

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 1221](#)

**TITLE:** Department of Financial Services

**SPONSOR(S):** LaMarca

**COMPANION BILL:** [SB 1452](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Insurance & Banking](#)

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[State Administration Budget](#)



[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill enacts comprehensive reforms across multiple Department of Financial Services (“DFS”) administered programs and statutes. The bill revises eligibility standards, qualifying mitigation measures, and application procedures and statuses for the My Florida Safe Home Program. The bill authorizes DFS to independently procure insurance contracts, restructure coordinating council operations, and enter into multiyear software licensing agreements. It extends the deadline for health care providers to challenge carrier payment adjustments from 45 days to 60 days and requires public adjusters to respond to informational claim requests within 14 days. The bill establishes new disqualification standards and enforcement penalties for DFS licensees, updates criminal background checks for licensees, and creates a transition framework for individuals transferring licenses into Florida. Additionally, the bill modernizes the Florida Disposition of Unclaimed Property Act by renaming it the “Abandoned Personal Property Act” and by substantially revising definitions, holder duties, notice, reporting and verification requirements, dormancy and unclaimed triggers, the Unclaimed Property State Fund, claimant representative and purchase agreement procedures, and state transparency and notification obligations.

### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Legacy Firefighters

The bill allows public officials to appoint, employ, promote, and advocate for a relative to be a firefighter as long as it is a part of a competitive process in a collective bargaining agreement. (Section [1](#))

#### Prepaid Software Licenses

The bill authorizes the [Department of Financial Services \(“DFS”\)](#) to enter into multiyear, prepaid software licensing agreements. (Section [2](#))

#### My Florida Safe Home Program

The bill amends the My Safe Florida Home Program (“MSFHP”) in the following ways:

- Replaces the term “townhome” with “attached residential property not exceeding three stories” and makes these properties eligible for all mitigation improvements grants offered by MSFHP, as opposed to only opening protection improvement.
- Clarifies that the replacement of the roof covering is a mitigation improvement eligible for a MSFHP grant, when the applicant installs secondary water resistance on the roof.

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**DATE:** 2/4/2026

- Provides that an applicant may additionally submit a second hurricane mitigation inspection application for the same home if:
  - the first submission was denied or withdrawn due to material errors or omissions; or
  - more than 24 months have passed since the applicant received a hurricane mitigation inspection and the applicant has not received a grant payment through the MSFHP for the inspection.
- Requires a home's age to be verified through the county property appraiser's website, instead of the building permit application for initial construction of the home.
- Provides that DFS may accept a certification directly from an applicant attesting to his or her age if the applicant provides the certification in a signed or electronically verified statement made under penalty of perjury.
- Removes the option for an applicant to request a six-month extension to finalize construction and receive a final inspection, but expands the time limit to do so from 12 months to 18 months after grant application approval.
- Requires DFS to notify a MSFHP applicant at least 5 business days before an application is deemed abandoned. If the applicant replies to the notice and provides good cause for why the application should not be deemed abandoned, DFS may:
  - determine the application is not abandoned; or
  - allow the application to submit a subsequent grant application. (Section 3)

#### [Florida Coordinating Council Structure](#)

The bill amends the coordinating council by including the executive director for the Department of Revenue on the council, and removing the nonvoting members selected by the Florida Association of state agency administrative services and replacing them with nonvoting members selected by the council. The bill also adjusts the council's duties to ensure the Florida Financial Management Information System remains aligned across participating entities. (Section 4)

#### [Insurance Contracts](#)

The bill authorizes DFS to independently procure insurance brokerage services and enter into insurance contracts. (Section 5 and 6)

#### [Workers' Compensation Claim Adjudication Disputes](#)

The bill extends the timeframe to challenge workers' compensation carrier's payment adjustment from 45 days to 60 days. The petitioner must serve a copy of the petition challenging the adjustment by USPS Certified Mail or a common carrier with similar tracking capabilities to workers' compensation carrier and all affected parties listed in the notice of disallowance or adjustment. The bill also revises panel recommendation submissions for the workers' compensation health care delivery system to be delivered on or before January 15, 2031, and take place every 5 years instead of biannually. (Section 7)

#### [Disqualification of Licensure by Board of Funeral, Cemetery, and Consumer Services](#)

The bill provides that any applicant applying for a license issued by the [Division and the Board of Funeral, Cemetery, and Consumer Services](#) ("Board") under the Department of Financial Services that has been found guilty or has pled no contest to any of the following offenses, regardless of ruling, is permanently barred from licensure:

- A felony in the 1st degree.
- A felony involving [conduct prohibited](#) under:
  - the Florida Funeral, Cemetery, and Consumer Services Act (Ch. 497, F.S.);

- Kidnapping, Custody Offenses, and Human Trafficking (Ch. 787, F.S.);
- Sexual Battery (Ch. 794, F.S.);
- Prostitution (Ch. 796, F.S.);
- Lewdness and Indecent Exposure (Ch. 800, F.S.);
- Abuse, Neglect, and Exploitation of Elderly Person and Disabled Adults (Ch. 825, F.S.);
- Abuse of Children (Ch. 827, F.S.); and
- Obscenity (Ch. 847, F.S.).
- A felony involving moral turpitude.<sup>1</sup> (Section [8](#))

The bill also provides that any applicant who has been found guilty of, or has pled guilty or no contest to any of the following offenses, regardless of ruling, is subject to the following disqualifying periods:

- 10 years for any felony which the permanent bar does not apply<sup>2</sup>; or
- 5 years for all misdemeanors directly involving conduct prohibited under the Florida Funeral, Cemetery, and Consumer Services Act. (Section [8](#))

The bill requires the Board to adopt rules establishing additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. (Section [8](#))

The Board must also adopt rules establishing mitigating and aggravating factors. Mitigation factors may not reduce any disqualifying period to less than 5 years and may not reduce the 5-year period for misdemeanors involving conduct prohibited under the Florida Funeral, Cemetery, and Consumer Services Act. The Board has discretion whether to grant or deny any exemption and decisions are subject to Ch. 120. (Section [8](#))

The bill establishes that any applicant for licensure by the Board who has been pardoned or restored their civil rights with respect to their conviction is not barred or disqualified from licensure. However, the Board is not required to issue licensure to an applicant because they have been pardoned or had their civil rights restored. (Section [8](#))

The bill establishes that the Board may grant an exemption from disqualification of licensure if:

- the applicant has paid in full any fee, fine, fund, lien, civil judgement, restitution, or cost of prosecution as part of judgement and sentence for any disqualifying offense; and
- at least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

In order to receive an exemption, an applicant must clearly and convincingly demonstrate with the following evidence that they would not pose a risk to persons or property if licensed:

- facts and circumstances surrounding the disqualifying offense;
- the time that has elapsed since the offense;
- the nature of the offense and the harm caused to the victim;

<sup>1</sup> Moral turpitude describes wicked, deviant behavior constituting an immoral, unethical, or unjust departure from ordinary social standards such that it would shock a community. Merriam-Webster, <https://www.merriam-webster.com/legal/moral%20turpitude> (last visited Jan. 31, 2026).

<sup>2</sup> An applicant who has completed at least half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if the applicant was found not guilty or pled no contest to the offense. (Section [7](#))

- the applicant’s history before and after the offense; and
- any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified. (Section [8](#))

The bill provides that the disqualification periods do not apply retroactively for new and renewal applications for licensure if the applicant had an active license as of July 1, 2026, and applicable criminal history was considered by the Board previously. (Section [8](#))

The bill provides that if any applicant under the Florida Funeral, Cemetery, and Consumer Services Act has been convicted or found guilty of, or entered into a no contest plea, any crime in any jurisdiction, the application may not be deemed complete until the applicant provided certified copies of court records evidencing conviction, finding, or plea. Crimes that must be disclosed in such manner include:

- any felony, no matter when committed;
- any misdemeanor, no matter when committed, that was directly related to the practice or activities regulated by the Florida Funeral, Cemetery, and Consumer Services Act; and
- any other misdemeanors not already disclosed which were committed within the 5 years immediately preceding application. (Section [9](#))

#### Insurance License Applicant Filing Fee

The bill removes “reinsurance intermediary” from the list of license types. As of July 1, 2023, DFS no longer issues such licenses. Additionally, the bill expands the veteran license application filing fee exemption to include any veteran honorably discharged from the United States Armed Forces, instead of only who veterans who were honorably discharged within 24 months of filing their application. (Section [10](#))

#### Licensees Transitioning to Florida

The bill removes the requirement for applicants for licensure with DFS under the Florida Insurance Code to provide verification of a home state license cancellation prior to being approved as a Florida resident license and provides that an applicant must cancel their prior home state license within 30 days of receiving a license from DFS. The bill removes the requirement for a letter clearance if an applicant was licensed in another state for General Lines, Life, or Health and is transferring their license to Florida. (Section [11](#), Section [14](#), Section [15](#), and Section [16](#))

#### License Reexamination

The bill requires DFS to require a licensee or applicant for licensure under the Florida Insurance Code to retake a licensure exam if the licensee or applicant commits an act that requires DFS to revoke, suspend, refuse to renew a license, or deny any application, including cheating on a licensure exam or violating test center or exam procedures. The bill authorizes but does not require DFS to require a licensee or applicant for licensure under the Florida Insurance Code to retake a licensure exam if the licensee or applicant commits an act that authorizes DFS to revoke suspend, refuse to renew a license, or deny an application. (Section [12](#) and Section [13](#))

#### Public Adjusters

The bill requires public adjusters to respond within 14 days of a consumer’s written or electronic request for claim information, and keep record of such response. (Section [17](#))

### Bail Bond Agent Licensing and Appointment

The bill removes the requirement for an insurer appointing a bail bond agent to submit a photo to DFS as part of the bail bond application license, as their photo is already taken by the exam vendor who issues the licensing badge. The bill also provides that the appointing insurer is to obtain all Bail Bond Appointment Forms and necessary certifications of the agent, but is not required to submit them to DFS. (Section [18](#) and Section [19](#))

### Unclaimed Personal Property

The bill renames “Florida’s Disposition of Unclaimed Property Act” as “Florida’s Disposition of Abandoned Personal Property”. (Section [20](#))

The bill clarifies custodial role of the state and emphasizes that property ownership rights remain with the owner and may be exercised at any time by the owner while property is in custody of the state. (Section [73](#))

The bill renames “unclaimed property” as “abandoned property” throughout the act, and defines “abandoned property” as property held by a holder for which all of the following are true:

- The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period.
- The holder has complied with the due diligence requirements, including the issuance of notice to apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property. (Section [21](#))

The bill also provides definitions for the following terms:

- “Abandoned Property Purchase Agreement” is defined as the form adopted by DFS which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.
- “Abandoned Property Recovery Agreement” is defined as the form adopted by DFS which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.
- “Authorized Representative” is defined as a person or entity legally empowered to act on behalf of the apparent owner or his estate, including but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement. (Section [21](#))

The bill significantly modifies the definition for the following terms:

- “Apparent owner” is amended to mean the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changed in circumstances.
- “Claimant Representatives” is amended to require claimant representatives to gain authorization to file claims on behalf of persons with DFS. The term does not include a person acting as a representative or fiduciary capacity, whose representation is not contingent upon the discovery or location of abandoned property, and the definition expressly excludes locators<sup>3</sup>.

