work-hardening program, or
558 pain program, must not exceed the amounts provided by the
559 uniform schedule of maximum reimbursement allowances as
560 determined by the panel or as otherwise provided in this
561 section. This subsection also applies to independent medical
562 examinations performed by health care providers under this
563 chapter. In determining the uniform schedule, the panel shall
564 first approve the data which it finds representative of
565 prevailing charges in the state for similar treatment, care, and
566 attendance of injured persons. Each health care provider, health
567 care facility, ambulatory surgical center, work-hardening
568 program, or pain program receiving workers' compensation
569 payments shall maintain records verifying their usual charges.
570 In establishing the uniform schedule of maximum reimbursement
571 allowances, the panel must consider:

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

575 2. The impact upon cost to employers for providing a level

576 of reimbursement for treatment, care, and attendance which will
577 ensure the availability of treatment, care, and attendance
578 required by injured workers; and

579 3. The financial impact of the reimbursement allowances
580 upon health care providers and health care facilities, including
581 trauma centers as defined in s. 395.4001, and its effect upon
582 their ability to make available to injured workers such
583 medically necessary remedial treatment, care, and attendance.
584 The uniform schedule of maximum reimbursement allowances must be
585 reasonable, must promote health care cost containment and
586 efficiency with respect to the workers' compensation health care
587 delivery system, and must be sufficient to ensure availability
588 of such medically necessary remedial treatment, care, and
589 attendance to injured workers.

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

592 1. Take testimony, receive records, and collect data to
593 evaluate the adequacy of the workers' compensation fee schedule,
594 nationally recognized fee schedules and alternative methods of
595 reimbursement to health care providers and health care
596 facilities for inpatient and outpatient treatment and care.

597 2. Survey health care providers and health care facilities
598 to determine the availability and accessibility of workers'
599 compensation health care delivery systems for injured workers.

600 3. Survey carriers to determine the estimated impact on

601 carrier costs and workers' compensation premium rates by
602 implementing changes to the carrier reimbursement schedule or
603 implementing alternative reimbursement methods.

604 4. Submit recommendations on or before January 15, 2017,
605 and biennially thereafter, to the President of the Senate and
606 the Speaker of the House of Representatives on methods to
607 improve the workers' compensation health care delivery system.
608

609 The department, as requested, shall provide data to the panel,
610 including, but not limited to, utilization trends in the
611 workers' compensation health care delivery system. The
612 department shall provide the panel with an annual report
613 regarding the resolution of medical reimbursement disputes and
614 any actions pursuant to subsection (8). The department shall
615 provide administrative support and service to the panel to the
616 extent requested by the panel. The department may adopt rules
617 pursuant to ss. 120.536(1) and 120.54 to implement this
618 subsection. For prescription medication purchased under the
619 requirements of this subsection, a dispensing practitioner shall
620 not possess such medication unless payment has been made by the
621 practitioner, the practitioner's professional practice, or the
622 practitioner's practice management company or employer to the
623 supplying manufacturer, wholesaler, distributor, or drug
624 repackager within 60 days of the dispensing practitioner taking
625 possession of that medication.

626 Section 9. Subsections (9) through (13) of section
627 440.385, Florida Statutes, are renumbered as subsections (10)
628 through (14), respectively, and a new subsection (9) is added to
629 that section to read:

630 440.385 Florida Self-Insurers Guaranty Association,
631 Incorporated.—

632 (9) CONTRACTS AND PURCHASES.—

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

640 (b) All contracts and purchases valued at or more than
641 \$100,000 require competition through a formal bid solicitation
642 conducted by the association. The association must undergo a
643 formal bid solicitation process. The formal bid solicitation
644 process must include all of the following:

645 1. The time and date for the receipt of bids, the
646 proposals, and whether the association contemplates renewal of
647 the contract, including the price for each year for which the
648 contract may be renewed.

649 2. All the contractual terms and conditions applicable to
650 the procurement.

651 (c) Evaluation of bids by the association must include
652 consideration of the total cost for each year of the contract,
653 including renewal years, as submitted by the vendor. The
654 association must award the contract to the most responsible and
655 responsive vendor. Any formal bid solicitation conducted by the
656 association must be made available, upon request, to the
657 department via electronic delivery.

658 (d) Contracts that are required by law are exempt from
659 this section.

660 Section 10. Subsection (7) of section 497.101, Florida
661 Statutes, is renumbered as subsection (11), subsections (1)
662 through (4) are amended, and a new subsection (7) and
663 subsections (8), (9), and (10) are added to that section, to
664 read:

665 497.101 Board of Funeral, Cemetery, and Consumer Services;
666 membership; appointment; terms.—

667 (1) The Board of Funeral, Cemetery, and Consumer Services
668 is created within the Department of Financial Services and shall
669 consist of 10 members, 9 of whom shall be appointed by ~~the~~
670 ~~Governor from nominations made by the Chief Financial Officer~~
671 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
672 ~~nominate one to three persons for each of the nine vacancies on~~
673 ~~the board, and the Governor shall fill each vacancy on the board~~
674 ~~by appointing one of the persons nominated by the Chief~~
675 ~~Financial Officer to fill that vacancy. If the Governor objects~~

676 ~~to each of the nominations for a vacancy, she or he shall inform~~
677 ~~the Chief Financial Officer in writing. Upon notification of an~~
678 ~~objection by the Governor, the Chief Financial Officer shall~~
679 ~~submit one to three additional nominations for that vacancy~~
680 ~~until the vacancy is filled.~~ One member must be the State Health
681 Officer or her or his designee.

682 (2) Two members of the board must be funeral directors
683 licensed under part III of this chapter who are associated with
684 a funeral establishment. One member of the board must be a
685 funeral director licensed under part III of this chapter who is
686 associated with a funeral establishment licensed under part III
687 of this chapter which has a valid preneed license issued
688 pursuant to this chapter ~~and who owns or operates a cinerator~~
689 ~~facility approved under chapter 403 and licensed under part VI~~
690 ~~of this chapter.~~ Two members of the board must be persons whose
691 primary occupation is associated with a cemetery company
692 licensed pursuant to this chapter. Two members of the board must
693 be consumers who are residents of this state, have never been
694 licensed as funeral directors or embalmers, are not connected
695 with a cemetery or cemetery company licensed pursuant to this
696 chapter, and are not connected with the death care industry or
697 the practice of embalming, funeral directing, or direct
698 disposition. One of the two consumer members must be at least 60
699 years of age. One member of the board must be a consumer who is
700 a resident of this state; is licensed as a certified public

701 accountant under chapter 473; has never been licensed as a
702 funeral director or an embalmer; is not a principal or an
703 employee of any licensee licensed under this chapter; and does
704 not otherwise have control, as defined in s. 497.005, over any
705 licensee licensed under this chapter. One member of the board
706 must be a principal of a monument establishment licensed under
707 this chapter as a monument builder. One member must be the State
708 Health Officer or her or his designee. There may not be two or
709 more board members who are principals or employees of the same
710 company or partnership or group of companies or partnerships
711 under common control.

712 (3) Board members shall be appointed for terms of 4 years
713 and may be reappointed; however, a member may not serve for more
714 than 8 consecutive years. ~~and~~ The State Health Officer shall
715 serve as long as that person holds that office. The designee of
716 the State Health Officer shall serve at the pleasure of the
717 Chief Financial Officer ~~Governor~~.

718 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
719 ~~the Senate~~ may remove any board member for malfeasance or
720 misfeasance, neglect of duty, incompetence, substantial
721 inability to perform official duties, commission of a crime, or
722 other substantial cause as determined by the Chief Financial
723 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
724 fitness to sit on the board. A board member shall be deemed to
725 have resigned her or his board membership, and that position

726 shall be deemed vacant, upon the failure of the member to attend
727 three consecutive meetings of the board or at least half of the
728 meetings of the board during any 12-month period, unless the
729 Chief Financial Officer determines that there was good and
730 adequate justification for the absences and that such absences
731 are not likely to continue. Any vacancy so created shall be
732 filled as provided in subsection (1).

733 (7) Members of the board are subject to the code of ethics
734 under part III of chapter 112. For purposes of applying part III
735 of chapter 112 to activities of the members of the board, those
736 persons are considered public officers, and the department is
737 considered their agency. A board member may not vote on any
738 measure that would inure to his or her special private gain or
739 loss and, in accordance with s. 112.3143(2), may not vote on any
740 measure that he or she knows would inure to the special private
741 gain or loss of any principal by which he or she is retained,
742 other than an agency as defined in s. 112.312; or that he or she
743 knows would inure to the special private gain or loss of his or
744 her relative or business associate. Before the vote is taken,
745 such member shall publicly state to the board the nature of his
746 or her interest in the matter from which he or she is abstaining
747 from voting and, within 15 days after the vote occurs, disclose
748 the nature of his or her interest as a public record in a
749 memorandum filed with the person responsible for recording the
750 minutes of the meeting, who shall incorporate the memorandum in

751 the minutes.

752 (8) In accordance with ss. 112.3148 and 112.3149, a board
753 member may not knowingly accept, directly or indirectly, any
754 gift or expenditure from a person or entity, or an employee or
755 representative of such person or entity, which has a contractual
756 relationship with the department or the board, which is under
757 consideration for a contract, or which is licensed by the
758 department.

759 (9) A board member who fails to comply with subsection (7)
760 or subsection (8) is subject to the penalties provided under ss.
761 112.317 and 112.3173.

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

766 (b) Except for emergency meetings, the department shall
767 give notice of any board meeting by publication on the
768 department's website at least 7 days before the meeting. The
769 department shall publish a meeting agenda on its website at
770 least 7 days before the meeting. The agenda must contain the
771 items to be considered in order of presentation. After the
772 agenda has been made available, a change may be made only for
773 good cause, as determined by the person designated to preside,
774 and must be stated in the record. Notification of such change
775 must be at the earliest practicable time.

776 Section 11. Paragraph (a) of subsection (4) of section
 777 497.153, Florida Statutes, is amended to read:

778 497.153 Disciplinary procedures and penalties.—

779 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

780 (a) Service of an administrative complaint may be in
 781 person by department staff or any person authorized to make
 782 service of process under the Florida Rules of Civil Procedure.
 783 Service upon a licensee may in the alternative be made by
 784 certified mail, return receipt requested, to the last known
 785 address of record provided by the licensee to the department. If
 786 service by certified mail cannot be made at the last address
 787 provided by the licensee to the department, service may be made
 788 by e-mail, delivery receipt required, sent to the most recent e-
 789 mail address provided by the licensee to the department in
 790 accordance with s. 497.146.

791 Section 12. Paragraph (e) of subsection (1) of section
 792 497.155, Florida Statutes, is amended to read:

793 497.155 Disciplinary citations and minor violations.—

794 (1) CITATIONS.—

795 (e) Service of a citation may be made by personal service
 796 or certified mail, restricted delivery, to the subject at the
 797 subject's last known address in accordance with s. 497.146. If
 798 service by certified mail cannot be made at the last address
 799 provided by the subject to the department, service may be made
 800 by e-mail, delivery receipt required, sent to the most recent e-

801 mail address provided by the subject to the department in
 802 accordance with s. 497.146.

803 Section 13. Paragraph (d) of subsection (3) of section
 804 497.172, Florida Statutes, is amended to read:

805 497.172 Public records exemptions; public meetings
 806 exemptions.—

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

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

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

812 2. To any law enforcement agency or other government
 813 agency in the performance of its official duties and
 814 responsibilities.

815 3. If the department uncovers information of immediate and
 816 serious concern to the public health, safety, or welfare, it may
 817 disseminate such information as it deems necessary for the
 818 public health, safety, or welfare.

819 4. If the department issues an emergency order pursuant to
 820 s. 497.156.

821 Section 14. Section 497.386, Florida Statutes, is amended
 822 to read:

823 497.386 Storage, preservation, and transportation of human
 824 remains.—

825 (1) A person may not store or maintain human remains at

826 any establishment or facility except an establishment or
827 facility licensed under this chapter or a health care facility,
828 medical examiner's facility, morgue, or cemetery holding
829 facility.

830 (2) A dead human body may not be held in any place or in
831 transit over 24 hours after death or pending final disposition
832 unless the body is maintained under refrigeration at a
833 temperature of 40 degrees Fahrenheit or below or is embalmed or
834 otherwise preserved in a manner approved by the licensing
835 authority in accordance with the provisions of this chapter.

836 (3) A dead human body transported by common carrier or any
837 agency or individual authorized to carry dead human bodies must
838 be placed in a carrying container adequate to prevent the
839 seepage of fluids and escape of offensive odors. A dead human
840 body may be transported only when accompanied by a properly
841 completed burial-transit permit issued in accordance with the
842 provisions of chapter 382.

843 (4) The licensing authority shall establish by rule the
844 minimal standards of acceptable and prevailing practices for the
845 handling and storing of dead human bodies, provided that all
846 human remains transported or stored must be completely covered
847 and at all times treated with dignity and respect.

848 (5) In the event of an emergency situation, including the
849 abandonment of any establishments or facilities licensed under
850 this chapter or any medical examiner's facility, morgue, or

851 cemetery holding facility, the department may enter and secure
852 such establishment, facility, or morgue during or outside of
853 normal business hours and remove human remains and cremated
854 remains from the establishment, facility, or morgue. For
855 purposes of this subsection, the department shall determine if a
856 facility is abandoned and if there is an emergency situation. A
857 licensee or licensed facility that accepts transfer of human
858 remains and cremated remains from the department pursuant to
859 this subsection may not be held liable for the condition of any
860 human remains or cremated remains at the time of transfer.

861 (6)-(5) A person who violates subsection (1) or subsection
862 (3) any provision of this section commits a misdemeanor of the
863 first degree, punishable as provided in s. 775.082 or s.
864 775.083.

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

868 Section 15. Section 497.469, Florida Statutes, is created
869 to read:

870 497.469 Fulfillment of preneed contracts.-

871 (1) Upon delivery of merchandise or performance of
872 services in fulfillment of a preneed contract, either in part or
873 in whole, a preneed licensee may withdraw the amount deposited
874 in trust plus income earned on such amount for the merchandise
875 delivered or services performed, when adequate documentation is

876 | submitted to the trustee.

877 | (2) The following documentation is satisfactory evidence
 878 | that a preneed contract has been fulfilled:

879 | (a) A certified copy of death certificate;

880 | (b) An invoice for merchandise which reflects the name of
 881 | the purchaser or beneficiary and the contract number;

882 | (c) An acknowledgment signed by the purchaser or legally
 883 | authorized person, acknowledging that merchandise was delivered
 884 | or services performed; or

885 | (d) A burial permit or other documentation provided to
 886 | another governmental agency.

