

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. 284.44, F.S.; removing  
15          provisions relating to certain quarterly reports  
16          prepared by the Division of Risk Management; amending  
17          s. 440.13, F.S.; providing the reimbursement schedule  
18          requirements for emergency services and care under  
19          workers' compensation under certain circumstances;  
20          providing rulemaking authority; amending s. 440.385,  
21          F.S.; providing requirements for certain contracts  
22          entered into and purchases made by the Florida Self-  
23          Insurers Guaranty Association, Incorporated; providing  
24          duties of the department and the association relating  
25          to such contracts and purchases; providing exemptions;

26 | amending s. 497.101, F.S.; revising the requirements  
27 | for appointing and nominating members of the Board of  
28 | Funeral, Cemetery, and Consumer Services; revising the  
29 | members' terms; revising the authority to remove board  
30 | members; providing for vacancy appointments; providing  
31 | that board members are subject to the code of ethics;  
32 | providing requirements for board members' conduct;  
33 | prohibiting certain acts by the board; providing  
34 | penalties; providing requirements for board meetings,  
35 | books, and records; requiring notices of board  
36 | meetings; providing requirements for such notices;  
37 | amending s. 497.153, F.S.; authorizing services by  
38 | electronic mail of administrative complaints against  
39 | certain licensees under certain circumstances;  
40 | amending s. 497.155, F.S.; authorizing services of  
41 | citations by electronic mail under certain  
42 | circumstances; amending s. 497.172, F.S.; revising  
43 | circumstances under which the department may disclose  
44 | certain information that is confidential and exempt  
45 | from public records requirements; amending s. 497.386,  
46 | F.S.; authorizing the department to enter and secure  
47 | certain establishments, facilities, and morgues and  
48 | remove certain remains under specified circumstances;  
49 | requiring the department to make certain  
50 | determinations; prohibiting certain licensees and

51 facilities from being held liable under certain  
52 circumstances; providing penalties; creating s.  
53 497.469, F.S.; authorizing preneed licensees to  
54 withdraw certain amounts of money under certain  
55 circumstances; providing documents that show that a  
56 preneed contract has been fulfilled; providing  
57 recordkeeping requirements; amending s. 624.307, F.S.;  
58 requiring eligible surplus lines insurers to respond  
59 to the department or the Office of Insurance  
60 Regulation after receipt of requests for documents and  
61 information concerning consumer complaints; providing  
62 penalties for failure to comply; requiring authorized  
63 insurers and eligible surplus lines insurers to file  
64 e-mail addresses with the department and to designate  
65 contact persons for specified purposes; authorizing  
66 changes of designated contact information; amending s.  
67 626.171, F.S.; requiring the department to make  
68 provisions for certain insurance license applicants to  
69 submit cellular telephone numbers for a specified  
70 purpose; amending s. 626.221, F.S.; providing a  
71 qualification for all-lines adjuster licenses;  
72 amending s. 626.601, F.S.; revising construction;  
73 amending s. 626.7351, F.S.; providing a qualification  
74 for customer representative's licenses; amending s.  
75 626.878, F.S.; providing duties and prohibited acts

76 | for adjusters; amending s. 626.929, F.S.; specifying  
77 | that licensed and appointed general lines agents,  
78 | rather than general lines agents, may engage in  
79 | certain activities while also licensed and appointed  
80 | as surplus lines agents; authorizing general lines  
81 | agents that are also licensed as surplus lines agents  
82 | to make certain appointments; authorizing such agents  
83 | to originate specified businesses and accept specified  
84 | businesses; prohibiting such agents from being  
85 | appointed by or transacting certain insurance on  
86 | behalf of specified insurers; amending s. 627.351,  
87 | F.S.; providing requirements for certain contracts  
88 | entered into and purchases made by the Florida Joint  
89 | Underwriting Association; providing duties of the  
90 | department and the association associated with such  
91 | contracts and purchases; amending s. 631.59, F.S.;  
92 | providing requirements for certain contracts entered  
93 | into and purchases made by the Florida Insurance  
94 | Guaranty Association, Incorporated; providing duties  
95 | of the department and the association associated with  
96 | such contracts and purchases; providing  
97 | nonapplicability; amending ss. 631.722, 631.821, and  
98 | 631.921, F.S.; providing requirements for certain  
99 | contracts entered into and purchases made by the  
100 | Florida Life and Health Insurance Guaranty

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

126 certain circumstances; amending s. 634.317, F.S.;

127 providing that certain entities, employees, and agents

128 are exempt from sales representative licenses and

129 appointments under certain circumstances; amending s.

130 648.25, F.S.; providing definitions; amending s.

131 648.26, F.S.; revising the types of investigatory

132 records of the department which are confidential and

133 exempt from public records requirements; revising the

134 circumstances under which investigatory records are

135 confidential and exempt from public records

136 requirements; revising construction; amending s.

137 648.30, F.S.; revising circumstances under which a

138 person or entity may act in the capacity of a bail

139 bond agent or bail bond agency and perform certain

140 functions, duties, and powers; amending s. 648.355,

141 F.S.; revising the requirements for limited surety

142 agents and professional bail bond agent license

143 applications; amending s. 655.0323, F.S.; providing

144 that certain actions are included as an unsafe and

145 unsound practice for financial institutions; making a

146 technical change; authorizing certain aggrieved

147 customers or members to make a complaint to the Office

148 of Financial Regulation on a specified form within a

149 specified timeframe; providing that complaints are

150 barred if not timely submitted; requiring the office

151 to take certain actions, make certain determinations,  
152 and begin an investigation within a specified  
153 timeframe after receiving a complaint; requiring a  
154 financial institution to provide certain information  
155 to the office after being notified that a complaint  
156 has been filed; requiring that certain claims be  
157 handled in accordance with certain provisions;  
158 requiring the office to take certain actions after an  
159 investigation is completed or ceases to be active;  
160 authorizing the Financial Services Commission to adopt  
161 rules to administer this section; amending s. 280.02,  
162 F.S.; conforming provisions to changes made by the  
163 act; amending s. 717.101, F.S.; providing and revising  
164 definitions; amending s. 717.102, F.S.; providing a  
165 rebuttal to a presumption of unclaimed property;  
166 providing requirements for such rebuttal; providing  
167 circumstances under which a property is presumed  
168 unclaimed; providing construction; amending s.  
169 717.106, F.S.; conforming a cross-reference; creating  
170 s. 717.1065, F.S.; providing circumstances under which  
171 virtual currency held or owing by banking  
172 organizations are not presumed unclaimed; prohibiting  
173 virtual currency holders from deducting certain  
174 charges from amounts of specified virtual currency  
175 under certain circumstances; providing an exception;

176 | amending s. 717.1101, F.S.; revising the date on which  
177 | stocks and other equity interests in business  
178 | associations are presumed unclaimed; amending s.  
179 | 717.112, F.S.; providing that certain intangible  
180 | property held by attorneys in fact and by agents in a  
181 | fiduciary capacity are presumed unclaimed under  
182 | certain circumstances; revising the requirements for  
183 | claiming such property; providing construction;  
184 | amending s. 717.1125, F.S.; providing construction;  
185 | amending s. 717.117, F.S.; removing the paper option  
186 | for reports by holders of unclaimed funds and  
187 | property; revising the requirements for reporting the  
188 | owners of unclaimed property and funds; authorizing  
189 | the department to extend reporting dates under certain  
190 | circumstances; revising the circumstances under which  
191 | the department may impose and collect penalties;  
192 | requiring holders of inactive accounts to notify  
193 | apparent owners; revising the manner of sending such  
194 | notices; providing requirements for such notices;  
195 | amending s. 717.119, F.S.; requiring certain virtual  
196 | currency to be remitted to the department; providing  
197 | requirements for the liquidation of such virtual  
198 | currency; providing that holders of such virtual  
199 | currency are relieved of all liability upon delivery  
200 | of the virtual currency to the department; prohibiting



201 holders from assigning or transferring certain  
202 obligations or from complying with certain provisions;  
203 providing that certain entities are responsible for  
204 meeting holders' obligations and complying with  
205 certain provisions under certain circumstances;  
206 providing construction; amending s. 717.1201, F.S.;  
207 providing that the state assumes custody and  
208 responsibility for the safekeeping of unclaimed  
209 property upon good faith payments or deliveries of  
210 property to the department; providing that the  
211 department relieves holders of certain liability under  
212 specified circumstances; providing construction;  
213 requiring the department to defend holders against  
214 certain claims and indemnify holders against certain  
215 liability under specified circumstances; revising  
216 circumstances under which payments or deliveries of  
217 unclaimed property are considered to be made in good  
218 faith; authorizing the department to refund and  
219 redeliver certain money and property under certain  
220 circumstances; amending s. 727.1242, F.S.; revising  
221 legislative intent; amending s. 717.1243, F.S.;  
222 revising applicability of certain provisions relating  
223 to unclaimed small estate accounts; amending s.  
224 717.129, F.S.; revising the prohibition of department  
225 enforcement relating to duties of holders of unclaimed

226 funds and property; revising the tolling for the  
227 periods of limitation relating to duties of holders of  
228 unclaimed funds and property; amending s. 717.1301,  
229 F.S.; revising the department's authorities on the  
230 disposition of unclaimed funds and property for  
231 specified purposes; prohibiting certain materials from  
232 being disclosed or made public under certain  
233 circumstances; revising the basis for the department's  
234 cost assessment against holders of unclaimed funds and  
235 property; amending s. 717.1311, F.S.; revising the  
236 recordkeeping requirements for funds and property  
237 holders; amending s. 717.1322, F.S.; revising acts  
238 that are violations of specified provisions and  
239 constitute grounds for administrative enforcement  
240 actions and civil enforcement by the department;  
241 providing that claimants' representatives, rather than  
242 registrants, are subject to civil enforcement and  
243 disciplinary actions for certain violations; amending  
244 s. 717.1333, F.S.; conforming provisions to changes  
245 made by the act; amending s. 717.134, F.S.; conforming  
246 a provision to changes made by the act; amending s.  
247 717.135, F.S.; revising the information that certain  
248 agreements relating to unclaimed property must  
249 disclose; removing a requirement for Unclaimed  
250 Property Purchase Agreement; providing

251 nonapplicability; amending s. 717.1400, F.S.; removing  
252 a circumstance under which certain persons must  
253 register with the department; amending s. 766.302,  
254 F.S.; revising a definition; amending s. 766.314,  
255 F.S.; revising circumstances under which the Florida  
256 Birth-Related Neurological Injury Compensation Plan  
257 may not accept new claims; amending ss. 197.582 and  
258 717.1382, F.S.; conforming a cross-reference;  
259 providing a directive to the Division of Law Revision;  
260 providing reporting requirements for the Florida  
261 Birth-Related Neurological Injury Compensation  
262 Association; amending s. 17.57, F.S.; providing  
263 certain requirements for credit unions designated as  
264 qualified public depositories relating to the National  
265 Credit Union Share Insurance Fund; amending s. 17.68,  
266 F.S.; conforming provisions to changes made by the  
267 act; amending s. 280.02, F.S.; revising definitions;  
268 adding credit unions to a list of financial  
269 institutions that are eligible to be qualified public  
270 depositories; amending s. 280.025, F.S.; providing  
271 applicability of qualified public depository  
272 provisions to credit unions; amending s. 280.03, F.S.;  
273 conforming a provision to changes made by the act;  
274 creating s. 280.042, F.S.; prohibiting the Chief  
275 Financial Officer from designating credit unions as

276 qualified public depositories unless certain  
277 conditions are met; requiring the Chief Financial  
278 Officer to withdraw from a collateral agreement with a  
279 credit union under certain circumstances; specifying a  
280 requirement for and a restriction on a credit union  
281 that is a party to a withdrawn collateral agreement;  
282 providing limits on public deposits held by credit  
283 unions; amending ss. 280.05, 280.052, 280.053, and  
284 280.055, F.S.; providing applicability of qualified  
285 public depository provisions to credit unions;  
286 amending s. 280.07, F.S.; specifying the losses  
287 against which certain solvent banks, savings banks,  
288 savings associations, and credit unions must guarantee  
289 public depositors; amending ss. 280.08 and 280.085,  
290 F.S.; conforming provisions to changes made by the  
291 act; amending s. 280.09, F.S.; requiring the Chief  
292 Financial Officer to segregate and separately account  
293 for proceeds, assessments, and administrative  
294 penalties attributable to a credit union from those  
295 attributable to other specified financial  
296 institutions; revising a condition for the payment of  
297 losses to public depositors; amending s. 280.10, F.S.;  
298 conforming provisions to changes made by the act;  
299 amending s. 280.13, F.S.; providing that a specified  
300 limit on securities eligible to be pledged as

301 collateral applies to qualified public depositories,  
 302 rather than to banks and savings associations;  
 303 amending s. 280.17, F.S.; conforming a provision to  
 304 changes made by the act; reenacting ss. 280.17(1)(a),  
 305 24.114(1), 125.901(3)(e), 136.01, 159.608(11),  
 306 175.301, 175.401(8), 185.30, 185.50(8), 190.007(3),  
 307 191.006(16), 215.34(2), 218.415(16)(c), (17)(c), and  
 308 (23)(a), 255.502(4)(h), 280.051(15), 280.18(1),  
 309 331.309(1) and (2), 373.553(2), 631.221, and  
 310 723.06115(3)(c), F.S., relating to requirements for  
 311 public depositories; deposits and investments of state  
 312 money; bank deposits and control of lottery  
 313 transactions; children's services and independent  
 314 special districts; county depositories; powers of  
 315 housing finance authorities; depositories for pension  
 316 funds; retiree health insurance subsidies;  
 317 depositories for retirement funds; retiree health  
 318 insurance subsidies; boards of supervisors; general  
 319 powers; state funds and noncollectible items; local  
 320 government investment policies; definitions; grounds  
 321 for suspension or disqualification of a qualified  
 322 public depository; protection of public depositories and  
 323 liability of the state; treasurer, depositories, and  
 324 fiscal agent for Space Florida; treasurer of the  
 325 board, payment of funds, and depositories; deposit of

326 moneys collected; and the Florida Mobile Home  
 327 Relocation Trust Fund, respectively, to incorporate  
 328 the amendments made by this act to s. 280.02, F.S., in  
 329 references thereto; providing effective dates.

330

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

332

333 Section 1. Section 17.69, Florida Statutes, is created to  
 334 read:

335 17.69 Federal Tax Liaison.-

336 (1) The Federal Tax Liaison position is created within the  
 337 department. The purpose of the position is to assist the  
 338 taxpayers of the state.

339 (2) The Chief Financial Officer shall appoint a Federal  
 340 Tax Liaison. The Federal Tax Liaison reports directly to the  
 341 Chief Financial Officer but is not otherwise under the authority  
 342 of the department or of any employee of the department.

343 (3) The Federal Tax Liaison may:

344 (a) Assist taxpayers by answering taxpayer questions.

345 (b) Direct taxpayers to the proper division or office  
 346 within the Internal Revenue Service in order to facilitate  
 347 timely resolution to taxpayer issues.

348 (c) Prepare recommendations for the Internal Revenue  
 349 Service of any actions that will help resolve problems  
 350 encountered by taxpayers.

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

354 (e) With the consent of the taxpayer, request records from  
 355 the Internal Revenue Service to assist the liaison in responding  
 356 to taxpayer inquiries.

357 Section 2. Paragraphs (g) through (n) of subsection (2) of  
 358 section 20.121, Florida Statutes, are redesignated as paragraphs  
 359 (f) through (m), respectively, and paragraph (e) and present  
 360 paragraph (f) of subsection (2) of that section are amended to  
 361 read:

362 20.121 Department of Financial Services.—There is created  
 363 a Department of Financial Services.

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

366 (e) The Division of Criminal Investigations ~~Investigative~~  
 367 ~~and Forensic Services~~, which shall function as a criminal  
 368 justice agency for purposes of ss. 943.045-943.08. The division  
 369 may initiate and conduct investigations into any matter under  
 370 the jurisdiction of the Chief Financial Officer and Fire Marshal  
 371 within or outside of this state as it deems necessary. ~~If,~~  
 372 ~~during an investigation, the division has reason to believe that~~  
 373 ~~any criminal law of this state or the United States has or may~~  
 374 ~~have been violated, it shall refer any records tending to show~~  
 375 ~~such violation to state law enforcement and, if applicable,~~

376 ~~federal prosecutorial agencies and shall provide investigative~~  
377 ~~assistance to those agencies as appropriate. The division shall~~  
378 ~~include the following bureaus and office:~~

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

380 ~~2. The Bureau of Fire, Arson, and Explosives~~  
381 ~~Investigations;~~

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

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

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

386 ~~(f) The Division of Public Assistance Fraud, which shall~~  
387 ~~function as a criminal justice agency for purposes of ss.~~  
388 ~~943.045-943.08. The division shall conduct investigations~~  
389 ~~pursuant to s. 414.411 within or outside of the state as it~~  
390 ~~deems necessary. If, during an investigation, the division has~~  
391 ~~reason to believe that any criminal law of the state has or may~~  
392 ~~have been violated, it shall refer any records supporting such~~  
393 ~~violation to state or federal law enforcement or prosecutorial~~  
394 ~~agencies and shall provide investigative assistance to those~~  
395 ~~agencies as required.~~

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

398 112.1816 Firefighters; cancer diagnosis.—

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



401 workers' compensation benefits under chapter 440, if the  
402 firefighter has been employed by his or her employer for at  
403 least 5 continuous years, has not used tobacco products for at  
404 least the preceding 5 years, and has not been employed in any  
405 other position in the preceding 5 years which is proven to  
406 create a higher risk for any cancer:

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

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

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

417  
418 If the firefighter elects to continue coverage in the employer-  
419 sponsored health plan or group health insurance trust fund after  
420 he or she terminates employment, the benefits specified in  
421 paragraphs (a) and (b) must be made available by the former  
422 employer of a firefighter for 10 years following the date on  
423 which the firefighter terminates employment so long as the  
424 firefighter otherwise met the criteria specified in this  
425 subsection when he or she terminated employment and was not

426 subsequently employed as a firefighter following that date. ~~For~~  
427 ~~purposes of determining leave time and employee retention~~  
428 ~~policies, the employer must consider a firefighter's cancer~~  
429 ~~diagnosis as an injury or illness incurred in the line of duty.~~

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

433 121.0515 Special Risk Class.—

434 (2) MEMBERSHIP.—

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

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

442 (h) Effective July 1, 2008, the member must be employed by  
443 the Department of Law Enforcement in the crime laboratory or by  
444 the Department of Financial Services ~~Division of State Fire~~  
445 ~~Marshal~~ in the forensic laboratory in one of the following  
446 classes:

- 447 1. Forensic technologist (class code 8459);
- 448 2. Crime laboratory technician (class code 8461);
- 449 3. Crime laboratory analyst (class code 8463);
- 450 4. Senior crime laboratory analyst (class code 8464);

- 451 5. Crime laboratory analyst supervisor (class code 8466);
- 452 6. Forensic chief (class code 9602); or
- 453 7. Forensic services quality manager (class code 9603);

454 Section 5. Subsection (6) of section 284.44, Florida  
 455 Statutes, is amended to read:

456 284.44 Salary indemnification costs of state agencies.—

457 ~~(6) The Division of Risk Management shall prepare~~  
 458 ~~quarterly reports to the Executive Office of the Governor and~~  
 459 ~~the chairs of the legislative appropriations committees~~  
 460 ~~indicating for each state agency the total amount of salary~~  
 461 ~~indemnification benefits paid to claimants and the total amount~~  
 462 ~~of reimbursements from state agencies to the State Risk~~  
 463 ~~Management Trust Fund for initial costs for the previous~~  
 464 ~~quarter. These reports shall also include information for each~~  
 465 ~~state agency indicating the number of cases and amounts of~~  
 466 ~~initial salary indemnification costs for which reimbursement~~  
 467 ~~requirements were waived by the Executive Office of the Governor~~  
 468 ~~pursuant to this section.~~

469 Section 6. Subsection (12) of section 440.13, Florida  
 470 Statutes, is amended to read:

471 440.13 Medical services and supplies; penalty for  
 472 violations; limitations.—

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

475 (a) A three-member panel is created, consisting of the

476 Chief Financial Officer, or the Chief Financial Officer's  
477 designee, and two members to be appointed by the Governor,  
478 subject to confirmation by the Senate, one member who, on  
479 account of present or previous vocation, employment, or  
480 affiliation, shall be classified as a representative of  
481 employers, the other member who, on account of previous  
482 vocation, employment, or affiliation, shall be classified as a  
483 representative of employees. The panel shall determine statewide  
484 schedules of maximum reimbursement allowances for medically  
485 necessary treatment, care, and attendance provided by hospitals  
486 and ambulatory surgical centers. The maximum reimbursement  
487 allowances for inpatient hospital care shall be based on a  
488 schedule of per diem rates, to be approved by the three-member  
489 panel no later than March 1, 1994, to be used in conjunction  
490 with a precertification manual as determined by the department,  
491 including maximum hours in which an outpatient may remain in  
492 observation status, which shall not exceed 23 hours. All  
493 compensable charges for hospital outpatient care shall be  
494 reimbursed at 75 percent of usual and customary charges, except  
495 as otherwise provided by this subsection. Annually, the three-  
496 member panel shall adopt schedules of maximum reimbursement  
497 allowances for hospital inpatient care, hospital outpatient  
498 care, and ambulatory surgical centers. A hospital or an  
499 ambulatory surgical center shall be reimbursed either the  
500 agreed-upon contract price or the maximum reimbursement

501 allowance in the appropriate schedule.

502 (b) Payments for outpatient physical, occupational, and  
503 speech therapy provided by hospitals shall be the schedule of  
504 maximum reimbursement allowances for these services which  
505 applies to nonhospital providers.

506 (c) Payments for scheduled outpatient nonemergency  
507 radiological and clinical laboratory services that are not  
508 provided in conjunction with a surgical procedure shall be the  
509 schedule of maximum reimbursement allowances for these services  
510 which applies to nonhospital providers.

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

513 2. Reimbursement for emergency services and care as  
514 defined in s. 395.002 which does not include a maximum  
515 reimbursement allowance must be 250 percent of Medicare, unless  
516 there is a contract, in which case the contract governs  
517 reimbursement. Upon this subparagraph taking effect, the  
518 department shall engage with an actuarial services firm to begin  
519 development of maximum reimbursement allowances for services  
520 subject to the reimbursement provisions of this subparagraph.  
521 This subparagraph expires June 30, 2026.

522 (e)1. By July 1 of each year, the department shall notify  
523 carriers and self-insurers of the physician and nonhospital  
524 services schedule of maximum reimbursement allowances. The  
525 notice must include publication of this schedule of maximum

526 reimbursement allowances on the division's website. This  
527 schedule is not subject to approval by the three-member panel  
528 and does not include reimbursement for prescription medication.

529 2. Subparagraph 1. shall take effect January 1, following  
530 the July 1, 2024, notice of the physician and nonhospital  
531 services schedule of maximum reimbursement allowances that the  
532 department provides to carriers and self-insurers.

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

538 (g) Maximum reimbursement for surgical procedures shall be  
539 140 percent of the reimbursement allowed by Medicare or the  
540 medical reimbursement level adopted by the three-member panel as  
541 of January 1, 2003, whichever is greater.

542 (h) As to reimbursement for a prescription medication, the  
543 reimbursement amount for a prescription shall be the average  
544 wholesale price plus \$4.18 for the dispensing fee. For  
545 repackaged or relabeled prescription medications dispensed by a  
546 dispensing practitioner as provided in s. 465.0276, the fee  
547 schedule for reimbursement shall be 112.5 percent of the average  
548 wholesale price, plus \$8.00 for the dispensing fee. For purposes  
549 of this subsection, the average wholesale price shall be  
550 calculated by multiplying the number of units dispensed times

551 the per-unit average wholesale price set by the original  
552 manufacturer of the underlying drug dispensed by the  
553 practitioner, based upon the published manufacturer's average  
554 wholesale price published in the Medi-Span Master Drug Database  
555 as of the date of dispensing. All pharmaceutical claims  
556 submitted for repackaged or relabeled prescription medications  
557 must include the National Drug Code of the original  
558 manufacturer. Fees for pharmaceuticals and pharmaceutical  
559 services shall be reimbursable at the applicable fee schedule  
560 amount except where the employer or carrier, or a service  
561 company, third party administrator, or any entity acting on  
562 behalf of the employer or carrier directly contracts with the  
563 provider seeking reimbursement for a lower amount.