<sup>3</sup> The bill defines locator a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with DFS.

- “Holder” is amended to mean a person who is in the possession of property belonging to another or who owes a debt or an obligation to another person, including, but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies.
- “Owner” is amended to mean the person entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a claim with DFS. (Section [21](#))

The bill establishes that all intangible property, including any income or increment minus any lawful charges, is presumed abandoned if the property is held, issued, or owed by the holder’s business and the apparent owner or authorized representative failed to demonstrate a continued interest for more than the applicable dormancy period. (Section [22](#))

The bill establishes that the presumption that property is abandoned may be rebutted by the affirmative demonstration of continued interest by the owner or an authorized representative, instead of just the owner. (Section [22](#))

The bill provides that demonstrations of continued interest can also be communicated by authorized representatives in the following forms:

- a record<sup>4</sup> to the holder or its agent concerning the property or the account in which the property is held;
- an oral communication concerning the property or the account in which the property is held if the holder records and preserves evidence of the communication;
- presentment of a check or other instrument for payment of dividends, interest, or other distributions related to the property;
- any account activity; and
- any deposits or withdrawals from the property or the account in which the property is held. (Section [22](#))

The bill also provides that routine, automatic transactions, deposits, withdrawals, or reinvestments previously authorized by an apparent owner or authorized representative do not qualify as an affirmative demonstration of continued interest. (Section [22](#))

The bill expressly provides that presumed abandoned property is subject to custody by DFS, so long as the holder of the property has completed all statutorily required due diligence obligations without receiving any response or claim from the apparent owner. (Section [23](#))

The bill expands what qualifies as an affirmative demonstration of continued interest for traveler’s checks and money orders, checks, and bank deposits from just written communication with the holder to all types of affirmative demonstrations authorized for intangible property. (Section [25](#), Section [27](#), and Section [28](#))

The bill revises dormancy triggers for stock, equity, and debt interests of business associations by reinstating returned mail as a trigger to start a dormancy period. The bill also extends dormancy periods triggered by owner-initiated activity from 3 years to 5 years. (Section [33](#))

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<sup>4</sup> The bill defines a record as information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies.



The bill requires holders of property that do not send mail to apparent owners on an annual basis to send an email within 3 years of the apparent owner's last demonstration of continued interest. (Section [33](#))

The bill increases due diligence requirements for holders by requiring more detailed consumer disclosures. If a property presumed abandoned is worth more than \$50, holders must send written notice by first-class US mail or by e-mail if elected by the apparent owner, at least 90 days, but no more than 180 days, prior to filing the report required by DFS regarding presumed abandoned property. (Section [40](#))

The bill requires holders to send a second notice by certified mail to properties worth \$1,000 or more at least 60 days prior to filing the report required by DFS. Additionally, the bill requires holders to certify that reports are complete and that all due diligence requirements have been satisfied. (Section [40](#))

The bill provides that securities identified as non-freely transferable<sup>5</sup> or worthless are not reportable by holders. (Section [40](#))

The bill revises DFS' notice requirements following property transferring into DFS custody. The bill codifies that DFS is required to maintain a publicly searchable electronic database and requires owners with property values at \$10 or more to be included in such database. Property valued under \$10 remains recoverable from DFS, but are not required to be on the electronic database. (Section [41](#))

The bill clarifies that firearms discovered in abandoned safe-deposit boxes must be delivered to law enforcement agencies for proper handling or disposal instead of just disposal. The bill also provides that if a firearm is sold by a law enforcement agency, the balance must be deposited into the State School Fund. (Section [42](#))

The bill also clarifies that if a will or trust instrument is included among the contents of an abandoned safe-deposit box, DFS must supply a copy of the will or trust instrument upon the request of anyone who provides a certified copy of a death certificate. (Section [42](#))

The bill eliminates the current \$15 million cap on the Unclaimed Property Trust Fund and requires an annual forecasting estimate from the Revenue Estimating Conference<sup>6</sup> for distribution of retained funds. The bill clarifies that the amount of funds retained in the Unclaimed Property Trust Fund will be applied to administrative costs and claim payments. Before the end of each fiscal year, DFS will transfer funds in an amount that is no more than the amount estimated by the Revenue Estimating Conference to the State School Fund. (Section [45](#))

The bill creates provisions regarding the purchase of abandoned property agreements. The agreement must be written, in at least 12-pt. font, and contain:

- a title of "Florida Abandoned Property Purchase Agreement";
- the seller's social security number or taxpayer identification number;
- the seller's email address, mailing address, and telephone number;

<sup>5</sup> The bill defines a non-freely transferable security as a security that cannot be delivered to the administrator by a custodian of securities providing post-trading clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes worthless security.