887 | (3) For purposes of fulfillment of a preneed cemetery
 888 | contract, the documentation set forth in subsection (2) or a
 889 | certificate signed by an officer, manager, or designee that the
 890 | merchandise was delivered or services were performed is
 891 | satisfactory evidence to show that a preneed cemetery contract
 892 | has been fulfilled.

893 | (4) The preneed licensee shall maintain documentation that
 894 | supports fulfillment of a particular contract until such records
 895 | are examined by the department.

896 | Section 16. Paragraphs (c) and (d) subsection (10) of
 897 | section 624.307, Florida Statutes, are redesignated as
 898 | paragraphs (d) and (e), respectively, paragraph (b) is amended,
 899 | and a new paragraph (c) is added to subsection (10) of that
 900 | section, to read:

901 624.307 General powers; duties.-
 902 (10)
 903 (b) Any person licensed or issued a certificate of
 904 authority or made an eligible surplus lines insurer by the
 905 department or the office shall respond, in writing or
 906 electronically, to the division within 14 days after receipt of
 907 a written request for documents and information from the
 908 division concerning a consumer complaint. The response must
 909 address the issues and allegations raised in the complaint and
 910 include any requested documents concerning the consumer
 911 complaint not subject to attorney-client or work-product
 912 privilege. The division may impose an administrative penalty for
 913 failure to comply with this paragraph of up to \$5,000 per
 914 violation upon any entity licensed by the department or the
 915 office and up to \$1,000 per violation by any individual licensed
 916 by the department or the office.
 917 (c) Each insurer issued a certificate of authority or made
 918 an eligible surplus lines insurer shall file with the department
 919 an e-mail address to which requests for response to consumer
 920 complaints shall be directed pursuant to paragraph (b). Such
 921 insurer shall also designate a contact person for escalated
 922 complaint issues and shall provide the name, e-mail address, and
 923 telephone number of such person. A licensee of the department,
 924 including an agency or a firm, may elect to designated an e-mail
 925 address to which requests for response to consumer complaints

926 shall be directed pursuant to paragraph (b). If a licensee,
927 including an agency or a firm, elects not to designate an e-mail
928 address, the department shall direct requests for response to
929 consumer complaints to the e-mail address of record for the
930 licensee in the department's licensing system. An insurer or a
931 licensee, including an agency or a firm, may change a designated
932 contact information at any time by submitting the new
933 information to the department using the method designated by
934 rule by the department.

935 Section 17. Subsection (2) of section 626.171, Florida
936 Statutes, is amended to read:

937 626.171 Application for license as an agent, customer
938 representative, adjuster, service representative, or reinsurance
939 intermediary.—

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

941 (a) His or her full name, age, social security number,
942 residence address, business address, mailing address, contact
943 telephone numbers, including a business telephone number, and e-
944 mail address.

945 (b) A statement indicating the method the applicant used
946 or is using to meet any required prelicensing education,
947 knowledge, experience, or instructional requirements for the
948 type of license applied for.

949 (c) Whether he or she has been refused or has voluntarily
950 surrendered or has had suspended or revoked a license to solicit

951 insurance by the department or by the supervising officials of
952 any state.

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

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

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

960 (g) The applicant's native language.

961 (h) The highest level of education achieved by the
962 applicant.

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

965 (j) Such other or additional information as the department
966 may deem proper to enable it to determine the character,
967 experience, ability, and other qualifications of the applicant
968 to hold himself or herself out to the public as an insurance
969 representative.

970
971 However, the application must contain a statement that an
972 applicant is not required to disclose his or her race or
973 ethnicity, gender, or native language, that he or she will not
974 be penalized for not doing so, and that the department will use
975 this information exclusively for research and statistical

976 | purposes and to improve the quality and fairness of the
 977 | examinations. The department shall make provisions for
 978 | applicants to submit cellular telephone numbers as part of the
 979 | application process on a voluntary basis only for the purpose of
 980 | two-factor authentication of secure login credentials only.

981 | Section 18. Paragraph (j) of subsection (2) of section
 982 | 626.221, Florida Statutes, is amended to read:

983 | 626.221 Examination requirement; exemptions.—

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

986 | (j) An applicant for license as an all-lines adjuster who
 987 | has the designation of Accredited Claims Adjuster (ACA) from a
 988 | regionally accredited postsecondary institution in this state;
 989 | Certified All Lines Adjuster (CALA) from Kaplan Financial
 990 | Education; Associate in Claims (AIC) from the Insurance
 991 | Institute of America; Professional Claims Adjuster (PCA) from
 992 | the Professional Career Institute; Professional Property
 993 | Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
 994 | Certified Adjuster (CA) from ALL LINES Training; Certified
 995 | Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
 996 | Certified Professional (CACP) from WebCE, Inc.; Accredited
 997 | Insurance Claims Specialist (AICS) from Encore Claim Services;
 998 | Professional in Claims (PIC) from 2021 Training, LLC; Registered
 999 | Claims Adjuster (RCA) from American Insurance College; or
 1000 | Universal Claims Certification (UCC) from Claims and Litigation

1001 Management Alliance (CLM) whose curriculum has been approved by
1002 the department and which includes comprehensive analysis of
1003 basic property and casualty lines of insurance and testing at
1004 least equal to that of standard department testing for the all-
1005 lines adjuster license. The department shall adopt rules
1006 establishing standards for the approval of curriculum.

1007 Section 19. Subsection (6) of section 626.601, Florida
1008 Statutes, is amended to read:

1009 626.601 Improper conduct; inquiry; fingerprinting.—

1010 (6) The complaint and any information obtained pursuant to
1011 the investigation by the department or office are confidential
1012 and are exempt from s. 119.07 unless the department or office
1013 files a formal administrative complaint, emergency order, or
1014 consent order against the individual or entity. This subsection
1015 does not prevent the department or office from disclosing the
1016 complaint or such information as it deems necessary to conduct
1017 the investigation, to update the complainant as to the status
1018 and outcome of the complaint, to review the details of the
1019 investigation with the individual or entity being investigated
1020 or their representative, or to share such information with any
1021 law enforcement agency or other regulatory body.

1022 Section 20. Subsection (3) of section 626.7351, Florida
1023 Statutes, is amended to read:

1024 626.7351 Qualifications for customer representative's
1025 license.—The department shall not grant or issue a license as

1026 customer representative to any individual found by it to be
1027 untrustworthy or incompetent, or who does not meet each of the
1028 following qualifications:

1029 (3) Within 4 years preceding the date that the application
1030 for license was filed with the department, the applicant has
1031 earned the designation of Accredited Advisor in Insurance (AAI),
1032 Associate in General Insurance (AINS), or Accredited Customer
1033 Service Representative (ACSR) from the Insurance Institute of
1034 America; the designation of Certified Insurance Counselor (CIC)
1035 from the Society of Certified Insurance Service Counselors; the
1036 designation of Certified Professional Service Representative
1037 (CPSR) from the National Foundation for CPSR; the designation of
1038 Certified Insurance Service Representative (CISR) from the
1039 Society of Certified Insurance Service Representatives; the
1040 designation of Certified Insurance Representative (CIR) from
1041 All-Lines Training; the designation of Chartered Customer
1042 Service Representative (CCSR) from American Insurance College;
1043 the designation of Professional Customer Service Representative
1044 (PCSR) from the Professional Career Institute; the designation
1045 of Insurance Customer Service Representative (ICSR) from
1046 Statewide Insurance Associates LLC; the designation of
1047 Registered Customer Service Representative (RCSR) from a
1048 regionally accredited postsecondary institution in the state
1049 whose curriculum is approved by the department and includes
1050 comprehensive analysis of basic property and casualty lines of

1051 insurance and testing which demonstrates mastery of the subject;
1052 or a degree from an accredited institution of higher learning
1053 approved by the department when the degree includes a minimum of
1054 9 credit hours of insurance instruction, including specific
1055 instruction in the areas of property, casualty, and inland
1056 marine insurance. The department shall adopt rules establishing
1057 standards for the approval of curriculum.

1058 Section 21. Section 626.878, Florida Statutes, is amended
1059 to read:

1060 626.878 Rules; code of ethics.—

1061 (1) An adjuster shall subscribe to the code of ethics
1062 specified in the rules of the department. The rules shall
1063 implement the provisions of this part and specify the terms and
1064 conditions of contracts, including a right to cancel, and
1065 require practices necessary to ensure fair dealing, prohibit
1066 conflicts of interest, and ensure preservation of the rights of
1067 the claimant to participate in the adjustment of claims.

1068 (2) A person licensed as an adjuster must identify himself
1069 or herself in any advertisement, solicitation, or written
1070 document based on the adjuster appointment type held.

1071 (3) An adjuster who has had his or her licensed revoked or
1072 suspended may not participate in any part of an insurance claim
1073 or in the insurance claims adjusting process, including
1074 estimating, completing, filing, negotiating, appraising,
1075 mediating, umpiring, or effecting settlement of a claim for loss

1076 or damage covered under an insurance contract. A person who
 1077 provides these services while the person's license is revoked or
 1078 suspended acts as an unlicensed adjuster.

1079 Section 22. Subsection (1) of section 626.929, Florida
 1080 Statutes, is amended, and subsection (4) is added to that
 1081 section, to read:

1082 626.929 Origination, acceptance, placement of surplus
 1083 lines business.—

1084 (1) A licensed and appointed general lines agent while
 1085 also licensed and appointed as a surplus lines agent under this
 1086 part may originate surplus lines business and may accept surplus
 1087 lines business from any other originating Florida-licensed
 1088 general lines agent appointed and licensed as to the kinds of
 1089 insurance involved and may compensate such agent therefor.

1090 (4) A general lines agent while licensed as a surplus
 1091 lines agent under this part may appoint these licenses with a
 1092 single surplus license agent appointment pursuant to s. 624.501.
 1093 Such agent may only originate surplus lines business and accept
 1094 surplus lines business from other originating Florida-licensed
 1095 general lines agents appointed and licensed as to the kinds of
 1096 insurance involved and may compensate such agent therefor. Such
 1097 agent may not be appointed by or transact general lines
 1098 insurance on behalf of an admitted insurer.

1099 Section 23. Paragraph (j) is added to subsection (4) of
 1100 section 627.351, Florida Statutes, to read:

1101 627.351 Insurance risk apportionment plans.—

1102 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION

1103 CONTRACTS AND PURCHASES.—

1104 (j)1. After July 1, 2024, all contracts entered into, and

1105 all purchases made by, the association pursuant to this

1106 subsection which are valued at or more than \$100,000 must first

1107 be approved by the department. The department has 10 days to

1108 approve or deny a contract or purchase upon electronic receipt

1109 of the approval request. The contract or purchase is

1110 automatically approved if the department is nonresponsive.

1111 2. All contracts and purchases valued at or more than

1112 \$100,000 require competition through a formal bid solicitation

1113 conducted by the association. The association must undergo a

1114 formal bid solicitation process by a minimum of three vendors.

1115 The formal bid solicitation process must include all of the

1116 following:

1117 a. The time and date for the receipt of bids, the

1118 proposals, and whether the association contemplates renewal of

1119 the contract, including the price for each year for which the

1120 contract may be renewed.

1121 b. All the contractual terms and conditions applicable to

1122 the procurement.

1123 3. Evaluation of bids by the association must include

1124 consideration of the total cost for each year of the contract,

1125 including renewal years, as submitted by the vendor. The

1126 association must award the contract to the most responsible and
1127 responsive vendor. Any formal bid solicitation conducted by the
1128 association must be made available, upon request, to the
1129 department by electronic delivery.

1130 Section 24. Subsection (5) is added to section 631.59,
1131 Florida Statutes, to read:

1132 631.59 Duties and powers of department and office;
1133 association contracts and purchases.-

1134 (5) (a) After July 1, 2024, all contracts entered into, and
1135 all purchases made by, the association pursuant to this section
1136 which are valued at or more than \$100,000 must first be approved
1137 by the department. The department has 10 days to approve or deny
1138 the contract or purchase upon electronic receipt of the approval
1139 request. The contract or purchase is automatically approved if
1140 the department is nonresponsive.

1141 (b) All contracts and purchases valued at or more than
1142 \$100,000 require competition through a formal bid solicitation
1143 conducted by the association. The association must undergo a
1144 formal bid solicitation process. The formal bid solicitation
1145 process must include all of the following:

1146 1. The time and date for the receipt of bids, the
1147 proposals, and whether the association contemplates renewal of
1148 the contract, including the price for each year for which the
1149 contract may be renewed.

1150 2. All the contractual terms and conditions applicable to

1151 the procurement.

1152 (c) Evaluation of bids by the association must include
1153 consideration of the total cost for each year of the contract,
1154 including renewal years, as submitted by the vendor. The
1155 association must award the contract to the most responsible and
1156 responsive vendor. Any formal bid solicitation conducted by the
1157 association must be made available, upon request, to the
1158 department via electronic delivery.

1159 (d) Paragraphs (b) and (c) do not apply to claims defense
1160 counsel or claims vendors if contracts with all vendors which
1161 may exceed \$100,000 are provided to the department for prior
1162 approval in accordance with paragraph (a).

1163 Section 25. Subsection (6) is added to section 631.722,
1164 Florida Statutes, to read:

1165 631.722 Powers and duties of department and office;
1166 association contracts and purchases.-

1167 (6)(a) After July 1, 2024, all contracts entered into, and
1168 all purchases made by, the association pursuant to this section
1169 which are valued at or more than \$100,000 must first be approved
1170 by the department. The department has 10 days to approve or deny
1171 the contract or purchase upon electronic receipt of the approval
1172 request. The contract or purchase is automatically approved if
1173 the department is nonresponsive.

1174 (b) All contracts and purchases valued at or more than
1175 \$100,000 require competition through a formal bid solicitation

1176 conducted by the association. The association must undergo a
1177 formal bid solicitation process. The formal bid solicitation
1178 process must include all of the following:

1179 1. The time and date for the receipt of bids, the
1180 proposals, and whether the association contemplates renewal of
1181 the contract, including the price for each year for which the
1182 contract may be renewed.

1183 2. All the contractual terms and conditions applicable to
1184 the procurement.

1185 (c) Evaluation of bids by the association must include
1186 consideration of the total cost for each year of the contract,
1187 including renewal years, as submitted by the vendor. The
1188 association must award the contract to the most responsible and
1189 responsive vendor. Any formal bid solicitation conducted by the
1190 association must be made available, upon request, to the
1191 department via electronic delivery.