564 (i) Reimbursement for all fees and other charges for such  
565 treatment, care, and attendance, including treatment, care, and  
566 attendance provided by any hospital or other health care  
567 provider, ambulatory surgical center, work-hardening program, or  
568 pain program, must not exceed the amounts provided by the  
569 uniform schedule of maximum reimbursement allowances as  
570 determined by the panel or as otherwise provided in this  
571 section. This subsection also applies to independent medical  
572 examinations performed by health care providers under this  
573 chapter. In determining the uniform schedule, the panel shall  
574 first approve the data which it finds representative of  
575 prevailing charges in the state for similar treatment, care, and

576 attendance of injured persons. Each health care provider, health  
577 care facility, ambulatory surgical center, work-hardening  
578 program, or pain program receiving workers' compensation  
579 payments shall maintain records verifying their usual charges.  
580 In establishing the uniform schedule of maximum reimbursement  
581 allowances, the panel must consider:

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

585 2. The impact upon cost to employers for providing a level  
586 of reimbursement for treatment, care, and attendance which will  
587 ensure the availability of treatment, care, and attendance  
588 required by injured workers; and

589 3. The financial impact of the reimbursement allowances  
590 upon health care providers and health care facilities, including  
591 trauma centers as defined in s. 395.4001, and its effect upon  
592 their ability to make available to injured workers such  
593 medically necessary remedial treatment, care, and attendance.  
594 The uniform schedule of maximum reimbursement allowances must be  
595 reasonable, must promote health care cost containment and  
596 efficiency with respect to the workers' compensation health care  
597 delivery system, and must be sufficient to ensure availability  
598 of such medically necessary remedial treatment, care, and  
599 attendance to injured workers.

600 (j) In addition to establishing the uniform schedule of



601 maximum reimbursement allowances, the panel shall:

602 1. Take testimony, receive records, and collect data to  
603 evaluate the adequacy of the workers' compensation fee schedule,  
604 nationally recognized fee schedules and alternative methods of  
605 reimbursement to health care providers and health care  
606 facilities for inpatient and outpatient treatment and care.

607 2. Survey health care providers and health care facilities  
608 to determine the availability and accessibility of workers'  
609 compensation health care delivery systems for injured workers.

610 3. Survey carriers to determine the estimated impact on  
611 carrier costs and workers' compensation premium rates by  
612 implementing changes to the carrier reimbursement schedule or  
613 implementing alternative reimbursement methods.

614 4. Submit recommendations on or before January 15, 2017,  
615 and biennially thereafter, to the President of the Senate and  
616 the Speaker of the House of Representatives on methods to  
617 improve the workers' compensation health care delivery system.

618  
619 The department, as requested, shall provide data to the panel,  
620 including, but not limited to, utilization trends in the  
621 workers' compensation health care delivery system. The  
622 department shall provide the panel with an annual report  
623 regarding the resolution of medical reimbursement disputes and  
624 any actions pursuant to subsection (8). The department shall  
625 provide administrative support and service to the panel to the

626 extent requested by the panel. The department may adopt rules  
627 pursuant to ss. 120.536(1) and 120.54 to implement this  
628 subsection. For prescription medication purchased under the  
629 requirements of this subsection, a dispensing practitioner shall  
630 not possess such medication unless payment has been made by the  
631 practitioner, the practitioner's professional practice, or the  
632 practitioner's practice management company or employer to the  
633 supplying manufacturer, wholesaler, distributor, or drug  
634 repackager within 60 days of the dispensing practitioner taking  
635 possession of that medication.

636 Section 7. Subsections (9) through (13) of section  
637 440.385, Florida Statutes, are renumbered as subsections (10)  
638 through (14), respectively, and a new subsection (9) is added to  
639 that section to read:

640 440.385 Florida Self-Insurers Guaranty Association,  
641 Incorporated.—

642 (9) CONTRACTS AND PURCHASES.—

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

650 (b) All contracts and purchases valued at or more than

651 \$100,000 require competition through a formal bid solicitation  
652 conducted by the association. The association must undergo a  
653 formal bid solicitation process. The formal bid solicitation  
654 process must include all of the following:

655 1. The time and date for the receipt of bids, the  
656 proposals, and whether the association contemplates renewal of  
657 the contract, including the price for each year for which the  
658 contract may be renewed.

659 2. All the contractual terms and conditions applicable to  
660 the procurement.

661 (c) Evaluation of bids by the association must include  
662 consideration of the total cost for each year of the contract,  
663 including renewal years, as submitted by the vendor. The  
664 association must award the contract to the most responsible and  
665 responsive vendor. Any formal bid solicitation conducted by the  
666 association must be made available, upon request, to the  
667 department via electronic delivery.

668 (d) Contracts that are required by law are exempt from  
669 this section.

670 Section 8. Subsection (7) of section 497.101, Florida  
671 Statutes, is renumbered as subsection (11), subsections (1)  
672 through (4) are amended, and a new subsection (7) and  
673 subsections (8), (9), and (10) are added to that section, to  
674 read:

675 497.101 Board of Funeral, Cemetery, and Consumer Services;

676 membership; appointment; terms.—

677 (1) The Board of Funeral, Cemetery, and Consumer Services  
 678 is created within the Department of Financial Services and shall  
 679 consist of 10 members, 9 of whom shall be appointed by ~~the~~  
 680 ~~Governor from nominations made by~~ the Chief Financial Officer  
 681 and confirmed by the Senate. ~~The Chief Financial Officer shall~~  
 682 ~~nominate one to three persons for each of the nine vacancies on~~  
 683 ~~the board, and the Governor shall fill each vacancy on the board~~  
 684 ~~by appointing one of the persons nominated by the Chief~~  
 685 ~~Financial Officer to fill that vacancy. If the Governor objects~~  
 686 ~~to each of the nominations for a vacancy, she or he shall inform~~  
 687 ~~the Chief Financial Officer in writing. Upon notification of an~~  
 688 ~~objection by the Governor, the Chief Financial Officer shall~~  
 689 ~~submit one to three additional nominations for that vacancy~~  
 690 until the vacancy is filled. One member must be the State Health  
 691 Officer or her or his designee.

692 (2) Two members of the board must be funeral directors  
 693 licensed under part III of this chapter who are associated with  
 694 a funeral establishment. One member of the board must be a  
 695 funeral director licensed under part III of this chapter who is  
 696 associated with a funeral establishment licensed under part III  
 697 of this chapter which has a valid preneed license issued  
 698 pursuant to this chapter ~~and who owns or operates a cinerator~~  
 699 ~~facility approved under chapter 403 and licensed under part VI~~  
 700 ~~of this chapter~~. Two members of the board must be persons whose

701 primary occupation is associated with a cemetery company  
702 licensed pursuant to this chapter. Two members of the board must  
703 be consumers who are residents of this state, have never been  
704 licensed as funeral directors or embalmers, are not connected  
705 with a cemetery or cemetery company licensed pursuant to this  
706 chapter, and are not connected with the death care industry or  
707 the practice of embalming, funeral directing, or direct  
708 disposition. One of the two consumer members must be at least 60  
709 years of age. One member of the board must be a consumer who is  
710 a resident of this state; is licensed as a certified public  
711 accountant under chapter 473; has never been licensed as a  
712 funeral director or an embalmer; is not a principal or an  
713 employee of any licensee licensed under this chapter; and does  
714 not otherwise have control, as defined in s. 497.005, over any  
715 licensee licensed under this chapter. One member of the board  
716 must be a principal of a monument establishment licensed under  
717 this chapter as a monument builder. One member must be the State  
718 Health Officer or her or his designee. There may not be two or  
719 more board members who are principals or employees of the same  
720 company or partnership or group of companies or partnerships  
721 under common control.

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

726 the State Health Officer shall serve at the pleasure of the  
727 Chief Financial Officer ~~Governor~~.

728 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~  
729 ~~the Senate~~ may remove any board member for malfeasance or  
730 misfeasance, neglect of duty, incompetence, substantial  
731 inability to perform official duties, commission of a crime, or  
732 other substantial cause as determined by the Chief Financial  
733 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of  
734 fitness to sit on the board. A board member shall be deemed to  
735 have resigned her or his board membership, and that position  
736 shall be deemed vacant, upon the failure of the member to attend  
737 three consecutive meetings of the board or at least half of the  
738 meetings of the board during any 12-month period, unless the  
739 Chief Financial Officer determines that there was good and  
740 adequate justification for the absences and that such absences  
741 are not likely to continue. Any vacancy so created shall be  
742 filled as provided in subsection (1).

743 (7) Members of the board are subject to the code of ethics  
744 under part III of chapter 112. For purposes of applying part III  
745 of chapter 112 to activities of the members of the board, those  
746 persons are considered public officers, and the department is  
747 considered their agency. A board member may not vote on any  
748 measure that would inure to his or her special private gain or  
749 loss and, in accordance with s. 112.3143(2), may not vote on any  
750 measure that he or she knows would inure to the special private

751 gain or loss of any principal by which he or she is retained,  
752 other than an agency as defined in s. 112.312; or that he or she  
753 knows would inure to the special private gain or loss of his or  
754 her relative or business associate. Before the vote is taken,  
755 such member shall publicly state to the board the nature of his  
756 or her interest in the matter from which he or she is abstaining  
757 from voting and, within 15 days after the vote occurs, disclose  
758 the nature of his or her interest as a public record in a  
759 memorandum filed with the person responsible for recording the  
760 minutes of the meeting, who shall incorporate the memorandum in  
761 the minutes.

762 (8) In accordance with ss. 112.3148 and 112.3149, a board  
763 member may not knowingly accept, directly or indirectly, any  
764 gift or expenditure from a person or entity, or an employee or  
765 representative of such person or entity, which has a contractual  
766 relationship with the department or the board, which is under  
767 consideration for a contract, or which is licensed by the  
768 department.

769 (9) A board member who fails to comply with subsection (7)  
770 or subsection (8) is subject to the penalties provided under ss.  
771 112.317 and 112.3173.

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

776 (b) Except for emergency meetings, the department shall  
 777 give notice of any board meeting by publication on the  
 778 department's website at least 7 days before the meeting. The  
 779 department shall publish a meeting agenda on its website at  
 780 least 7 days before the meeting. The agenda must contain the  
 781 items to be considered in order of presentation. After the  
 782 agenda has been made available, a change may be made only for  
 783 good cause, as determined by the person designated to preside,  
 784 and must be stated in the record. Notification of such change  
 785 must be at the earliest practicable time.

786 Section 9. Paragraph (a) of subsection (4) of section  
 787 497.153, Florida Statutes, is amended to read:

788 497.153 Disciplinary procedures and penalties.—

789 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

790 (a) Service of an administrative complaint may be in  
 791 person by department staff or any person authorized to make  
 792 service of process under the Florida Rules of Civil Procedure.  
 793 Service upon a licensee may in the alternative be made by  
 794 certified mail, return receipt requested, to the last known  
 795 address of record provided by the licensee to the department. If  
 796 service by certified mail cannot be made at the last address  
 797 provided by the licensee to the department, service may be made  
 798 by e-mail, delivery receipt required, sent to the most recent e-  
 799 mail address provided by the licensee to the department in  
 800 accordance with s. 497.146.



801 Section 10. Paragraph (e) of subsection (1) of section  
 802 497.155, Florida Statutes, is amended to read:

803 497.155 Disciplinary citations and minor violations.—

804 (1) CITATIONS.—

805 (e) Service of a citation may be made by personal service  
 806 or certified mail, restricted delivery, to the subject at the  
 807 subject's last known address in accordance with s. 497.146. If  
 808 service by certified mail cannot be made at the last address  
 809 provided by the subject to the department, service may be made  
 810 by e-mail, delivery receipt required, sent to the most recent e-  
 811 mail address provided by the subject to the department in  
 812 accordance with s. 497.146.

813 Section 11. Paragraph (d) of subsection (3) of section  
 814 497.172, Florida Statutes, is amended to read:

815 497.172 Public records exemptions; public meetings  
 816 exemptions.—

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

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

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

822 2. To any law enforcement agency or other government  
 823 agency in the performance of its official duties and  
 824 responsibilities.

825 3. If the department uncovers information of immediate and

826 serious concern to the public health, safety, or welfare, it may  
827 disseminate such information as it deems necessary for the  
828 public health, safety, or welfare.

829 4. If the department issues an emergency order pursuant to  
830 s. 497.156.

831 Section 12. Section 497.386, Florida Statutes, is amended  
832 to read:

833 497.386 Storage, preservation, and transportation of human  
834 remains.—

835 (1) A person may not store or maintain human remains at  
836 any establishment or facility except an establishment or  
837 facility licensed under this chapter or a health care facility,  
838 medical examiner's facility, morgue, or cemetery holding  
839 facility.

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

846 (3) A dead human body transported by common carrier or any  
847 agency or individual authorized to carry dead human bodies must  
848 be placed in a carrying container adequate to prevent the  
849 seepage of fluids and escape of offensive odors. A dead human  
850 body may be transported only when accompanied by a properly

851 completed burial-transit permit issued in accordance with the  
852 provisions of chapter 382.

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

858 (5) In the event of an emergency situation, including the  
859 abandonment of any establishments or facilities licensed under  
860 this chapter or any medical examiner's facility, morgue, or  
861 cemetery holding facility, the department may enter and secure  
862 such establishment, facility, or morgue during or outside of  
863 normal business hours and remove human remains and cremated  
864 remains from the establishment, facility, or morgue. For  
865 purposes of this subsection, the department shall determine if a  
866 facility is abandoned and if there is an emergency situation. A  
867 licensee or licensed facility that accepts transfer of human  
868 remains and cremated remains from the department pursuant to  
869 this subsection may not be held liable for the condition of any  
870 human remains or cremated remains at the time of transfer.

871 (6)-(5) A person who violates subsection (1) or subsection  
872 (3) any provision of this section commits a misdemeanor of the  
873 first degree, punishable as provided in s. 775.082 or s.  
874 775.083.

875 (7) A person who violates subsection (2) or subsection (4)

876 commits a felony of the third degree, punishable as provided in  
 877 s. 775.082, s. 775.083, or s. 775.084.

878 Section 13. Section 497.469, Florida Statutes, is created  
 879 to read:

880 497.469 Fulfillment of preneed contracts.-

881 (1) Upon delivery of merchandise or performance of  
 882 services in fulfillment of a preneed contract, either in part or  
 883 in whole, a preneed licensee may withdraw the amount deposited  
 884 in trust plus income earned on such amount for the merchandise  
 885 delivered or services performed, when adequate documentation is  
 886 submitted to the trustee.

887 (2) The following documentation is satisfactory evidence  
 888 that a preneed contract has been fulfilled:

889 (a) A certified copy of death certificate;

890 (b) An invoice for merchandise which reflects the name of  
 891 the purchaser or beneficiary and the contract number;

892 (c) An acknowledgment signed by the purchaser or legally  
 893 authorized person, acknowledging that merchandise was delivered  
 894 or services performed; or

895 (d) A burial permit or other documentation provided to  
 896 another governmental agency.

897 (3) For purposes of fulfillment of a preneed cemetery  
 898 contract, the documentation set forth in subsection (2) or a  
 899 certificate signed by an officer, manager, or designee that the  
 900 merchandise was delivered or services were performed is

901 satisfactory evidence to show that a preneed cemetery contract  
902 has been fulfilled.

903 (4) The preneed licensee shall maintain documentation that  
904 supports fulfillment of a particular contract until such records  
905 are examined by the department.

906 Section 14. Paragraphs (c) and (d) subsection (10) of  
907 section 624.307, Florida Statutes, are redesignated as  
908 paragraphs (d) and (e), respectively, paragraph (b) is amended,  
909 and a new paragraph (c) is added to subsection (10) of that  
910 section, to read:

911 624.307 General powers; duties.—

912 (10)

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

926 | by the department or the office.

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

945 |       Section 15. Subsection (2) of section 626.171, Florida  
946 | Statutes, is amended to read:

947 |       626.171 Application for license as an agent, customer  
948 | representative, adjuster, service representative, or reinsurance  
949 | intermediary.—

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

951 (a) His or her full name, age, social security number,  
952 residence address, business address, mailing address, contact  
953 telephone numbers, including a business telephone number, and e-  
954 mail address.

955 (b) A statement indicating the method the applicant used  
956 or is using to meet any required prelicensing education,  
957 knowledge, experience, or instructional requirements for the  
958 type of license applied for.

959 (c) Whether he or she has been refused or has voluntarily  
960 surrendered or has had suspended or revoked a license to solicit  
961 insurance by the department or by the supervising officials of  
962 any state.

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

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

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

970 (g) The applicant's native language.

971 (h) The highest level of education achieved by the  
972 applicant.

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

975 (j) Such other or additional information as the department

976 | may deem proper to enable it to determine the character,  
 977 | experience, ability, and other qualifications of the applicant  
 978 | to hold himself or herself out to the public as an insurance  
 979 | representative.

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

991 | Section 16. Paragraph (j) of subsection (2) of section  
 992 | 626.221, Florida Statutes, is amended to read:

993 | 626.221 Examination requirement; exemptions.—

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

996 | (j) An applicant for license as an all-lines adjuster who  
 997 | has the designation of Accredited Claims Adjuster (ACA) from a  
 998 | regionally accredited postsecondary institution in this state;  
 999 | Certified All Lines Adjuster (CALA) from Kaplan Financial  
 1000 | Education; Associate in Claims (AIC) from the Insurance



1001 Institute of America; Professional Claims Adjuster (PCA) from  
 1002 the Professional Career Institute; Professional Property  
 1003 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;  
 1004 Certified Adjuster (CA) from ALL LINES Training; Certified  
 1005 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster  
 1006 Certified Professional (CACP) from WebCE, Inc.; Accredited  
 1007 Insurance Claims Specialist (AICS) from Encore Claim Services;  
 1008 Professional in Claims (PIC) from 2021 Training, LLC; Registered  
 1009 Claims Adjuster (RCA) from American Insurance College; or  
 1010 Universal Claims Certification (UCC) from Claims and Litigation  
 1011 Management Alliance (CLM) whose curriculum has been approved by  
 1012 the department and which includes comprehensive analysis of  
 1013 basic property and casualty lines of insurance and testing at  
 1014 least equal to that of standard department testing for the all-  
 1015 lines adjuster license. The department shall adopt rules  
 1016 establishing standards for the approval of curriculum.

1017 Section 17. Subsection (6) of section 626.601, Florida  
 1018 Statutes, is amended to read:

1019 626.601 Improper conduct; inquiry; fingerprinting.—

1020 (6) The complaint and any information obtained pursuant to  
 1021 the investigation by the department or office are confidential  
 1022 and are exempt from s. 119.07 unless the department or office  
 1023 files a formal administrative complaint, emergency order, or  
 1024 consent order against the individual or entity. This subsection  
 1025 does not prevent the department or office from disclosing the

1026 complaint or such information as it deems necessary to conduct  
1027 the investigation, to update the complainant as to the status  
1028 and outcome of the complaint, to review the details of the  
1029 investigation with the individual or entity being investigated  
1030 or their representative, or to share such information with any  
1031 law enforcement agency or other regulatory body.

1032 Section 18. Subsection (3) of section 626.7351, Florida  
1033 Statutes, is amended to read:

1034 626.7351 Qualifications for customer representative's  
1035 license.—The department shall not grant or issue a license as  
1036 customer representative to any individual found by it to be  
1037 untrustworthy or incompetent, or who does not meet each of the  
1038 following qualifications:

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

1051 All-Lines Training; the designation of Chartered Customer  
 1052 Service Representative (CCSR) from American Insurance College;  
 1053 the designation of Professional Customer Service Representative  
 1054 (PCSR) from the Professional Career Institute; the designation  
 1055 of Insurance Customer Service Representative (ICSR) from  
 1056 Statewide Insurance Associates LLC; the designation of  
 1057 Registered Customer Service Representative (RCSR) from a  
 1058 regionally accredited postsecondary institution in the state  
 1059 whose curriculum is approved by the department and includes  
 1060 comprehensive analysis of basic property and casualty lines of  
 1061 insurance and testing which demonstrates mastery of the subject;  
 1062 or a degree from an accredited institution of higher learning  
 1063 approved by the department when the degree includes a minimum of  
 1064 9 credit hours of insurance instruction, including specific  
 1065 instruction in the areas of property, casualty, and inland  
 1066 marine insurance. The department shall adopt rules establishing  
 1067 standards for the approval of curriculum.

1068 Section 19. Section 626.878, Florida Statutes, is amended  
 1069 to read:

1070 626.878 Rules; code of ethics.—

1071 (1) An adjuster shall subscribe to the code of ethics  
 1072 specified in the rules of the department. The rules shall  
 1073 implement the provisions of this part and specify the terms and  
 1074 conditions of contracts, including a right to cancel, and  
 1075 require practices necessary to ensure fair dealing, prohibit

1076 conflicts of interest, and ensure preservation of the rights of  
1077 the claimant to participate in the adjustment of claims.

1078 (2) A person licensed as an adjuster must identify himself  
1079 or herself in any advertisement, solicitation, or written  
1080 document based on the adjuster appointment type held.

1081 (3) An adjuster who has had his or her licensed revoked or  
1082 suspended may not participate in any part of an insurance claim  
1083 or in the insurance claims adjusting process, including  
1084 estimating, completing, filing, negotiating, appraising,  
1085 mediating, umpiring, or effecting settlement of a claim for loss  
1086 or damage covered under an insurance contract. A person who  
1087 provides these services while the person's license is revoked or  
1088 suspended acts as an unlicensed adjuster.

1089 Section 20. Subsection (1) of section 626.929, Florida  
1090 Statutes, is amended, and subsection (4) is added to that  
1091 section, to read:

1092 626.929 Origination, acceptance, placement of surplus  
1093 lines business.—

1094 (1) A licensed and appointed general lines agent while  
1095 also licensed and appointed as a surplus lines agent under this  
1096 part may originate surplus lines business and may accept surplus  
1097 lines business from any other originating Florida-licensed  
1098 general lines agent appointed and licensed as to the kinds of  
1099 insurance involved and may compensate such agent therefor.

1100 (4) A general lines agent while licensed as a surplus

1101 lines agent under this part may appoint these licenses with a  
1102 single surplus license agent appointment pursuant to s. 624.501.  
1103 Such agent may only originate surplus lines business and accept  
1104 surplus lines business from other originating Florida-licensed  
1105 general lines agents appointed and licensed as to the kinds of  
1106 insurance involved and may compensate such agent therefor. Such  
1107 agent may not be appointed by or transact general lines  
1108 insurance on behalf of an admitted insurer.

1109 Section 21. Paragraph (j) is added to subsection (4) of  
1110 section 627.351, Florida Statutes, to read:

1111 627.351 Insurance risk apportionment plans.—

1112 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION  
1113 CONTRACTS AND PURCHASES.—

1114 (j)1. After July 1, 2024, all contracts entered into, and  
1115 all purchases made by, the association pursuant to this  
1116 subsection which are valued at or more than \$100,000 must first  
1117 be approved by the department. The department has 10 days to  
1118 approve or deny a contract or purchase upon electronic receipt  
1119 of the approval request. The contract or purchase is  
1120 automatically approved if the department is nonresponsive.

1121 2. All contracts and purchases valued at or more than  
1122 \$100,000 require competition through a formal bid solicitation  
1123 conducted by the association. The association must undergo a  
1124 formal bid solicitation process by a minimum of three vendors.  
1125 The formal bid solicitation process must include all of the

1126 following:

1127 a. The time and date for the receipt of bids, the  
 1128 proposals, and whether the association contemplates renewal of  
 1129 the contract, including the price for each year for which the  
 1130 contract may be renewed.

1131 b. All the contractual terms and conditions applicable to  
 1132 the procurement.

1133 3. Evaluation of bids by the association must include  
 1134 consideration of the total cost for each year of the contract,  
 1135 including renewal years, as submitted by the vendor. The  
 1136 association must award the contract to the most responsible and  
 1137 responsive vendor. Any formal bid solicitation conducted by the  
 1138 association must be made available, upon request, to the  
 1139 department by electronic delivery.

1140 Section 22. Subsection (5) is added to section 631.59,  
 1141 Florida Statutes, to read:

1142 631.59 Duties and powers of department and office;  
 1143 association contracts and purchases.-

1144 (5)(a) After July 1, 2024, all contracts entered into, and  
 1145 all purchases made by, the association pursuant to this section  
 1146 which are valued at or more than \$100,000 must first be approved  
 1147 by the department. The department has 10 days to approve or deny  
 1148 the contract or purchase upon electronic receipt of the approval  
 1149 request. The contract or purchase is automatically approved if  
 1150 the department is nonresponsive.