<sup>6</sup> The Revenue Estimating Conference is Florida's statutorily established, consensus-based process for producing the official revenue estimates that govern state budget, fiscal analyses, and legislative decision making. The conference is made up of professional economists and analysts from the Legislature, Executive Office of the Governor, and relevant state agencies to generate a single official estimate, which becomes the authoritative forecast for state fiscal planning. [S. 216.136, F.S.](#)

- the name of the apparent owner as shown by DFS records;
- the name of the holder that remitted the property;
- the date of last contact;
- the purchaser's email, address, and phone number;
- a statement acknowledging that the property is currently in DFS' custody and that the seller can claim the property directly from DFS on its electronically searchable website without being charged a fee;
- the property category;
- the nature and value of the property; and
- a manual signature and dating by the seller that has been notarized. (Section [70](#))

The bill requires that the purchase price of the property cannot be discounted by more than 30% at the time of sale and that the amount of the purchase must be provided to the seller within 30 days of the execution of the agreement. Additionally, the bill provides that the seller may cancel a purchase agreement without penalty or obligation within 15 days after the agreement was executed. (Section [70](#))

The bill requires a copy of executed purchase agreements be filed with purchaser claims along with proof of payment in full and other statutorily required documentation. The bill provides that if proof of payment is not submitted, DFS may not approve the claim. (Section [70](#))

The bill revises registration requirements for claimant representatives. Representatives must be:

- a Florida licenses private investigator;
- a Florida certified public accountant; or
- a Florida licensed attorney who has registered with DFS. (Section [74](#))

The bill requires active claimant representatives to file and obtain payment on at least 10 claims per calendar year following the date of initial registration. (Section [74](#))

The bill provides conforming and technical changes. (Multiple Sections)

The bill is effective upon becoming law. (Section [78](#))

#### **RULEMAKING:**

The bill expands the Chief Financial Officer's existing rulemaking authority for authorizing advanced payments to include payments to prepay for multi-year software licenses. The bill also provides the Board of Funeral, Cemetery, and Consumer Services with rulemaking authority to administer the criminal disqualifications for licenses issued by the Board.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

#### **FISCAL OR ECONOMIC IMPACT:**

#### **STATE GOVERNMENT:**

According to DFS, the bill allows the state to prepay for multi-year software licenses, which may result in a 10-20% decrease in cost over a 3-year period. The bill also may minimally decrease revenues by extending insurance agent



application licensing fees to honorably discharged veterans of the United States Armed Forces beyond the current 24-month limit. Additionally, the bill may have an indeterminate fiscal impact on DFS' Unclaimed Property Program's postage, mailing, and data-research costs due to implementation and facilitation of additional owner notifications.<sup>7</sup>

#### PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on holders of financial accounts and securities by requiring an increase in due diligence and notification requirements.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [The Department of Financial Services](#)

Effective January 2003, the Department of Insurance, Treasury, State Fire Marshal, and the Department of Banking and Finance merged to form the Department of Financial Services ("DFS"). DFS consists of 12 divisions and several specialized offices.<sup>8</sup> Additionally, DFS is responsible for administering several programs, including the My Safe Florida Home Program,<sup>9</sup> My Safe Florida Condominium Pilot Program,<sup>10</sup> and the Florida PALM Project.<sup>11</sup> The following departments are housed within DFS:<sup>12</sup>

- Accounting & Auditing;
- Administration;
- Consumer Services;
- Criminal Investigations;
- Funeral, Cemetery, and Consumer Services;
- Insurance Agent & Agency Services;
- Rehab & Liquidation;
- Risk Management;
- State Fire Marshal;
- Treasury;
- Unclaimed Property;
- Workers' Compensation; and the
- Office of Insurance Consumer Advocate.

#### [The Division of Accounting and Auditing](#)

The Chief Financial Officer, as the head of the Department of Financial Services, is tasked with making salary payments to all state employees, retirement payments to the Florida Retirement System retirees statewide, and payments to vendors who conduct business with the state. The Division is the final stop in the state payment process, ensuring public funds are appropriately spent.<sup>13</sup>

Currently, the state is only allowed to purchase subscriptions and perpetual software licenses each fiscal year. The state currently spends \$55 million on software licenses each year.<sup>14</sup>

<sup>7</sup> Department of Financial Services, 2026 Agency Analysis of HB 1221/SB 1452 (Jan. 28, 2026) pg. 13.

<sup>8</sup> Florida Department of Financial Services, *About the Agency*, <https://www.myfloridacfo.com/about/about-dfs?> (last visited Jan. 30, 2026).

<sup>9</sup> [S. 215.5586, F.S.](#)

<sup>10</sup> [S. 215.58871, F.S.](#)

<sup>11</sup> Florida Department of Financial Services, *The Florida PALM Project*, <https://myfloridacfo.com/floridapalm/project-team> (last visited Jan. 30, 2026).

<sup>12</sup> Florida Department of Financial Services, *About the Agency*, <https://www.myfloridacfo.com/about/about-dfs?> (last visited Jan. 30, 2026).

<sup>13</sup> [S. 215.422, F.S.](#)

<sup>14</sup> Department of Financial Services, *supra* note 7, at pg. 13.

### The Division of Insurance Agent and Agency Services

The Division of Insurance Agent and Agency Services licenses and investigates all insurance agents, agencies, adjusters, and adjusting firms in Florida. The Division monitors 1.27 million active licenses, processes more than 2.9 million appointment requests, reviews over 100,00 applications, and conducts over 3,000 investigations each year.<sup>15</sup>

The current process for transferring an out-of-state license relies on the approval and actions of the previous state sending a paper letter indicating that the previous license has been canceled.<sup>16</sup>

### The Division of Funeral, Cemetery, and Consumer Services

The Division of Funeral, Cemetery, and Consumer Services (“Division”) establishes qualifications for professions and occupations in the death care industry. These professions and occupations include, but are not limited to: funeral directing, embalming, cremation, preneed sales, cemeteries, and monument sales.