1192 Section 26. Subsection (5) is added to section 631.821,
1193 Florida Statutes, to read:

1194 631.821 Powers and duties of the department; board
1195 contracts and purchases.—

1196 (5) (a) After July 1, 2024, all contracts entered into, and
1197 all purchases made by, the board pursuant to this section which
1198 are valued at or more than \$100,000 must first be approved by
1199 the department. The department has 10 days to approve or deny
1200 the contract or purchase upon electronic receipt of the approval

1201 request. The contract or purchase is automatically approved if
1202 the department is nonresponsive.

1203 (b) All contracts and purchases valued at or more than
1204 \$100,000 require competition through a formal bid solicitation
1205 conducted by the board. The board must undergo a formal bid
1206 solicitation process. The formal bid solicitation process must
1207 include all of the following:

1208 1. The time and date for the receipt of bids, the
1209 proposals, and whether the board contemplates renewal of the
1210 contract, including the price for each year for which the
1211 contract may be renewed.

1212 2. All the contractual terms and conditions applicable to
1213 the procurement.

1214 (c) Evaluation of bids by the board must include
1215 consideration of the total cost for each year of the contract,
1216 including renewal years, as submitted by the vendor. The plan
1217 must award the contract to the most responsible and responsive
1218 vendor. Any formal bid solicitation conducted by the board must
1219 be made available, upon request, to the department via
1220 electronic delivery.

1221 Section 27. Section 631.921, Florida Statutes, is amended
1222 to read:

1223 631.921 Department powers; board contracts and purchases.—

1224 (1) The corporation shall be subject to examination by the
1225 department. By March 1 of each year, the board of directors

1226 shall cause a financial report to be filed with the department
1227 for the immediately preceding calendar year in a form approved
1228 by the department.

1229 (2) (a) After July 1, 2024, all contracts entered into, and
1230 all purchases made by, the board pursuant to this section which
1231 are valued at or more than \$100,000 must first be approved by
1232 the department. The department has 10 days to approve or deny
1233 the contract or purchase upon electronic receipt of the approval
1234 request. The contract or purchase is automatically approved if
1235 the department is nonresponsive.

1236 (b) All contracts and purchases valued at or more than
1237 \$100,000 require competition through a formal bid solicitation
1238 conducted by the board. The board must undergo a formal bid
1239 solicitation process. The formal bid solicitation process must
1240 include all of the following:

1241 1. The time and date for the receipt of bids, the
1242 proposals, and whether the board contemplates renewal of the
1243 contract, including the price for each year for which the
1244 contract may be renewed.

1245 2. All the contractual terms and conditions applicable to
1246 the procurement.

1247 (c) Evaluation of bids by the board must include
1248 consideration of the total cost for each year of the contract,
1249 including renewal years, as submitted by the vendor. The
1250 association must award the contract to the most responsible and

1251 responsive vendor. Any formal bid solicitation conducted by the
1252 association must be made available, upon request, to the
1253 department via electronic delivery.

1254 Section 28. Paragraph (b) of subsection (3) of section
1255 633.124, Florida Statutes, is amended to read:

1256 633.124 Penalty for violation of law, rule, or order to
1257 cease and desist or for failure to comply with corrective
1258 order.—

1259 (3)

1260 (b) A person who initiates a pyrotechnic display within
1261 any structure commits a felony of the third degree, punishable
1262 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1263 1. The structure has a fire protection system installed in
1264 compliance with s. 633.334.

1265 2. The owner of the structure has authorized in writing
1266 the pyrotechnic display.

1267 3. If the local jurisdiction requires a permit for the use
1268 of a pyrotechnic display in an occupied structure, such permit
1269 has been obtained and all conditions of the permit complied with
1270 or, if the local jurisdiction does not require a permit for the
1271 use of a pyrotechnic display in an occupied structure, the
1272 person initiating the display has complied with National Fire
1273 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1274 Standard for the Use of Pyrotechnics before a Proximate
1275 Audience.

1276 Section 29. Subsection (2) of section 633.202, Florida
1277 Statutes, is amended to read:

1278 633.202 Florida Fire Prevention Code.—

1279 (2) The State Fire Marshal shall adopt the current edition
1280 of the National Fire Protection Association's Standard 1, Fire
1281 Prevention Code but may not adopt a building, mechanical,
1282 accessibility, or plumbing code. The State Fire Marshal shall
1283 adopt the current edition of the Life Safety Code, NFPA 101,
1284 current editions, by reference. The State Fire Marshal may
1285 modify the selected codes and standards as needed to accommodate
1286 the specific needs of the state. Standards or criteria in the
1287 selected codes shall be similarly incorporated by reference. The
1288 State Fire Marshal shall incorporate within sections of the
1289 Florida Fire Prevention Code provisions that address uniform
1290 firesafety standards as established in s. 633.206. The State
1291 Fire Marshal shall incorporate within sections of the Florida
1292 Fire Prevention Code provisions addressing regional and local
1293 concerns and variations.

1294 Section 30. Paragraph (b) of subsection (1) of section
1295 633.206, Florida Statutes, is amended to read:

1296 633.206 Uniform firesafety standards.—The Legislature
1297 hereby determines that to protect the public health, safety, and
1298 welfare it is necessary to provide for firesafety standards
1299 governing the construction and utilization of certain buildings
1300 and structures. The Legislature further determines that certain

1301 buildings or structures, due to their specialized use or to the
1302 special characteristics of the person utilizing or occupying
1303 these buildings or structures, should be subject to firesafety
1304 standards reflecting these special needs as may be appropriate.

1305 (1) The department shall establish uniform firesafety
1306 standards that apply to:

1307 (b) All new, existing, and proposed hospitals, nursing
1308 homes, assisted living facilities, adult family-care homes,
1309 correctional facilities, public schools, transient public
1310 lodging establishments, public food service establishments,
1311 mobile food dispensing vehicles, elevators, migrant labor camps,
1312 mobile home parks, lodging parks, recreational vehicle parks,
1313 recreational camps, residential and nonresidential child care
1314 facilities, facilities for the developmentally disabled, motion
1315 picture and television special effects productions, tunnels,
1316 energy storage systems, and self-service gasoline stations, of
1317 which standards the State Fire Marshal is the final
1318 administrative interpreting authority.

1319
1320 In the event there is a dispute between the owners of the
1321 buildings specified in paragraph (b) and a local authority
1322 requiring a more stringent uniform firesafety standard for
1323 sprinkler systems, the State Fire Marshal shall be the final
1324 administrative interpreting authority and the State Fire
1325 Marshal's interpretation regarding the uniform firesafety

1326 standards shall be considered final agency action.

1327 Section 31. Paragraph (b) of subsection (8) of section
1328 634.041, Florida Statutes, is amended to read:

1329 634.041 Qualifications for license.—To qualify for and
1330 hold a license to issue service agreements in this state, a
1331 service agreement company must be in compliance with this part,
1332 with applicable rules of the commission, with related sections
1333 of the Florida Insurance Code, and with its charter powers and
1334 must comply with the following:

1335 (8)

1336 (b) A service agreement company does not have to establish
1337 and maintain an unearned premium reserve if it secures and
1338 maintains contractual liability insurance in accordance with the
1339 following:

1340 1. Coverage of 100 percent of the claim exposure is
1341 obtained from an insurer or insurers approved by the office,
1342 which hold ~~holds~~ a certificate of authority under s. 624.401 to
1343 do business within this state, or secured through a risk
1344 retention groups ~~group~~, which are ~~is~~ authorized to do business
1345 within this state under s. 627.943 or s. 627.944. Such insurers
1346 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1347 as regards policyholders of at least \$15 million.

1348 2. If the service agreement company does not meet its
1349 contractual obligations, the contractual liability insurance
1350 policy binds its issuer to pay or cause to be paid to the

1351 service agreement holder all legitimate claims and cancellation
1352 refunds for all service agreements issued by the service
1353 agreement company while the policy was in effect. This
1354 requirement also applies to those service agreements for which
1355 no premium has been remitted to the insurer.

1356 3. If the issuer of the contractual liability policy is
1357 fulfilling the service agreements covered by the contractual
1358 liability policy and the service agreement holder cancels the
1359 service agreement, the issuer must make a full refund of
1360 unearned premium to the consumer, subject to the cancellation
1361 fee provisions of s. 634.121(3). The sales representative and
1362 agent must refund to the contractual liability policy issuer
1363 their unearned pro rata commission.

1364 4. The policy may not be canceled, terminated, or
1365 nonrenewed by the insurer or the service agreement company
1366 unless a 90-day written notice thereof has been given to the
1367 office by the insurer before the date of the cancellation,
1368 termination, or nonrenewal.

1369 5. The service agreement company must provide the office
1370 with the claims statistics.

1371 6. A policy issued in compliance with this paragraph may
1372 either pay 100 percent of claims as they are incurred, or pay
1373 100 percent of claims due in the event of the failure of the
1374 service agreement company to pay such claims when due.

1375

1376 All funds or premiums remitted to an insurer by a motor vehicle
 1377 service agreement company under this part shall remain in the
 1378 care, custody, and control of the insurer and shall be counted
 1379 as an asset of the insurer; provided, however, this requirement
 1380 does not apply when the insurer and the motor vehicle service
 1381 agreement company are affiliated companies and members of an
 1382 insurance holding company system. If the motor vehicle service
 1383 agreement company chooses to comply with this paragraph but also
 1384 maintains a reserve to pay claims, such reserve shall only be
 1385 considered an asset of the covered motor vehicle service
 1386 agreement company and may not be simultaneously counted as an
 1387 asset of any other entity.

1388 Section 32. Subsection (5) of section 634.081, Florida
 1389 Statutes, is amended to read:

1390 634.081 Suspension or revocation of license; grounds.—

1391 (5) The office shall suspend or revoke the license of a
 1392 company if it finds that the ratio of gross written premiums
 1393 written to net assets exceeds 10 to 1 unless the company has in
 1394 excess of \$750,000 in net assets and is utilizing contractual
 1395 liability insurance which cedes 100 percent of the service
 1396 agreement company's claims liabilities to the contractual
 1397 liability insurers ~~insurer~~ or is utilizing contractual liability
 1398 insurance which reimburses the service agreement company for 100
 1399 percent of its paid claims. However, if a service agreement
 1400 company has been licensed by the office in excess of 10 years,

1401 is in compliance with all applicable provisions of this part,
1402 and has net assets at all times in excess of \$3 million that
1403 comply with the provisions of part II of chapter 625, such
1404 company may not exceed a ratio of gross written premiums written
1405 to net assets of 15 to 1.

1406 Section 33. Subsection (5) of section 634.3077, Florida
1407 Statutes, is renumbered as subsection (6), subsection (3) is
1408 amended, and a new subsection (5) is added to that section, to
1409 read:

1410 634.3077 Financial requirements.—

1411 (3) An association may ~~shall~~ not be required to set up an
1412 unearned premium reserve if it has purchased contractual
1413 liability insurance which demonstrates to the satisfaction of
1414 the office that 100 percent of its claim exposure is covered by
1415 such insurance. Such contractual liability insurance shall be
1416 obtained from an insurer or insurers that hold ~~holds~~ a
1417 certificate of authority to do business within the state or from
1418 an insurer or insurers approved by the office as financially
1419 capable of meeting the obligations incurred pursuant to the
1420 policy. For purposes of this subsection, the contractual
1421 liability policy shall contain the following provisions:

1422 (a) In the event that the home warranty association is
1423 unable to fulfill its obligation under its contracts issued in
1424 this state for any reason, including insolvency, bankruptcy, or
1425 dissolution, the contractual liability insurer will pay losses

1426 and unearned premiums under such plans directly to persons
1427 making claims under such contracts.

1428 (b) The insurer issuing the policy shall assume full
1429 responsibility for the administration of claims in the event of
1430 the inability of the association to do so.

1431 (c) The policy may not be canceled or not renewed by
1432 ~~either~~ the insurer or the association unless 60 days' written
1433 notice thereof has been given to the office by the insurer
1434 before the date of such cancellation or nonrenewal.

1435 (d) The contractual liability insurance policy shall
1436 insure all home warranty contracts that were issued while the
1437 policy was in effect whether or not the premium has been
1438 remitted to the insurer.

1439 (5) An association licensed under this part is not
1440 required to establish an unearned premium reserve or maintain
1441 contractual liability insurance and may allow its premiums to
1442 exceed the ratio to net assets limitation of this section if the
1443 association complies with the following:

1444 (a) The association or, if the association is a direct or
1445 indirect wholly owned subsidiary of a parent corporation, its
1446 parent corporation has, and maintains at all times, a minimum
1447 net worth of at least \$100 million and provides the office with
1448 the following:

1449 1. A copy of the association's annual audited financial
1450 statements or the audited consolidated financial statements of

1451 the association's parent corporation, prepared by an independent
1452 certified public accountant in accordance with generally
1453 accepted accounting principles, which clearly demonstrate the
1454 net worth of the association or its parent corporation to be
1455 \$100 million, and a quarterly written certification to the
1456 office that the association or its parent corporation continues
1457 to maintain the net worth required under this paragraph.

1458 2. The association's or its parent corporation's Form 10-
1459 K, Form 10-Q, or Form 20-F as filed with the United States
1460 Securities and Exchange Commission or such other documents
1461 required to be filed with a recognized stock exchange, which
1462 shall be provided on a quarterly and annual basis within 10 days
1463 after the last date each such report must be filed with the
1464 Securities and Exchange Commission, the National Association of
1465 Securities Dealers Automated Quotation system, or other
1466 recognized stock exchange.

1467
1468 Failure to timely file the documents required under this
1469 paragraph may, at the discretion of the office, subject the
1470 association to suspension or revocation of its license under
1471 this part.

1472 (b) If the net worth of a parent corporation is used to
1473 satisfy the net worth provisions of paragraph (a), the following
1474 provisions must be met:

1475 1. The parent corporation must guarantee all service

1476 warranty obligations of the association, wherever written, on a
1477 form approved in advance by the office. A cancellation,
1478 termination, or modification of the guarantee does not become
1479 effective unless the parent corporation provides the office
1480 written notice at least 90 days before the effective date of the
1481 cancellation, termination, or modification and the office
1482 approves the request in writing. Before the effective date of
1483 the cancellation, termination, or modification of the guarantee,
1484 the association must demonstrate to the satisfaction of the
1485 office compliance with all applicable provisions of this part,
1486 including whether the association will meet the requirements of
1487 this section by the purchase of contractual liability insurance,
1488 establishing required reserves, or other method allowed under
1489 this section. If the association or parent corporation does not
1490 demonstrate to the satisfaction of the office compliance with
1491 all applicable provisions of this part, the association or
1492 parent association shall immediately cease writing new and
1493 renewal business upon the effective date of the cancellation,
1494 termination, or modification.

1495 2. The association must maintain at all times net assets
1496 of at least \$750,000.