1151 (b) All contracts and purchases valued at or more than  
1152 \$100,000 require competition through a formal bid solicitation  
1153 conducted by the association. The association must undergo a  
1154 formal bid solicitation process. The formal bid solicitation  
1155 process must include all of the following:

1156 1. The time and date for the receipt of bids, the  
1157 proposals, and whether the association contemplates renewal of  
1158 the contract, including the price for each year for which the  
1159 contract may be renewed.

1160 2. All the contractual terms and conditions applicable to  
1161 the procurement.

1162 (c) Evaluation of bids by the association must include  
1163 consideration of the total cost for each year of the contract,  
1164 including renewal years, as submitted by the vendor. The  
1165 association must award the contract to the most responsible and  
1166 responsive vendor. Any formal bid solicitation conducted by the  
1167 association must be made available, upon request, to the  
1168 department via electronic delivery.

1169 (d) Paragraphs (b) and (c) do not apply to claims defense  
1170 counsel or claims vendors if contracts with all vendors which  
1171 may exceed \$100,000 are provided to the department for prior  
1172 approval in accordance with paragraph (a).

1173 Section 23. Subsection (6) is added to section 631.722,  
1174 Florida Statutes, to read:

1175 631.722 Powers and duties of department and office;

1176 association contracts and purchases.-

1177 (6)(a) After July 1, 2024, all contracts entered into, and  
1178 all purchases made by, the association pursuant to this section  
1179 which are valued at or more than \$100,000 must first be approved  
1180 by the department. The department has 10 days to approve or deny  
1181 the contract or purchase upon electronic receipt of the approval  
1182 request. The contract or purchase is automatically approved if  
1183 the department is nonresponsive.

1184 (b) All contracts and purchases valued at or more than  
1185 \$100,000 require competition through a formal bid solicitation  
1186 conducted by the association. The association must undergo a  
1187 formal bid solicitation process. The formal bid solicitation  
1188 process must include all of the following:

1189 1. The time and date for the receipt of bids, the  
1190 proposals, and whether the association contemplates renewal of  
1191 the contract, including the price for each year for which the  
1192 contract may be renewed.

1193 2. All the contractual terms and conditions applicable to  
1194 the procurement.

1195 (c) Evaluation of bids by the association must include  
1196 consideration of the total cost for each year of the contract,  
1197 including renewal years, as submitted by the vendor. The  
1198 association must award the contract to the most responsible and  
1199 responsive vendor. Any formal bid solicitation conducted by the  
1200 association must be made available, upon request, to the



1201 department via electronic delivery.

1202 Section 24. Subsection (5) is added to section 631.821,  
1203 Florida Statutes, to read:

1204 631.821 Powers and duties of the department; board  
1205 contracts and purchases.—

1206 (5) (a) After July 1, 2024, all contracts entered into, and  
1207 all purchases made by, the board pursuant to this section which  
1208 are valued at or more than \$100,000 must first be approved by  
1209 the department. The department has 10 days to approve or deny  
1210 the contract or purchase upon electronic receipt of the approval  
1211 request. The contract or purchase is automatically approved if  
1212 the department is nonresponsive.

1213 (b) All contracts and purchases valued at or more than  
1214 \$100,000 require competition through a formal bid solicitation  
1215 conducted by the board. The board must undergo a formal bid  
1216 solicitation process. The formal bid solicitation process must  
1217 include all of the following:

1218 1. The time and date for the receipt of bids, the  
1219 proposals, and whether the board contemplates renewal of the  
1220 contract, including the price for each year for which the  
1221 contract may be renewed.

1222 2. All the contractual terms and conditions applicable to  
1223 the procurement.

1224 (c) Evaluation of bids by the board must include  
1225 consideration of the total cost for each year of the contract,

1226 including renewal years, as submitted by the vendor. The plan  
 1227 must award the contract to the most responsible and responsive  
 1228 vendor. Any formal bid solicitation conducted by the board must  
 1229 be made available, upon request, to the department via  
 1230 electronic delivery.

1231 Section 25. Section 631.921, Florida Statutes, is amended  
 1232 to read:

1233 631.921 Department powers; board contracts and purchases.—

1234 (1) The corporation shall be subject to examination by the  
 1235 department. By March 1 of each year, the board of directors  
 1236 shall cause a financial report to be filed with the department  
 1237 for the immediately preceding calendar year in a form approved  
 1238 by the department.

1239 (2) (a) After July 1, 2024, all contracts entered into, and  
 1240 all purchases made by, the board pursuant to this section which  
 1241 are valued at or more than \$100,000 must first be approved by  
 1242 the department. The department has 10 days to approve or deny  
 1243 the contract or purchase upon electronic receipt of the approval  
 1244 request. The contract or purchase is automatically approved if  
 1245 the department is nonresponsive.

1246 (b) All contracts and purchases valued at or more than  
 1247 \$100,000 require competition through a formal bid solicitation  
 1248 conducted by the board. The board must undergo a formal bid  
 1249 solicitation process. The formal bid solicitation process must  
 1250 include all of the following:

1251           1. The time and date for the receipt of bids, the  
 1252 proposals, and whether the board contemplates renewal of the  
 1253 contract, including the price for each year for which the  
 1254 contract may be renewed.

1255           2. All the contractual terms and conditions applicable to  
 1256 the procurement.

1257           (c) Evaluation of bids by the board must include  
 1258 consideration of the total cost for each year of the contract,  
 1259 including renewal years, as submitted by the vendor. The  
 1260 association must award the contract to the most responsible and  
 1261 responsive vendor. Any formal bid solicitation conducted by the  
 1262 association must be made available, upon request, to the  
 1263 department via electronic delivery.

1264           Section 26. Paragraph (b) of subsection (3) of section  
 1265 633.124, Florida Statutes, is amended to read:

1266           633.124 Penalty for violation of law, rule, or order to  
 1267 cease and desist or for failure to comply with corrective  
 1268 order.—

1269           (3)

1270           (b) A person who initiates a pyrotechnic display within  
 1271 any structure commits a felony of the third degree, punishable  
 1272 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1273           1. The structure has a fire protection system installed in  
 1274 compliance with s. 633.334.

1275           2. The owner of the structure has authorized in writing

1276 the pyrotechnic display.

1277         3. If the local jurisdiction requires a permit for the use  
1278 of a pyrotechnic display in an occupied structure, such permit  
1279 has been obtained and all conditions of the permit complied with  
1280 or, if the local jurisdiction does not require a permit for the  
1281 use of a pyrotechnic display in an occupied structure, the  
1282 person initiating the display has complied with National Fire  
1283 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,  
1284 Standard for the Use of Pyrotechnics before a Proximate  
1285 Audience.

1286         Section 27. Subsection (2) of section 633.202, Florida  
1287 Statutes, is amended to read:

1288         633.202 Florida Fire Prevention Code.—

1289         (2) The State Fire Marshal shall adopt the current edition  
1290 of the National Fire Protection Association's Standard 1, Fire  
1291 Prevention Code but may not adopt a building, mechanical,  
1292 accessibility, or plumbing code. The State Fire Marshal shall  
1293 adopt the current edition of the Life Safety Code, NFPA 101,  
1294 current editions, by reference. The State Fire Marshal may  
1295 modify the selected codes and standards as needed to accommodate  
1296 the specific needs of the state. Standards or criteria in the  
1297 selected codes shall be similarly incorporated by reference. The  
1298 State Fire Marshal shall incorporate within sections of the  
1299 Florida Fire Prevention Code provisions that address uniform  
1300 firesafety standards as established in s. 633.206. The State

1301 Fire Marshal shall incorporate within sections of the Florida  
 1302 Fire Prevention Code provisions addressing regional and local  
 1303 concerns and variations.

1304 Section 28. Paragraph (b) of subsection (1) of section  
 1305 633.206, Florida Statutes, is amended to read:

1306 633.206 Uniform firesafety standards.—The Legislature  
 1307 hereby determines that to protect the public health, safety, and  
 1308 welfare it is necessary to provide for firesafety standards  
 1309 governing the construction and utilization of certain buildings  
 1310 and structures. The Legislature further determines that certain  
 1311 buildings or structures, due to their specialized use or to the  
 1312 special characteristics of the person utilizing or occupying  
 1313 these buildings or structures, should be subject to firesafety  
 1314 standards reflecting these special needs as may be appropriate.

1315 (1) The department shall establish uniform firesafety  
 1316 standards that apply to:

1317 (b) All new, existing, and proposed hospitals, nursing  
 1318 homes, assisted living facilities, adult family-care homes,  
 1319 correctional facilities, public schools, transient public  
 1320 lodging establishments, public food service establishments,  
 1321 mobile food dispensing vehicles, elevators, migrant labor camps,  
 1322 mobile home parks, lodging parks, recreational vehicle parks,  
 1323 recreational camps, residential and nonresidential child care  
 1324 facilities, facilities for the developmentally disabled, motion  
 1325 picture and television special effects productions, tunnels,

1326 energy storage systems, and self-service gasoline stations, of  
 1327 which standards the State Fire Marshal is the final  
 1328 administrative interpreting authority.

1329  
 1330 In the event there is a dispute between the owners of the  
 1331 buildings specified in paragraph (b) and a local authority  
 1332 requiring a more stringent uniform firesafety standard for  
 1333 sprinkler systems, the State Fire Marshal shall be the final  
 1334 administrative interpreting authority and the State Fire  
 1335 Marshal's interpretation regarding the uniform firesafety  
 1336 standards shall be considered final agency action.

1337 Section 29. Paragraph (b) of subsection (8) of section  
 1338 634.041, Florida Statutes, is amended to read:

1339 634.041 Qualifications for license.—To qualify for and  
 1340 hold a license to issue service agreements in this state, a  
 1341 service agreement company must be in compliance with this part,  
 1342 with applicable rules of the commission, with related sections  
 1343 of the Florida Insurance Code, and with its charter powers and  
 1344 must comply with the following:

1345 (8)

1346 (b) A service agreement company does not have to establish  
 1347 and maintain an unearned premium reserve if it secures and  
 1348 maintains contractual liability insurance in accordance with the  
 1349 following:

1350 1. Coverage of 100 percent of the claim exposure is

1351 obtained from an insurer or insurers approved by the office,  
1352 which hold ~~holds~~ a certificate of authority under s. 624.401 to  
1353 do business within this state, or secured through a risk  
1354 retention groups ~~group~~, which are ~~is~~ authorized to do business  
1355 within this state under s. 627.943 or s. 627.944. Such insurers  
1356 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus  
1357 as regards policyholders of at least \$15 million.

1358 2. If the service agreement company does not meet its  
1359 contractual obligations, the contractual liability insurance  
1360 policy binds its issuer to pay or cause to be paid to the  
1361 service agreement holder all legitimate claims and cancellation  
1362 refunds for all service agreements issued by the service  
1363 agreement company while the policy was in effect. This  
1364 requirement also applies to those service agreements for which  
1365 no premium has been remitted to the insurer.

1366 3. If the issuer of the contractual liability policy is  
1367 fulfilling the service agreements covered by the contractual  
1368 liability policy and the service agreement holder cancels the  
1369 service agreement, the issuer must make a full refund of  
1370 unearned premium to the consumer, subject to the cancellation  
1371 fee provisions of s. 634.121(3). The sales representative and  
1372 agent must refund to the contractual liability policy issuer  
1373 their unearned pro rata commission.

1374 4. The policy may not be canceled, terminated, or  
1375 nonrenewed by the insurer or the service agreement company

1376 unless a 90-day written notice thereof has been given to the  
 1377 office by the insurer before the date of the cancellation,  
 1378 termination, or nonrenewal.

1379 5. The service agreement company must provide the office  
 1380 with the claims statistics.

1381 6. A policy issued in compliance with this paragraph may  
 1382 either pay 100 percent of claims as they are incurred, or pay  
 1383 100 percent of claims due in the event of the failure of the  
 1384 service agreement company to pay such claims when due.

1385  
 1386 All funds or premiums remitted to an insurer by a motor vehicle  
 1387 service agreement company under this part shall remain in the  
 1388 care, custody, and control of the insurer and shall be counted  
 1389 as an asset of the insurer; provided, however, this requirement  
 1390 does not apply when the insurer and the motor vehicle service  
 1391 agreement company are affiliated companies and members of an  
 1392 insurance holding company system. If the motor vehicle service  
 1393 agreement company chooses to comply with this paragraph but also  
 1394 maintains a reserve to pay claims, such reserve shall only be  
 1395 considered an asset of the covered motor vehicle service  
 1396 agreement company and may not be simultaneously counted as an  
 1397 asset of any other entity.

1398 Section 30. Subsection (5) of section 634.081, Florida  
 1399 Statutes, is amended to read:

1400 634.081 Suspension or revocation of license; grounds.—



1401 (5) The office shall suspend or revoke the license of a  
 1402 company if it finds that the ratio of gross written premiums  
 1403 written to net assets exceeds 10 to 1 unless the company has in  
 1404 excess of \$750,000 in net assets and is utilizing contractual  
 1405 liability insurance which cedes 100 percent of the service  
 1406 agreement company's claims liabilities to the contractual  
 1407 liability insurers ~~insurer~~ or is utilizing contractual liability  
 1408 insurance which reimburses the service agreement company for 100  
 1409 percent of its paid claims. However, if a service agreement  
 1410 company has been licensed by the office in excess of 10 years,  
 1411 is in compliance with all applicable provisions of this part,  
 1412 and has net assets at all times in excess of \$3 million that  
 1413 comply with the provisions of part II of chapter 625, such  
 1414 company may not exceed a ratio of gross written premiums written  
 1415 to net assets of 15 to 1.

1416 Section 31. Subsection (5) of section 634.3077, Florida  
 1417 Statutes, is renumbered as subsection (6), subsection (3) is  
 1418 amended, and a new subsection (5) is added to that section, to  
 1419 read:

1420 634.3077 Financial requirements.—

1421 (3) An association may ~~shall~~ not be required to set up an  
 1422 unearned premium reserve if it has purchased contractual  
 1423 liability insurance which demonstrates to the satisfaction of  
 1424 the office that 100 percent of its claim exposure is covered by  
 1425 such insurance. Such contractual liability insurance shall be

1426 | obtained from an insurer or insurers that hold ~~holds~~ a  
1427 | certificate of authority to do business within the state or from  
1428 | an insurer or insurers approved by the office as financially  
1429 | capable of meeting the obligations incurred pursuant to the  
1430 | policy. For purposes of this subsection, the contractual  
1431 | liability policy shall contain the following provisions:

1432 |       (a) In the event that the home warranty association is  
1433 | unable to fulfill its obligation under its contracts issued in  
1434 | this state for any reason, including insolvency, bankruptcy, or  
1435 | dissolution, the contractual liability insurer will pay losses  
1436 | and unearned premiums under such plans directly to persons  
1437 | making claims under such contracts.

1438 |       (b) The insurer issuing the policy shall assume full  
1439 | responsibility for the administration of claims in the event of  
1440 | the inability of the association to do so.

1441 |       (c) The policy may not be canceled or not renewed by  
1442 | ~~either~~ the insurer or the association unless 60 days' written  
1443 | notice thereof has been given to the office by the insurer  
1444 | before the date of such cancellation or nonrenewal.

1445 |       (d) The contractual liability insurance policy shall  
1446 | insure all home warranty contracts that were issued while the  
1447 | policy was in effect whether or not the premium has been  
1448 | remitted to the insurer.

1449 |       (5) An association licensed under this part is not  
1450 | required to establish an unearned premium reserve or maintain

1451 contractual liability insurance and may allow its premiums to  
1452 exceed the ratio to net assets limitation of this section if the  
1453 association complies with the following:

1454 (a) The association or, if the association is a direct or  
1455 indirect wholly owned subsidiary of a parent corporation, its  
1456 parent corporation has, and maintains at all times, a minimum  
1457 net worth of at least \$100 million and provides the office with  
1458 the following:

1459 1. A copy of the association's annual audited financial  
1460 statements or the audited consolidated financial statements of  
1461 the association's parent corporation, prepared by an independent  
1462 certified public accountant in accordance with generally  
1463 accepted accounting principles, which clearly demonstrate the  
1464 net worth of the association or its parent corporation to be  
1465 \$100 million, and a quarterly written certification to the  
1466 office that the association or its parent corporation continues  
1467 to maintain the net worth required under this paragraph.

1468 2. The association's or its parent corporation's Form 10-  
1469 K, Form 10-Q, or Form 20-F as filed with the United States  
1470 Securities and Exchange Commission or such other documents  
1471 required to be filed with a recognized stock exchange, which  
1472 shall be provided on a quarterly and annual basis within 10 days  
1473 after the last date each such report must be filed with the  
1474 Securities and Exchange Commission, the National Association of  
1475 Securities Dealers Automated Quotation system, or other

1476 recognized stock exchange.

1477

1478 Failure to timely file the documents required under this  
1479 paragraph may, at the discretion of the office, subject the  
1480 association to suspension or revocation of its license under  
1481 this part.

1482 (b) If the net worth of a parent corporation is used to  
1483 satisfy the net worth provisions of paragraph (a), the following  
1484 provisions must be met:

1485 1. The parent corporation must guarantee all service  
1486 warranty obligations of the association, wherever written, on a  
1487 form approved in advance by the office. A cancellation,  
1488 termination, or modification of the guarantee does not become  
1489 effective unless the parent corporation provides the office  
1490 written notice at least 90 days before the effective date of the  
1491 cancellation, termination, or modification and the office  
1492 approves the request in writing. Before the effective date of  
1493 the cancellation, termination, or modification of the guarantee,  
1494 the association must demonstrate to the satisfaction of the  
1495 office compliance with all applicable provisions of this part,  
1496 including whether the association will meet the requirements of  
1497 this section by the purchase of contractual liability insurance,  
1498 establishing required reserves, or other method allowed under  
1499 this section. If the association or parent corporation does not  
1500 demonstrate to the satisfaction of the office compliance with

1501 all applicable provisions of this part, the association or  
 1502 parent association shall immediately cease writing new and  
 1503 renewal business upon the effective date of the cancellation,  
 1504 termination, or modification.

1505 2. The association must maintain at all times net assets  
 1506 of at least \$750,000.

1507 Section 32. Section 634.317, Florida Statutes, is amended  
 1508 to read:

1509 634.317 License and appointment required.—No person may  
 1510 solicit, negotiate, or effectuate home warranty contracts for  
 1511 remuneration in this state unless such person is licensed and  
 1512 appointed as a sales representative. A licensed and appointed  
 1513 sales representative shall be directly responsible and  
 1514 accountable for all acts of the licensee's employees. A  
 1515 municipality, a county government, a special district, an entity  
 1516 operated by a municipality or county government, or an employee  
 1517 or agent of a municipality, county government, special district,  
 1518 or entity operated by a municipality or county government is  
 1519 exempt from the licensing and appointing requirements under this  
 1520 section.

1521 Section 33. Subsection (9) of section 648.25, Florida  
 1522 Statutes, is renumbered as subsection (10), and a new subsection  
 1523 (9) and subsection (11) are added to that section to read:

1524 648.25 Definitions.—As used in this chapter, the term:  
 1525 (9) "Referring bail bond agent" is the limited surety

1526 agent who is requesting the transfer bond. The referring bail  
1527 bond agent is the agent held liable for the transfer bond, along  
1528 with the issuing surety company.

1529 (11) "Transfer bond" means the appearance bond and power  
1530 of attorney form posted by a limited surety agent who is  
1531 registered in the county where the defendant is being held in  
1532 custody.

1533 Section 34. Subsection (3) of section 648.26, Florida  
1534 Statutes, is amended to read:

1535 648.26 Department of Financial Services; administration.-

1536 (3) The papers, documents, reports, or any other  
1537 investigatory records of the department are confidential and  
1538 exempt from s. 119.07(1) until such investigation is completed  
1539 or ceases to be active, unless the department or office files a  
1540 formal administrative complaint, emergency order, or consent  
1541 order against the individual or entity. For the purpose of this  
1542 section, an investigation is considered active while the  
1543 investigation is being conducted by the department with a  
1544 reasonable, good faith belief that it may lead to the filing of  
1545 administrative, civil, or criminal proceedings. An investigation  
1546 does not cease to be active if the department is proceeding with  
1547 reasonable dispatch and there is good faith belief that action  
1548 may be initiated by the department or other administrative or  
1549 law enforcement agency. This subsection does not prevent the  
1550 department or office from disclosing the content of a complaint

1551 or such information as it deems necessary to conduct the  
 1552 investigation, to update the complainant as to the status and  
 1553 outcome of the complaint, to review the details of the  
 1554 investigation with the subject or the subject's representative,  
 1555 or to share such information with any law enforcement agency or  
 1556 other regulatory body.

1557 Section 35. Paragraph (a) of subsection (1) of section  
 1558 648.30, Florida Statutes, is amended to read:

1559 648.30 Licensure and appointment required; prohibited  
 1560 acts; penalties.—

1561 (1)(a) A person or entity may not act in the capacity of a  
 1562 bail bond agent or bail bond agency or perform any of the  
 1563 functions, duties, or powers prescribed for bail bond agents or  
 1564 bail bond agencies under this chapter unless that person or  
 1565 entity is qualified, licensed, and appointed as provided in this  
 1566 chapter ~~and employed by a bail bond agency.~~

1567 Section 36. Subsection (1) of section 648.355, Florida  
 1568 Statutes, is amended to read:

1569 648.355 Limited surety agents and professional bail bond  
 1570 agents; qualifications.—

1571 (1) The applicant shall furnish, with the application for  
 1572 license, a complete set of the applicant's fingerprints in  
 1573 accordance with s. 626.171(4) ~~and a recent credential-sized,~~  
 1574 ~~fullface photograph of the applicant.~~ The department may not  
 1575 issue a license under this section until the department has

1576 received a report from the Department of Law Enforcement and the  
1577 Federal Bureau of Investigation relative to the existence or  
1578 nonexistence of a criminal history report based on the  
1579 applicant's fingerprints.

1580 Section 37. Effective July 1, 2024, section 655.0323,  
1581 Florida Statutes, is amended to read:

1582 655.0323 Unsafe and unsound practices.—

1583 (1) Financial institutions must make determinations about  
1584 the provision or denial of services based on an analysis of risk  
1585 factors unique to each current or prospective customer or member  
1586 and may not engage in an unsafe and unsound practice as provided  
1587 in subsection (2). This subsection does not restrict a financial  
1588 institution that claims a religious purpose from making such  
1589 determinations based on the current or prospective customer's or  
1590 member's religious beliefs, religious exercise, or religious  
1591 affiliations.

1592 (2) It is an unsafe and unsound practice for a financial  
1593 institution to deny, ~~or~~ cancel, suspend, or terminate its  
1594 services to a person, or to otherwise discriminate against a  
1595 person in making available such services, or in the terms or  
1596 conditions of such services, on the basis of:

1597 (a) The person's political opinions, speech, or  
1598 affiliations;

1599 (b) Except as provided in subsection (1), the person's  
1600 religious beliefs, religious exercise, or religious



1601 | affiliations;

1602 |       (c) Any factor if it is not a quantitative, impartial, and

1603 | risk-based standard, including any such factor related to the

1604 | person's business sector; or

1605 |       (d) The use of any rating, scoring, analysis, tabulation,

1606 | or action that considers a social credit score based on factors

1607 | including, but not limited to:

1608 |       1. The person's political opinions, speech, or

1609 | affiliations.

1610 |       2. The person's religious beliefs, religious exercise, or

1611 | religious affiliations.

1612 |       3. The person's lawful ownership of a firearm.

1613 |       4. The person's engagement in the lawful manufacture,

1614 | distribution, sale, purchase, or use of firearms or ammunition.

1615 |       5. The person's engagement in the exploration, production,

1616 | utilization, transportation, sale, or manufacture of fossil

1617 | fuel-based energy, timber, mining, or agriculture.

1618 |       6. The person's support of the state or Federal Government

1619 | in combating illegal immigration, drug trafficking, or human

1620 | trafficking.

1621 |       7. The person's engagement with, facilitation of,

1622 | employment by, support of, business relationship with,

1623 | representation of, or advocacy for any person described in this

1624 | paragraph.

1625 |       8. The person's failure to meet or commit to meet, or

1626 expected failure to meet, any of the following as long as such  
 1627 person is in compliance with applicable state or federal law:

1628 a. Environmental standards, including emissions standards,  
 1629 benchmarks, requirements, or disclosures;

1630 b. Social governance standards, benchmarks, or  
 1631 requirements, including, but not limited to, environmental or  
 1632 social justice;

1633 c. Corporate board or company employment composition  
 1634 standards, benchmarks, requirements, or disclosures based on  
 1635 characteristics protected under the Florida Civil Rights Act of  
 1636 1992; or

1637 d. Policies or procedures requiring or encouraging  
 1638 employee participation in social justice programming, including,  
 1639 but not limited to, diversity, equity, or inclusion training.