The Division also ensures death care professionals maintain their qualifications through continuing education courses and licensure renewal. It also oversees licensed establishments, facilities, and cemetery grounds by conducting annual inspections of these entities. The Division ensures effective discipline for those licensees who have violated the law. In performing these regulatory functions, the Division works closely with the Board of Funeral, Cemetery, and Consumer Services.<sup>17</sup>

The Board of the Division of Funeral, Cemetery, and Consumer Services (“Board”) consists of 9 members appointed by Florida’s CFO and one designated member by the State Health Officer. The Board functions as the state authority that licenses, regulates, and oversees the death care industry. The Board works with the Division to enforce laws and investigate consumer complaints. When violations occur, the Board helps ensure discipline, sanctions, and/or corrective actions are administered.<sup>18</sup>

### Licensure by the Board of Funeral, Cemetery, and Consumer Services

The current statutory scheme does not rely on a list of automatic disqualifiers for applicants seeking licensure by the Board of Funeral, Cemetery, and Consumer Services, but vests the Board with the discretion to assess criminal history, character, integrity, and public safety risk created by extending licensure to applicants.

All applicants for licensure with the Board must disclose specified criminal history and submit fingerprints for state and federal background checks. Required disclosures include:<sup>19</sup>

- Any felony or misdemeanor, regardless of when committed, that is directly or indirectly related to or involving any aspect of funeral directing, embalming, preneed sales, cemetery operations, or other activities regulated by the Florida Funeral, Cemetery, and Consumer Services Act;
- Any other felony committed within the 20 years preceding the application; and
- Any other misdemeanor committed within the 5 years preceding the application.

Disclosure is required regardless of whether adjudication was withheld or the record is sealed. Failure to disclose required criminal history qualifies as independent grounds for licensure denial and may itself constitute criminal or disciplinary conduct.<sup>20</sup>

<sup>15</sup> *Id.* at 2.

<sup>16</sup> [S. 626.292, F.S.](#)

<sup>17</sup> The Department of Financial Services, *About the Division, Funeral, Cemetery, and Consumer Services*, <https://myfloridacfo.com/division/funeralcemetery> (last visited Feb. 1, 2026).

<sup>18</sup> The Department of Financial Services, *Board of Funeral, Cemetery, and Consumer Services*, <https://www.myfloridacfo.com/division/funeralcemetery/Board> (last visited Feb. 1, 2026).

<sup>19</sup> [S. 497.142, F.S.](#)

<sup>20</sup> *Id.*

The Board retains the authority to withhold licensure to an applicant who has a criminal record that is required to be disclosed unless the applicant affirmatively demonstrated that issuance of the license would not create a danger to the public. Current law establishes that public safety is the controlling standard for the decision to approve or deny licensure, not the existence of a criminal record.<sup>21</sup>

The Board may deny licensure where disclosed criminal conduct:

- demonstrates dishonesty, fraud, or financial exploitation;
- is substantially related to regulated funeral or cemetery activities; or
- reflects conduct inconsistent with public trust or consumer protection.<sup>22</sup>

Current law provides that applicants providing false information in connection with a license application or attempting to obtain licensure through misrepresentation is a criminal offense and is disqualifying conduct.<sup>23</sup>

The Board may refuse to rule on an initial application if the applicant is currently under investigation or prosecution for conduct, that if committed in Florida, would violate the Florida Funeral, Cemetery, and Consumer Services Act. The application may be deferred until the investigation/ prosecution is complete.<sup>24</sup>

### Prohibited Conduct

#### *Chapter 497- Funeral, Cemetery, and Consumer Services*

Prohibited conduct under Ch. 497, F.S., includes:<sup>25</sup>

- fraud, misrepresentation, or deceptive practices in the sale or provision of funeral, burial, or cemetery services;
- misuse, commingling, or misappropriation of trust funds or preneed contract funds;
- operating without proper licensure or exceeding the scope of licensure;
- failure to comply with statutory trust, recordkeeping, and disclosure requirements; and
- conduct demonstrating untrustworthiness or financial irresponsibility.

#### *Chapter 787 - Kidnapping, Custody Offenses, and Human Trafficking*

Prohibited conduct under Ch. 787, F.S., includes:<sup>26</sup>

- kidnapping;
- false imprisonment;
- luring or enticing a child;
- interference with custody;
- sheltering unmarried minors;
- removing minors from state or concealing minors contrary to state agency order or court order;
- human trafficking;
- human smuggling; and
- employing persons under the age of 21 years in adult entertainment establishments prohibited

#### *Chapter 794- Sexual Battery*

Prohibited conduct under Ch. 794 includes:<sup>27</sup>

- sexual acts committed without consent;
- sexual acts involving coercion, force, threats, or incapacitation;
- sexual acts involving minors or persons legally incapable of consent; and

<sup>21</sup> [S. 497.141, F.S.](#)

<sup>22</sup> *See Id.*

<sup>23</sup> [S. 497.141, F.S.](#)

<sup>24</sup> [S. 497.141, F.S.](#)

<sup>25</sup> [Ss. 497.152, F.S., 497.153, F.S., and 497.458, F.S.](#)

<sup>26</sup> *See* [Ch. 787, F.S.](#)

<sup>27</sup> [Ss. 794.011, F.S. and 794.05, F.S.](#)

- abuse of authority, custodial power, or supervisory position to commit sexual acts.