1497 Section 34. Section 634.317, Florida Statutes, is amended
1498 to read:

1499 634.317 License and appointment required.—No person may
1500 solicit, negotiate, or effectuate home warranty contracts for

1501 remuneration in this state unless such person is licensed and
1502 appointed as a sales representative. A licensed and appointed
1503 sales representative shall be directly responsible and
1504 accountable for all acts of the licensee's employees. A
1505 municipality, a county government, a special district, an entity
1506 operated by a municipality or county government, or an employee
1507 or agent of a municipality, county government, special district,
1508 or entity operated by a municipality or county government is
1509 exempt from the licensing and appointing requirements under this
1510 section.

1511 Section 35. Subsection (9) of section 648.25, Florida
1512 Statutes, is renumbered as subsection (10), and a new subsection
1513 (9) and subsection (11) are added to that section to read:

1514 648.25 Definitions.—As used in this chapter, the term:

1515 (9) "Referring bail bond agent" is the limited surety
1516 agent who is requesting the transfer bond. The referring bail
1517 bond agent is the agent held liable for the transfer bond, along
1518 with the issuing surety company.

1519 (11) "Transfer bond" means the appearance bond and power
1520 of attorney form posted by a limited surety agent who is
1521 registered in the county where the defendant is being held in
1522 custody.

1523 Section 36. Subsection (3) of section 648.26, Florida
1524 Statutes, is amended to read:

1525 648.26 Department of Financial Services; administration.—

1526 (3) The papers, documents, reports, or any other
1527 investigatory records of the department are confidential and
1528 exempt from s. 119.07(1) until such investigation is completed
1529 or ceases to be active, unless the department or office files a
1530 formal administrative complaint, emergency order, or consent
1531 order against the individual or entity. For the purpose of this
1532 section, an investigation is considered active while the
1533 investigation is being conducted by the department with a
1534 reasonable, good faith belief that it may lead to the filing of
1535 administrative, civil, or criminal proceedings. An investigation
1536 does not cease to be active if the department is proceeding with
1537 reasonable dispatch and there is good faith belief that action
1538 may be initiated by the department or other administrative or
1539 law enforcement agency. This subsection does not prevent the
1540 department or office from disclosing the content of a complaint
1541 or such information as it deems necessary to conduct the
1542 investigation, to update the complainant as to the status and
1543 outcome of the complaint, to review the details of the
1544 investigation with the subject or the subject's representative,
1545 or to share such information with any law enforcement agency or
1546 other regulatory body.

1547 Section 37. Paragraph (a) of subsection (1) of section
1548 648.30, Florida Statutes, is amended to read:

1549 648.30 Licensure and appointment required; prohibited
1550 acts; penalties.-

1551 (1) (a) A person or entity may not act in the capacity of a
 1552 bail bond agent or bail bond agency or perform any of the
 1553 functions, duties, or powers prescribed for bail bond agents or
 1554 bail bond agencies under this chapter unless that person or
 1555 entity is qualified, licensed, and appointed as provided in this
 1556 chapter ~~and employed by a bail bond agency.~~

1557 Section 38. Subsection (1) of section 648.355, Florida
 1558 Statutes, is amended to read:

1559 648.355 Limited surety agents and professional bail bond
 1560 agents; qualifications.—

1561 (1) The applicant shall furnish, with the application for
 1562 license, a complete set of the applicant's fingerprints in
 1563 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
 1564 ~~fullface photograph of the applicant.~~ The department may not
 1565 issue a license under this section until the department has
 1566 received a report from the Department of Law Enforcement and the
 1567 Federal Bureau of Investigation relative to the existence or
 1568 nonexistence of a criminal history report based on the
 1569 applicant's fingerprints.

1570 Section 39. Effective July 1, 2024, Section 655.49,
 1571 Florida Statutes, is created to read:

1572 655.49 Bad faith termination or restriction of account
 1573 access; investigations by the office.—

1574 (1) A customer or member of a financial institution who
 1575 reasonably believes that a financial institution has terminated,

1576 suspended, or taken similar action restricting access to the
1577 customer's or member's account in bad faith may file, within 30
1578 calendar days after such termination, suspension, or similar
1579 action restricting account access, a complaint with the office
1580 alleging a violation of this section. Such complaint is barred
1581 if not timely filed.

1582 (2) This section does not apply if a financial
1583 institution's termination, suspension, or similar action
1584 restricting a customer's or member's account access was due to
1585 one or more of the following:

1586 (a) The customer or member initiated the change in access;

1587 (b) There is a lack of activity in the account; or

1588 (c) The account is presumed unclaimed property pursuant to
1589 chapter 717.

1590 (3) Upon receipt of a customer's or member's complaint
1591 under subsection (1):

1592 (a) Within 30 calendar days, the office must notify the
1593 financial institution that a complaint has been filed.

1594 (b) Within 30 calendar days after receiving the notice
1595 from the office, the financial institution must file with the
1596 office a termination-of-access report containing such
1597 information as the commission requires by rule.

1598 (c) Within 90 calendar days after receiving the
1599 termination-of-access report from the financial institution, the
1600 office must investigate the financial institution's action and

1601 determine whether the action was taken in bad faith as
1602 substantiated by competent and substantial evidence that was
1603 known or should have been known to the financial institution at
1604 the time of the termination, suspension, or similar action
1605 restricting a customer's or member's account access.

1606 (d) Within 30 calendar days after making the determination
1607 required under paragraph (c), the office must report to the
1608 Attorney General and the Chief Financial Officer the
1609 determination of a bad faith termination, suspension, or similar
1610 action restricting a customer's or member's account access. The
1611 report to the Attorney General must describe the findings of the
1612 investigation, provide a summary of the evidence, and state
1613 whether an alleged violation of the financial institutions codes
1614 by the financial institution occurred. Upon reporting to the
1615 Attorney General pursuant to this paragraph, the office must
1616 send a copy of the report to the customer or member by certified
1617 mail, return receipt requested.

1618 (4) A financial institution's bad faith termination,
1619 suspension, or similar action restricting access to a customer's
1620 or member's account, as determined by the office pursuant to
1621 subsection (3), or a financial institution's failure to
1622 cooperate in an investigation conducted pursuant to subsection
1623 (3), including, without limitation, failure to timely file a
1624 termination-of-access report with the office, constitutes a
1625 violation of the financial institutions codes and subjects the

1626 financial institution to the applicable sanctions and penalties
1627 provided for in the financial institutions codes.

1628 (5) In addition to any sanctions and penalties under the
1629 financial institutions codes, a financial institution's bad
1630 faith termination, suspension, or similar action restricting
1631 access to a customer's or member's account, as determined by the
1632 office pursuant to subsection (3), or a financial institution's
1633 failure to cooperate in an investigation conducted pursuant to
1634 subsection (3), including, without limitation, failure to timely
1635 file a termination-of-access report with the office, constitutes
1636 a violation of the Florida Deceptive and Unfair Trade Practices
1637 Act under part II of chapter 501. Notwithstanding s. 501.211,
1638 violations must be enforced only by the enforcing authority, as
1639 defined in s. 501.203(2), and subject the violator to the
1640 sanctions and penalties provided for in part II of chapter 501.
1641 If such action is successful, the enforcing authority is
1642 entitled to reasonable attorney fees and costs.

1643 (6) The office shall provide any report filed pursuant to
1644 this section, or any information contained therein, to any
1645 federal, state, or local law enforcement or prosecutorial
1646 agency, and any federal or state agency responsible for the
1647 regulation or supervision of financial institutions, if the
1648 provision of such report is otherwise required by law.

1649 (7) If the office determines under subsection (3) that a
1650 financial institution has acted in bad faith, the aggrieved

1651 customer or member of the financial institution has a cause of
1652 action against the financial institution for damages and may
1653 recover damages therefor in any court of competent jurisdiction,
1654 together with costs and reasonable attorney fees to be assessed
1655 by the court. To recover damages under this subsection, the
1656 customer or member must establish by clear and convincing
1657 evidence that the financial institution acted in bad faith in
1658 terminating, suspending, or taking similar action restricting
1659 access to the customer's or member's account. The office's
1660 determination that the financial institution has acted in bad
1661 faith pursuant to subsection (3) does not, in and of itself,
1662 establish by clear and convincing evidence that the financial
1663 institution acted in bad faith in the termination, suspension,
1664 or similar action restricting access to the customer's or
1665 member's account. A customer's or member's failure to initiate a
1666 cause of action under this subsection within 12 months after the
1667 office's finding of bad faith pursuant to subsection (3) bars
1668 recovery of any filed claims thereafter.

1669 (8) By July 1, 2024, the office shall make available on
1670 its website the information necessary for a customer or member
1671 of a financial institution to file a complaint with the office
1672 under subsection (1).

1673 Section 40. Section 717.101, Florida Statutes, is amended
1674 to read:

1675 717.101 Definitions.—As used in this chapter, unless the

1676 context otherwise requires:

1677 (1) "Aggregate" means the amounts reported for owners of
 1678 unclaimed property of less than \$10 ~~\$50~~ or where there is no
 1679 name for the individual or entity listed on the holder's
 1680 records, regardless of the amount to be reported.

1681 (2) "Apparent owner" means the person whose name appears
 1682 on the records of the holder as the person entitled to property
 1683 held, issued, or owing by the holder.

1684 (3) "Audit" means an action or proceeding to examine and
 1685 verify a person's records, books, accounts, and other documents
 1686 to ascertain and determine compliance with this chapter.

1687 (4) "Audit agent" means a person with whom the department
 1688 enters into a contract with to conduct an audit or examination.
 1689 The term includes an independent contractor of the person and
 1690 each individual participating in the audit on behalf of the
 1691 person or contractor.

1692 (5)~~(3)~~ "Banking organization" means any and all banks,
 1693 trust companies, private bankers, savings banks, industrial
 1694 banks, safe-deposit companies, savings and loan associations,
 1695 credit unions, and investment companies in this state, organized
 1696 under or subject to the laws of this state or of the United
 1697 States, including entities organized under 12 U.S.C. s. 611, but
 1698 does not include federal reserve banks. The term also includes
 1699 any corporation, business association, or other organization
 1700 that:

1701 (a) Is a wholly or partially owned subsidiary of any
1702 banking, banking corporation, or bank holding company that
1703 performs any or all of the functions of a banking organization;
1704 or

1705 (b) Performs functions pursuant to the terms of a contract
1706 with any banking organization ~~state or national bank,~~
1707 ~~international banking entity or similar entity, trust company,~~
1708 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
1709 ~~company, private bank, or any organization otherwise defined by~~
1710 ~~law as a bank or banking organization.~~

1711 (6)-(4) "Business association" means any for-profit or
1712 nonprofit corporation other than a public corporation; joint
1713 stock company; investment company; unincorporated association or
1714 association of two or more individuals for business purposes,
1715 whether or not for profit; partnership; joint venture; limited
1716 liability company; sole proprietorship; business trust; trust
1717 company; land bank; safe-deposit company; safekeeping
1718 depository; financial organization; insurance company; federally
1719 chartered entity; utility company; or other business entity,
1720 whether or not for profit ~~corporation (other than a public~~
1721 ~~corporation), joint stock company, investment company, business~~
1722 ~~trust, partnership, limited liability company, or association of~~
1723 ~~two or more individuals for business purposes, whether for~~
1724 ~~profit or not for profit.~~

1725 (7)-(5) "Claimant" means the person on whose behalf a claim

1726 is filed.

1727 (8) "Claimant's representative" means an attorney who is a
1728 member in good standing of The Florida Bar, a certified public
1729 accountant licensed in this state, or private investigator who
1730 is duly licensed to do business in the state, registered with
1731 the department, and authorized by the claimant to claim
1732 unclaimed property on the claimant's behalf. The term does not
1733 include a person acting in a representative capacity, such as a
1734 personal representative, guardian, trustee, or attorney, whose
1735 representation is not contingent upon the discovery or location
1736 of unclaimed property; provided, however, that any agreement
1737 entered into for the purpose of evading s. 717.135 is invalid
1738 and unenforceable.

1739 (9)-(6) "Credit balance" means an account balance in the
1740 customer's favor.

1741 (10)-(7) "Department" means the Department of Financial
1742 Services.

1743 (11)-(8) "Domicile" means the state of incorporation for a
1744 corporation; the state of filing for a business association,
1745 other than a corporation, whose formation or organization
1746 requires a filing with a state; the state of organization for a
1747 business association, other than a corporation, whose formation
1748 or organization does not require a filing with a state; the
1749 state of home office for a federally chartered entity incorporated
1750 under the laws of a state, or, for an unincorporated business

1751 ~~association, the state where the business association is~~
1752 ~~organized.~~

1753 ~~(12)-(9)~~ "Due diligence" means the use of reasonable and
1754 prudent methods under particular circumstances to locate
1755 apparent owners of inactive accounts using the taxpayer
1756 identification number or social security number, if known, which
1757 may include, but are not limited to, using a nationwide
1758 database, cross-indexing with other records of the holder,
1759 mailing to the last known address unless the last known address
1760 is known to be inaccurate, providing written notice as described
1761 in this chapter by electronic mail if an apparent owner has
1762 elected such delivery, or engaging a licensed agency or company
1763 capable of conducting such search and providing updated
1764 addresses.

1765 (13) "Electronic" means relating to technology having
1766 electrical, digital, magnetic, wireless, optical,
1767 electromagnetic, or similar capabilities.

1768 ~~(14)-(10)~~ "Financial organization" means a ~~state or federal~~
1769 savings association, savings and loan association, savings bank,
1770 industrial bank, bank, banking organization, trust company,
1771 international bank agency, cooperative bank, building and loan
1772 association, or credit union.

1773 ~~(15)-(11)~~ "Health care provider" means any state-licensed
1774 entity that provides and receives payment for health care
1775 services. These entities include, but are not limited to,

1776 hospitals, outpatient centers, physician practices, and skilled
 1777 nursing facilities.

1778 ~~(16)-(12)~~ "Holder" means:

1779 (a) A person, ~~wherever organized or domiciled,~~ who is in
 1780 possession or control or has custody of property or the rights
 1781 to property belonging to another; is indebted to another on an
 1782 obligation; or is obligated to hold for the account of, or to
 1783 deliver or pay to, the owner, property subject to this chapter;
 1784 or;

1785 ~~(a) In possession of property belonging to another;~~

1786 (b) A trustee in case of a trust; ~~or~~

1787 ~~(c) Indebted to another on an obligation.~~

1788 ~~(17)-(13)~~ "Insurance company" means an association,
 1789 corporation, or fraternal or mutual benefit organization,
 1790 whether for profit or not for profit, which is engaged in
 1791 providing insurance coverage.