1640 (3) Beginning July 1, 2023, and by July 1 of each year  
 1641 thereafter, financial institutions as defined in s. 655.005  
 1642 ~~subject to the financial institutions codes~~ must attest, under  
 1643 penalty of perjury, on a form prescribed by the commission  
 1644 whether the entity is acting in compliance with subsections (1)  
 1645 and (2).

1646 (4) If a person who is a customer or member of a financial  
 1647 institution suspects that such financial institution has acted  
 1648 in violation of subsection (2), the aggrieved customer or member  
 1649 may submit a complaint to the office on a form prescribed by the  
 1650 commission within 30 days after such action. A complaint is

1651 barred if not timely submitted. The complaint must, at a  
1652 minimum, contain the name and address of the customer or member;  
1653 the name of the financial institution; and the facts upon which  
1654 the customer or member bases his or her allegation.

1655 (5) After receipt of a customer's or member's complaint  
1656 under subsection (4):

1657 (a) The office must notify the financial institution that  
1658 a complaint has been filed.

1659 (b) Within 90 calendar days after receiving the notice  
1660 from the office, the financial institution must file with the  
1661 office a complaint response report containing such information  
1662 as the commission requires by rule, unless precluded by law.

1663 (c) If the complaint response report indicates that the  
1664 financial institution took action due to suspicious activity, as  
1665 defined in s. 655.50(3), the initial investigation by the office  
1666 must be handled in accordance with s. 655.50. If the office  
1667 determines that the financial institution's action was taken  
1668 without any basis under s. 655.50, the office must continue to  
1669 investigate the financial institution's action and determine  
1670 whether the financial institution has acted in violation of  
1671 subsection (2).

1672 (d) Within 90 calendar days after receiving the complaint  
1673 submitted pursuant to this subsection, the office shall begin an  
1674 investigation of the alleged violation.

1675 (e) After the investigation is completed or ceases to be

1676 active, the office shall:

1677 1. Within 30 calendar days after the completion or  
1678 cessation of the investigation, create a report on the findings  
1679 of the investigation. Such report, however, may not contain or  
1680 must redact any information that remains confidential and exempt  
1681 from s. 119.07(1). If the office determines that no violation of  
1682 subsection (2) has occurred, the report must only:

1683 a. Identify the complaint for which the report is made;

1684 and

1685 b. State that a determination has been made that no  
1686 violation of subsection (2) has occurred.

1687 2. Except as otherwise provided or prohibited by law,  
1688 within 45 calendar days after the completion or cessation of the  
1689 investigation, send such report to the customer or member who  
1690 submitted the complaint pursuant to this subsection, via  
1691 certified mail, return receipt requested, delivery restricted to  
1692 the addressee; and to the subject financial institution.

1693 (f) Except as otherwise provided or prohibited by law, if  
1694 the office determines that a violation of subsection (2) has  
1695 occurred, the office must provide notice of such violation to  
1696 the customer or member and to the Department of Financial  
1697 Services and the enforcing authority, as defined in s.  
1698 501.203(2), and provide a copy of the report created pursuant to  
1699 this subsection.

1700 (6)-(4) Engaging in a practice described in subsection (2)

1701 or failing to timely provide the attestation under subsection  
 1702 (3) is a failure to comply with this chapter, constitutes a  
 1703 violation of the financial institutions codes, and is subject to  
 1704 the applicable sanctions and penalties provided for in the  
 1705 financial institutions codes.

1706 (7)~~(5)~~ Notwithstanding ss. 501.211 and 501.212, a failure  
 1707 to comply with subsection (1) or engaging in a practice  
 1708 described in subsection (2) constitutes a violation of the  
 1709 Florida Deceptive and Unfair Trade Practices Act under part II  
 1710 of chapter 501. Violations must be enforced only by the  
 1711 enforcing authority, as defined in s. 501.203(2), and subject  
 1712 the violator to the sanctions and penalties provided for in that  
 1713 part. If such action is successful, the enforcing authority is  
 1714 entitled to reasonable attorney fees and costs.

1715 (8)~~(6)~~ The office and the commission may not exercise  
 1716 authority pursuant to s. 655.061 in relation to this section.

1717 (9) The commission may adopt rules to administer this  
 1718 section.

1719 Section 38. Paragraph (f) of subsection (26) of section  
 1720 280.02, Florida Statutes, is amended to read:

1721 280.02 Definitions.—As used in this chapter, the term:

1722 (26) "Qualified public depository" means a bank, savings  
 1723 bank, or savings association that:

1724 (f) Does not engage in the unsafe and unsound practice of  
 1725 denying, ~~or~~ canceling, suspending, or terminating its services

1726 to a person, or otherwise discriminating against a person in  
1727 making available such services or in the terms or conditions of  
1728 such services, on the basis of:

1729 1. The person's political opinions, speech, or  
1730 affiliations;

1731 2. Except as provided in paragraph (e), the person's  
1732 religious beliefs, religious exercise, or religious  
1733 affiliations;

1734 3. Any factor if it is not a quantitative, impartial, and  
1735 risk-based standard, including any such factor related to the  
1736 person's business sector; or

1737 4. The use of any rating, scoring, analysis, tabulation,  
1738 or action that considers a social credit score based on factors  
1739 including, but not limited to:

1740 a. The person's political opinions, speech, or  
1741 affiliations.

1742 b. The person's religious beliefs, religious exercise, or  
1743 religious affiliations.

1744 c. The person's lawful ownership of a firearm.

1745 d. The person's engagement in the lawful manufacture,  
1746 distribution, sale, purchase, or use of firearms or ammunition.

1747 e. The person's engagement in the exploration, production,  
1748 utilization, transportation, sale, or manufacture of fossil  
1749 fuel-based energy, timber, mining, or agriculture.

1750 f. The person's support of the state or Federal Government

1751 in combating illegal immigration, drug trafficking, or human  
 1752 trafficking.

1753 g. The person's engagement with, facilitation of,  
 1754 employment by, support of, business relationship with,  
 1755 representation of, or advocacy for any person described in this  
 1756 subparagraph.

1757 h. The person's failure to meet or commit to meet, or  
 1758 expected failure to meet, any of the following as long as such  
 1759 person is in compliance with applicable state or federal law:

1760 (I) Environmental standards, including emissions  
 1761 standards, benchmarks, requirements, or disclosures;

1762 (II) Social governance standards, benchmarks, or  
 1763 requirements, including, but not limited to, environmental or  
 1764 social justice;

1765 (III) Corporate board or company employment composition  
 1766 standards, benchmarks, requirements, or disclosures based on  
 1767 characteristics protected under the Florida Civil Rights Act of  
 1768 1992; or

1769 (IV) Policies or procedures requiring or encouraging  
 1770 employee participation in social justice programming, including,  
 1771 but not limited to, diversity, equity, or inclusion training.

1772 Section 39. Section 717.101, Florida Statutes, is amended  
 1773 to read:

1774 717.101 Definitions.—As used in this chapter, unless the  
 1775 context otherwise requires:

1776 (1) "Aggregate" means the amounts reported for owners of  
 1777 unclaimed property of less than \$10 ~~\$50~~ or where there is no  
 1778 name for the individual or entity listed on the holder's  
 1779 records, regardless of the amount to be reported.

1780 (2) "Apparent owner" means the person whose name appears  
 1781 on the records of the holder as the person entitled to property  
 1782 held, issued, or owing by the holder.

1783 (3) "Audit" means an action or proceeding to examine and  
 1784 verify a person's records, books, accounts, and other documents  
 1785 to ascertain and determine compliance with this chapter.

1786 (4) "Audit agent" means a person with whom the department  
 1787 enters into a contract with to conduct an audit or examination.  
 1788 The term includes an independent contractor of the person and  
 1789 each individual participating in the audit on behalf of the  
 1790 person or contractor.

1791 (5) ~~(3)~~ "Banking organization" means any and all banks,  
 1792 trust companies, private bankers, savings banks, industrial  
 1793 banks, safe-deposit companies, savings and loan associations,  
 1794 credit unions, and investment companies in this state, organized  
 1795 under or subject to the laws of this state or of the United  
 1796 States, including entities organized under 12 U.S.C. s. 611, but  
 1797 does not include federal reserve banks. The term also includes  
 1798 any corporation, business association, or other organization  
 1799 that:

1800 (a) Is a wholly or partially owned subsidiary of any



1801 banking, banking corporation, or bank holding company that  
 1802 performs any or all of the functions of a banking organization;  
 1803 or

1804 (b) Performs functions pursuant to the terms of a contract  
 1805 with any banking organization ~~state or national bank,~~  
 1806 ~~international banking entity or similar entity, trust company,~~  
 1807 ~~savings bank, industrial savings bank, land bank, safe-deposit~~  
 1808 ~~company, private bank, or any organization otherwise defined by~~  
 1809 ~~law as a bank or banking organization.~~

1810 (6)-(4) "Business association" means any for-profit or  
 1811 nonprofit corporation other than a public corporation; joint  
 1812 stock company; investment company; unincorporated association or  
 1813 association of two or more individuals for business purposes,  
 1814 whether or not for profit; partnership; joint venture; limited  
 1815 liability company; sole proprietorship; business trust; trust  
 1816 company; land bank; safe-deposit company; safekeeping  
 1817 depository; financial organization; insurance company; federally  
 1818 chartered entity; utility company; or other business entity,  
 1819 whether or not for profit ~~corporation (other than a public~~  
 1820 ~~corporation), joint stock company, investment company, business~~  
 1821 ~~trust, partnership, limited liability company, or association of~~  
 1822 ~~two or more individuals for business purposes, whether for~~  
 1823 ~~profit or not for profit.~~

1824 (7)-(5) "Claimant" means the person on whose behalf a claim  
 1825 is filed.

1826        (8) "Claimant's representative" means an attorney who is a  
 1827 member in good standing of The Florida Bar, a certified public  
 1828 accountant licensed in this state, or private investigator who  
 1829 is duly licensed to do business in the state, registered with  
 1830 the department, and authorized by the claimant to claim  
 1831 unclaimed property on the claimant's behalf. The term does not  
 1832 include a person acting in a representative capacity, such as a  
 1833 personal representative, guardian, trustee, or attorney, whose  
 1834 representation is not contingent upon the discovery or location  
 1835 of unclaimed property; provided, however, that any agreement  
 1836 entered into for the purpose of evading s. 717.135 is invalid  
 1837 and unenforceable.

1838        (9)-(6) "Credit balance" means an account balance in the  
 1839 customer's favor.

1840        (10)-(7) "Department" means the Department of Financial  
 1841 Services.

1842        (11)-(8) "Domicile" means the state of incorporation for a  
 1843 corporation; the state of filing for a business association,  
 1844 other than a corporation, whose formation or organization  
 1845 requires a filing with a state; the state of organization for a  
 1846 business association, other than a corporation, whose formation  
 1847 or organization does not require a filing with a state; the  
 1848 state of home office for a federally chartered entity ~~incorporated~~  
 1849 under the laws of a state, or, for an unincorporated business  
 1850 association, the state where the business association is

1851 ~~organized.~~

1852 (12)~~(9)~~ "Due diligence" means the use of reasonable and  
1853 prudent methods under particular circumstances to locate  
1854 apparent owners of inactive accounts using the taxpayer  
1855 identification number or social security number, if known, which  
1856 may include, but are not limited to, using a nationwide  
1857 database, cross-indexing with other records of the holder,  
1858 mailing to the last known address unless the last known address  
1859 is known to be inaccurate, providing written notice as described  
1860 in this chapter by electronic mail if an apparent owner has  
1861 elected such delivery, or engaging a licensed agency or company  
1862 capable of conducting such search and providing updated  
1863 addresses.

1864 (13) "Electronic" means relating to technology having  
1865 electrical, digital, magnetic, wireless, optical,  
1866 electromagnetic, or similar capabilities.

1867 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~  
1868 savings association, savings and loan association, savings bank,  
1869 industrial bank, bank, banking organization, trust company,  
1870 international bank agency, cooperative bank, building and loan  
1871 association, or credit union.

1872 (15)~~(11)~~ "Health care provider" means any state-licensed  
1873 entity that provides and receives payment for health care  
1874 services. These entities include, but are not limited to,  
1875 hospitals, outpatient centers, physician practices, and skilled

1876 nursing facilities.

1877 (16)~~(12)~~ "Holder" means:

1878 (a) A person, ~~wherever organized or domiciled,~~ who is in  
 1879 possession or control or has custody of property or the rights  
 1880 to property belonging to another; is indebted to another on an  
 1881 obligation; or is obligated to hold for the account of, or to  
 1882 deliver or pay to, the owner, property subject to this chapter;  
 1883 or÷

1884 ~~(a) In possession of property belonging to another;~~

1885 ~~(b) A trustee in case of a trust; or~~

1886 ~~(c) Indebted to another on an obligation.~~

1887 (17)~~(13)~~ "Insurance company" means an association,  
 1888 corporation, or fraternal or mutual benefit organization,  
 1889 whether for profit or not for profit, which is engaged in  
 1890 providing insurance coverage.

1891 (18)~~(14)~~ "Intangible property" includes, by way of  
 1892 illustration and not limitation:

1893 (a) Moneys, checks, virtual currency, drafts, deposits,  
 1894 interest, dividends, and income.

1895 (b) Credit balances, customer overpayments, security  
 1896 deposits and other instruments as defined by chapter 679,  
 1897 refunds, unpaid wages, unused airline tickets, and unidentified  
 1898 remittances.

1899 (c) Stocks, and other intangible ownership interests in  
 1900 business associations.

1901 (d) Moneys deposited to redeem stocks, bonds, bearer  
 1902 bonds, original issue discount bonds, coupons, and other  
 1903 securities, or to make distributions.

1904 (e) Amounts due and payable under the terms of insurance  
 1905 policies.

1906 (f) Amounts distributable from a trust or custodial fund  
 1907 established under a plan to provide any health, welfare,  
 1908 pension, vacation, severance, retirement, death, stock purchase,  
 1909 profit sharing, employee savings, supplemental unemployment  
 1910 insurance, or similar benefit.

1911 (19)~~(15)~~ "Last known address" means a description of the  
 1912 location of the apparent owner sufficient for the purpose of the  
 1913 delivery of mail. For the purposes of identifying, reporting,  
 1914 and remitting property to the department which is presumed to be  
 1915 unclaimed, "last known address" includes any partial description  
 1916 of the location of the apparent owner sufficient to establish  
 1917 the apparent owner was a resident of this state at the time of  
 1918 last contact with the apparent owner or at the time the property  
 1919 became due and payable.

1920 (20)~~(16)~~ "Lawful charges" means charges against dormant  
 1921 accounts that are authorized by statute for the purpose of  
 1922 offsetting the costs of maintaining the dormant account.

1923 (21)~~(17)~~ "Managed care payor" means a health care plan  
 1924 that has a defined system of selecting and limiting health care  
 1925 providers as evidenced by a managed care contract with the

1926 health care providers. These plans include, but are not limited  
 1927 to, managed care health insurance companies and health  
 1928 maintenance organizations.

1929 (22) ~~(18)~~ "Owner" means a person, or the person's legal  
 1930 representative, entitled to receive or having a legal or  
 1931 equitable interest in or claim against property subject to this  
 1932 chapter; a depositor in the case of a deposit; a beneficiary in  
 1933 the case of a trust or a deposit in trust; or a payee in the  
 1934 case of a negotiable instrument or other intangible property a  
 1935 ~~depositor in the case of a deposit, a beneficiary in the case of~~  
 1936 ~~a trust or a deposit in trust, or a payee in the case of other~~  
 1937 ~~intangible property, or a person having a legal or equitable~~  
 1938 ~~interest in property subject to this chapter or his or her legal~~  
 1939 ~~representative.~~

1940 (23) "Person" means an individual; estate; business  
 1941 association; corporation; firm; association; joint adventure;  
 1942 partnership; government or governmental subdivision, agency, or  
 1943 instrumentality; or any other legal or commercial entity.

1944 (24) ~~(19)~~ "Public corporation" means a corporation created  
 1945 by the state, founded and owned in the public interest,  
 1946 supported by public funds, and governed by those deriving their  
 1947 power from the state.

1948 (25) "Record" means information that is inscribed on a  
 1949 tangible medium or that is stored in an electronic or other  
 1950 medium and is retrievable in perceivable form.

1951        ~~(26)-(20)~~ "Reportable period" means the calendar year  
 1952 ending December 31 of each year.

1953        ~~(27)-(21)~~ "State," when applied to a part of the United  
 1954 States, includes any state, district, commonwealth, territory,  
 1955 insular possession, and any other area subject to the  
 1956 legislative authority of the United States.

1957        ~~(28)-(22)~~ "Trust instrument" means a trust instrument as  
 1958 defined in s. 736.0103.

1959        ~~(23) "Ultimate equitable owner" means a natural person  
 1960 who, directly or indirectly, owns or controls an ownership  
 1961 interest in a corporation, a foreign corporation, an alien  
 1962 business organization, or any other form of business  
 1963 organization, regardless of whether such natural person owns or  
 1964 controls such ownership interest through one or more natural  
 1965 persons or one or more proxies, powers of attorney, nominees,  
 1966 corporations, associations, partnerships, trusts, joint stock  
 1967 companies, or other entities or devices, or any combination  
 1968 thereof.~~

1969        (29) "Unclaimed Property Purchase Agreement" means the  
 1970 form adopted by the department pursuant to s. 717.135 which must  
 1971 be used, without modification or amendment, by a claimant's  
 1972 representative to purchase unclaimed property from an owner.

1973        (30) "Unclaimed Property Recovery Agreement" means the  
 1974 form adopted by the department pursuant to s. 717.135 which must  
 1975 be used, without modification or amendment, by a claimant's

1976 representative to obtain an owner's consent and authority to  
 1977 recover unclaimed property on the owner's behalf.

1978 ~~(31)-(24)~~ "United States" means any state, district,  
 1979 commonwealth, territory, insular possession, and any other area  
 1980 subject to the legislative authority of the United States of  
 1981 America.

1982 ~~(32)-(25)~~ "Utility" means a person who owns or operates,  
 1983 for public use, any plant, equipment, property, franchise, or  
 1984 license for the transmission of communications or the  
 1985 production, storage, transmission, sale, delivery, or furnishing  
 1986 of electricity, water, steam, or gas.

1987 (33) (a) "Virtual currency" means digital units of exchange  
 1988 that:

- 1989 1. Have a centralized repository or administrator;
- 1990 2. Are decentralized and have no centralized repository or  
 1991 administrator; or
- 1992 3. May be created or obtained by computing or  
 1993 manufacturing effort.

1994 (b) The term does not include any of the following:

- 1995 1. Digital units that:
- 1996 a. Are used solely within online gaming platforms;
- 1997 b. Have no market or application outside of the online  
 1998 gaming platforms in sub-subparagraph a.;

1999 c. Cannot be converted into, or redeemed for, fiat  
 2000 currency or virtual currency; and



2001            d. Can or cannot be redeemed for real-world goods,  
 2002 services, discounts, or purchases.

2003            2. Digital units that can be redeemed for:

2004            a. Real-world goods, services, discounts, or purchases as  
 2005 part of a customer affinity or rewards program with the issuer  
 2006 or other designated merchants; or

2007            b. Digital units in another customer affinity or rewards  
 2008 program, but cannot be converted into, or redeemed for, fiat  
 2009 currency or virtual currency.

2010            3. Digital units used as part of prepaid cards.

2011            Section 40. Subsections (3) and (4) are added to section  
 2012 717.102, Florida Statutes, to read:

2013            717.102 Property presumed unclaimed; general rule.—

2014            (3) A presumption that property is unclaimed is rebutted  
 2015 by an apparent owner's expression of interest in the property.  
 2016 An owner's expression of interest in property includes:

2017            (a) A record communicated by the apparent owner to the  
 2018 holder or agent of the holder concerning the property or the  
 2019 account in which the property is held;

2020            (b) An oral communication by the apparent owner to the  
 2021 holder or agent of the holder concerning the property or the  
 2022 account in which the property is held, if the holder or its  
 2023 agent contemporaneously makes and preserves a record of the fact  
 2024 of the apparent owner's communication;

2025            (c) Presentment of a check or other instrument of payment

2026 of a dividend, interest payment, or other distribution, with  
2027 respect to an account, underlying security, or interest in a  
2028 business association;

2029 (d) Activity directed by an apparent owner in the account  
2030 in which the property is held, including accessing the account  
2031 or information concerning the account, or a direction by the  
2032 apparent owner to increase, decrease, or otherwise change the  
2033 amount or type of property held in the account;

2034 (e) A deposit into or withdrawal from an account at a  
2035 financial organization, excluding an automatic deposit or  
2036 withdrawal previously authorized by the apparent owner or an  
2037 automatic reinvestment of dividends or interest, which does not  
2038 constitute an expression of interest; or

2039 (f) Any other action by the apparent owner which  
2040 reasonably demonstrates to the holder that the apparent owner  
2041 knows that the property exists.

2042 (4) If a holder learns or receives confirmation of an  
2043 apparent owner's death, the property shall be presumed unclaimed  
2044 2 years after the date of death, unless a fiduciary appointed to  
2045 represent the estate of the apparent owner has made an  
2046 expression of interest in the property before the expiration of  
2047 the 2-year period. This subsection may not be construed to  
2048 extend the otherwise applicable dormancy period prescribed by  
2049 this chapter.

2050 Section 41. Subsection (5) of section 717.106, Florida

2051 Statutes, is amended to read:

2052       717.106 Bank deposits and funds in financial  
2053 organizations.—

2054       (5) If the documents establishing a deposit described in  
2055 subsection (1) state the address of a beneficiary of the  
2056 deposit, and the account has a value of at least \$50, notice  
2057 shall be given to the beneficiary as provided for notice to the  
2058 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This  
2059 subsection shall apply to accounts opened on or after October 1,  
2060 1990.

2061       Section 42. Section 717.1065, Florida Statutes, is created  
2062 to read:

2063       717.1065 Virtual currency.—

2064       (1) Any virtual currency held or owing by a banking  
2065 organization, corporation, custodian, exchange, or other entity  
2066 engaged in virtual currency business activity is presumed  
2067 unclaimed unless the owner, within 5 years, has communicated in  
2068 writing with the banking organization, corporation, custodian,  
2069 exchange, or other entity engaged in virtual currency business  
2070 activity concerning the virtual currency or otherwise indicated  
2071 an interest as evidenced by a memorandum or other record on file  
2072 with the banking organization, corporation, custodian, exchange,  
2073 or other entity engaged in virtual currency business activity.

2074       (2) A holder may not deduct from the amount of any virtual  
2075 currency subject to this section any charges imposed by reason

2076 of the virtual currency unless there is a valid and enforceable  
 2077 written contract between the holder and the owner of the virtual  
 2078 currency pursuant to which the holder may impose those charges  
 2079 and the holder does not regularly reverse or otherwise cancel  
 2080 those charges with respect to the virtual currency.

2081 Section 43. Paragraph (a) of subsection (1) of section  
 2082 717.1101, Florida Statutes, is amended to read:

2083 717.1101 Unclaimed equity and debt of business  
 2084 associations.—

2085 (1)(a) Stock or other equity interest in a business  
 2086 association is presumed unclaimed on the date of ~~3 years after~~  
 2087 the earliest of the following:

2088 1. Three years after ~~The date of~~ the most recent of any  
 2089 owner-generated activity or communication related to the  
 2090 account, as recorded and maintained in the holder's database and  
 2091 records systems sufficient enough to demonstrate the owners  
 2092 continued awareness or interest in the property dividend, stock  
 2093 split, or other distribution unclaimed by the apparent owner;

2094 2. Three years after the date of the death of the owner,  
 2095 as evidenced by: ~~The date of a statement of account or other~~  
 2096 ~~notification or communication that was returned as~~  
 2097 ~~undeliverable; or~~

2098 a. Notice to the holder of the owner's death by an  
 2099 administrator, beneficiary, relative, or trustee, or by a  
 2100 personal representative or other legal representative of the

2101 owner's estate;  
 2102 b. Receipt by the holder of a copy of the death  
 2103 certificate of the owner;  
 2104 c. Confirmation by the holder of the owner's death though  
 2105 other means; or  
 2106 d. Other evidence from which the holder may reasonably  
 2107 conclude that the owner is deceased; or  
 2108 3. One year after the date on which the holder receives  
 2109 notice under subparagraph 2. if the notice is received 2 years  
 2110 or less after the owner's death and the holder lacked knowledge  
 2111 of the owner's death during that period of 2 years or less ~~The~~  
 2112 ~~date the holder discontinued mailings, notifications, or~~  
 2113 ~~communications to the apparent owner.~~  
 2114 Section 44. Subsection (1) of section 717.112, Florida  
 2115 Statutes, is amended, and subsection (6) is added to that  
 2116 section, to read:  
 2117 717.112 Property held by agents and fiduciaries.—  
 2118 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All  
 2119 intangible property and any income or increment thereon held in  
 2120 a fiduciary capacity for the benefit of another person,  
 2121 including property held by an attorney in fact or an agent,  
 2122 except as provided in ss. 717.1125 and 733.816, is presumed  
 2123 unclaimed unless the owner has within 5 years after it has  
 2124 become payable or distributable increased or decreased the  
 2125 principal, accepted payment of principal or income, communicated

2126 in writing concerning the property, or otherwise indicated an  
 2127 interest as evidenced by a memorandum or other record on file  
 2128 with the fiduciary.