#### *Chapter 796- Prostitution*

Prohibited conduct under Ch. 796, F.S., includes:<sup>28</sup>

- Engaging in, soliciting, or procuring prostitution;
- Owning, operating, or maintaining premises for prostitution; and
- Coercion or exploitation of individuals for commercial sexual activity.

#### *Chapter 800- Lewdness; Indecent Exposure*

Prohibited conduct under Ch. 800, F.S., includes:<sup>29</sup>

- lewd or lascivious acts committed in public or in the presence of others;
- indecent exposure of sexual organs;
- lewd or lascivious acts involving minors; and
- sexual conduct that offends public decency or morals.

#### *Chapter 825-Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults*

Prohibited conduct under Ch. 825, F.S., includes:<sup>30</sup>

- physical, emotional, or psychological abuse;
- neglect or failure to provide necessary care or services;
- financial exploitation or misuse of assets; and
- breach of fiduciary duty or abuse of trust involving vulnerable adults.

#### *Chapter 827- Abuse of Children*

Prohibited conduct under Ch. 827, F.S., includes:<sup>31</sup>

- physical, emotional, or sexual abuse of a child;
- neglect, abandonment, or failure to provide care;
- endangering a child's physical or mental health; and
- exploitation of children for labor or other unlawful purposes.

#### *Chapter 847- Obscenity*

Prohibited conduct under Ch. 847, F.S., includes:<sup>32</sup>

- creation, possession, distribution, or promotion of obscene materials;
- obscene performances or exhibitions;
- use of minors in sexual performances or obscene material; and
- commercial exploitation involving obscene content.

#### [Florida Coordinating Council](#)

The Florida Coordinating Council within DFS serves as a central coordination and policy advisory mechanism for the State of Florida's financial management and information systems, most notably the Florida Financial Management Information System<sup>33</sup> ("FFMIS"). The Council is tasked with reviewing and coordinating annual workplans, developing standards and policies, conducting system studies, identifying conflicts or system impacts, facilitating interagency resolution, and elevating unresolved matters for further action.<sup>34</sup>

<sup>28</sup> [S. 796.07, F.S.](#) and [796.035, F.S.](#)

<sup>29</sup> [S. 800.03, F.S.](#) and [800.04, F.S.](#)

<sup>30</sup> [S. 825.102, F.S.](#), [825.103, F.S.](#), and [825.1035, F.S.](#)

<sup>31</sup> [S. 827.03, F.S.](#), [827.04, F.S.](#), and [827.0145, F.S.](#)

<sup>32</sup> [Ss. 847.011, 847.013, and 847.0145, F.S.](#)

<sup>33</sup> FFMIS is a unified, integrated statewide financial information system established by the Legislature to provide executive branch decisionmakers with coordinated fiscal, accounting, and management data necessary for statewide planning, management, evaluation, and accountability. [S. 215.91, F.S.](#)

<sup>34</sup> [S. 215.96, F.S.](#)

Structurally, the Council is composed of Florida's senior constitutional and executive officials, including the Chief Financial Officer (who serves as chair), the Attorney General, the Commissioner of Agriculture, the Secretary of Management Services, the State Chief Information Officer, and the Director of Planning and Budgeting, or their respective designees. This structure is intended to preserve the integrity, reliability, and long-term sustainability of the state's financial management architecture.<sup>35</sup>

#### [The Division of Workers' Compensation](#)

The Division of Workers' Compensation assists injured workers, employers, healthcare providers, and insurers in adhering to Florida's workers' compensation laws.<sup>36</sup> Additionally, the Division biennially submits a Three-Member Panel Report to the Legislature with advisement on any potential changes to the workers' compensation industry.<sup>37</sup>

Currently, the United States Postal Service is the only mail carrier that a healthcare provider can use to submit a dispute in claims adjudication with the workers' compensation insurer to DFS. Disputes can only be submitted by healthcare providers; healthcare providers have 45 days to submit a dispute.<sup>38</sup>

#### [The Division of Risk Management](#)

The Division of Risk Management manages the self-insurance program for all state agencies and state universities, and provides coverages for workers' compensation, general liability, automobile liability, federal civil rights, and property. Most of these coverages are currently self-insured, but the Division of Risk Management annually purchases excess property insurance for catastrophic losses and out-of-state workers' compensation insurance for state employees with job locations outside the state of Florida.<sup>39</sup>

Currently, the Division of Risk Management determines what coverage is necessary but may only purchase it upon the approval of the Department of Management Services ("DMS"). This requires DMS to procure the Broker of Record contract on behalf of the Division of Risk Management, maintain and monitor the contract, and approve invoices.<sup>40</sup>

#### [Anti-Nepotism Law](#)

Florida's anti-nepotism law was created to discourage the granting of public employment or appointments based on family relationship rather than merit. The law also prevents relatives from being placed in public office by those in positions of authority or influence.<sup>41</sup> Public officials, including firefighters, are prohibited from appointing, promoting, employing, or advancing a relative<sup>42</sup> in or to a position in an agency they serve or have jurisdiction over. The prohibition also covers action by collegial body if a member's vote or influence results in the hiring or advancing of a relative.<sup>43</sup>

#### [My Safe Florida Home Program](#)

In 2006, the Legislature created the My Safe Florida Home Program (MSFHP) within DFS, with the intent that the MSFHP provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants, subject to the availability of funds.<sup>44</sup> Under the MSFHP, DFS must develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include hurricane mitigation inspections, mitigation grants, education, consumer awareness, and outreach.<sup>45</sup>

<sup>35</sup> *Id.*

<sup>36</sup> [S. 440.44, F.S.](#)

<sup>37</sup> [S. 440.13, F.S.](#)

<sup>38</sup> *Id.*

<sup>39</sup> [S. 284.01, F.S.](#)

<sup>40</sup> [S. 284.08, F.S.](#)

<sup>41</sup> See Fla. Comm'n on Ethics, Amicus Curiae Brief, *State v. Perez*, No. 80,780 (Fla. 1992).