1792 ~~(18)-(14)~~ "Intangible property" includes, by way of
 1793 illustration and not limitation:

1794 (a) Moneys, checks, virtual currency, drafts, deposits,
 1795 interest, dividends, and income.

1796 (b) Credit balances, customer overpayments, security
 1797 deposits and other instruments as defined by chapter 679,
 1798 refunds, unpaid wages, unused airline tickets, and unidentified
 1799 remittances.

1800 (c) Stocks, and other intangible ownership interests in

1801 business associations.

1802 (d) Moneys deposited to redeem stocks, bonds, bearer
1803 bonds, original issue discount bonds, coupons, and other
1804 securities, or to make distributions.

1805 (e) Amounts due and payable under the terms of insurance
1806 policies.

1807 (f) Amounts distributable from a trust or custodial fund
1808 established under a plan to provide any health, welfare,
1809 pension, vacation, severance, retirement, death, stock purchase,
1810 profit sharing, employee savings, supplemental unemployment
1811 insurance, or similar benefit.

1812 (19)~~(15)~~ "Last known address" means a description of the
1813 location of the apparent owner sufficient for the purpose of the
1814 delivery of mail. For the purposes of identifying, reporting,
1815 and remitting property to the department which is presumed to be
1816 unclaimed, "last known address" includes any partial description
1817 of the location of the apparent owner sufficient to establish
1818 the apparent owner was a resident of this state at the time of
1819 last contact with the apparent owner or at the time the property
1820 became due and payable.

1821 (20)~~(16)~~ "Lawful charges" means charges against dormant
1822 accounts that are authorized by statute for the purpose of
1823 offsetting the costs of maintaining the dormant account.

1824 (21)~~(17)~~ "Managed care payor" means a health care plan
1825 that has a defined system of selecting and limiting health care

1826 providers as evidenced by a managed care contract with the
1827 health care providers. These plans include, but are not limited
1828 to, managed care health insurance companies and health
1829 maintenance organizations.

1830 (22)~~(18)~~ "Owner" means a person, or the person's legal
1831 representative, entitled to receive or having a legal or
1832 equitable interest in or claim against property subject to this
1833 chapter; a depositor in the case of a deposit; a beneficiary in
1834 the case of a trust or a deposit in trust; or a payee in the
1835 case of a negotiable instrument or other intangible property a
1836 depositor in the case of a deposit, a beneficiary in the case of
1837 a trust or a deposit in trust, or a payee in the case of other
1838 intangible property, or a person having a legal or equitable
1839 interest in property subject to this chapter or his or her legal
1840 representative.

1841 (23) "Person" means an individual; estate; business
1842 association; corporation; firm; association; joint adventure;
1843 partnership; government or governmental subdivision, agency, or
1844 instrumentality; or any other legal or commercial entity.

1845 (24)~~(19)~~ "Public corporation" means a corporation created
1846 by the state, founded and owned in the public interest,
1847 supported by public funds, and governed by those deriving their
1848 power from the state.

1849 (25) "Record" means information that is inscribed on a
1850 tangible medium or that is stored in an electronic or other

1851 medium and is retrievable in perceivable form.

1852 (26)~~(20)~~ "Reportable period" means the calendar year
1853 ending December 31 of each year.

1854 (27)~~(21)~~ "State," when applied to a part of the United
1855 States, includes any state, district, commonwealth, territory,
1856 insular possession, and any other area subject to the
1857 legislative authority of the United States.

1858 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1859 defined in s. 736.0103.

1860 ~~(23) "Ultimate equitable owner" means a natural person~~
1861 ~~who, directly or indirectly, owns or controls an ownership~~
1862 ~~interest in a corporation, a foreign corporation, an alien~~
1863 ~~business organization, or any other form of business~~
1864 ~~organization, regardless of whether such natural person owns or~~
1865 ~~controls such ownership interest through one or more natural~~
1866 ~~persons or one or more proxies, powers of attorney, nominees,~~
1867 ~~corporations, associations, partnerships, trusts, joint stock~~
1868 ~~companies, or other entities or devices, or any combination~~
1869 ~~thereof.~~

1870 (29) "Unclaimed Property Purchase Agreement" means the
1871 form adopted by the department pursuant to s. 717.135 which must
1872 be used, without modification or amendment, by a claimant's
1873 representative to purchase unclaimed property from an owner.

1874 (30) "Unclaimed Property Recovery Agreement" means the
1875 form adopted by the department pursuant to s. 717.135 which must

1876 be used, without modification or amendment, by a claimant's
 1877 representative to obtain an owner's consent and authority to
 1878 recover unclaimed property on the owner's behalf.

1879 (31)-(24) "United States" means any state, district,
 1880 commonwealth, territory, insular possession, and any other area
 1881 subject to the legislative authority of the United States of
 1882 America.

1883 (32)-(25) "Utility" means a person who owns or operates,
 1884 for public use, any plant, equipment, property, franchise, or
 1885 license for the transmission of communications or the
 1886 production, storage, transmission, sale, delivery, or furnishing
 1887 of electricity, water, steam, or gas.

1888 (33) (a) "Virtual currency" means digital units of exchange
 1889 that:

- 1890 1. Have a centralized repository or administrator;
- 1891 2. Are decentralized and have no centralized repository or
 1892 administrator; or
- 1893 3. May be created or obtained by computing or
 1894 manufacturing effort.

1895 (b) The term does not include any of the following:

- 1896 1. Digital units that:
 - 1897 a. Are used solely within online gaming platforms;
 - 1898 b. Have no market or application outside of the online
 1899 gaming platforms in sub-subparagraph a.;
 - 1900 c. Cannot be converted into, or redeemed for, fiat

1901 currency or virtual currency; and
 1902 d. Can or cannot be redeemed for real-world goods,
 1903 services, discounts, or purchases.
 1904 2. Digital units that can be redeemed for:
 1905 a. Real-world goods, services, discounts, or purchases as
 1906 part of a customer affinity or rewards program with the issuer
 1907 or other designated merchants; or
 1908 b. Digital units in another customer affinity or rewards
 1909 program, but cannot be converted into, or redeemed for, fiat
 1910 currency or virtual currency.
 1911 3. Digital units used as part of prepaid cards.
 1912 Section 41. Subsections (3) and (4) are added to section
 1913 717.102, Florida Statutes, to read:
 1914 717.102 Property presumed unclaimed; general rule.—
 1915 (3) A presumption that property is unclaimed is rebutted
 1916 by an apparent owner's expression of interest in the property.
 1917 An owner's expression of interest in property includes:
 1918 (a) A record communicated by the apparent owner to the
 1919 holder or agent of the holder concerning the property or the
 1920 account in which the property is held;
 1921 (b) An oral communication by the apparent owner to the
 1922 holder or agent of the holder concerning the property or the
 1923 account in which the property is held, if the holder or its
 1924 agent contemporaneously makes and preserves a record of the fact
 1925 of the apparent owner's communication;

1926 (c) Presentment of a check or other instrument of payment
 1927 of a dividend, interest payment, or other distribution, with
 1928 respect to an account, underlying security, or interest in a
 1929 business association;

1930 (d) Activity directed by an apparent owner in the account
 1931 in which the property is held, including accessing the account
 1932 or information concerning the account, or a direction by the
 1933 apparent owner to increase, decrease, or otherwise change the
 1934 amount or type of property held in the account;

1935 (e) A deposit into or withdrawal from an account at a
 1936 financial organization, excluding an automatic deposit or
 1937 withdrawal previously authorized by the apparent owner or an
 1938 automatic reinvestment of dividends or interest, which does not
 1939 constitute an expression of interest; or

1940 (f) Any other action by the apparent owner which
 1941 reasonably demonstrates to the holder that the apparent owner
 1942 knows that the property exists.

1943 (4) If a holder learns or receives confirmation of an
 1944 apparent owner's death, the property shall be presumed unclaimed
 1945 2 years after the date of death, unless a fiduciary appointed to
 1946 represent the estate of the apparent owner has made an
 1947 expression of interest in the property before the expiration of
 1948 the 2-year period. This subsection may not be construed to
 1949 extend the otherwise applicable dormancy period prescribed by
 1950 this chapter.

1951 Section 42. Subsection (5) of section 717.106, Florida
 1952 Statutes, is amended to read:

1953 717.106 Bank deposits and funds in financial
 1954 organizations.—

1955 (5) If the documents establishing a deposit described in
 1956 subsection (1) state the address of a beneficiary of the
 1957 deposit, and the account has a value of at least \$50, notice
 1958 shall be given to the beneficiary as provided for notice to the
 1959 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
 1960 subsection shall apply to accounts opened on or after October 1,
 1961 1990.

1962 Section 43. Section 717.1065, Florida Statutes, is created
 1963 to read:

1964 717.1065 Virtual currency.—

1965 (1) Any virtual currency held or owing by a banking
 1966 organization, corporation, custodian, exchange, or other entity
 1967 engaged in virtual currency business activity is presumed
 1968 unclaimed unless the owner, within 5 years, has communicated in
 1969 writing with the banking organization, corporation, custodian,
 1970 exchange, or other entity engaged in virtual currency business
 1971 activity concerning the virtual currency or otherwise indicated
 1972 an interest as evidenced by a memorandum or other record on file
 1973 with the banking organization, corporation, custodian, exchange,
 1974 or other entity engaged in virtual currency business activity.

1975 (2) A holder may not deduct from the amount of any virtual

1976 currency subject to this section any charges imposed by reason
 1977 of the virtual currency unless there is a valid and enforceable
 1978 written contract between the holder and the owner of the virtual
 1979 currency pursuant to which the holder may impose those charges
 1980 and the holder does not regularly reverse or otherwise cancel
 1981 those charges with respect to the virtual currency.

1982 Section 44. Paragraph (a) of subsection (1) of section
 1983 717.1101, Florida Statutes, is amended to read:

1984 717.1101 Unclaimed equity and debt of business
 1985 associations.-

1986 (1)(a) Stock or other equity interest in a business
 1987 association is presumed unclaimed on the date of ~~3 years after~~
 1988 the earliest of the following:

1989 1. Three years after ~~The date of~~ the most recent of any
 1990 owner-generated activity or communication related to the
 1991 account, as recorded and maintained in the holder's database and
 1992 records systems sufficient enough to demonstrate the owners
 1993 continued awareness or interest in the property dividend, stock
 1994 split, or other distribution unclaimed by the apparent owner;

1995 2. Three years after the date of the death of the owner,
 1996 as evidenced by: ~~The date of a statement of account or other~~
 1997 ~~notification or communication that was returned as~~
 1998 ~~undeliverable; or~~

1999 a. Notice to the holder of the owner's death by an
 2000 administrator, beneficiary, relative, or trustee, or by a

2001 personal representative or other legal representative of the
 2002 owner's estate;
 2003 b. Receipt by the holder of a copy of the death
 2004 certificate of the owner;
 2005 c. Confirmation by the holder of the owner's death through
 2006 other means; or
 2007 d. Other evidence from which the holder may reasonably
 2008 conclude that the owner is deceased; or
 2009 3. One year after the date on which the holder receives
 2010 notice under subparagraph 2. if the notice is received 2 years
 2011 or less after the owner's death and the holder lacked knowledge
 2012 of the owner's death during that period of 2 years or less ~~The~~
 2013 ~~date the holder discontinued mailings, notifications, or~~
 2014 ~~communications to the apparent owner.~~
 2015 Section 45. Subsection (1) of section 717.112, Florida
 2016 Statutes, is amended, and subsection (6) is added to that
 2017 section, to read:
 2018 717.112 Property held by agents and fiduciaries.—
 2019 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
 2020 intangible property and any income or increment thereon held in
 2021 a fiduciary capacity for the benefit of another person,
 2022 including property held by an attorney in fact or an agent,
 2023 except as provided in ss. 717.1125 and 733.816, is presumed
 2024 unclaimed unless the owner has within 5 years after it has
 2025 become payable or distributable increased or decreased the

2026 principal, accepted payment of principal or income, communicated
 2027 in writing concerning the property, or otherwise indicated an
 2028 interest as evidenced by a memorandum or other record on file
 2029 with the fiduciary.

2030 (6) This section does not relieve a fiduciary of his or
 2031 her duties under applicable general law.

2032 Section 46. Section 717.1125, Florida Statutes, is amended
 2033 to read:

2034 717.1125 Property held by fiduciaries under trust
 2035 instruments.—All intangible property and any income or increment
 2036 thereon held in a fiduciary capacity for the benefit of another
 2037 person under a trust instrument is presumed unclaimed unless the
 2038 owner has, within 2 years after it has become payable or
 2039 distributable, increased or decreased the principal, accepted
 2040 payment of principal or income, communicated concerning the
 2041 property, or otherwise indicated an interest as evidenced by a
 2042 memorandum or other record on file with the fiduciary. This
 2043 section does not relieve a fiduciary of his or her duties under
 2044 the Florida Trust Code.

2045 Section 47. Effective January 1, 2025, section 717.117,
 2046 Florida Statutes, is amended to read:

2047 717.117 Report of unclaimed property.—

2048 (1) Every person holding funds or other property, tangible
 2049 or intangible, presumed unclaimed and subject to custody as
 2050 unclaimed property under this chapter shall report to the

2051 department ~~on such forms as the department may prescribe by~~
 2052 ~~rule. In lieu of forms, a report identifying 25 or more~~
 2053 ~~different apparent owners must be submitted by the holder via~~
 2054 electronic medium as the department may prescribe by rule. The
 2055 report must include:

2056 (a) Except for traveler's checks and money orders, the
 2057 name, social security number or taxpayer identification number,
 2058 ~~and~~ date of birth, if known, and last known address, if any, of
 2059 each person appearing from the records of the holder to be the
 2060 owner of any property which is presumed unclaimed and which has
 2061 a value of \$10 ~~\$50~~ or more.

2062 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
 2063 or more held or owing under any life or endowment insurance
 2064 policy or annuity contract, the identifying information provided
 2065 in paragraph (a) for both full name, taxpayer identification
 2066 number or social security number, date of birth, if known, and
 2067 last known address of the insured or annuitant and of the
 2068 beneficiary according to records of the insurance company
 2069 holding or owing the funds.

2070 (c) For all tangible property held in a safe-deposit box
 2071 or other safekeeping repository, a description of the property
 2072 and the place where the property is held and may be inspected by
 2073 the department, and any amounts owing to the holder. Contents of
 2074 a safe-deposit box or other safekeeping repository which consist
 2075 of documents or writings of a private nature and which have

2076 little or no apparent value shall not be presumed unclaimed.