2129 (6) This section does not relieve a fiduciary of his or  
 2130 her duties under applicable general law.

2131 Section 45. Section 717.1125, Florida Statutes, is amended  
 2132 to read:

2133 717.1125 Property held by fiduciaries under trust  
 2134 instruments.—All intangible property and any income or increment  
 2135 thereon held in a fiduciary capacity for the benefit of another  
 2136 person under a trust instrument is presumed unclaimed unless the  
 2137 owner has, within 2 years after it has become payable or  
 2138 distributable, increased or decreased the principal, accepted  
 2139 payment of principal or income, communicated concerning the  
 2140 property, or otherwise indicated an interest as evidenced by a  
 2141 memorandum or other record on file with the fiduciary. This  
 2142 section does not relieve a fiduciary of his or her duties under  
 2143 the Florida Trust Code.

2144 Section 46. Effective January 1, 2025, section 717.117,  
 2145 Florida Statutes, is amended to read:

2146 717.117 Report of unclaimed property.—

2147 (1) Every person holding funds or other property, tangible  
 2148 or intangible, presumed unclaimed and subject to custody as  
 2149 unclaimed property under this chapter shall report to the  
 2150 department ~~on such forms as the department may prescribe by~~

2151 ~~rule. In lieu of forms, a report identifying 25 or more~~  
2152 ~~different apparent owners must be submitted by the holder via~~  
2153 ~~electronic medium as the department may prescribe by rule. The~~  
2154 ~~report must include:~~

2155 (a) Except for traveler's checks and money orders, the  
2156 name, social security number or taxpayer identification number,  
2157 ~~and~~ date of birth, if known, and last known address, if any, of  
2158 each person appearing from the records of the holder to be the  
2159 owner of any property which is presumed unclaimed and which has  
2160 a value of \$10 ~~\$50~~ or more.

2161 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~  
2162 or more held or owing under any life or endowment insurance  
2163 policy or annuity contract, the identifying information provided  
2164 in paragraph (a) for both ~~full name, taxpayer identification~~  
2165 ~~number or social security number, date of birth, if known, and~~  
2166 ~~last known address of~~ the insured or annuitant and ~~of~~ the  
2167 beneficiary according to records of the insurance company  
2168 holding or owing the funds.

2169 (c) For all tangible property held in a safe-deposit box  
2170 or other safekeeping repository, a description of the property  
2171 and the place where the property is held and may be inspected by  
2172 the department, and any amounts owing to the holder. Contents of  
2173 a safe-deposit box or other safekeeping repository which consist  
2174 of documents or writings of a private nature and which have  
2175 little or no apparent value shall not be presumed unclaimed.

2176 (d) The nature or type of property, any accounting or and  
2177 identifying number associated with the property, a if any, or  
2178 description of the property, and the amount appearing from the  
2179 records to be due. Items of value of less than \$10 under \$50  
2180 each may be reported in the aggregate.

2181 (e) The date the property became payable, demandable, or  
2182 returnable, and the date of the last transaction with the  
2183 apparent owner with respect to the property.

2184 (f) Any other information the department may prescribe by  
2185 rule as necessary for the administration of this chapter.

2186 (2) If the total value of all presumed unclaimed property,  
2187 whether tangible or intangible, held by a person is less than  
2188 \$10, a zero balance report may be filed for that reporting  
2189 period.

2190 ~~(f) Any person or business association or public~~  
2191 ~~corporation holding funds presumed unclaimed and having a total~~  
2192 ~~value of \$10 or less may file a zero balance report for that~~  
2193 ~~reporting period. The balance brought forward to the new~~  
2194 ~~reporting period is zero.~~

2195 ~~(g) Such other information as the department may prescribe~~  
2196 ~~by rule as necessary for the administration of this chapter.~~

2197 (3)-(h) Credit balances, customer overpayments, security  
2198 deposits, and refunds having a value of less than \$10 shall not  
2199 be presumed unclaimed.

2200 (4)-(2) If the holder of property presumed unclaimed and



2201 subject to custody as unclaimed property is a successor holder  
2202 or if the holder has changed the holder's name while in  
2203 possession of the property, the holder shall file with the  
2204 holder's report all known names and addresses of each prior  
2205 holder of the property. Compliance with this subsection means  
2206 the holder exercises reasonable and prudent efforts to determine  
2207 the names of all prior holders.

2208 (5)-(3) The report must be filed before May 1 of each year.  
2209 The report applies ~~shall apply~~ to the preceding calendar year.  
2210 Upon written request by any person required to file a report,  
2211 and upon a showing of good cause, the department may extend the  
2212 reporting date. The department may impose and collect a penalty  
2213 of \$10 per day up to a maximum of \$500 for the failure to timely  
2214 report, if an extension was not provided or if the holder of the  
2215 property failed the failure to include in a report information  
2216 required by this chapter which was in the holder's possession at  
2217 the time of reporting. The penalty shall be remitted to the  
2218 department within 30 days after the date of the notification to  
2219 the holder that the penalty is due and owing. As necessary for  
2220 proper administration of this chapter, the department may waive  
2221 any penalty due with appropriate justification. ~~On written~~  
2222 ~~request by any person required to file a report and upon a~~  
2223 ~~showing of good cause, the department may postpone the reporting~~  
2224 ~~date.~~ The department must provide information contained in a  
2225 report filed with the department to any person requesting a copy

2226 of the report or information contained in a report, to the  
2227 extent the information requested is not confidential, within 45  
2228 days after the department determines that the report ~~has been~~  
2229 ~~processed and added to the unclaimed property database~~  
2230 ~~subsequent to a determination that the report is accurate and~~  
2231 acceptable and that the reported property is the same as the  
2232 remitted property.

2233 (6)-(4) Holders of inactive accounts having a value of \$50  
2234 or more shall use due diligence to locate and notify apparent  
2235 owners that the entity is holding unclaimed property available  
2236 for them to recover. Not more than 120 days and not less than 60  
2237 days prior to filing the report required by this section, the  
2238 holder in possession of property presumed unclaimed and subject  
2239 to custody as unclaimed property under this chapter shall send  
2240 written notice by first-class United States mail to the apparent  
2241 owner at the apparent owner's last known address from the  
2242 holder's records or from other available sources, or via  
2243 electronic mail if the apparent owner has elected this method of  
2244 delivery, informing the apparent owner that the holder is in  
2245 possession of property subject to this chapter, if the holder  
2246 has in its records a mailing or electronic ~~an~~ address for the  
2247 apparent owner which the holder's records do not disclose to be  
2248 inaccurate. These two means of contact are not mutually  
2249 exclusive; if the mailing address is determined to be  
2250 inaccurate, electronic mail may be used if so elected by the

2251 apparent owner.

2252 (7) The written notice to the apparent owner required  
2253 under this section must:

2254 (a) Contain a heading that reads substantially as follows:  
2255 "Notice. The State of Florida requires us to notify you that  
2256 your property may be transferred to the custody of the Florida  
2257 Department of Financial Services if you do not contact us before  
2258 (insert date that is at least 30 days after the date of  
2259 notice)."

2260 (b) Identify the type, nature, and, except for property  
2261 that does not have a fixed value, value of the property that is  
2262 the subject of the notice.

2263 (c) State that the property will be turned over to the  
2264 custody of the department as unclaimed property if no response  
2265 to this letter is received.

2266 (d) State that any property that is not legal tender of  
2267 the United States may be sold or liquidated by the department.

2268 (e) State that after the property is turned over to the  
2269 department, an apparent owner seeking return of the property may  
2270 file a claim with the department.

2271 (f) State that the property is currently with a holder and  
2272 provide instructions that the apparent owner must follow to  
2273 prevent the holder from reporting and paying for the property or  
2274 from delivering the property to the department.

2275 (8)-(5) Any holder of intangible property may file with the

2276 department a petition for determination that the property is  
2277 unclaimed requesting the department to accept custody of the  
2278 property. The petition shall state any special circumstances  
2279 that exist, contain the information required by subsection (4)  
2280 ~~(2)~~, and show that a diligent search has been made to locate the  
2281 owner. If the department finds that the proof of diligent search  
2282 is satisfactory, it shall give notice as provided in s. 717.118  
2283 and accept custody of the property.

2284 (9)~~(6)~~ Upon written request by any entity or person  
2285 required to file a report, stating such entity's or person's  
2286 justification for such action, the department may place that  
2287 entity or person in an inactive status as an unclaimed property  
2288 "holder."

2289 (10)~~(7)~~(a) This section does not apply to the unclaimed  
2290 patronage refunds as provided for by contract or through bylaw  
2291 provisions of entities organized under chapter 425 or that are  
2292 exempt from ad valorem taxation pursuant to s. 196.2002.

2293 (b) This section does not apply to intangible property  
2294 held, issued, or owing by a business association subject to the  
2295 jurisdiction of the United States Surface Transportation Board  
2296 or its successor federal agency if the apparent owner of such  
2297 intangible property is a business association. The holder of  
2298 such property does not have any obligation to report, to pay, or  
2299 to deliver such property to the department.

2300 (c) This section does not apply to credit balances,

2301 overpayments, refunds, or outstanding checks owed by a health  
 2302 care provider to a managed care payor with whom the health care  
 2303 provider has a managed care contract, provided that the credit  
 2304 balances, overpayments, refunds, or outstanding checks become  
 2305 due and owing pursuant to the managed care contract.

2306 (11)~~(8)~~(a) As used in this subsection, the term "property  
 2307 identifier" means the descriptor used by the holder to identify  
 2308 the unclaimed property.

2309 (b) Social security numbers and property identifiers  
 2310 contained in reports required under this section, held by the  
 2311 department, are confidential and exempt from s. 119.07(1) and s.  
 2312 24(a), Art. I of the State Constitution.

2313 (c) This exemption applies to social security numbers and  
 2314 property identifiers held by the department before, on, or after  
 2315 the effective date of this exemption.

2316 Section 47. Subsections (4), (5), and (6) of section  
 2317 717.119, Florida Statutes, are renumbered as subsections (5),  
 2318 (6), and (7), respectively, and a new subsection (4) and  
 2319 subsection (8) are added to that section, to read:

2320 717.119 Payment or delivery of unclaimed property.—

2321 (4) All virtual currency reported under this chapter on  
 2322 the annual report filing required in s. 717.117 shall be  
 2323 remitted to the department with the report. The holder shall  
 2324 liquidate the virtual currency and remit the proceeds to the  
 2325 department. The liquidation must occur within 30 days before the

2326 filing of the report. Upon delivery of the virtual currency  
2327 proceeds to the department, the holder is relieved of all  
2328 liability of every kind in accordance with the provisions of s.  
2329 717.1201 to every person for any losses or damages resulting to  
2330 the person by the delivery to the department of the virtual  
2331 currency proceeds.

2332 (8) A holder may not assign or otherwise transfer its  
2333 obligation to report, pay, or deliver property or to comply with  
2334 the provisions of this chapter, other than to a parent,  
2335 subsidiary, or affiliate of the holder.

2336 (a) Unless otherwise agreed to by the parties to a  
2337 transaction, the holder's successor by merger or consolidation,  
2338 or any person or entity that acquires all or substantially all  
2339 of the holder's capital stock or assets, is responsible for  
2340 fulfilling the holder's obligation to report, pay, or deliver  
2341 property or to comply with the duties of this chapter regarding  
2342 the transfer of property owed to the holder's successor and  
2343 being held for an owner resulting from the merger,  
2344 consolidation, or acquisition.

2345 (b) This subsection does not prohibit a holder from  
2346 contracting with a third party for the reporting of unclaimed  
2347 property, but the holder remains responsible to the department  
2348 for the complete, accurate, and timely reporting of the  
2349 property.

2350 Section 48. Section 717.1201, Florida Statutes, is amended

2351 to read:

2352 717.1201 Custody by state; holder ~~relieved from~~ liability;  
 2353 reimbursement of holder paying claim; reclaiming for owner;  
 2354 ~~defense of holder;~~ payment of safe-deposit box or repository  
 2355 charges.-

2356 (1) Upon the good faith payment or delivery of unclaimed  
 2357 property to the department, the state assumes custody and  
 2358 responsibility for the safekeeping of the property. Any person  
 2359 who pays or delivers unclaimed property to the department in  
 2360 good faith is relieved of all liability to the extent of the  
 2361 value of the property paid or delivered for any claim then  
 2362 existing or which thereafter may arise or be made in respect to  
 2363 the property.

2364 (a) A holder's substantial compliance with s. 717.117(6)  
 2365 and good faith payment or delivery of unclaimed property to the  
 2366 department releases the holder from liability that may arise  
 2367 from such payment or delivery, and such delivery and payment may  
 2368 be plead as a defense in any suit or action brought by reason of  
 2369 such delivery or payment. This section does not relieve a  
 2370 fiduciary of his or her duties under the Florida Trust Code or  
 2371 Florida Probate Code.

2372 (b) If the holder pays or delivers property to the  
 2373 department in good faith and thereafter any other person claims  
 2374 the property from the holder paying or delivering, or another  
 2375 state claims the money or property under that state's laws

2376 relating to escheat or abandoned or unclaimed property, the  
2377 department, upon written notice of the claim, shall defend the  
2378 holder against the claim and indemnify the holder against any  
2379 liability on the claim, except that a holder may not be  
2380 indemnified against penalties imposed by another state.

2381 (2) For the purposes of this section, a payment or  
2382 delivery of unclaimed property is made in good faith if:

2383 (a) The payment or delivery was made in conjunction with  
2384 an accurate and acceptable report.

2385 (b) The payment or delivery was made in a reasonable  
2386 attempt to comply with this chapter and other applicable general  
2387 law.

2388 (c) The holder had a reasonable basis for believing, based  
2389 on the facts then known, that the property was unclaimed and  
2390 subject to this chapter.

2391 (d) There is no showing that the records pursuant to which  
2392 the delivery was made did not meet reasonable commercial  
2393 standards of practice in the industry.

2394 (3)~~(2)~~ Any holder who has paid money to the department  
2395 pursuant to this chapter may make payment to any person  
2396 appearing to be entitled to payment and, upon filing proof that  
2397 the payee is entitled thereto, the department shall forthwith  
2398 repay the holder without deduction of any fee or other charges.  
2399 If repayment is sought for a payment made on a negotiable  
2400 instrument, including a traveler's check or money order, the



2401 holder must be repaid under this subsection upon filing proof  
 2402 that the instrument was duly presented and that the payee is  
 2403 entitled to payment. The holder shall be repaid for payment made  
 2404 under this subsection even if the payment was made to a person  
 2405 whose claim was barred under s. 717.129(1).

2406 (4)~~(3)~~ Any holder who has delivered property, including a  
 2407 certificate of any interest in a business association, other  
 2408 than money to the department pursuant to this chapter may  
 2409 reclaim the property if still in the possession of the  
 2410 department, without payment of any fee or other charges, upon  
 2411 filing proof that the owner has claimed the property from the  
 2412 holder.

2413 (5)~~(4)~~ The department may accept an affidavit of the  
 2414 holder stating the facts that entitle the holder to recover  
 2415 money and property under this section as sufficient proof.

2416 ~~(5) If the holder pays or delivers property to the  
 2417 department in good faith and thereafter any other person claims  
 2418 the property from the holder paying or delivering, or another  
 2419 state claims the money or property under that state's laws  
 2420 relating to escheat or abandoned or unclaimed property, the  
 2421 department, upon written notice of the claim, shall defend the  
 2422 holder against the claim and indemnify the holder against any  
 2423 liability on the claim.~~

2424 ~~(6) For the purposes of this section, "good faith" means  
 2425 that:~~

2426 ~~(a) Payment or delivery was made in a reasonable attempt~~  
2427 ~~to comply with this chapter.~~

2428 ~~(b) The person delivering the property was not a fiduciary~~  
2429 ~~then in breach of trust in respect to the property and had a~~  
2430 ~~reasonable basis for believing, based on the facts then known to~~  
2431 ~~that person, that the property was unclaimed for the purposes of~~  
2432 ~~this chapter.~~

2433 ~~(c) There is no showing that the records pursuant to which~~  
2434 ~~the delivery was made did not meet reasonable commercial~~  
2435 ~~standards of practice in the industry.~~

2436 (6) ~~(7)~~ Property removed from a safe-deposit box or other  
2437 safekeeping repository is received by the department subject to  
2438 the holder's right under this subsection to be reimbursed for  
2439 the actual cost of the opening and to any valid lien or contract  
2440 providing for the holder to be reimbursed for unpaid rent or  
2441 storage charges. The department shall make the reimbursement to  
2442 the holder out of the proceeds remaining after the deduction of  
2443 the department's selling cost.

2444 (7) If it appears to the satisfaction of the department  
2445 that, because of some mistake of fact, error in calculation, or  
2446 erroneous interpretation of a statute, a person has paid or  
2447 delivered to the department pursuant to any provision of this  
2448 chapter any money or other property not required by this chapter  
2449 to be so paid or delivered, the department may, within 5 years  
2450 after such erroneous payment or delivery, refund or redeliver

2451 such money or other property to the person, provided that such  
 2452 money or property has not been paid or delivered to a claimant  
 2453 or otherwise disposed of in accordance with this chapter.

2454 Section 49. Subsection (1) of section 717.1242, Florida  
 2455 Statutes, is amended to read:

2456 717.1242 Restatement of jurisdiction of the circuit court  
 2457 sitting in probate and the department.—

2458 (1) It is and has been the intent of the Legislature that,  
 2459 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of  
 2460 proceedings relating to the settlement of the estates of  
 2461 decedents and other jurisdiction usually pertaining to courts of  
 2462 probate. It is and has been the intent of the Legislature that,  
 2463 pursuant to this chapter ~~s. 717.124~~, the department determines  
 2464 the merits of claims and entitlement to unclaimed ~~for~~ property  
 2465 paid or delivered to the department under this chapter.  
 2466 Consistent with this legislative intent, any ~~estate or~~  
 2467 beneficiary, devisee, heir, personal representative, or other  
 2468 interested person, as those terms are defined in the Florida  
 2469 Probate Code and the Florida Trust Code ~~s. 731.201~~, of an estate  
 2470 seeking to obtain property paid or delivered to the department  
 2471 under this chapter must file a claim with the department as  
 2472 provided in s. 717.124.

2473 Section 50. Subsection (4) of section 717.1243, Florida  
 2474 Statutes, is amended to read:

2475 717.1243 Small estate accounts.—

2476 (4) This section ~~only~~ applies only if all of the unclaimed  
 2477 property held by the department on behalf of the owner has an  
 2478 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate  
 2479 proceeding is pending.

2480 Section 51. Subsection (2) of section 717.129, Florida  
 2481 Statutes, is amended to read:

2482 717.129 Periods of limitation.—

2483 (2) The department may not commence an ~~No~~ action or  
 2484 proceeding to enforce this chapter with respect to the  
 2485 reporting, payment, or delivery of property or any other duty of  
 2486 a holder under this chapter ~~may be commenced by the department~~  
 2487 ~~with respect to any duty of a holder under this chapter~~ more  
 2488 than 10 years after the duty arose. The period of limitation  
 2489 established under this subsection is tolled by the earlier of  
 2490 the department's or audit agent's delivery of a notice that a  
 2491 holder is subject to an audit or examination under s. 717.1301  
 2492 or the holder's written election to enter into an unclaimed  
 2493 property voluntary disclosure agreement.

2494 Section 52. Section 717.1301, Florida Statutes, is amended  
 2495 to read:

2496 717.1301 Investigations; examinations; subpoenas.—

2497 (1) To carry out the chapter's purpose of protecting the  
 2498 interest of missing owners through the safeguarding of their  
 2499 property and to administer and enforce this chapter, the  
 2500 department may:

2501 (a) Investigate, examine, inspect, request, or otherwise  
2502 gather information or evidence on, claim documents from a  
2503 claimant or a claimant's representative during its review of a  
2504 claim.

2505 (b) Audit the records of a person or the records in the  
2506 possession of an agent, representative, subsidiary, or affiliate  
2507 of the person subject to this chapter to determine whether the  
2508 person complied with this chapter. Such records may include  
2509 information to verify the completeness or accuracy of the  
2510 records provided, even if such records may not identify property  
2511 reportable to the department.

2512 (c) Take testimony of a person, including the person's  
2513 employee, agent, representative, subsidiary, or affiliate, to  
2514 determine whether the person complied with this chapter.

2515 (d) Issue an administrative subpoena to require that the  
2516 records specified in paragraph (b) be made available for  
2517 examination or audit and that the testimony specified in  
2518 paragraph (c) be provided.

2519 (e) Bring an action in a court of competent jurisdiction  
2520 seeking enforcement of an administrative subpoena issued under  
2521 this section, which the court shall consider under procedures  
2522 that will lead to an expeditious resolution of the action.

2523 (f) Bring an administrative action or an action in a court  
2524 of competent jurisdiction to enforce this chapter.

2525 (2) If a person is subject to reporting property under

2526 this chapter, the department may require the person to file a  
2527 verified report in a form prescribed by the department. The  
2528 verified report must:

2529 (a) State whether the person is holding property  
2530 reportable under this chapter;

2531 (b) Describe the property not previously reported, the  
2532 property about which the department has inquired, or the  
2533 property that is in dispute as to whether it is reportable under  
2534 this chapter; and

2535 (c) State the amount or value of the property.

2536 (3) The department may authorize a compliance review of a  
2537 report for a specified reporting year. The review must be  
2538 limited to the contents of the report filed, as required by s.  
2539 717.117 and subsection (2), and all supporting documents related  
2540 to the reports. If the review results in a finding of a  
2541 deficiency in unclaimed property due and payable to the  
2542 department, the department shall notify the holder in writing of  
2543 the amount of deficiency within 1 year after the authorization  
2544 of the compliance review. If the holder fails to pay the  
2545 deficiency within 90 days, the department may seek to enforce  
2546 the assessment under subsection (1). The department is not  
2547 required to conduct a review under this section before  
2548 initiating an audit.

2549 (4) Notwithstanding any other provision of law, in a  
2550 contract providing for the location or collection of unclaimed

2551 property, the department may authorize the contractor to deduct  
2552 its fees and expenses for services provided under the contract  
2553 from the unclaimed property that the contractor has recovered or  
2554 collected under the contract. The department shall annually  
2555 report to the Chief Financial Officer the total amount collected  
2556 or recovered by each contractor during the previous fiscal year  
2557 and the total fees and expenses deducted by each contractor.