<sup>42</sup> A relative is broadly defined to include spouses, children, siblings, in-laws, nieces/nephews, cousins, step and half relations. [S. 121.3135\(1\)\(d\), F.S.](#)

<sup>43</sup> [S. 112.3135\(2\), F.S.](#)

<sup>44</sup> [S. 215.5586, F.S.](#)

<sup>45</sup> *Id.*

MSFHP provides financial grants that may be used by homeowners to make improvements recommended by an inspection which increase resistance to hurricane damage.<sup>46</sup> When an initial hurricane mitigation inspection recommends improvements, the applicant may qualify for grants to make improvements to opening protection, the reinforcement of roof-to-wall connections, improvement of roof-deck attachments, and secondary water resistance for roofs.<sup>47</sup> Applicants who own a townhouse may only use grants for opening protection improvements.<sup>48</sup>

Applicants must complete construction and request a final inspection within one year of grant approval. They may request an extension for an additional six months.

MSFHP prioritizes applications from low-income persons who are at least 60 years old, then all other low-income persons, then moderate-income persons who are at least 60 years old, then applications from all other moderate-income persons, and last all other applications.<sup>49</sup> MSFHP accepts certifications from applicants about their income level if the certification is a signed or electronically verified statement made under penalty of perjury.<sup>50</sup>

### [The Division of Unclaimed Property](#)

Florida's Unclaimed Property Program is governed by the Florida Disposition of Unclaimed Property Act and is administered by the Division of Unclaimed Property within DFS. The program is designed to protect property owners by ensuring that intangible property presumed abandoned is safeguarded by the state until claimed, rather than be retained indefinitely by private holders. DFS holds unclaimed property in custody, not ownership, preserving the right of owners or heirs to reclaim the property at any time.<sup>51</sup>

The program applies primarily to intangible property, including but not limited to:<sup>52</sup>

- bank deposits and credit balances;
- uncashed checks and drafts;
- insurance policy proceeds and benefits;
- securities, dividends, and other equity interests;
- utility deposits and refunds; and
- contents of safety deposit boxes.

Property is presumed unclaimed after a specified dormancy period, which is defined as a period of owner inactivity or lack of contact. Owner activity showing an "indication of interest" in the property, such as written communication, electronic contact via email or phone, cashing a payment, or any other owner-initiated action recognized by statute resets the dormancy period.<sup>53</sup> Dormancy periods vary by property type and generally begin when the property becomes payable or distributable, not when it is issued. Dormancy periods include:

- 5 years for bank accounts, most uncashed checks and drafts, insurance proceeds payable but unpaid, and wages;<sup>54</sup>
- 3 years for stocks, dividends, and other equity interests;<sup>55</sup> and
- 1 year for certain governmental or court-held funds.<sup>56</sup>

<sup>46</sup> [S. 215.5586, F.S.](#)

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> [S. 717.1201, F.S.](#)

<sup>52</sup> [S. 717.101\(18\), F.S.](#)

<sup>53</sup> *See* S. [717.105, F.S.](#)

<sup>54</sup> [S. 717.105, F.S.](#), [717.106, F.S.](#), [717.112, F.S.](#), and [717.115, F.S.](#)

<sup>55</sup> [S. 717.1101, F.S.](#)

<sup>56</sup> [S. 717.113, F.S.](#)



The death of an apparent owner does not pause or reset the dormancy period, and dormancy continues to run based on the last indication of interest by the owner, regardless of whether heirs, beneficiaries, or a personal representative are aware of the property.<sup>57</sup> The exception to this rule is for life insurance policies, where dormancy begins when the insurer has actual or constructive knowledge of the insured's death and the proceeds become payable, even if no claim has been filed by the beneficiary.<sup>58</sup>

Holders of property presumed unclaimed must file an annual unclaimed property report with DFS by April 30<sup>th</sup> each year. Property is included in the report based on the recorded dormancy status as of December 31<sup>st</sup> of the prior year. Holders must deliver the property or its value to DFS at the time of the report.<sup>59</sup>

Before reporting property to DFS, holders are required to conduct due diligence to locate and notify the apparent owner of the property. Written notice requirements apply to property with a value of \$50 or more. Notice must be sent to the apparent owner not more than 120 days but not less than 60 days before the holder's reporting deadline at the apparent owner's last known address. The notice must inform the owner of the nature of the property and the status of its potential transfer to DFS. If the apparent owner provides a document response after receiving the notice, it constitutes as an affirmative indication of interest in the property and prevents the property's remittance to the state.<sup>60</sup>

Failure from holders to complete due diligence may expose them to enforcement action from DFS. Penalties include:<sup>61</sup>

- interest assessments for late reporting or delivery;
- civil penalties for failure to report, underreporting, or refusal to remit property; and
- audits and examinations of holders' records.