2077 (d) The nature or type of property, any accounting or and
2078 identifying number associated with the property, a if any, or
2079 description of the property, and the amount appearing from the
2080 records to be due. Items of value of less than \$10 ~~under \$50~~
2081 each may be reported in the aggregate.

2082 (e) The date the property became payable, demandable, or
2083 returnable, and the date of the last transaction with the
2084 apparent owner with respect to the property.

2085 (f) Any other information the department may prescribe by
2086 rule as necessary for the administration of this chapter.

2087 (2) If the total value of all presumed unclaimed property,
2088 whether tangible or intangible, held by a person is less than
2089 \$10, a zero balance report may be filed for that reporting
2090 period.

2091 ~~(f) Any person or business association or public~~
2092 ~~corporation holding funds presumed unclaimed and having a total~~
2093 ~~value of \$10 or less may file a zero balance report for that~~
2094 ~~reporting period. The balance brought forward to the new~~
2095 ~~reporting period is zero.~~

2096 ~~(g) Such other information as the department may prescribe~~
2097 ~~by rule as necessary for the administration of this chapter.~~

2098 (3)(h) Credit balances, customer overpayments, security
2099 deposits, and refunds having a value of less than \$10 shall not
2100 be presumed unclaimed.

2101 ~~(4)-(2)~~ If the holder of property presumed unclaimed and
2102 subject to custody as unclaimed property is a successor holder
2103 or if the holder has changed the holder's name while in
2104 possession of the property, the holder shall file with the
2105 holder's report all known names and addresses of each prior
2106 holder of the property. Compliance with this subsection means
2107 the holder exercises reasonable and prudent efforts to determine
2108 the names of all prior holders.

2109 ~~(5)-(3)~~ The report must be filed before May 1 of each year.
2110 The report applies ~~shall apply~~ to the preceding calendar year.
2111 Upon written request by any person required to file a report,
2112 and upon a showing of good cause, the department may extend the
2113 reporting date. The department may impose and collect a penalty
2114 of \$10 per day up to a maximum of \$500 for the failure to timely
2115 report, if an extension was not provided or if the holder of the
2116 property failed the failure to include in a report information
2117 required by this chapter which was in the holder's possession at
2118 the time of reporting. The penalty shall be remitted to the
2119 department within 30 days after the date of the notification to
2120 the holder that the penalty is due and owing. As necessary for
2121 proper administration of this chapter, the department may waive
2122 any penalty due with appropriate justification. ~~On written~~
2123 ~~request by any person required to file a report and upon a~~
2124 ~~showing of good cause, the department may postpone the reporting~~
2125 ~~date.~~ The department must provide information contained in a

2126 report filed with the department to any person requesting a copy
2127 of the report or information contained in a report, to the
2128 extent the information requested is not confidential, within 45
2129 days after the department determines that the report ~~has been~~
2130 ~~processed and added to the unclaimed property database~~
2131 ~~subsequent to a determination that the report is accurate and~~
2132 acceptable and that the reported property is the same as the
2133 remitted property.

2134 ~~(6)-(4)~~ Holders of inactive accounts having a value of \$50
2135 or more shall use due diligence to locate and notify apparent
2136 owners that the entity is holding unclaimed property available
2137 for them to recover. Not more than 120 days and not less than 60
2138 days prior to filing the report required by this section, the
2139 holder in possession of property presumed unclaimed and subject
2140 to custody as unclaimed property under this chapter shall send
2141 written notice by first-class United States mail to the apparent
2142 owner at the apparent owner's last known address from the
2143 holder's records or from other available sources, or via
2144 electronic mail if the apparent owner has elected this method of
2145 delivery, informing the apparent owner that the holder is in
2146 possession of property subject to this chapter, if the holder
2147 has in its records a mailing or electronic ~~an~~ address for the
2148 apparent owner which the holder's records do not disclose to be
2149 inaccurate. These two means of contact are not mutually
2150 exclusive; if the mailing address is determined to be

2151 inaccurate, electronic mail may be used if so elected by the
2152 apparent owner.

2153 (7) The written notice to the apparent owner required
2154 under this section must:

2155 (a) Contain a heading that reads substantially as follows:
2156 "Notice. The State of Florida requires us to notify you that
2157 your property may be transferred to the custody of the Florida
2158 Department of Financial Services if you do not contact us before
2159 (insert date that is at least 30 days after the date of
2160 notice)."

2161 (b) Identify the type, nature, and, except for property
2162 that does not have a fixed value, value of the property that is
2163 the subject of the notice.

2164 (c) State that the property will be turned over to the
2165 custody of the department as unclaimed property if no response
2166 to this letter is received.

2167 (d) State that any property that is not legal tender of
2168 the United States may be sold or liquidated by the department.

2169 (e) State that after the property is turned over to the
2170 department, an apparent owner seeking return of the property may
2171 file a claim with the department.

2172 (f) State that the property is currently with a holder and
2173 provide instructions that the apparent owner must follow to
2174 prevent the holder from reporting and paying for the property or
2175 from delivering the property to the department.

2176 (8)~~(5)~~ Any holder of intangible property may file with the
2177 department a petition for determination that the property is
2178 unclaimed requesting the department to accept custody of the
2179 property. The petition shall state any special circumstances
2180 that exist, contain the information required by subsection (4)
2181 ~~(2)~~, and show that a diligent search has been made to locate the
2182 owner. If the department finds that the proof of diligent search
2183 is satisfactory, it shall give notice as provided in s. 717.118
2184 and accept custody of the property.

2185 (9)~~(6)~~ Upon written request by any entity or person
2186 required to file a report, stating such entity's or person's
2187 justification for such action, the department may place that
2188 entity or person in an inactive status as an unclaimed property
2189 "holder."

2190 (10)~~(7)~~(a) This section does not apply to the unclaimed
2191 patronage refunds as provided for by contract or through bylaw
2192 provisions of entities organized under chapter 425 or that are
2193 exempt from ad valorem taxation pursuant to s. 196.2002.

2194 (b) This section does not apply to intangible property
2195 held, issued, or owing by a business association subject to the
2196 jurisdiction of the United States Surface Transportation Board
2197 or its successor federal agency if the apparent owner of such
2198 intangible property is a business association. The holder of
2199 such property does not have any obligation to report, to pay, or
2200 to deliver such property to the department.

2201 (c) This section does not apply to credit balances,
 2202 overpayments, refunds, or outstanding checks owed by a health
 2203 care provider to a managed care payor with whom the health care
 2204 provider has a managed care contract, provided that the credit
 2205 balances, overpayments, refunds, or outstanding checks become
 2206 due and owing pursuant to the managed care contract.

2207 ~~(11)-(8)~~(a) As used in this subsection, the term "property
 2208 identifier" means the descriptor used by the holder to identify
 2209 the unclaimed property.

2210 (b) Social security numbers and property identifiers
 2211 contained in reports required under this section, held by the
 2212 department, are confidential and exempt from s. 119.07(1) and s.
 2213 24(a), Art. I of the State Constitution.

2214 (c) This exemption applies to social security numbers and
 2215 property identifiers held by the department before, on, or after
 2216 the effective date of this exemption.

2217 Section 48. Subsections (4), (5), and (6) of section
 2218 717.119, Florida Statutes, are renumbered as subsections (5),
 2219 (6), and (7), respectively, and a new subsection (4) and
 2220 subsection (8) are added to that section, to read:

2221 717.119 Payment or delivery of unclaimed property.—

2222 (4) All virtual currency reported under this chapter on
 2223 the annual report filing required in s. 717.117 shall be
 2224 remitted to the department with the report. The holder shall
 2225 liquidate the virtual currency and remit the proceeds to the

2226 department. The liquidation must occur within 30 days before the
2227 filing of the report. Upon delivery of the virtual currency
2228 proceeds to the department, the holder is relieved of all
2229 liability of every kind in accordance with the provisions of s.
2230 717.1201 to every person for any losses or damages resulting to
2231 the person by the delivery to the department of the virtual
2232 currency proceeds.

2233 (8) A holder may not assign or otherwise transfer its
2234 obligation to report, pay, or deliver property or to comply with
2235 the provisions of this chapter, other than to a parent,
2236 subsidiary, or affiliate of the holder.

2237 (a) Unless otherwise agreed to by the parties to a
2238 transaction, the holder's successor by merger or consolidation,
2239 or any person or entity that acquires all or substantially all
2240 of the holder's capital stock or assets, is responsible for
2241 fulfilling the holder's obligation to report, pay, or deliver
2242 property or to comply with the duties of this chapter regarding
2243 the transfer of property owed to the holder's successor and
2244 being held for an owner resulting from the merger,
2245 consolidation, or acquisition.

2246 (b) This subsection does not prohibit a holder from
2247 contracting with a third party for the reporting of unclaimed
2248 property, but the holder remains responsible to the department
2249 for the complete, accurate, and timely reporting of the
2250 property.

2251 Section 49. Section 717.1201, Florida Statutes, is amended
 2252 to read:

2253 717.1201 Custody by state; holder ~~relieved from~~ liability;
 2254 reimbursement of holder paying claim; reclaiming for owner;
 2255 ~~defense of holder;~~ payment of safe-deposit box or repository
 2256 charges.—

2257 (1) Upon the good faith payment or delivery of unclaimed
 2258 property to the department, the state assumes custody and
 2259 responsibility for the safekeeping of the property. Any person
 2260 who pays or delivers unclaimed property to the department in
 2261 good faith is relieved of all liability to the extent of the
 2262 value of the property paid or delivered for any claim then
 2263 existing or which thereafter may arise or be made in respect to
 2264 the property.

2265 (a) A holder's substantial compliance with s. 717.117(6)
 2266 and good faith payment or delivery of unclaimed property to the
 2267 department releases the holder from liability that may arise
 2268 from such payment or delivery, and such delivery and payment may
 2269 be plead as a defense in any suit or action brought by reason of
 2270 such delivery or payment. This section does not relieve a
 2271 fiduciary of his or her duties under the Florida Trust Code or
 2272 Florida Probate Code.

2273 (b) If the holder pays or delivers property to the
 2274 department in good faith and thereafter any other person claims
 2275 the property from the holder paying or delivering, or another

2276 state claims the money or property under that state's laws
2277 relating to escheat or abandoned or unclaimed property, the
2278 department, upon written notice of the claim, shall defend the
2279 holder against the claim and indemnify the holder against any
2280 liability on the claim, except that a holder may not be
2281 indemnified against penalties imposed by another state.

2282 (2) For the purposes of this section, a payment or
2283 delivery of unclaimed property is made in good faith if:

2284 (a) The payment or delivery was made in conjunction with
2285 an accurate and acceptable report.

2286 (b) The payment or delivery was made in a reasonable
2287 attempt to comply with this chapter and other applicable general
2288 law.

2289 (c) The holder had a reasonable basis for believing, based
2290 on the facts then known, that the property was unclaimed and
2291 subject to this chapter.

2292 (d) There is no showing that the records pursuant to which
2293 the delivery was made did not meet reasonable commercial
2294 standards of practice in the industry.

2295 (3)-(2) Any holder who has paid money to the department
2296 pursuant to this chapter may make payment to any person
2297 appearing to be entitled to payment and, upon filing proof that
2298 the payee is entitled thereto, the department shall forthwith
2299 repay the holder without deduction of any fee or other charges.
2300 If repayment is sought for a payment made on a negotiable

2301 instrument, including a traveler's check or money order, the
 2302 holder must be repaid under this subsection upon filing proof
 2303 that the instrument was duly presented and that the payee is
 2304 entitled to payment. The holder shall be repaid for payment made
 2305 under this subsection even if the payment was made to a person
 2306 whose claim was barred under s. 717.129(1).

2307 (4)~~(3)~~ Any holder who has delivered property, including a
 2308 certificate of any interest in a business association, other
 2309 than money to the department pursuant to this chapter may
 2310 reclaim the property if still in the possession of the
 2311 department, without payment of any fee or other charges, upon
 2312 filing proof that the owner has claimed the property from the
 2313 holder.

2314 (5)~~(4)~~ The department may accept an affidavit of the
 2315 holder stating the facts that entitle the holder to recover
 2316 money and property under this section as sufficient proof.

2317 ~~(5) If the holder pays or delivers property to the~~
 2318 ~~department in good faith and thereafter any other person claims~~
 2319 ~~the property from the holder paying or delivering, or another~~
 2320 ~~state claims the money or property under that state's laws~~
 2321 ~~relating to escheat or abandoned or unclaimed property, the~~
 2322 ~~department, upon written notice of the claim, shall defend the~~
 2323 ~~holder against the claim and indemnify the holder against any~~
 2324 ~~liability on the claim.~~

2325 ~~(6) For the purposes of this section, "good faith" means~~

2326 that:

2327 ~~(a) Payment or delivery was made in a reasonable attempt~~
 2328 ~~to comply with this chapter.~~

2329 ~~(b) The person delivering the property was not a fiduciary~~
 2330 ~~then in breach of trust in respect to the property and had a~~
 2331 ~~reasonable basis for believing, based on the facts then known to~~
 2332 ~~that person, that the property was unclaimed for the purposes of~~
 2333 ~~this chapter.~~

2334 ~~(c) There is no showing that the records pursuant to which~~
 2335 ~~the delivery was made did not meet reasonable commercial~~
 2336 ~~standards of practice in the industry.~~

2337 (6)~~(7)~~ Property removed from a safe-deposit box or other
 2338 safekeeping repository is received by the department subject to
 2339 the holder's right under this subsection to be reimbursed for
 2340 the actual cost of the opening and to any valid lien or contract
 2341 providing for the holder to be reimbursed for unpaid rent or
 2342 storage charges. The department shall make the reimbursement to
 2343 the holder out of the proceeds remaining after the deduction of
 2344 the department's selling cost.

2345 (7) If it appears to the satisfaction of the department
 2346 that, because of some mistake of fact, error in calculation, or
 2347 erroneous interpretation of a statute, a person has paid or
 2348 delivered to the department pursuant to any provision of this
 2349 chapter any money or other property not required by this chapter
 2350 to be so paid or delivered, the department may, within 5 years

2351 after such erroneous payment or delivery, refund or redeliver
 2352 such money or other property to the person, provided that such
 2353 money or property has not been paid or delivered to a claimant
 2354 or otherwise disposed of in accordance with this chapter.

2355 Section 50. Subsection (1) of section 717.1242, Florida
 2356 Statutes, is amended to read:

2357 717.1242 Restatement of jurisdiction of the circuit court
 2358 sitting in probate and the department.—

2359 (1) It is and has been the intent of the Legislature that,
 2360 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 2361 proceedings relating to the settlement of the estates of
 2362 decedents and other jurisdiction usually pertaining to courts of
 2363 probate. It is and has been the intent of the Legislature that,
 2364 pursuant to this chapter ~~s. 717.124~~, the department determines
 2365 the merits of claims and entitlement to unclaimed ~~for~~ property
 2366 paid or delivered to the department under this chapter.