2558 ~~(1) The department may make investigations and~~  
2559 ~~examinations within or outside this state of claims, reports,~~  
2560 ~~and other records as it deems necessary to administer and~~  
2561 ~~enforce the provisions of this chapter. In such investigations~~  
2562 ~~and examinations the department may administer oaths, examine~~  
2563 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~  
2564 ~~department may request any person who has not filed a report~~  
2565 ~~under s. 717.117 to file a verified report stating whether or~~  
2566 ~~not the person is holding any unclaimed property reportable or~~  
2567 ~~deliverable under this chapter.~~

2568 ~~(2) Subpoenas for witnesses whose evidence is deemed~~  
2569 ~~material to any investigation or examination under this section~~  
2570 ~~may be issued by the department under seal of the department, or~~  
2571 ~~by any court of competent jurisdiction, commanding such~~  
2572 ~~witnesses to appear before the department at a time and place~~  
2573 ~~named and to bring such books, records, and documents as may be~~  
2574 ~~specified or to submit such books, records, and documents to~~  
2575 ~~inspection. Such subpoenas may be served by an authorized~~

2576 ~~representative of the department.~~

2577 ~~(3) If any person shall refuse to testify, produce books,~~  
2578 ~~records, and documents, or otherwise refuse to obey a subpoena~~  
2579 ~~issued under this section, the department may present its~~  
2580 ~~petition to a court of competent jurisdiction in or for the~~  
2581 ~~county in which such person resides or has its principal place~~  
2582 ~~of business, whereupon the court shall issue its rule nisi~~  
2583 ~~requiring such person to obey forthwith the subpoena issued by~~  
2584 ~~the department or show cause for failing to obey said subpoena.~~  
2585 ~~Unless said person shows sufficient cause for failing to obey~~  
2586 ~~the subpoena, the court shall forthwith direct such person to~~  
2587 ~~obey the same subject to such punishment as the court may direct~~  
2588 ~~including, but not limited to, the restraint, by injunction or~~  
2589 ~~by appointment of a receiver, of any transfer, pledge,~~  
2590 ~~assignment, or other disposition of such person's assets or any~~  
2591 ~~concealment, alteration, destruction, or other disposition of~~  
2592 ~~subpoenaed books, records, or documents as the court deems~~  
2593 ~~appropriate, until such person has fully complied with such~~  
2594 ~~subpoena and the department has completed its investigation or~~  
2595 ~~examination. The department is entitled to the summary procedure~~  
2596 ~~provided in s. 51.011, and the court shall advance the cause on~~  
2597 ~~its calendar. Costs incurred by the department to obtain an~~  
2598 ~~order granting, in whole or in part, its petition shall be taxed~~  
2599 ~~against the subpoenaed person, and failure to comply with such~~  
2600 ~~order shall be a contempt of court.~~



2601 ~~(4) Witnesses shall be entitled to the same fees and~~  
 2602 ~~mileage as they may be entitled by law for attending as~~  
 2603 ~~witnesses in the circuit court, except where such examination or~~  
 2604 ~~investigation is held at the place of business or residence of~~  
 2605 ~~the witness.~~

2606 (5) The material compiled by the department in an  
 2607 investigation or examination under this chapter is confidential  
 2608 until the investigation or examination is complete. If any such  
 2609 material contains a holder's financial or proprietary  
 2610 information, it may not be disclosed or made public by the  
 2611 department after the investigation or audit is completed, except  
 2612 as required by a court of competent jurisdiction in the course  
 2613 of a judicial proceeding in which the state is a party, or  
 2614 pursuant to an agreement with another state allowing joint  
 2615 audits. Such material may be considered trade secret and exempt  
 2616 from s. 119.07(1) as provided for in s. 119.0715. The records,  
 2617 data, and information gathered ~~material compiled~~ by the  
 2618 department in an investigation or audit ~~examination~~ under this  
 2619 chapter remain ~~remains~~ confidential ~~after the department's~~  
 2620 ~~investigation or examination is complete~~ if the department has  
 2621 submitted the material or any part of it to any law enforcement  
 2622 agency or other administrative agency for further investigation  
 2623 or for the filing of a criminal or civil prosecution and such  
 2624 investigation has not been completed or become inactive.

2625 (6) If an investigation or an audit ~~examination~~ of the

2626 records of any person results in the disclosure of property  
2627 reportable and deliverable under this chapter, the department  
2628 may assess the cost of the investigation or audit ~~the~~  
2629 ~~examination~~ against the holder at the rate of ~~\$100 per 8-hour~~  
2630 ~~day for each investigator or examiner. Such fee shall be~~  
2631 ~~calculated on an hourly basis and shall be rounded to the~~  
2632 ~~nearest hour. The person shall also pay the travel expense and~~  
2633 ~~per diem subsistence allowance provided for state employees in~~  
2634 ~~s. 112.061. The person shall not be required to pay a per diem~~  
2635 ~~fee and expenses of an examination or investigation which shall~~  
2636 ~~consume more than 30 worker-days in any one year unless such~~  
2637 ~~examination or investigation is due to fraudulent practices of~~  
2638 ~~the person, in which case such person shall be required to pay~~  
2639 ~~the entire cost regardless of time consumed. The fee for the~~  
2640 costs of the investigation or audit shall be remitted to the  
2641 department within 30 days after the date of the notification  
2642 that the fee is due and owing. Any person who fails to pay the  
2643 fee within 30 days after the date of the notification that the  
2644 fee is due and owing shall pay to the department interest at the  
2645 rate of 12 percent per annum on such fee from the date of the  
2646 notification.

2647 Section 53. Subsection (1) of section 717.1311, Florida  
2648 Statutes, is amended to read:

2649 717.1311 Retention of records.—

2650 (1) Every holder required to file a report under s.

2651 717.117 shall maintain a record of the specific type of  
 2652 property, amount, name, and last known address of the owner for  
 2653 10 ~~5~~ years after the property becomes reportable, except to the  
 2654 extent that a shorter time is provided in subsection (2) or by  
 2655 rule of the department.

2656 Section 54. Paragraph (j) of subsection (1) and subsection  
 2657 (3) of section 717.1322, Florida Statutes, are amended to read:

2658 717.1322 Administrative and civil enforcement.—

2659 (1) The following acts are violations of this chapter and  
 2660 constitute grounds for an administrative enforcement action by  
 2661 the department in accordance with the requirements of chapter  
 2662 120 and for civil enforcement by the department in a court of  
 2663 competent jurisdiction:

2664 (j) Requesting or receiving compensation for notifying a  
 2665 person of his or her unclaimed property or assisting another  
 2666 person in filing a claim for unclaimed property, unless the  
 2667 person is an attorney licensed to practice law in this state, a  
 2668 Florida-certified public accountant, or a private investigator  
 2669 licensed under chapter 493, or entering into, or making a  
 2670 solicitation to enter into, an agreement to file a claim for  
 2671 unclaimed property owned by another, ~~or a contract or agreement~~  
 2672 ~~to purchase unclaimed property,~~ unless such person is registered  
 2673 with the department under this chapter and an attorney licensed  
 2674 to practice law in this state in the regular practice of her or  
 2675 his profession, a Florida-certified public accountant who is

2676 acting within the scope of the practice of public accounting as  
2677 defined in chapter 473, or a private investigator licensed under  
2678 chapter 493. This paragraph does not apply to a person who has  
2679 been granted a durable power of attorney to convey and receive  
2680 all of the real and personal property of the owner, is the  
2681 court-appointed guardian of the owner, has been employed as an  
2682 attorney or qualified representative to contest the department's  
2683 denial of a claim, or has been employed as an attorney to  
2684 probate the estate of the owner or an heir or legatee of the  
2685 owner.

2686 (3) A claimant's representative ~~registrant~~ is subject to  
2687 civil enforcement and the disciplinary actions specified in  
2688 subsection (2) for violations of subsection (1) by an agent or  
2689 employee of the registrant's employer if the claimant's  
2690 representative ~~registrant~~ knew or should have known that such  
2691 agent or employee was violating any provision of this chapter.

2692 Section 55. Subsection (1) of section 717.1333, Florida  
2693 Statutes, is amended to read:

2694 717.1333 Evidence; estimations; audit reports and  
2695 worksheets, investigator ~~examiner's worksheets, investigative~~  
2696 reports and worksheets, other related documents.—

2697 (1) In any proceeding involving a holder under ss. 120.569  
2698 and 120.57 in which an audit agent ~~auditor, examiner,~~ or  
2699 investigator acting under authority of this chapter is available  
2700 for cross-examination, any official written report, worksheet,

2701 or other related paper, or copy thereof, compiled, prepared,  
2702 drafted, or otherwise made or received by the audit agent  
2703 ~~auditor, examiner,~~ or investigator, after being duly  
2704 authenticated by the audit agent ~~auditor, examiner,~~ or  
2705 investigator, may be admitted as competent evidence upon the  
2706 oath of the audit agent ~~auditor, examiner,~~ or investigator that  
2707 the report, worksheet, or related paper was prepared or received  
2708 as a result of an audit, examination, or investigation of the  
2709 books and records of the person audited, examined, or  
2710 investigated, or the agent thereof.

2711 Section 56. Subsections (1) and (2) of section 717.134,  
2712 Florida Statutes, are amended to read:

2713 717.134 Penalties and interest.—

2714 (1) For any person who willfully fails to render any  
2715 report required under this chapter, the department may impose  
2716 and collect a penalty of \$500 per day up to a maximum of \$5,000  
2717 and 25 percent of the value of property not reported until an  
2718 appropriate a report is provided ~~rendered for any person who~~  
2719 ~~willfully fails to render any report required under this~~  
2720 ~~chapter.~~ Upon a holder's showing of good cause, the department  
2721 may waive said penalty or any portion thereof. If the holder  
2722 acted in good faith and without negligence, the department shall  
2723 waive the penalty provided herein.

2724 (2) For any person who willfully refuses to pay or deliver  
2725 unclaimed property to the department as required under this

2726 chapter, the department may impose and collect a penalty of \$500  
2727 per day up to a maximum of \$5,000 and 25 percent of the value of  
2728 property not paid or delivered until the property is paid or  
2729 delivered ~~for any person who willfully refuses to pay or deliver~~  
2730 ~~abandoned property to the department as required under this~~  
2731 ~~chapter.~~

2732 Section 57. Section 717.135, Florida Statutes, is amended  
2733 to read:

2734 717.135 Recovery agreements and purchase agreements for  
2735 claims filed by a claimant's representative; fees and costs, or  
2736 total net gain.-

2737 (1) In order to protect the interests of owners of  
2738 unclaimed property, the department shall adopt by rule a form  
2739 entitled "Unclaimed Property Recovery Agreement" and a form  
2740 entitled "Unclaimed Property Purchase Agreement."

2741 (2) The Unclaimed Property Recovery Agreement and the  
2742 Unclaimed Property Purchase Agreement must include and disclose  
2743 all of the following:

2744 (a) The total dollar amount of unclaimed property accounts  
2745 claimed or sold.

2746 (b) The total percentage of all authorized fees and costs  
2747 to be paid to the claimant's representative or the percentage of  
2748 the value of the property to be paid as net gain to the  
2749 purchasing claimant's representative.

2750 (c) The total dollar amount to be deducted and received

2751 from the claimant as fees and costs by the claimant's  
2752 representative or the total net dollar amount to be received by  
2753 the purchasing claimant's representative.

2754 (d) The net dollar amount to be received by the claimant  
2755 or the seller.

2756 (e) For each account claimed, the unclaimed property  
2757 account number.

2758 (f) For the Unclaimed Property Purchase Agreement, a  
2759 statement that the amount of the purchase price will be remitted  
2760 to the seller by the purchaser within 30 days after the  
2761 execution of the agreement by the seller.

2762 (g) The name, address, e-mail address, phone number, and  
2763 license number of the claimant's representative.

2764 (h)1. The manual signature of the claimant or seller and  
2765 the date signed, affixed on the agreement by the claimant or  
2766 seller.

2767 2. Notwithstanding any other provision of this chapter to  
2768 the contrary, the department may allow an apparent owner, who is  
2769 also the claimant or seller, to sign the agreement  
2770 electronically ~~for claims of \$2,000 or less~~. All electronic  
2771 signatures on the Unclaimed Property Recovery Agreement and the  
2772 Unclaimed Property Purchase Agreement must be affixed on the  
2773 agreement by the claimant or seller using the specific,  
2774 exclusive eSignature product and protocol authorized by the  
2775 department.

2776 (i) The social security number or taxpayer identification  
2777 number of the claimant or seller, if a number has been issued to  
2778 the claimant or seller.

2779 (j) The total fees and costs, or the total discount in the  
2780 case of a purchase agreement, which may not exceed 30 percent of  
2781 the claimed amount. In the case of a recovery agreement, if the  
2782 total fees and costs exceed 30 percent, the fees and costs shall  
2783 be reduced to 30 percent and the net balance shall be remitted  
2784 directly by the department to the claimant. In the case of a  
2785 purchase agreement, if the total net gain of the claimant's  
2786 representative exceeds 30 percent, the claim will be denied.

2787 (3) For an Unclaimed Property Purchase Agreement form,  
2788 proof that the purchaser has made payment must be filed with the  
2789 department along with the claim. If proof of payment is not  
2790 provided, the claim is void.

2791 (4) A claimant's representative must use the Unclaimed  
2792 Property Recovery Agreement or the Unclaimed Property Purchase  
2793 Agreement as the exclusive means of entering into an agreement  
2794 or a contract with a claimant or seller to file a claim with the  
2795 department.

2796 (5) Fees and costs may be owed or paid to, or received by,  
2797 a claimant's representative only after a filed claim has been  
2798 approved and if the claimant's representative used an agreement  
2799 authorized by this section.

2800 (6) A claimant's representative may not use or distribute



2801 any other agreement of any type, conveyed by any method, with  
 2802 respect to the claimant or seller which relates, directly or  
 2803 indirectly, to unclaimed property accounts held by the  
 2804 department or the Chief Financial Officer other than the  
 2805 agreements authorized by this section. Any engagement,  
 2806 authorization, recovery, or fee agreement that is not authorized  
 2807 by this section is void. A claimant's representative is subject  
 2808 to administrative and civil enforcement under s. 717.1322 if he  
 2809 or she uses an agreement that is not authorized by this section  
 2810 and if the agreement is used to apply, directly or indirectly,  
 2811 to unclaimed property held by this state. This subsection does  
 2812 not prohibit lawful nonagreement, noncontractual, or advertising  
 2813 communications between or among the parties.

2814 (7) The Unclaimed Property Recovery Agreement ~~and the~~  
 2815 ~~Unclaimed Property Purchase Agreement~~ may not contain language  
 2816 that makes the agreement irrevocable or that creates an  
 2817 assignment of any portion of unclaimed property held by the  
 2818 department.

2819 (8) When a claim is approved, the department may pay any  
 2820 additional account that is owned by the claimant but has not  
 2821 been claimed at the time of approval, provided that a subsequent  
 2822 claim has not been filed or is not pending for the claimant at  
 2823 the time of approval.

2824 (9) This section does not supersede s. 717.1241.

2825 (10) This section does not apply to the sale and purchase

2826 of Florida-held unclaimed property accounts through a bankruptcy  
 2827 estate representative or other person or entity authorized  
 2828 pursuant to Title XI of the United States Code or an order of a  
 2829 bankruptcy court to act on behalf or for the benefit of the  
 2830 debtor, its creditors, and its bankruptcy estate.

2831 Section 58. Subsections (1), (2), and (3) of section  
 2832 717.1400, Florida Statutes, are amended to read:

2833 717.1400 Registration.—

2834 (1) In order to file claims as a claimant's  
 2835 representative, ~~acquire ownership of or entitlement to unclaimed~~  
 2836 ~~property,~~ receive a distribution of fees and costs from the  
 2837 department, and obtain unclaimed property dollar amounts and  
 2838 numbers of reported shares of stock held by the department, a  
 2839 private investigator holding a Class "C" individual license  
 2840 under chapter 493 must register with the department on such form  
 2841 as the department prescribes by rule and must be verified by the  
 2842 applicant. To register with the department, a private  
 2843 investigator must provide:

2844 (a) A legible copy of the applicant's Class "A" business  
 2845 license under chapter 493 or that of the applicant's firm or  
 2846 employer which holds a Class "A" business license under chapter  
 2847 493.

2848 (b) A legible copy of the applicant's Class "C" individual  
 2849 license issued under chapter 493.

2850 (c) The business address and telephone number of the

2851 applicant's private investigative firm or employer.

2852 (d) The names of agents or employees, if any, who are  
 2853 designated to act on behalf of the private investigator,  
 2854 together with a legible copy of their photo identification  
 2855 issued by an agency of the United States, or a state, or a  
 2856 political subdivision thereof.

2857 (e) Sufficient information to enable the department to  
 2858 disburse funds by electronic funds transfer.

2859 (f) The tax identification number of the private  
 2860 investigator's firm or employer which holds a Class "A" business  
 2861 license under chapter 493.

2862 (2) In order to file claims as a claimant's  
 2863 representative, ~~acquire ownership of or entitlement to unclaimed~~  
 2864 ~~property,~~ receive a distribution of fees and costs from the  
 2865 department, and obtain unclaimed property dollar amounts and  
 2866 numbers of reported shares of stock held by the department, a  
 2867 Florida-certified public accountant must register with the  
 2868 department on such form as the department prescribes by rule and  
 2869 must be verified by the applicant. To register with the  
 2870 department, a Florida-certified public accountant must provide:

2871 (a) The applicant's Florida Board of Accountancy number.

2872 (b) A legible copy of the applicant's current driver  
 2873 license showing the full name and current address of such  
 2874 person. If a current driver license is not available, another  
 2875 form of identification showing the full name and current address

2876 of such person or persons shall be filed with the department.

2877 (c) The business address and telephone number of the  
2878 applicant's public accounting firm or employer.

2879 (d) The names of agents or employees, if any, who are  
2880 designated to act on behalf of the Florida-certified public  
2881 accountant, together with a legible copy of their photo  
2882 identification issued by an agency of the United States, or a  
2883 state, or a political subdivision thereof.

2884 (e) Sufficient information to enable the department to  
2885 disburse funds by electronic funds transfer.

2886 (f) The tax identification number of the accountant's  
2887 public accounting firm employer.

2888 (3) In order to file claims as a claimant's  
2889 representative, ~~acquire ownership of or entitlement to unclaimed~~  
2890 ~~property,~~ receive a distribution of fees and costs from the  
2891 department, and obtain unclaimed property dollar amounts and  
2892 numbers of reported shares of stock held by the department, an  
2893 attorney licensed to practice in this state must register with  
2894 the department on such form as the department prescribes by rule  
2895 and must be verified by the applicant. To register with the  
2896 department, such attorney must provide:

2897 (a) The applicant's Florida Bar number.

2898 (b) A legible copy of the applicant's current driver  
2899 license showing the full name and current address of such  
2900 person. If a current driver license is not available, another

2901 form of identification showing the full name and current address  
 2902 of such person or persons shall be filed with the department.

2903 (c) The business address and telephone number of the  
 2904 applicant's firm or employer.

2905 (d) The names of agents or employees, if any, who are  
 2906 designated to act on behalf of the attorney, together with a  
 2907 legible copy of their photo identification issued by an agency  
 2908 of the United States, or a state, or a political subdivision  
 2909 thereof.

2910 (e) Sufficient information to enable the department to  
 2911 disburse funds by electronic funds transfer.

2912 (f) The tax identification number of the attorney's firm  
 2913 or employer.

2914 Section 59. Paragraph (c) of subsection (10) of section  
 2915 766.302, Florida Statutes, is amended to read:

2916 766.302 Definitions; ss. 766.301-766.316.—As used in ss.  
 2917 766.301-766.316, the term:

2918 (10) "Family residential or custodial care" means care  
 2919 normally rendered by trained professional attendants which is  
 2920 beyond the scope of child care duties, but which is provided by  
 2921 family members. Family members who provide nonprofessional  
 2922 residential or custodial care may not be compensated under this  
 2923 act for care that falls within the scope of child care duties  
 2924 and other services normally and gratuitously provided by family  
 2925 members. Family residential or custodial care shall be performed

2926 only at the direction and control of a physician when such care  
 2927 is medically necessary. Reasonable charges for expenses for  
 2928 family residential or custodial care provided by a family member  
 2929 shall be determined as follows:

2930 ~~(c) The award of family residential or custodial care as~~  
 2931 ~~defined in this section shall not be included in the current~~  
 2932 ~~estimates for purposes of s. 766.314(9)(c).~~

2933 Section 60. Paragraph (c) of subsection (9) of section  
 2934 766.314, Florida Statutes, is amended to read:

2935 766.314 Assessments; plan of operation.—  
 2936 (9)

2937 (c) If the total of all current estimates equals or  
 2938 exceeds 100 ~~80~~ percent of the funds on hand and the funds that  
 2939 will become available to the association within the next 12  
 2940 months from all sources described in subsection ~~subsections~~ (4)  
 2941 ~~and (5)~~ and paragraph (5)(a) ~~(7)(a)~~, the association may not  
 2942 accept any new claims without express authority from the  
 2943 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~  
 2944 the association from accepting any claim if the injury occurred  
 2945 18 months or more before the effective date of this suspension.  
 2946 Within 30 days after the effective date of this suspension, the  
 2947 association shall notify the Governor, the Speaker of the House  
 2948 of Representatives, the President of the Senate, the Office of  
 2949 Insurance Regulation, the Agency for Health Care Administration,  
 2950 and the Department of Health of this suspension.

2951 Section 61. Paragraph (a) of subsection (2) of section  
 2952 197.582, Florida Statutes, is amended to read:  
 2953 197.582 Disbursement of proceeds of sale.—  
 2954 (2)(a) If the property is purchased for an amount in  
 2955 excess of the statutory bid of the certificateholder, the  
 2956 surplus must be paid over and disbursed by the clerk as set  
 2957 forth in subsections (3), (5), and (6). If the opening bid  
 2958 included the homestead assessment pursuant to s. 197.502(6)(c),  
 2959 that amount must be treated as surplus and distributed in the  
 2960 same manner. The clerk shall distribute the surplus to the  
 2961 governmental units for the payment of any lien of record held by  
 2962 a governmental unit against the property, including any tax  
 2963 certificates not incorporated in the tax deed application and  
 2964 omitted taxes, if any. If there remains a balance of  
 2965 undistributed funds, the balance must be retained by the clerk  
 2966 for the benefit of persons described in s. 197.522(1)(a), except  
 2967 those persons described in s. 197.502(4)(h), as their interests  
 2968 may appear. The clerk shall mail notices to such persons  
 2969 notifying them of the funds held for their benefit at the  
 2970 addresses provided in s. 197.502(4). Such notice constitutes  
 2971 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.  
 2972 Any service charges and costs of mailing notices shall be paid  
 2973 out of the excess balance held by the clerk. Notice must be  
 2974 provided in substantially the following form:

2975 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2976 CLERK OF COURT  
 2977 .... COUNTY, FLORIDA  
 2978 Tax Deed #.....  
 2979 Certificate #.....  
 2980 Property Description: .....

2981 Pursuant to chapter 197, Florida Statutes, the above  
 2982 property was sold at public sale on ...(date of sale)..., and a  
 2983 surplus of \$...(amount)... (subject to change) will be held by  
 2984 this office for 120 days beginning on the date of this notice to  
 2985 benefit the persons having an interest in this property as  
 2986 described in section 197.502(4), Florida Statutes, as their  
 2987 interests may appear (except for those persons described in  
 2988 section 197.502(4)(h), Florida Statutes).

2989 To the extent possible, these funds will be used to satisfy  
 2990 in full each claimant with a senior mortgage or lien in the  
 2991 property before distribution of any funds to any junior mortgage  
 2992 or lien claimant or to the former property owner. To be  
 2993 considered for funds when they are distributed, you must file a  
 2994 notarized statement of claim with this office within 120 days of  
 2995 this notice. If you are a lienholder, your claim must include  
 2996 the particulars of your lien and the amounts currently due. Any  
 2997 lienholder claim that is not filed within the 120-day deadline  
 2998 is barred.

2999 A copy of this notice must be attached to your statement of  
 3000 claim. After the office examines the filed claim statements, it



3001 will notify you if you are entitled to any payment.

3002 Dated: .....

3003 Clerk of Court

3004 Section 62. Subsection (1) of section 717.1382, Florida  
3005 Statutes, is amended to read:

3006 717.1382 United States savings bond; unclaimed property;  
3007 escheatment; procedure.—

3008 (1) Notwithstanding any other provision of law, a United  
3009 States savings bond in possession of the department or  
3010 registered to a person with a last known address in the state,  
3011 including a bond that is lost, stolen, or destroyed, is presumed  
3012 abandoned and unclaimed 5 years after the bond reaches maturity  
3013 and no longer earns interest and shall be reported and remitted  
3014 to the department by the financial institution or other holder  
3015 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if  
3016 the department is not in possession of the bond.

3017 Section 63. The Division of Law Revision is directed to  
3018 prepare a reviser's bill for the 2025 Regular Session of the  
3019 Legislature to change the term "Division of Investigative and  
3020 Forensic Services" wherever the term appears in the Florida  
3021 Statutes to "Division of Criminal Investigations."

3022 Section 64. By September 1, 2024, the Florida Birth-  
3023 Related Neurological Injury Compensation Association shall, in  
3024 consultation with the Office of Insurance Regulation and the  
3025 Agency for Health Care Administration, submit a report to the

3026 Governor, the Chief Financial Officer, the President of the  
 3027 Senate, and the Speaker of the House of Representatives which  
 3028 must include, but is not limited to, the following:

3029 (1) Recommendations for defining actuarial soundness for  
 3030 the association, including options for phase-in, if appropriate.

3031 (2) Recommendations for timing of reporting actuarial  
 3032 soundness and to whom the soundness should be reported.

3033 (3) Recommendations for ensuring a revenue level to  
 3034 maintain actuarial soundness, including options for phase-in, if  
 3035 appropriate.