Penalties may be imposed per violation and may be waived under limited circumstances showing good cause.<sup>62</sup>

Once property is remitted to state custody, DFS becomes responsible for the safekeeping of the property and making notification attempts to the apparent owner of the property.<sup>63</sup> DFS must maintain a publicly searchable unclaimed property database and a claims process for which apparent owners or heirs may make a claim. There is no statute of limitations for owners and heirs to file a claim to reassume their property.<sup>64</sup>

All funds received under the Florida Disposition of Unclaimed Property Act, including the cash value of unclaimed property and proceeds from the sale of tangible property, are initially deposited into the Unclaimed Property Trust Fund. DFS retained up to \$15 million to cover claims and administrative costs associated with managing and returning unclaimed property.<sup>65</sup>

After administrative reserves are set aside, remaining unclaimed property receipts must be deposited into the State School Fund. The State School Fund is a constitutionally established trust that supports K-12 education and other public education purposes across Florida. Funds remitted from unclaimed property thus bolster statewide education financing until they are needed to satisfy rightful owner claims.<sup>66</sup>

Other provisions of Florida law addressing inactive or lost personal property, including Ch. 705 and 716, use the term "abandoned property" to describe property that remains unclaimed following a period of owner inactivity.

<sup>57</sup> See [S. 717.102\(4\), F.S.](#)

<sup>58</sup> [S. 717.107, F.S.](#)

<sup>59</sup> [S. 717.117, F.S.](#)

<sup>60</sup> *Id.*

<sup>61</sup> [S. 717.1322, F.S.](#)

<sup>62</sup> *Id.*

<sup>63</sup> [S. 717.118, F.S.](#)

<sup>64</sup> [S. 717.124\(8\), F.S.](#)

<sup>65</sup> [S. 717.123, F.S.](#)

<sup>66</sup> *Id.*

Similarly, most other states' unclaimed property statutes employ "abandoned property" as the operative term within a custodial framework.<sup>67</sup>

#### Litigation Landscape: Florida Unclaimed Property

A constitutional challenge to Florida's unclaimed property program is currently unfolding in federal courts, centered on whether the state's handling of presumed unclaimed property constitutes a violation of the Takings Clause of the Fifth Amendment.

In *Maron vs. Chief Financial Officer of Florida*, private property owners whose unclaimed property had been delivered into the state's custody argued that Florida's Unclaimed Personal Property Act effectively takes their property without just compensation because the state retains and uses the property, and any earnings derived therefrom, and does not pay the amount of the earnings accrued on the property while in the custody of the state along with the principal value of the property back to the owner when the property is returned.<sup>68</sup>

The United States District Court for the Northern District of Florida initially dismissed the plaintiffs' claim, concluding that the Florida Disposition of Unclaimed Property Act could constitutionally revert the property outright, and therefore, that returning the principal value of the property without the interest it accrued while in the custody of the state did not constitute an unconstitutional taking. The district court also addressed jurisdictional challenges, finding that the plaintiffs had standing but ruling that sovereign immunity barred much of their state law challenge.<sup>69</sup>

On appeal, the 11<sup>th</sup> Circuit vacated and remanded the district court's decision, holding that the plaintiffs had standing and that sovereign immunity did not bar the Fifth Amendment takings claim. Critically, the 11<sup>th</sup> Circuit rejected the notion that the Act transfers title to the state, emphasizing that under the Florida Disposition of Unclaimed Property Act the state merely assumes custody and responsibility for the safekeeping of unclaimed property rather than title.<sup>70</sup> Additionally, the court addressed that since owners are not faced with any statute of limitation in reclaiming their property, the ongoing property right of the owner undermines any claim that the property is truly "abandoned".<sup>71</sup>

Based on this framework, the court concluded that vesting custody, even without a formal title transfer, can constitute as a per se physical taking if the government uses the property for public purposes without just compensation. The opinion directed further proceedings to develop the factual record on whether the property remained the owner's property, the nature of the state's appropriation, and the measure of just compensation.<sup>72</sup> The case is currently back in the district court.

<sup>67</sup> Department of Financial Services, *supra* note 7, at pg. 5

<sup>68</sup> *Maron v. Chief Financial Officer of Florida*, No. 4:22-cv-00255-RH-MAF (N.D. Fla. 2023).

<sup>69</sup> *Id.*

<sup>70</sup> *Maron vs. Chief Financial Officer of Florida*, No. 23-13178, (11<sup>th</sup> Cir. May 16, 2025).

<sup>71</sup> *Id.*

<sup>72</sup> *Maron vs. Chief Financial Officer of Florida*, No. 23-13178, (11<sup>th</sup> Cir. May 16, 2025).

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Insurance &amp; Banking Subcommittee</a>	15 Y, 0 N, As CS	2/3/2026	Brackett	Veigle
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Required DFS to notify a MSFHP applicant at least 5 business days before an application is deemed abandoned. If an applicant replies to the notice and provides good cause for why the application should not be deemed abandoned, DFS may determine the application is not abandoned or allow the applicant to submit a subsequent grant application.</li> <li>Removed the requirement for applicants for licensure by the Board to disclose misdemeanors committed more than 5 years before the application that are indirectly related to the practice or activities regulated by the Board.</li> <li>Allowed public officials to appoint, employ, promote, and advocate for a relative to be a firefighter as it is part of a competitive process in a collective bargaining agreement.</li> </ul>			
<a href="#">State Administration Budget Subcommittee</a>				
<a href="#">Commerce Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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