2367 Consistent with this legislative intent, any ~~estate or~~
 2368 beneficiary, devisee, heir, personal representative, or other
 2369 interested person, as those terms are defined in the Florida
 2370 Probate Code and the Florida Trust Code ~~s. 731.201~~, of an estate
 2371 seeking to obtain property paid or delivered to the department
 2372 under this chapter must file a claim with the department as
 2373 provided in s. 717.124.

2374 Section 51. Subsection (4) of section 717.1243, Florida
 2375 Statutes, is amended to read:

2376 717.1243 Small estate accounts.—

2377 (4) This section ~~only~~ applies only if all of the unclaimed
 2378 property held by the department on behalf of the owner has an
 2379 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
 2380 proceeding is pending.

2381 Section 52. Subsection (2) of section 717.129, Florida
 2382 Statutes, is amended to read:

2383 717.129 Periods of limitation.—

2384 (2) The department may not commence an ~~No~~ action or
 2385 proceeding to enforce this chapter with respect to the
 2386 reporting, payment, or delivery of property or any other duty of
 2387 a holder under this chapter ~~may be commenced by the department~~
 2388 ~~with respect to any duty of a holder under this chapter~~ more
 2389 than 10 years after the duty arose. The period of limitation
 2390 established under this subsection is tolled by the earlier of
 2391 the department's or audit agent's delivery of a notice that a
 2392 holder is subject to an audit or examination under s. 717.1301
 2393 or the holder's written election to enter into an unclaimed
 2394 property voluntary disclosure agreement.

2395 Section 53. Section 717.1301, Florida Statutes, is amended
 2396 to read:

2397 717.1301 Investigations; examinations; subpoenas.—

2398 (1) To carry out the chapter's purpose of protecting the
 2399 interest of missing owners through the safeguarding of their
 2400 property and to administer and enforce this chapter, the

2401 department may:

2402 (a) Investigate, examine, inspect, request, or otherwise

2403 gather information or evidence on, claim documents from a

2404 claimant or a claimant's representative during its review of a

2405 claim.

2406 (b) Audit the records of a person or the records in the

2407 possession of an agent, representative, subsidiary, or affiliate

2408 of the person subject to this chapter to determine whether the

2409 person complied with this chapter. Such records may include

2410 information to verify the completeness or accuracy of the

2411 records provided, even if such records may not identify property

2412 reportable to the department.

2413 (c) Take testimony of a person, including the person's

2414 employee, agent, representative, subsidiary, or affiliate, to

2415 determine whether the person complied with this chapter.

2416 (d) Issue an administrative subpoena to require that the

2417 records specified in paragraph (b) be made available for

2418 examination or audit and that the testimony specified in

2419 paragraph (c) be provided.

2420 (e) Bring an action in a court of competent jurisdiction

2421 seeking enforcement of an administrative subpoena issued under

2422 this section, which the court shall consider under procedures

2423 that will lead to an expeditious resolution of the action.

2424 (f) Bring an administrative action or an action in a court

2425 of competent jurisdiction to enforce this chapter.

2426 (2) If a person is subject to reporting property under
2427 this chapter, the department may require the person to file a
2428 verified report in a form prescribed by the department. The
2429 verified report must:

2430 (a) State whether the person is holding property
2431 reportable under this chapter;

2432 (b) Describe the property not previously reported, the
2433 property about which the department has inquired, or the
2434 property that is in dispute as to whether it is reportable under
2435 this chapter; and

2436 (c) State the amount or value of the property.

2437 (3) The department may authorize a compliance review of a
2438 report for a specified reporting year. The review must be
2439 limited to the contents of the report filed, as required by s.
2440 717.117 and subsection (2), and all supporting documents related
2441 to the reports. If the review results in a finding of a
2442 deficiency in unclaimed property due and payable to the
2443 department, the department shall notify the holder in writing of
2444 the amount of deficiency within 1 year after the authorization
2445 of the compliance review. If the holder fails to pay the
2446 deficiency within 90 days, the department may seek to enforce
2447 the assessment under subsection (1). The department is not
2448 required to conduct a review under this section before
2449 initiating an audit.

2450 (4) Notwithstanding any other provision of law, in a

2451 contract providing for the location or collection of unclaimed
2452 property, the department may authorize the contractor to deduct
2453 its fees and expenses for services provided under the contract
2454 from the unclaimed property that the contractor has recovered or
2455 collected under the contract. The department shall annually
2456 report to the Chief Financial Officer the total amount collected
2457 or recovered by each contractor during the previous fiscal year
2458 and the total fees and expenses deducted by each contractor.

2459 ~~(1) The department may make investigations and~~
2460 ~~examinations within or outside this state of claims, reports,~~
2461 ~~and other records as it deems necessary to administer and~~
2462 ~~enforce the provisions of this chapter. In such investigations~~
2463 ~~and examinations the department may administer oaths, examine~~
2464 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2465 ~~department may request any person who has not filed a report~~
2466 ~~under s. 717.117 to file a verified report stating whether or~~
2467 ~~not the person is holding any unclaimed property reportable or~~
2468 ~~deliverable under this chapter.~~

2469 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2470 ~~material to any investigation or examination under this section~~
2471 ~~may be issued by the department under seal of the department, or~~
2472 ~~by any court of competent jurisdiction, commanding such~~
2473 ~~witnesses to appear before the department at a time and place~~
2474 ~~named and to bring such books, records, and documents as may be~~
2475 ~~specified or to submit such books, records, and documents to~~

2476 ~~inspection. Such subpoenas may be served by an authorized~~
2477 ~~representative of the department.~~

2478 ~~(3) If any person shall refuse to testify, produce books,~~
2479 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2480 ~~issued under this section, the department may present its~~
2481 ~~petition to a court of competent jurisdiction in or for the~~
2482 ~~county in which such person resides or has its principal place~~
2483 ~~of business, whereupon the court shall issue its rule nisi~~
2484 ~~requiring such person to obey forthwith the subpoena issued by~~
2485 ~~the department or show cause for failing to obey said subpoena.~~
2486 ~~Unless said person shows sufficient cause for failing to obey~~
2487 ~~the subpoena, the court shall forthwith direct such person to~~
2488 ~~obey the same subject to such punishment as the court may direct~~
2489 ~~including, but not limited to, the restraint, by injunction or~~
2490 ~~by appointment of a receiver, of any transfer, pledge,~~
2491 ~~assignment, or other disposition of such person's assets or any~~
2492 ~~concealment, alteration, destruction, or other disposition of~~
2493 ~~subpoenaed books, records, or documents as the court deems~~
2494 ~~appropriate, until such person has fully complied with such~~
2495 ~~subpoena and the department has completed its investigation or~~
2496 ~~examination. The department is entitled to the summary procedure~~
2497 ~~provided in s. 51.011, and the court shall advance the cause on~~
2498 ~~its calendar. Costs incurred by the department to obtain an~~
2499 ~~order granting, in whole or in part, its petition shall be taxed~~
2500 ~~against the subpoenaed person, and failure to comply with such~~

2501 ~~order shall be a contempt of court.~~

2502 ~~(4) Witnesses shall be entitled to the same fees and~~
2503 ~~mileage as they may be entitled by law for attending as~~
2504 ~~witnesses in the circuit court, except where such examination or~~
2505 ~~investigation is held at the place of business or residence of~~
2506 ~~the witness.~~

2507 (5) The material compiled by the department in an
2508 investigation or examination under this chapter is confidential
2509 until the investigation or examination is complete. If any such
2510 material contains a holder's financial or proprietary
2511 information, it may not be disclosed or made public by the
2512 department after the investigation or audit is completed, except
2513 as required by a court of competent jurisdiction in the course
2514 of a judicial proceeding in which the state is a party, or
2515 pursuant to an agreement with another state allowing joint
2516 audits. Such material may be considered trade secret and exempt
2517 from s. 119.07(1) as provided for in s. 119.0715. The records,
2518 data, and information gathered ~~material compiled~~ by the
2519 department in an investigation or audit ~~examination~~ under this
2520 chapter remain ~~remains~~ confidential after the department's
2521 ~~investigation or examination is complete~~ if the department has
2522 submitted the material or any part of it to any law enforcement
2523 agency or other administrative agency for further investigation
2524 or for the filing of a criminal or civil prosecution and such
2525 investigation has not been completed or become inactive.

2526 (6) If an investigation or an audit ~~examination~~ of the
2527 records of any person results in the disclosure of property
2528 reportable and deliverable under this chapter, the department
2529 may assess the cost of the investigation or audit ~~the~~
2530 ~~examination~~ against the holder at ~~the rate of \$100 per 8-hour~~
2531 ~~day for each investigator or examiner. Such fee shall be~~
2532 ~~calculated on an hourly basis and shall be rounded to the~~
2533 ~~nearest hour. The person shall also pay the travel expense and~~
2534 ~~per diem subsistence allowance provided for state employees in~~
2535 ~~s. 112.061. The person shall not be required to pay a per diem~~
2536 ~~fee and expenses of an examination or investigation which shall~~
2537 ~~consume more than 30 worker-days in any one year unless such~~
2538 ~~examination or investigation is due to fraudulent practices of~~
2539 ~~the person, in which case such person shall be required to pay~~
2540 ~~the entire cost regardless of time consumed. The fee for the~~
2541 costs of the investigation or audit shall be remitted to the
2542 department within 30 days after the date of the notification
2543 that the fee is due and owing. Any person who fails to pay the
2544 fee within 30 days after the date of the notification that the
2545 fee is due and owing shall pay to the department interest at the
2546 rate of 12 percent per annum on such fee from the date of the
2547 notification.

2548 Section 54. Subsection (1) of section 717.1311, Florida
2549 Statutes, is amended to read:

2550 717.1311 Retention of records.—

2551 (1) Every holder required to file a report under s.
 2552 717.117 shall maintain a record of the specific type of
 2553 property, amount, name, and last known address of the owner for
 2554 10 ~~5~~ years after the property becomes reportable, except to the
 2555 extent that a shorter time is provided in subsection (2) or by
 2556 rule of the department.

2557 Section 55. Paragraph (j) of subsection (1) and subsection
 2558 (3) of section 717.1322, Florida Statutes, are amended to read:

2559 717.1322 Administrative and civil enforcement.—

2560 (1) The following acts are violations of this chapter and
 2561 constitute grounds for an administrative enforcement action by
 2562 the department in accordance with the requirements of chapter
 2563 120 and for civil enforcement by the department in a court of
 2564 competent jurisdiction:

2565 (j) Requesting or receiving compensation for notifying a
 2566 person of his or her unclaimed property or assisting another
 2567 person in filing a claim for unclaimed property, unless the
 2568 person is an attorney licensed to practice law in this state, a
 2569 Florida-certified public accountant, or a private investigator
 2570 licensed under chapter 493, or entering into, or making a
 2571 solicitation to enter into, an agreement to file a claim for
 2572 unclaimed property owned by another, ~~or a contract or agreement~~
 2573 ~~to purchase unclaimed property,~~ unless such person is registered
 2574 with the department under this chapter and an attorney licensed
 2575 to practice law in this state in the regular practice of her or

2576 his profession, a Florida-certified public accountant who is
2577 acting within the scope of the practice of public accounting as
2578 defined in chapter 473, or a private investigator licensed under
2579 chapter 493. This paragraph does not apply to a person who has
2580 been granted a durable power of attorney to convey and receive
2581 all of the real and personal property of the owner, is the
2582 court-appointed guardian of the owner, has been employed as an
2583 attorney or qualified representative to contest the department's
2584 denial of a claim, or has been employed as an attorney to
2585 probate the estate of the owner or an heir or legatee of the
2586 owner.

2587 (3) A claimant's representative ~~registrant~~ is subject to
2588 civil enforcement and the disciplinary actions specified in
2589 subsection (2) for violations of subsection (1) by an agent or
2590 employee of the registrant's employer if the claimant's
2591 representative ~~registrant~~ knew or should have known that such
2592 agent or employee was violating any provision of this chapter.

2593 Section 56. Subsection (1) of section 717.1333, Florida
2594 Statutes, is amended to read:

2595 717.1333 Evidence; estimations; audit reports and
2596 worksheets, investigator ~~examiner's worksheets, investigative~~
2597 reports and worksheets, other related documents.—

2598 (1) In any proceeding involving a holder under ss. 120.569
2599 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2600 investigator acting under authority of this chapter is available

2601 for cross-examination, any official written report, worksheet,
2602 or other related paper, or copy thereof, compiled, prepared,
2603 drafted, or otherwise made or received by the audit agent
2604 ~~auditor, examiner,~~ or investigator, after being duly
2605 authenticated by the audit agent ~~auditor, examiner,~~ or
2606 investigator, may be admitted as competent evidence upon the
2607 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2608 the report, worksheet, or related paper was prepared or received
2609 as a result of an audit, examination, or investigation of the
2610 books and records of the person audited, examined, or
2611 investigated, or the agent thereof.

2612 Section 57. Subsections (1) and (2) of section 717.134,
2613 Florida Statutes, are amended to read:

2614 717.134 Penalties and interest.—

2615 (1) For any person who willfully fails to render any
2616 report required under this chapter, the department may impose
2617 and collect a penalty of \$500 per day up to a maximum of \$5,000
2618 and 25 percent of the value of property not reported until an
2619 appropriate ~~a~~ report is provided ~~rendered for any person who~~
2620 ~~willfully fails to render any report required under this~~
2621 ~~chapter.~~ Upon a holder's showing of good cause, the department
2622 may waive said penalty or any portion thereof. If the holder
2623 acted in good faith and without negligence, the department shall
2624 waive the penalty provided herein.

2625 (2) For any person who willfully refuses to pay or deliver

2626 unclaimed property to the department as required under this
2627 chapter, the department may impose and collect a penalty of \$500
2628 per day up to a maximum of \$5,000 and 25 percent of the value of
2629 property not paid or delivered until the property is paid or
2630 ~~delivered for any person who willfully refuses to pay or deliver~~
2631 ~~abandoned property to the department as required under this~~
2632 ~~chapter.~~

2633 Section 58. Section 717.135, Florida Statutes, is amended
2634 to read:

2635 717.135 Recovery agreements and purchase agreements for
2636 claims filed by a claimant's representative; fees and costs, or
2637 total net gain.—

2638 (1) In order to protect the interests of owners of
2639 unclaimed property, the department shall adopt by rule a form
2640 entitled "Unclaimed Property Recovery Agreement" and a form
2641 entitled "Unclaimed Property Purchase Agreement."