3036 Section 65. Effective July 1, 2024, paragraph (b) of  
 3037 subsection (1) and subsection (7) of section 17.57, Florida  
 3038 Statutes, are amended to read:

3039 17.57 Deposits and investments of state money.—

3040 (1)(b) The Chief Financial Officer, or other parties with  
 3041 the permission of the Chief Financial Officer, shall deposit the  
 3042 money of the state or any money in the State Treasury in such  
 3043 qualified public depositories of the state as will offer  
 3044 satisfactory collateral security for such deposits, pursuant to  
 3045 chapter 280. It is the duty of the Chief Financial Officer,  
 3046 consistent with the cash requirements of the state, to keep such  
 3047 money fully invested or deposited as provided herein in order  
 3048 that the state may realize maximum earnings and benefits.

3049 Nothing in this section shall preclude credit unions designated  
 3050 as public depositories from participation.

3051 (7) In addition to the deposits authorized under this  
 3052 section and notwithstanding any other provisions of law, funds  
 3053 that are not needed to meet the disbursement needs of the state  
 3054 may be deposited by the Chief Financial Officer in accordance  
 3055 with the following conditions:

3056 (a) The funds are initially deposited in a qualified  
 3057 public depository, as defined in s. 280.02, selected by the  
 3058 Chief Financial Officer.

3059 (b) The selected depository arranges for depositing the  
 3060 funds in financial deposit instruments insured by:

3061 1. The Federal Deposit Insurance Corporation in one or  
 3062 more federally insured banks or savings and loan associations,  
 3063 wherever located, for the account of the state.

3064 2. For credit unions designated as qualified public  
 3065 depositories, the National Credit Union Share Insurance Fund.

3066 (c) The full amount of the principal and accrued interest  
 3067 of each financial deposit instrument is insured by the Federal  
 3068 Deposit Insurance Corporation or, for credit unions designated  
 3069 as qualified public depositories, the National Credit Union  
 3070 Share Insurance Fund.

3071 (d) The selected depository acts as custodian for the  
 3072 state with respect to each financial deposit instrument issued  
 3073 for its account.

3074 Section 66. Effective July 1, 2024, subsection (4) of  
 3075 section 17.68, Florida Statutes, is amended to read:

3076 17.68 Financial Literacy Program for Individuals with  
 3077 Developmental Disabilities.—

3078 (4) Within 90 days after the department establishes the  
 3079 website clearinghouse and publishes the brochure, each bank,  
 3080 credit union, savings association, and savings bank that is a  
 3081 qualified public depository as defined in s. 280.02 shall:

3082 (a) Make copies of the department's brochures available,  
 3083 upon the request of the consumer, at its principal place of  
 3084 business and each branch office located in this state which has  
 3085 in-person teller services by having copies of the brochure  
 3086 available or having the capability to print a copy of the  
 3087 brochure from the department's website. Upon request, the  
 3088 department shall provide copies of the brochure to a bank,  
 3089 credit union, savings association, or savings bank.

3090 (b) Provide on its website a hyperlink to the department's  
 3091 website clearinghouse. If the department changes the website  
 3092 address for the clearinghouse, the bank, credit union, savings  
 3093 association, or savings bank must update the hyperlink within 90  
 3094 days after notification by the department of such change.

3095 Section 67. Effective July 1, 2024, subsections (6), (10),  
 3096 (21), (23), and (26) of section 280.02, Florida Statutes, are  
 3097 amended to read:

3098 280.02 Definitions.—As used in this chapter, the term:

3099 (6) "Capital account" or "tangible equity capital" means  
 3100 total equity capital, as defined on the balance-sheet portion of

3101 the Consolidated Reports of Condition and Income (call report),  
 3102 or net worth, as described in the National Credit Union  
 3103 Administration 5300 Call Report, less intangible assets, as  
 3104 submitted to the regulatory financial ~~banking~~ authority.

3105 (10) "Custodian" means the Chief Financial Officer or a  
 3106 bank, credit union, savings association, or trust company that:

3107 (a) Is organized and existing under the laws of this  
 3108 state, any other state, or the United States;

3109 (b) Has executed all forms required under this chapter or  
 3110 any rule adopted hereunder;

3111 (c) Agrees to be subject to the jurisdiction of the courts  
 3112 of this state, or of the courts of the United States which are  
 3113 located within this state, for the purpose of any litigation  
 3114 arising out of this chapter; and

3115 (d) Has been approved by the Chief Financial Officer to  
 3116 act as a custodian.

3117 (21) "Pool figure" means the total average monthly  
 3118 balances of public deposits held by all banks, savings banks, or  
 3119 savings associations or held separately by all credit unions  
 3120 ~~qualified public depositories~~ during the immediately preceding  
 3121 12-month period.

3122 (23) "Public deposit" means the moneys of the state or of  
 3123 any state university, county, school district, community college  
 3124 district, special district, metropolitan government, or  
 3125 municipality, including agencies, boards, bureaus, commissions,

3126 and institutions of any of the foregoing, or of any court, and  
 3127 includes the moneys of all county officers, including  
 3128 constitutional officers, which are placed on deposit in a bank,  
 3129 credit union, savings bank, or savings association. This  
 3130 includes, but is not limited to, time deposit accounts, demand  
 3131 deposit accounts, and nonnegotiable certificates of deposit.  
 3132 Moneys in deposit notes and in other nondeposit accounts such as  
 3133 repurchase or reverse repurchase operations are not public  
 3134 deposits. Securities, mutual funds, and similar types of  
 3135 investments are not public deposits and are not subject to this  
 3136 chapter.

3137 (26) "Qualified public depository" means a bank, credit  
 3138 union, savings bank, or savings association that:

3139 (a) Is organized and exists under the laws of the United  
 3140 States, ~~or~~ the laws of this state, or the laws of any other  
 3141 state or territory of the United States.

3142 (b) Has its principal place of business in this state or  
 3143 has a branch office in this state which is authorized under the  
 3144 laws of this state or of the United States to receive deposits  
 3145 in this state.

3146 (c) Is insured by the Federal Deposit Insurance  
 3147 Corporation or the National Credit Union Share Insurance Fund  
 3148 ~~Has deposit insurance pursuant to the Federal Deposit Insurance~~  
 3149 ~~Act, as amended, 12 U.S.C. ss. 1811 et seq.~~

3150 (d) Has procedures and practices for accurate

3151 identification, classification, reporting, and collateralization  
3152 of public deposits.

3153 (e) Makes determinations about the provision of services  
3154 or the denial of services based on an analysis of risk factors  
3155 unique to each customer or member. This paragraph does not  
3156 restrict a qualified public depository that claims a religious  
3157 purpose from making such determinations based on the religious  
3158 beliefs, religious exercise, or religious affiliations of a  
3159 customer or member.

3160 (f) Does not engage in the unsafe and unsound practice of  
3161 denying or canceling its services to a person, or otherwise  
3162 discriminating against a person in making available such  
3163 services or in the terms or conditions of such services, on the  
3164 basis of:

3165 1. The person's political opinions, speech, or  
3166 affiliations;

3167 2. Except as provided in paragraph (e), the person's  
3168 religious beliefs, religious exercise, or religious  
3169 affiliations;

3170 3. Any factor if it is not a quantitative, impartial, and  
3171 risk-based standard, including any such factor related to the  
3172 person's business sector; or

3173 4. The use of any rating, scoring, analysis, tabulation,  
3174 or action that considers a social credit score based on factors  
3175 including, but not limited to:

- 3176           a. The person's political opinions, speech, or  
 3177 affiliations.
- 3178           b. The person's religious beliefs, religious exercise, or  
 3179 religious affiliations.
- 3180           c. The person's lawful ownership of a firearm.
- 3181           d. The person's engagement in the lawful manufacture,  
 3182 distribution, sale, purchase, or use of firearms or ammunition.
- 3183           e. The person's engagement in the exploration, production,  
 3184 utilization, transportation, sale, or manufacture of fossil  
 3185 fuel-based energy, timber, mining, or agriculture.
- 3186           f. The person's support of the state or Federal Government  
 3187 in combating illegal immigration, drug trafficking, or human  
 3188 trafficking.
- 3189           g. The person's engagement with, facilitation of,  
 3190 employment by, support of, business relationship with,  
 3191 representation of, or advocacy for any person described in this  
 3192 subparagraph.
- 3193           h. The person's failure to meet or commit to meet, or  
 3194 expected failure to meet, any of the following as long as such  
 3195 person is in compliance with applicable state or federal law:
- 3196               (I) Environmental standards, including emissions  
 3197 standards, benchmarks, requirements, or disclosures;
- 3198               (II) Social governance standards, benchmarks, or  
 3199 requirements, including, but not limited to, environmental or  
 3200 social justice;



3201 (III) Corporate board or company employment composition  
 3202 standards, benchmarks, requirements, or disclosures based on  
 3203 characteristics protected under the Florida Civil Rights Act of  
 3204 1992; or

3205 (IV) Policies or procedures requiring or encouraging  
 3206 employee participation in social justice programming, including,  
 3207 but not limited to, diversity, equity, or inclusion training.

3208 (g) Meets all the requirements of this chapter.

3209 (h) Has been designated by the Chief Financial Officer as  
 3210 a qualified public depository.

3211 Section 68. Effective July 1, 2024, subsection (1) of  
 3212 section 280.025, Florida Statutes, is amended to read:

3213 280.025 Attestation required.—

3214 (1) Beginning July 1, 2024 ~~2023~~, the following entities  
 3215 must attest, under penalty of perjury, on a form prescribed by  
 3216 the Chief Financial Officer, whether the entity is in compliance  
 3217 with s. 280.02(26)(e) and (f):

3218 (a) A bank, savings bank, credit union, or savings  
 3219 association, upon application or reapplication for designation  
 3220 as a qualified public depository.

3221 (b) A qualified public depository, upon filing the report  
 3222 required by s. 280.16(1)(d).

3223 Section 69. Effective July 1, 2024, paragraph (a) of  
 3224 subsection (3) of section 280.03, Florida Statutes, is amended  
 3225 to read:

3226 280.03 Public deposits to be secured; prohibitions;  
 3227 exemptions.—

3228 (3) The following are exempt from the requirements of, and  
 3229 protection under, this chapter:

3230 (a) Public deposits deposited in a bank, credit union, or  
 3231 savings association by a trust department or trust company which  
 3232 are fully secured under trust business laws.

3233 Section 70. Effective July 1, 2024, section 280.042,  
 3234 Florida Statutes, is created to read:

3235 280.042 Credit union designations as qualified public  
 3236 depositories; withdrawal by the Chief Financial Officer from  
 3237 collateral agreements; limits on public deposits.—

3238 (1) The Chief Financial Officer may not designate a credit  
 3239 union as a qualified public depository unless, at the time the  
 3240 credit union submits its agreement of contingent liability and  
 3241 its collateral agreement. The credit union submits a signed  
 3242 statement from a public depositor indicating that if the credit  
 3243 union is designated as a qualified public depository, the public  
 3244 depositor intends to deposit public funds with the credit union.

3245 (2) Within 10 business days after the Chief Financial  
 3246 Officer notifies the credit union that the Chief Financial  
 3247 Officer has withdrawn from the collateral agreement, the credit  
 3248 union must return all public deposits that the credit union  
 3249 holds to the public depositor who deposited the funds. The  
 3250 notice provided for in this subsection may be sent to a credit

3251 union by regular mail or by e-mail.

3252 (3)(a) All credit unions designated as qualified public  
 3253 depositories may hold only the following public deposits:

3254 1. A total combined amount of not more than 7 percent of  
 3255 the total funds held in the state treasury.

3256 2. A total combined amount of not more than 7 percent of  
 3257 all public deposits of any state university or any state  
 3258 college.

3259 (b) A credit union may not hold public deposits of more  
 3260 than 10 percent of its total institution's assets.

3261 Section 71. Effective July 1, 2024, subsection (11) of  
 3262 section 280.05, Florida Statutes, is amended to read:

3263 280.05 Powers and duties of the Chief Financial Officer.—  
 3264 In fulfilling the requirements of this act, the Chief Financial  
 3265 Officer has the power to take the following actions he or she  
 3266 deems necessary to protect the integrity of the public deposits  
 3267 program:

3268 (11) Sell securities for the purpose of paying losses to  
 3269 public depositors not covered by deposit or share insurance.

3270 Section 72. Effective July 1, 2024, subsection (1) of  
 3271 section 280.052, Florida Statutes, is amended to read:

3272 280.052 Order of suspension or disqualification;  
 3273 procedure.—

3274 (1) The suspension or disqualification of a bank, credit  
 3275 union, or savings association as a qualified public depository

3276 must be by order of the Chief Financial Officer and must be  
3277 mailed to the qualified public depository by registered or  
3278 certified mail.

3279 Section 73. Effective July 1, 2024, paragraph (c) of  
3280 subsection (1) and paragraph (c) of subsection (2) of section  
3281 280.053, Florida Statutes, are amended to read:

3282 280.053 Period of suspension or disqualification;  
3283 obligations during period; reinstatement.—

3284 (1)

3285 (c) Upon expiration of the suspension period, the bank,  
3286 credit union, or savings association may, by order of the Chief  
3287 Financial Officer, be reinstated as a qualified public  
3288 depository, unless the cause of the suspension has not been  
3289 corrected or the bank, credit union, or savings association is  
3290 otherwise not in compliance with this chapter or any rule  
3291 adopted pursuant to this chapter.

3292 (2)

3293 (c) Upon expiration of the disqualification period, the  
3294 bank, credit union, or savings association may reapply for  
3295 qualification as a qualified public depository. If a  
3296 disqualified bank, credit union, or savings association is  
3297 purchased or otherwise acquired by new owners, it may reapply to  
3298 the Chief Financial Officer to be a qualified public depository  
3299 before ~~prior to~~ the expiration date of the disqualification  
3300 period. Redesignation as a qualified public depository may occur

3301 only after the Chief Financial Officer has determined that all  
3302 requirements for holding public deposits under the law have been  
3303 met.

3304 Section 74. Effective July 1, 2024, section 280.055,  
3305 Florida Statutes, is amended to read:

3306 280.055 Cease and desist order; corrective order;  
3307 administrative penalty.—

3308 (1) The Chief Financial Officer may issue a cease and  
3309 desist order and a corrective order upon determining that:

3310 (a) A qualified public depository has requested and  
3311 obtained a release of pledged collateral without approval of the  
3312 Chief Financial Officer;

3313 (b) A bank, credit union, savings association, or other  
3314 financial institution is holding public deposits without a  
3315 certificate of qualification issued by the Chief Financial  
3316 Officer;

3317 (c) A qualified public depository pledges, deposits, or  
3318 arranges for the issuance of unacceptable collateral;

3319 (d) A custodian has released pledged collateral without  
3320 approval of the Chief Financial Officer;

3321 (e) A qualified public depository or a custodian has not  
3322 furnished to the Chief Financial Officer, when the Chief  
3323 Financial Officer requested, a power of attorney or bond power  
3324 or bond assignment form required by the bond agent or bond  
3325 trustee for each issue of registered certificated securities

3326 pledged and registered in the name, or nominee name, of the  
 3327 qualified public depository or custodian;

3328 (f) A qualified public depository; a bank, credit union,  
 3329 savings association, or other financial institution; or a  
 3330 custodian has committed any other violation of this chapter or  
 3331 any rule adopted pursuant to this chapter that the Chief  
 3332 Financial Officer determines may be remedied by a cease and  
 3333 desist order or corrective order; or

3334 (g) A qualified public depository no longer meets the  
 3335 definition of a qualified public depository under s. 280.02.

3336 (2) Any qualified public depository or other bank, credit  
 3337 union, savings association, or financial institution or  
 3338 custodian that violates a cease and desist order or corrective  
 3339 order of the Chief Financial Officer is subject to an  
 3340 administrative penalty not exceeding \$1,000 for each violation  
 3341 of the order. Each day the violation of the order continues  
 3342 constitutes a separate violation.

3343 Section 75. Effective July 1, 2024, section 280.07,  
 3344 Florida Statutes, is amended to read:

3345 280.07 Mutual responsibility and contingent liability.—

3346 (1) A ~~Any~~ bank, savings bank, or savings association that  
 3347 is designated as a qualified public depository and that is not  
 3348 insolvent shall guarantee public depositors against loss caused  
 3349 by the default or insolvency of other banks, savings banks, or  
 3350 savings associations that are designated as qualified public

3351 depositories.

3352 (2) A credit union that is designated as a qualified  
 3353 public depository and that is not insolvent shall guarantee  
 3354 public depositors against loss caused by the default or  
 3355 insolvency of other credit unions that are designated as  
 3356 qualified public depositories.

3357  
 3358 Each qualified public depository shall execute a form prescribed  
 3359 by the Chief Financial Officer for such guarantee which must  
 3360 ~~shall~~ be approved by the board of directors and must ~~shall~~  
 3361 become an official record of the institution.

3362 Section 76. Effective July 1, 2024, subsections (1) and  
 3363 (3) of section 280.08, Florida Statutes, are amended to read:

3364 280.08 Procedure for payment of losses.—When the Chief  
 3365 Financial Officer determines that a default or insolvency has  
 3366 occurred, he or she shall provide notice as required in s.  
 3367 280.085 and implement the following procedures:

3368 (1) The Division of Treasury, in cooperation with the  
 3369 Office of Financial Regulation of the Financial Services  
 3370 Commission or the receiver of the qualified public depository in  
 3371 default, shall ascertain the amount of funds of each public  
 3372 depositor on deposit at such depository and the amount of  
 3373 deposit or share insurance applicable to such deposits.

3374 (3)(a) The loss to public depositors shall be satisfied,  
 3375 insofar as possible, first through any applicable deposit or

3376 share insurance and then through demanding payment under letters  
3377 of credit or the sale of collateral pledged or deposited by the  
3378 defaulting depository. The Chief Financial Officer may assess  
3379 qualified public depositories as provided in paragraph (b) ,  
3380 subject to the segregation of contingent liability in s. 280.07,  
3381 for the total loss if the demand for payment or sale of  
3382 collateral cannot be accomplished within 7 business days.

3383 (b) The Chief Financial Officer shall provide coverage of  
3384 any remaining loss by assessment against the other qualified  
3385 public depositories. The Chief Financial Officer shall determine  
3386 such assessment for each qualified public depository by  
3387 multiplying the total amount of any remaining loss to all public  
3388 depositors by a percentage which represents the average monthly  
3389 balance of public deposits held by each qualified public  
3390 depository during the previous 12 months divided by the total  
3391 average monthly balances of public deposits held by all  
3392 qualified public depositories, excluding the defaulting  
3393 depository, during the same period. The assessment calculation  
3394 must ~~shall~~ be computed to six decimal places.

3395 Section 77. Effective July 1, 2024, subsection (4) of  
3396 section 280.085, Florida Statutes, is amended, and subsection  
3397 (1) of that section is republished, to read:

3398 280.085 Notice to claimants.—

3399 (1) Upon determining the default or insolvency of a  
3400 qualified public depository, the Chief Financial Officer shall



3401 notify, by first-class mail, all public depositors that have  
3402 complied with s. 280.17 of such default or insolvency. The  
3403 notice must direct all public depositors having claims or  
3404 demands against the Public Deposits Trust Fund occasioned by the  
3405 default or insolvency to file their claims with the Chief  
3406 Financial Officer within 30 days after the date of the notice.

3407 (4) The notice required in subsection (1) is not required  
3408 if the default or insolvency of a qualified public depository is  
3409 resolved in a manner in which all Florida public deposits are  
3410 acquired by another insured bank, credit union, savings bank, or  
3411 savings association.

3412 Section 78. Effective July 1, 2024, section 280.09,  
3413 Florida Statutes, is amended to read:

3414 280.09 Public Deposits Trust Fund.—

3415 (1) In order to facilitate the administration of this  
3416 chapter, there is created the Public Deposits Trust Fund,  
3417 hereafter in this section designated "the fund." The proceeds  
3418 from the sale of securities or draw on letters of credit held as  
3419 collateral or from any assessment pursuant to s. 280.08 must  
3420 ~~shall~~ be deposited into the fund. The Chief Financial Officer  
3421 must segregate and separately account for any collateral  
3422 proceeds, assessments, or administrative penalties attributable  
3423 to a credit union from any collateral proceeds, assessments, or  
3424 administrative penalties attributable to any bank, savings bank,  
3425 or savings association. Any administrative penalty collected

3426 pursuant to this chapter shall be deposited into the Treasury  
3427 Administrative and Investment Trust Fund.

3428 (2) The Chief Financial Officer is authorized to pay any  
3429 losses to public depositors from the fund, subject to the  
3430 limitations provided in subsection (1), and there are hereby  
3431 appropriated from the fund such sums as may be necessary from  
3432 time to time to pay the losses. The term "losses," for purposes  
3433 of this chapter, must ~~shall~~ also include losses of interest or  
3434 other accumulations to the public depositor as a result of  
3435 penalties for early withdrawal required by Depository  
3436 Institution Deregulatory Commission Regulations or applicable  
3437 successor federal laws or regulations because of suspension or  
3438 disqualification of a qualified public depository by the Chief  
3439 Financial Officer pursuant to s. 280.05 or because of withdrawal  
3440 from the public deposits program pursuant to s. 280.11. In that  
3441 event, the Chief Financial Officer is authorized to assess  
3442 against the suspended, disqualified, or withdrawing public  
3443 depository, in addition to any amount authorized by any other  
3444 provision of this chapter, an administrative penalty equal to  
3445 the amount of the early withdrawal penalty and to pay that  
3446 amount over to the public depositor as reimbursement for such  
3447 loss. Any money in the fund estimated not to be needed for  
3448 immediate cash requirements shall be invested pursuant to s.  
3449 17.61.

3450 Section 79. Effective July 1, 2024, subsections (1) and

3451 (3) of section 280.10, Florida Statutes, are amended to read:  
 3452 280.10 Effect of merger, acquisition, or consolidation;  
 3453 change of name or address.—

3454 (1) When a qualified public depository is merged into,  
 3455 acquired by, or consolidated with a bank, credit union, savings  
 3456 bank, or savings association that is not a qualified public  
 3457 depository:

3458 (a) The resulting institution shall automatically become a  
 3459 qualified public depository subject to the requirements of the  
 3460 public deposits program.

3461 (b) The contingent liability of the former institution  
 3462 shall be a liability of the resulting institution.

3463 (c) The public deposits and associated collateral of the  
 3464 former institution shall be public deposits and collateral of  
 3465 the resulting institution.

3466 (d) The resulting institution shall, within 90 calendar  
 3467 days after the effective date of the merger, acquisition, or  
 3468 consolidation, deliver to the Chief Financial Officer:

3469 1. Documentation in its name as required for participation  
 3470 in the public deposits program; or

3471 2. Written notice of intent to withdraw from the program  
 3472 as provided in s. 280.11 and a proposed effective date of  
 3473 withdrawal which shall be within 180 days after the effective  
 3474 date of the acquisition, merger, or consolidation of the former  
 3475 institution.

3476 (e) If the resulting institution does not meet  
 3477 qualifications to become a qualified public depository or does  
 3478 not submit required documentation within 90 calendar days after  
 3479 the effective date of the merger, acquisition, or consolidation,  
 3480 the Chief Financial Officer shall initiate mandatory withdrawal  
 3481 actions as provided in s. 280.11 and shall set an effective date  
 3482 of withdrawal that is within 180 days after the effective date  
 3483 of the acquisition, merger, or consolidation of the former  
 3484 institution.

3485 (3) If the default or insolvency of a qualified public  
 3486 depository results in acquisition of all or part of its Florida  
 3487 public deposits by a bank, credit union, savings bank, or  
 3488 savings association that is not a qualified public depository,  
 3489 the bank, credit union, savings bank, or savings association  
 3490 acquiring the Florida public deposits is subject to subsection  
 3491 (1).

3492 Section 80. Effective July 1, 2024, subsection (1) of  
 3493 section 280.13, Florida Statutes, is amended to read:

3494 280.13 Eligible collateral.—

3495 (1) Securities eligible to be pledged as collateral by  
 3496 qualified public depositories ~~banks and savings associations~~  
 3497 shall be limited to:

3498 (a) Direct obligations of the United States Government.

3499 (b) Obligations of any federal agency that are fully  
 3500 guaranteed as to payment of principal and interest by the United

3501 States Government.

3502 (c) Obligations of the following federal agencies:

3503 1. Farm credit banks.

3504 2. Federal land banks.

3505 3. The Federal Home Loan Bank and its district banks.

3506 4. Federal intermediate credit banks.

3507 5. The Federal Home Loan Mortgage Corporation.

3508 6. The Federal National Mortgage Association.

3509 7. Obligations guaranteed by the Government National  
3510 Mortgage Association.