2642 (2) The Unclaimed Property Recovery Agreement and the
2643 Unclaimed Property Purchase Agreement must include and disclose
2644 all of the following:

2645 (a) The total dollar amount of unclaimed property accounts
2646 claimed or sold.

2647 (b) The total percentage of all authorized fees and costs
2648 to be paid to the claimant's representative or the percentage of
2649 the value of the property to be paid as net gain to the
2650 purchasing claimant's representative.

2651 (c) The total dollar amount to be deducted and received
2652 from the claimant as fees and costs by the claimant's
2653 representative or the total net dollar amount to be received by
2654 the purchasing claimant's representative.

2655 (d) The net dollar amount to be received by the claimant
2656 or the seller.

2657 (e) For each account claimed, the unclaimed property
2658 account number.

2659 (f) For the Unclaimed Property Purchase Agreement, a
2660 statement that the amount of the purchase price will be remitted
2661 to the seller by the purchaser within 30 days after the
2662 execution of the agreement by the seller.

2663 (g) The name, address, e-mail address, phone number, and
2664 license number of the claimant's representative.

2665 (h)1. The manual signature of the claimant or seller and
2666 the date signed, affixed on the agreement by the claimant or
2667 seller.

2668 2. Notwithstanding any other provision of this chapter to
2669 the contrary, the department may allow an apparent owner, who is
2670 also the claimant or seller, to sign the agreement
2671 electronically ~~for claims of \$2,000 or less~~. All electronic
2672 signatures on the Unclaimed Property Recovery Agreement and the
2673 Unclaimed Property Purchase Agreement must be affixed on the
2674 agreement by the claimant or seller using the specific,
2675 exclusive eSignature product and protocol authorized by the

2676 department.

2677 (i) The social security number or taxpayer identification
2678 number of the claimant or seller, if a number has been issued to
2679 the claimant or seller.

2680 (j) The total fees and costs, or the total discount in the
2681 case of a purchase agreement, which may not exceed 30 percent of
2682 the claimed amount. In the case of a recovery agreement, if the
2683 total fees and costs exceed 30 percent, the fees and costs shall
2684 be reduced to 30 percent and the net balance shall be remitted
2685 directly by the department to the claimant. In the case of a
2686 purchase agreement, if the total net gain of the claimant's
2687 representative exceeds 30 percent, the claim will be denied.

2688 (3) For an Unclaimed Property Purchase Agreement form,
2689 proof that the purchaser has made payment must be filed with the
2690 department along with the claim. If proof of payment is not
2691 provided, the claim is void.

2692 (4) A claimant's representative must use the Unclaimed
2693 Property Recovery Agreement or the Unclaimed Property Purchase
2694 Agreement as the exclusive means of entering into an agreement
2695 or a contract with a claimant or seller to file a claim with the
2696 department.

2697 (5) Fees and costs may be owed or paid to, or received by,
2698 a claimant's representative only after a filed claim has been
2699 approved and if the claimant's representative used an agreement
2700 authorized by this section.

2701 (6) A claimant's representative may not use or distribute
2702 any other agreement of any type, conveyed by any method, with
2703 respect to the claimant or seller which relates, directly or
2704 indirectly, to unclaimed property accounts held by the
2705 department or the Chief Financial Officer other than the
2706 agreements authorized by this section. Any engagement,
2707 authorization, recovery, or fee agreement that is not authorized
2708 by this section is void. A claimant's representative is subject
2709 to administrative and civil enforcement under s. 717.1322 if he
2710 or she uses an agreement that is not authorized by this section
2711 and if the agreement is used to apply, directly or indirectly,
2712 to unclaimed property held by this state. This subsection does
2713 not prohibit lawful nonagreement, noncontractual, or advertising
2714 communications between or among the parties.

2715 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2716 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2717 that makes the agreement irrevocable or that creates an
2718 assignment of any portion of unclaimed property held by the
2719 department.

2720 (8) When a claim is approved, the department may pay any
2721 additional account that is owned by the claimant but has not
2722 been claimed at the time of approval, provided that a subsequent
2723 claim has not been filed or is not pending for the claimant at
2724 the time of approval.

2725 (9) This section does not supersede s. 717.1241.

2726 (10) This section does not apply to the sale and purchase
2727 of Florida-held unclaimed property accounts through a bankruptcy
2728 estate representative or other person or entity authorized
2729 pursuant to Title XI of the United States Code or an order of a
2730 bankruptcy court to act on behalf or for the benefit of the
2731 debtor, its creditors, and its bankruptcy estate.

2732 Section 59. Subsections (1), (2), and (3) of section
2733 717.1400, Florida Statutes, are amended to read:

2734 717.1400 Registration.—

2735 (1) In order to file claims as a claimant's
2736 representative, ~~acquire ownership of or entitlement to unclaimed~~
2737 ~~property,~~ receive a distribution of fees and costs from the
2738 department, and obtain unclaimed property dollar amounts and
2739 numbers of reported shares of stock held by the department, a
2740 private investigator holding a Class "C" individual license
2741 under chapter 493 must register with the department on such form
2742 as the department prescribes by rule and must be verified by the
2743 applicant. To register with the department, a private
2744 investigator must provide:

2745 (a) A legible copy of the applicant's Class "A" business
2746 license under chapter 493 or that of the applicant's firm or
2747 employer which holds a Class "A" business license under chapter
2748 493.

2749 (b) A legible copy of the applicant's Class "C" individual
2750 license issued under chapter 493.

2751 (c) The business address and telephone number of the
2752 applicant's private investigative firm or employer.

2753 (d) The names of agents or employees, if any, who are
2754 designated to act on behalf of the private investigator,
2755 together with a legible copy of their photo identification
2756 issued by an agency of the United States, or a state, or a
2757 political subdivision thereof.

2758 (e) Sufficient information to enable the department to
2759 disburse funds by electronic funds transfer.

2760 (f) The tax identification number of the private
2761 investigator's firm or employer which holds a Class "A" business
2762 license under chapter 493.

2763 (2) In order to file claims as a claimant's
2764 representative, ~~acquire ownership of or entitlement to unclaimed~~
2765 ~~property,~~ receive a distribution of fees and costs from the
2766 department, and obtain unclaimed property dollar amounts and
2767 numbers of reported shares of stock held by the department, a
2768 Florida-certified public accountant must register with the
2769 department on such form as the department prescribes by rule and
2770 must be verified by the applicant. To register with the
2771 department, a Florida-certified public accountant must provide:

2772 (a) The applicant's Florida Board of Accountancy number.

2773 (b) A legible copy of the applicant's current driver
2774 license showing the full name and current address of such
2775 person. If a current driver license is not available, another

2776 form of identification showing the full name and current address
 2777 of such person or persons shall be filed with the department.

2778 (c) The business address and telephone number of the
 2779 applicant's public accounting firm or employer.

2780 (d) The names of agents or employees, if any, who are
 2781 designated to act on behalf of the Florida-certified public
 2782 accountant, together with a legible copy of their photo
 2783 identification issued by an agency of the United States, or a
 2784 state, or a political subdivision thereof.

2785 (e) Sufficient information to enable the department to
 2786 disburse funds by electronic funds transfer.

2787 (f) The tax identification number of the accountant's
 2788 public accounting firm employer.

2789 (3) In order to file claims as a claimant's
 2790 representative, ~~acquire ownership of or entitlement to unclaimed~~
 2791 ~~property,~~ receive a distribution of fees and costs from the
 2792 department, and obtain unclaimed property dollar amounts and
 2793 numbers of reported shares of stock held by the department, an
 2794 attorney licensed to practice in this state must register with
 2795 the department on such form as the department prescribes by rule
 2796 and must be verified by the applicant. To register with the
 2797 department, such attorney must provide:

2798 (a) The applicant's Florida Bar number.

2799 (b) A legible copy of the applicant's current driver
 2800 license showing the full name and current address of such

2801 person. If a current driver license is not available, another
2802 form of identification showing the full name and current address
2803 of such person or persons shall be filed with the department.

2804 (c) The business address and telephone number of the
2805 applicant's firm or employer.

2806 (d) The names of agents or employees, if any, who are
2807 designated to act on behalf of the attorney, together with a
2808 legible copy of their photo identification issued by an agency
2809 of the United States, or a state, or a political subdivision
2810 thereof.

2811 (e) Sufficient information to enable the department to
2812 disburse funds by electronic funds transfer.

2813 (f) The tax identification number of the attorney's firm
2814 or employer.

2815 Section 60. Paragraph (c) of subsection (10) of section
2816 766.302, Florida Statutes, is amended to read:

2817 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
2818 766.301-766.316, the term:

2819 (10) "Family residential or custodial care" means care
2820 normally rendered by trained professional attendants which is
2821 beyond the scope of child care duties, but which is provided by
2822 family members. Family members who provide nonprofessional
2823 residential or custodial care may not be compensated under this
2824 act for care that falls within the scope of child care duties
2825 and other services normally and gratuitously provided by family

2826 members. Family residential or custodial care shall be performed
 2827 only at the direction and control of a physician when such care
 2828 is medically necessary. Reasonable charges for expenses for
 2829 family residential or custodial care provided by a family member
 2830 shall be determined as follows:

2831 ~~(c) The award of family residential or custodial care as~~
 2832 ~~defined in this section shall not be included in the current~~
 2833 ~~estimates for purposes of s. 766.314(9)(c).~~

2834 Section 61. Paragraph (c) of subsection (9) of section
 2835 766.314, Florida Statutes, is amended to read:

2836 766.314 Assessments; plan of operation.—

2837 (9)

2838 (c) If the total of all current estimates equals or
 2839 exceeds 100 ~~80~~ percent of the funds on hand and the funds that
 2840 will become available to the association within the next 12
 2841 months from all sources described in subsection ~~subsections~~ (4)
 2842 ~~and (5)~~ and paragraph (5)(a) ~~(7)(a)~~, the association may not
 2843 accept any new claims without express authority from the
 2844 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~
 2845 the association from accepting any claim if the injury occurred
 2846 18 months or more before the effective date of this suspension.
 2847 Within 30 days after the effective date of this suspension, the
 2848 association shall notify the Governor, the Speaker of the House
 2849 of Representatives, the President of the Senate, the Office of
 2850 Insurance Regulation, the Agency for Health Care Administration,

2851 and the Department of Health of this suspension.

2852 Section 62. Paragraph (a) of subsection (2) of section
2853 197.582, Florida Statutes, is amended to read:

2854 197.582 Disbursement of proceeds of sale.—

2855 (2)(a) If the property is purchased for an amount in
2856 excess of the statutory bid of the certificateholder, the
2857 surplus must be paid over and disbursed by the clerk as set
2858 forth in subsections (3), (5), and (6). If the opening bid
2859 included the homestead assessment pursuant to s. 197.502(6)(c),
2860 that amount must be treated as surplus and distributed in the
2861 same manner. The clerk shall distribute the surplus to the
2862 governmental units for the payment of any lien of record held by
2863 a governmental unit against the property, including any tax
2864 certificates not incorporated in the tax deed application and
2865 omitted taxes, if any. If there remains a balance of
2866 undistributed funds, the balance must be retained by the clerk
2867 for the benefit of persons described in s. 197.522(1)(a), except
2868 those persons described in s. 197.502(4)(h), as their interests
2869 may appear. The clerk shall mail notices to such persons
2870 notifying them of the funds held for their benefit at the
2871 addresses provided in s. 197.502(4). Such notice constitutes
2872 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.
2873 Any service charges and costs of mailing notices shall be paid
2874 out of the excess balance held by the clerk. Notice must be
2875 provided in substantially the following form:

2876 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE
 2877 CLERK OF COURT
 2878 COUNTY, FLORIDA
 2879 Tax Deed #.....
 2880 Certificate #.....
 2881 Property Description:

2882 Pursuant to chapter 197, Florida Statutes, the above
 2883 property was sold at public sale on ...(date of sale)..., and a
 2884 surplus of \$...(amount)... (subject to change) will be held by
 2885 this office for 120 days beginning on the date of this notice to
 2886 benefit the persons having an interest in this property as
 2887 described in section 197.502(4), Florida Statutes, as their
 2888 interests may appear (except for those persons described in
 2889 section 197.502(4)(h), Florida Statutes).

2890 To the extent possible, these funds will be used to satisfy
 2891 in full each claimant with a senior mortgage or lien in the
 2892 property before distribution of any funds to any junior mortgage
 2893 or lien claimant or to the former property owner. To be
 2894 considered for funds when they are distributed, you must file a
 2895 notarized statement of claim with this office within 120 days of
 2896 this notice. If you are a lienholder, your claim must include
 2897 the particulars of your lien and the amounts currently due. Any
 2898 lienholder claim that is not filed within the 120-day deadline
 2899 is barred.

2900 A copy of this notice must be attached to your statement of

2901 claim. After the office examines the filed claim statements, it
 2902 will notify you if you are entitled to any payment.

2903 Dated:

2904 Clerk of Court

2905 Section 63. Subsection (1) of section 717.1382, Florida
 2906 Statutes, is amended to read:

2907 717.1382 United States savings bond; unclaimed property;
 2908 escheatment; procedure.—

2909 (1) Notwithstanding any other provision of law, a United
 2910 States savings bond in possession of the department or
 2911 registered to a person with a last known address in the state,
 2912 including a bond that is lost, stolen, or destroyed, is presumed
 2913 abandoned and unclaimed 5 years after the bond reaches maturity
 2914 and no longer earns interest and shall be reported and remitted
 2915 to the department by the financial institution or other holder
 2916 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
 2917 the department is not in possession of the bond.

2918 Section 64. The Division of Law Revision is directed to
 2919 prepare a reviser's bill for the 2025 Regular Session of the
 2920 Legislature to change the term "Division of Investigative and
 2921 Forensic Services" wherever the term appears in the Florida
 2922 Statutes to "Division of Criminal Investigations."

2923 Section 65. By September 1, 2024, the Florida Birth-
 2924 Related Neurological Injury Compensation Association shall, in
 2925 consultation with the Office of Insurance Regulation and the

2926 Agency for Health Care Administration, submit a report to the
2927 Governor, the Chief Financial Officer, the President of the
2928 Senate, and the Speaker of the House of Representatives which
2929 must include, but is not limited to, the following:

2930 (1) Recommendations for defining actuarial soundness for
2931 the association, including options for phase-in, if appropriate.

2932 (2) Recommendations for timing of reporting actuarial
2933 soundness and to whom the soundness should be reported.

2934 (3) Recommendations for ensuring a revenue level to
2935 maintain actuarial soundness, including options for phase-in, if
2936 appropriate.

2937 Section 66. Except as otherwise expressly provided in this
2938 act, this act shall take effect upon becoming a law.