3511 (d) General obligations of a state of the United States,  
3512 or of Puerto Rico, or of a political subdivision or municipality  
3513 thereof.

3514 (e) Obligations issued by the Florida State Board of  
3515 Education under authority of the State Constitution or  
3516 applicable statutes.

3517 (f) Tax anticipation certificates or warrants of counties  
3518 or municipalities having maturities not exceeding 1 year.

3519 (g) Public housing authority obligations.

3520 (h) Revenue bonds or certificates of a state of the United  
3521 States or of a political subdivision or municipality thereof.

3522 (i) Corporate bonds of any corporation that is not an  
3523 affiliate or subsidiary of the qualified public depository.

3524 Section 81. Effective July 1, 2024, paragraph (b) of  
3525 subsection (4) of section 280.17, Florida Statutes, is amended,

3526 and paragraph (a) of subsection (1) of that section is  
 3527 reenacted, to read:

3528       280.17 Requirements for public depositors; notice to  
 3529 public depositors and governmental units; loss of protection.—In  
 3530 addition to any other requirement specified in this chapter,  
 3531 public depositors shall comply with the following:

3532       (1)(a) Each official custodian of moneys that meet the  
 3533 definition of a public deposit under s. 280.02 shall ensure such  
 3534 moneys are placed in a qualified public depository unless the  
 3535 moneys are exempt under the laws of this state.

3536       (4) If public deposits are in a qualified public  
 3537 depository that has been declared to be in default or insolvent,  
 3538 each public depositor shall:

3539       (b) Submit to the Chief Financial Officer for each public  
 3540 deposit, within 30 days after the date of official notification  
 3541 from the Chief Financial Officer, the following:

3542       1. A claim form and agreement, as prescribed by the Chief  
 3543 Financial Officer, executed under oath, accompanied by proof of  
 3544 authority to execute the form on behalf of the public depositor.

3545       2. A completed public deposit identification and  
 3546 acknowledgment form, as described in subsection (2).

3547       3. Evidence of the insurance afforded the deposit pursuant  
 3548 to the Federal Deposit Insurance Act or the Federal Credit Union  
 3549 Act, as appropriate.

3550       Section 82. Effective July 1, 2024, for the purpose of

3551 incorporating the amendment made by this act to section 280.02,  
3552 Florida Statutes, in a reference thereto, subsection (1) of  
3553 section 24.114, Florida Statutes, is reenacted to read:

3554 24.114 Bank deposits and control of lottery transactions.—

3555 (1) All moneys received by each retailer from the  
3556 operation of the state lottery, including, but not limited to,  
3557 all ticket sales, interest, gifts, and donations, less the  
3558 amount retained as compensation for the sale of the tickets and  
3559 the amount paid out as prizes, shall be remitted to the  
3560 department or deposited in a qualified public depository, as  
3561 defined in s. 280.02, as directed by the department. The  
3562 department shall have the responsibility for all administrative  
3563 functions related to the receipt of funds. The department may  
3564 also require each retailer to file with the department reports  
3565 of the retailer's receipts and transactions in the sale of  
3566 lottery tickets in such form and containing such information as  
3567 the department may require. The department may require any  
3568 person, including a qualified public depository, to perform any  
3569 function, activity, or service in connection with the operation  
3570 of the lottery as it may deem advisable pursuant to this act and  
3571 rules of the department, and such functions, activities, or  
3572 services shall constitute lawful functions, activities, and  
3573 services of such person.

3574 Section 83. Effective July 1, 2024, for the purpose of  
3575 incorporating the amendment made by this act to section 280.02,

3576 Florida Statutes, in a reference thereto, paragraph (e) of  
 3577 subsection (3) of section 125.901, Florida Statutes, is  
 3578 reenacted to read:

3579 125.901 Children's services; independent special district;  
 3580 council; powers, duties, and functions; public records  
 3581 exemption.—

3582 (3)

3583 (e)1. All moneys received by the council on children's  
 3584 services shall be deposited in qualified public depositories, as  
 3585 defined in s. 280.02, with separate and distinguishable accounts  
 3586 established specifically for the council and shall be withdrawn  
 3587 only by checks signed by the chair of the council and  
 3588 countersigned by either one other member of the council on  
 3589 children's services or by a chief executive officer who shall be  
 3590 so authorized by the council.

3591 2. Upon entering the duties of office, the chair and the  
 3592 other member of the council or chief executive officer who signs  
 3593 its checks shall each give a surety bond in the sum of at least  
 3594 \$1,000 for each \$1 million or portion thereof of the council's  
 3595 annual budget, which bond shall be conditioned that each shall  
 3596 faithfully discharge the duties of his or her office. The  
 3597 premium on such bond may be paid by the district as part of the  
 3598 expense of the council. No other member of the council shall be  
 3599 required to give bond or other security.

3600 3. No funds of the district shall be expended except by



3601 check as aforesaid, except expenditures from a petty cash  
3602 account which shall not at any time exceed \$100. All  
3603 expenditures from petty cash shall be recorded on the books and  
3604 records of the council on children's services. No funds of the  
3605 council on children's services, excepting expenditures from  
3606 petty cash, shall be expended without prior approval of the  
3607 council, in addition to the budgeting thereof.

3608 Section 84. Effective July 1, 2024, for the purpose of  
3609 incorporating the amendment made by this act to section 280.02,  
3610 Florida Statutes, in a reference thereto, section 136.01,  
3611 Florida Statutes, is reenacted to read:

3612 136.01 County depositories.—Each county depository shall  
3613 be a qualified public depository as defined in s. 280.02 for the  
3614 following funds: county funds; funds of all county officers,  
3615 including constitutional officers; funds of the school board;  
3616 and funds of the community college district board of trustees.  
3617 This enumeration of funds is made not by way of limitation, but  
3618 of illustration; and it is the intent hereof that all funds of  
3619 the county, the board of county commissioners or the several  
3620 county officers, the school board, or the community college  
3621 district board of trustees be included.

3622 Section 85. Effective July 1, 2024, for the purpose of  
3623 incorporating the amendment made by this act to section 280.02,  
3624 Florida Statutes, in a reference thereto, subsection (11) of  
3625 section 159.608, Florida Statutes, is reenacted to read:

3626           159.608 Powers of housing finance authorities.—A housing  
3627 finance authority shall constitute a public body corporate and  
3628 politic, exercising the public and essential governmental  
3629 functions set forth in this act, and shall exercise its power to  
3630 borrow only for the purpose as provided herein:

3631           (11) To invest and reinvest surplus funds of the housing  
3632 finance authority in accordance with s. 218.415. However, in  
3633 addition to the investments expressly authorized in s.  
3634 218.415(16)(a)-(g) and (17)(a)-(d), a housing finance authority  
3635 may invest surplus funds in interest-bearing time deposits or  
3636 savings accounts that are fully insured by the Federal Deposit  
3637 Insurance Corporation regardless of whether the bank or  
3638 financial institution in which the deposit or investment is made  
3639 is a qualified public depository as defined in s. 280.02. This  
3640 subsection is supplementary to and may not be construed as  
3641 limiting any powers of a housing finance authority or providing  
3642 or implying a limiting construction of any other statutory  
3643 provision.

3644           Section 86. Effective July 1, 2024, for the purpose of  
3645 incorporating the amendment made by this act to section 280.02,  
3646 Florida Statutes, in a reference thereto, section 175.301,  
3647 Florida Statutes, is reenacted to read:

3648           175.301 Depository for pension funds.—For any  
3649 municipality, special fire control district, chapter plan, local  
3650 law municipality, local law special fire control district, or

3651 local law plan under this chapter, all funds of the  
3652 firefighters' pension trust fund of any chapter plan or local  
3653 law plan under this chapter may be deposited by the board of  
3654 trustees with the treasurer of the municipality or special fire  
3655 control district, acting in a ministerial capacity only, who  
3656 shall be liable in the same manner and to the same extent as he  
3657 or she is liable for the safekeeping of funds for the  
3658 municipality or special fire control district. However, any  
3659 funds so deposited with the treasurer of the municipality or  
3660 special fire control district shall be kept in a separate fund  
3661 by the treasurer or clearly identified as such funds of the  
3662 firefighters' pension trust fund. In lieu thereof, the board of  
3663 trustees shall deposit the funds of the firefighters' pension  
3664 trust fund in a qualified public depository as defined in s.  
3665 280.02, which depository with regard to such funds shall conform  
3666 to and be bound by all of the provisions of chapter 280.

3667 Section 87. Effective July 1, 2024, for the purpose of  
3668 incorporating the amendment made by this act to section 280.02,  
3669 Florida Statutes, in references thereto, subsection (8) of  
3670 section 175.401, Florida Statutes, is reenacted to read:

3671 175.401 Retiree health insurance subsidy.—For any  
3672 municipality, special fire control district, chapter plan, local  
3673 law municipality, local law special fire control district, or  
3674 local law plan under this chapter, under the broad grant of home  
3675 rule powers under the State Constitution and chapter 166,

3676 municipalities have the authority to establish and administer  
 3677 locally funded health insurance subsidy programs. In addition,  
 3678 special fire control districts may, by resolution, establish and  
 3679 administer locally funded health insurance subsidy programs.

3680 Pursuant thereto:

3681 (8) DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.—All funds  
 3682 of the health insurance subsidy fund may be deposited by the  
 3683 board of trustees with the treasurer of the municipality or  
 3684 special fire control district, acting in a ministerial capacity  
 3685 only, who shall be liable in the same manner and to the same  
 3686 extent as he or she is liable for the safekeeping of funds for  
 3687 the municipality or special fire control district. Any funds so  
 3688 deposited shall be segregated by the treasurer in a separate  
 3689 fund, clearly identified as funds of the health insurance  
 3690 subsidy fund. In lieu thereof, the board of trustees shall  
 3691 deposit the funds of the health insurance subsidy fund in a  
 3692 qualified public depository as defined in s. 280.02, which shall  
 3693 conform to and be bound by the provisions of chapter 280 with  
 3694 regard to such funds. In no case shall the funds of the health  
 3695 insurance subsidy fund be deposited in any financial  
 3696 institution, brokerage house trust company, or other entity that  
 3697 is not a public depository as provided by s. 280.02.

3698 Section 88. Effective July 1, 2024, for the purpose of  
 3699 incorporating the amendment made by this act to section 280.02,  
 3700 Florida Statutes, in a reference thereto, section 185.30,

3701 Florida Statutes, is reenacted to read:

3702       185.30 Depository for retirement fund.—For any  
 3703 municipality, chapter plan, local law municipality, or local law  
 3704 plan under this chapter, all funds of the municipal police  
 3705 officers' retirement trust fund of any municipality, chapter  
 3706 plan, local law municipality, or local law plan under this  
 3707 chapter may be deposited by the board of trustees with the  
 3708 treasurer of the municipality acting in a ministerial capacity  
 3709 only, who shall be liable in the same manner and to the same  
 3710 extent as he or she is liable for the safekeeping of funds for  
 3711 the municipality. However, any funds so deposited with the  
 3712 treasurer of the municipality shall be kept in a separate fund  
 3713 by the municipal treasurer or clearly identified as such funds  
 3714 of the municipal police officers' retirement trust fund. In lieu  
 3715 thereof, the board of trustees shall deposit the funds of the  
 3716 municipal police officers' retirement trust fund in a qualified  
 3717 public depository as defined in s. 280.02, which depository with  
 3718 regard to such funds shall conform to and be bound by all of the  
 3719 provisions of chapter 280.

3720       Section 89. Effective July 1, 2024, for the purpose of  
 3721 incorporating the amendment made by this act to section 280.02,  
 3722 Florida Statutes, in references thereto, subsection (8) of  
 3723 section 185.50, Florida Statutes, is reenacted to read:

3724       185.50 Retiree health insurance subsidy.—For any  
 3725 municipality, chapter plan, local law municipality, or local law

3726 plan under this chapter, under the broad grant of home rule  
3727 powers under the State Constitution and chapter 166,  
3728 municipalities have the authority to establish and administer  
3729 locally funded health insurance subsidy programs. Pursuant  
3730 thereto:

3731 (8) DEPOSIT OF PENSION FUNDS.—All funds of the health  
3732 insurance subsidy fund may be deposited by the board of trustees  
3733 with the treasurer of the municipality, acting in a ministerial  
3734 capacity only, who shall be liable in the same manner and to the  
3735 same extent as he or she is liable for the safekeeping of funds  
3736 for the municipality. Any funds so deposited shall be segregated  
3737 by said treasurer in a separate fund, clearly identified as  
3738 funds of the health insurance subsidy fund. In lieu thereof, the  
3739 board of trustees shall deposit the funds of the health  
3740 insurance subsidy fund in a qualified public depository as  
3741 defined in s. 280.02, which shall conform to and be bound by the  
3742 provisions of chapter 280 with regard to such funds. In no case  
3743 shall the funds of the health insurance subsidy fund be  
3744 deposited in any financial institution, brokerage house trust  
3745 company, or other entity that is not a public depository as  
3746 provided by s. 280.02.

3747 Section 90. Effective July 1, 2024, for the purpose of  
3748 incorporating the amendment made by this act to section 280.02,  
3749 Florida Statutes, in a reference thereto, subsection (3) of  
3750 section 190.007, Florida Statutes, is reenacted to read:

3751 190.007 Board of supervisors; general duties.—

3752 (3) The board is authorized to select as a depository for  
 3753 its funds any qualified public depository as defined in s.  
 3754 280.02 which meets all the requirements of chapter 280 and has  
 3755 been designated by the Chief Financial Officer as a qualified  
 3756 public depository, upon such terms and conditions as to the  
 3757 payment of interest by such depository upon the funds so  
 3758 deposited as the board may deem just and reasonable.

3759 Section 91. Effective July 1, 2024, for the purpose of  
 3760 incorporating the amendment made by this act to section 280.02,  
 3761 Florida Statutes, in a reference thereto, subsection (16) of  
 3762 section 191.006, Florida Statutes, is reenacted to read:

3763 191.006 General powers.—The district shall have, and the  
 3764 board may exercise by majority vote, the following powers:

3765 (16) To select as a depository for its funds any qualified  
 3766 public depository as defined in s. 280.02 which meets all the  
 3767 requirements of chapter 280 and has been designated by the Chief  
 3768 Financial Officer as a qualified public depository, upon such  
 3769 terms and conditions as to the payment of interest upon the  
 3770 funds deposited as the board deems just and reasonable.

3771 Section 92. Effective July 1, 2024, for the purpose of  
 3772 incorporating the amendment made by this act to section 280.02,  
 3773 Florida Statutes, in a reference thereto, subsection (2) of  
 3774 section 215.34, Florida Statutes, is reenacted to read:

3775 215.34 State funds; noncollectible items; procedure.—

3776 (2) Whenever a check, draft, or other order for the  
3777 payment of money is returned by the Chief Financial Officer, or  
3778 by a qualified public depository as defined in s. 280.02, to a  
3779 state officer, a state agency, or the judicial branch for  
3780 collection, the officer, agency, or judicial branch shall add to  
3781 the amount due a service fee of \$15 or 5 percent of the face  
3782 amount of the check, draft, or order, whichever is greater. An  
3783 agency or the judicial branch may adopt a rule which prescribes  
3784 a lesser maximum service fee, which shall be added to the amount  
3785 due for the dishonored check, draft, or other order tendered for  
3786 a particular service, license, tax, fee, or other charge, but in  
3787 no event shall the fee be less than \$15. The service fee shall  
3788 be in addition to all other penalties imposed by law, except  
3789 that when other charges or penalties are imposed by an agency  
3790 related to a noncollectible item, the amount of the service fee  
3791 shall not exceed \$150. Proceeds from this fee shall be deposited  
3792 in the same fund as the collected item. Nothing in this section  
3793 shall be construed as authorization to deposit moneys outside  
3794 the State Treasury unless specifically authorized by law.

3795 Section 93. Effective July 1, 2024, for the purpose of  
3796 incorporating the amendment made by this act to section 280.02,  
3797 Florida Statutes, in references thereto, paragraph (c) of  
3798 subsection (16), paragraph (c) of subsection (17), and paragraph  
3799 (a) of subsection (23) of section 218.415, Florida Statutes, are  
3800 reenacted to read:



3801           218.415 Local government investment policies.—Investment  
 3802 activity by a unit of local government must be consistent with a  
 3803 written investment plan adopted by the governing body, or in the  
 3804 absence of the existence of a governing body, the respective  
 3805 principal officer of the unit of local government and maintained  
 3806 by the unit of local government or, in the alternative, such  
 3807 activity must be conducted in accordance with subsection (17).  
 3808 Any such unit of local government shall have an investment  
 3809 policy for any public funds in excess of the amounts needed to  
 3810 meet current expenses as provided in subsections (1)-(16), or  
 3811 shall meet the alternative investment guidelines contained in  
 3812 subsection (17). Such policies shall be structured to place the  
 3813 highest priority on the safety of principal and liquidity of  
 3814 funds. The optimization of investment returns shall be secondary  
 3815 to the requirements for safety and liquidity. Each unit of local  
 3816 government shall adopt policies that are commensurate with the  
 3817 nature and size of the public funds within its custody.

3818           (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—  
 3819 Those units of local government electing to adopt a written  
 3820 investment policy as provided in subsections (1)-(15) may by  
 3821 resolution invest and reinvest any surplus public funds in their  
 3822 control or possession in:

3823           (c) Interest-bearing time deposits or savings accounts in  
 3824 qualified public depositories as defined in s. 280.02.

3825           (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT

3826 POLICY.—Those units of local government electing not to adopt a  
 3827 written investment policy in accordance with investment policies  
 3828 developed as provided in subsections (1)-(15) may invest or  
 3829 reinvest any surplus public funds in their control or possession  
 3830 in:

3831 (c) Interest-bearing time deposits or savings accounts in  
 3832 qualified public depositories, as defined in s. 280.02.

3833  
 3834 The securities listed in paragraphs (c) and (d) shall be  
 3835 invested to provide sufficient liquidity to pay obligations as  
 3836 they come due.

3837 (23) AUTHORIZED DEPOSITS.—In addition to the investments  
 3838 authorized for local governments in subsections (16) and (17)  
 3839 and notwithstanding any other provisions of law, a unit of local  
 3840 government may deposit any portion of surplus public funds in  
 3841 its control or possession in accordance with the following  
 3842 conditions:

3843 (a) The funds are initially deposited in a qualified  
 3844 public depository, as defined in s. 280.02, selected by the unit  
 3845 of local government.

3846 Section 94. Effective July 1, 2024, for the purpose of  
 3847 incorporating the amendment made by this act to section 280.02,  
 3848 Florida Statutes, in a reference thereto, paragraph (h) of  
 3849 subsection (4) of section 255.502, Florida Statutes, is  
 3850 reenacted to read:

3851           255.502 Definitions; ss. 255.501-255.525.—As used in this  
3852 act, the following words and terms shall have the following  
3853 meanings unless the context otherwise requires:

3854           (4) "Authorized investments" means and includes without  
3855 limitation any investment in:

3856           (h) Savings accounts in, or certificates of deposit of,  
3857 qualified public depositories as defined in s. 280.02, in an  
3858 amount that does not exceed 15 percent of the net worth of the  
3859 institution, or a lesser amount as determined by rule by the  
3860 State Board of Administration, provided such savings accounts  
3861 and certificates of deposit are secured in the manner prescribed  
3862 in chapter 280.

3863  
3864 Investments in any security authorized in this subsection may be  
3865 under repurchase agreements or reverse repurchase agreements.

3866           Section 95. Effective July 1, 2024, for the purpose of  
3867 incorporating the amendment made by this act to section 280.02,  
3868 Florida Statutes, in a reference thereto, subsection (15) of  
3869 section 280.051, Florida Statutes, is reenacted to read:

3870           280.051 Grounds for suspension or disqualification of a  
3871 qualified public depository.—A qualified public depository may  
3872 be suspended or disqualified or both if the Chief Financial  
3873 Officer determines that the qualified public depository has:

3874           (15) No longer meets the definition of a qualified public  
3875 depository under s. 280.02.

3876 Section 96. Effective July 1, 2024, for the purpose of  
 3877 incorporating the amendment made by this act to section 280.02,  
 3878 Florida Statutes, in a reference thereto, subsection (1) of  
 3879 section 280.18, Florida Statutes, is reenacted to read:

3880 280.18 Protection of public depositors; liability of the  
 3881 state.—

3882 (1) When public deposits are made in accordance with this  
 3883 chapter, there shall be protection from loss to public  
 3884 depositors, as defined in s. 280.02, in the absence of  
 3885 negligence, malfeasance, misfeasance, or nonfeasance on the part  
 3886 of the public depositor or on the part of his or her agents or  
 3887 employees.

3888 Section 97. Effective July 1, 2024, for the purpose of  
 3889 incorporating the amendment made by this act to section 280.02,  
 3890 Florida Statutes, in references thereto, subsections (1) and (2)  
 3891 of section 331.309, Florida Statutes, are reenacted to read:

3892 331.309 Treasurer; depositories; fiscal agent.—

3893 (1) The board shall designate an individual who is a  
 3894 resident of the state, or a qualified public depository as  
 3895 defined in s. 280.02, as treasurer of Space Florida, who shall  
 3896 have charge of the funds of Space Florida. Such funds shall be  
 3897 disbursed only upon the order of or pursuant to the resolution  
 3898 of the board by warrant, check, authorization, or direct deposit  
 3899 pursuant to s. 215.85, signed or authorized by the treasurer or  
 3900 his or her representative or by such other persons as may be

3901 authorized by the board. The board may give the treasurer such  
 3902 other or additional powers and duties as the board may deem  
 3903 appropriate and shall establish the treasurer's compensation.  
 3904 The board may require the treasurer to give a bond in such  
 3905 amount, on such terms, and with such sureties as may be deemed  
 3906 satisfactory to the board to secure the performance by the  
 3907 treasurer of his or her powers and duties. The board shall audit  
 3908 or have audited the books of the treasurer at least once a year.

3909 (2) The board is authorized to select as depositories in  
 3910 which the funds of the board and of Space Florida shall be  
 3911 deposited any qualified public depository as defined in s.  
 3912 280.02, upon such terms and conditions as to the payment of  
 3913 interest by such depository upon the funds so deposited as the  
 3914 board may deem just and reasonable. The funds of Space Florida  
 3915 may be kept in or removed from the State Treasury upon written  
 3916 notification from the chair of the board to the Chief Financial  
 3917 Officer.

3918 Section 98. Effective July 1, 2024, for the purpose of  
 3919 incorporating the amendment made by this act to section 280.02,  
 3920 Florida Statutes, in a reference thereto, subsection (2) of  
 3921 section 373.553, Florida Statutes, is reenacted to read:

3922 373.553 Treasurer of the board; payment of funds;  
 3923 depositories.—

3924 (2) The board is authorized to select as depositories in  
 3925 which the funds of the board and of the district shall be

3926 deposited in any qualified public depository as defined in s.  
 3927 280.02, and such deposits shall be secured in the manner  
 3928 provided in chapter 280.

3929 Section 99. Effective July 1, 2024, for the purpose of  
 3930 incorporating the amendment made by this act to section 280.02,  
 3931 Florida Statutes, in a reference thereto, section 631.221,  
 3932 Florida Statutes, is reenacted to read:

3933 631.221 Deposit of moneys collected.—The moneys collected  
 3934 by the department in a proceeding under this chapter shall be  
 3935 deposited in a qualified public depository as defined in s.  
 3936 280.02, which depository with regards to such funds shall  
 3937 conform to and be bound by all the provisions of chapter 280, or  
 3938 invested with the Chief Financial Officer pursuant to chapter  
 3939 18. For the purpose of accounting for the assets and  
 3940 transactions of the estate, the receiver shall use such  
 3941 accounting books, records, and systems as the court directs  
 3942 after it hears and considers the recommendations of the  
 3943 receiver.

3944 Section 100. Effective July 1, 2024, for the purpose of  
 3945 incorporating the amendment made by this act to section 280.02,  
 3946 Florida Statutes, in a reference thereto, paragraph (c) of  
 3947 subsection (3) of section 723.06115, Florida Statutes, is  
 3948 reenacted to read:

3949 723.06115 Florida Mobile Home Relocation Trust Fund.—  
 3950 (3) The department shall distribute moneys in the Florida

3951 Mobile Home Relocation Trust Fund to the Florida Mobile Home  
3952 Relocation Corporation in accordance with the following:  
3953 (c) Funds transferred from the trust fund to the  
3954 corporation shall be transferred electronically and shall be  
3955 transferred to and maintained in a qualified public depository  
3956 as defined in s. 280.02 which is specified by the corporation.  
3957 Section 101. Except as otherwise expressly provided in  
3958 this act, this act shall take effect upon becoming a law.