

1                               A bill to be entitled  
2       An act relating to the Department of Financial  
3       Services; amending s. 112.3135, F.S.; authorizing a  
4       public official to take specified actions in relation  
5       to the employment of a relative as a firefighter;  
6       amending s. 215.422, F.S.; revising the Chief  
7       Financial Officer's rulemaking authority; amending s.  
8       215.5586, F.S.; defining terms; revising eligibility  
9       requirements for a hurricane mitigation inspection  
10      under the My Safe Florida Home Program; revising the  
11      circumstances under which applicants may submit a  
12      subsequent hurricane mitigation inspection; deleting  
13      the requirement that licensed inspectors must  
14      determine mitigation measures during initial  
15      inspections of eligible homes; deleting inspectors'  
16      authorization to inspect townhouses; revising the  
17      criteria for eligibility for a hurricane mitigation  
18      grant; revising the grant's applicant requirements;  
19      revising the improvements that grants may be used for;  
20      requiring that improvements be identified in the final  
21      hurricane mitigation inspection to receive grant  
22      funds; deleting a provision related to grants for  
23      townhouses; authorizing the program to accept a  
24      specified certification directly from applicants;  
25      requiring applicants who receive grants to finalize

26 construction and request a final inspection within a  
27 specified timeframe; specifying that an application is  
28 deemed abandoned, rather than withdrawn, under certain  
29 circumstances; requiring the department to notify an  
30 applicant within a specified time period before an  
31 application is be deemed abandoned; authorizing the  
32 applicant to submit a subsequent application in  
33 certain circumstances; authorizing the department to  
34 determine that an application is not abandoned in  
35 certain circumstances; amending s. 215.96, F.S.;  
36 revising the composition of the coordinating council;  
37 deleting a requirement for the design and coordination  
38 staff; requiring minutes of meetings to be available  
39 to interested persons; revising the composition of ex  
40 officio members of the council; revising the duties,  
41 powers, and responsibilities of the council; amending  
42 s. 284.08, F.S.; authorizing the department to  
43 determine what property insurance coverage is  
44 necessary; authorizing the department to purchase  
45 certain insurance coverages; authorizing the  
46 department to contract with insurance or reinsurance  
47 brokers for certain purposes; amending s. 284.33,  
48 F.S.; authorizing the department to purchase certain  
49 insurance coverages; authorizing the department to  
50 contract with insurance or reinsurance brokers for

51        certain purposes; amending s. 440.13, F.S.; revising  
52        the timeframe in which health care providers must  
53        petition the department to resolve utilization and  
54        reimbursement disputes; revising petition service  
55        requirements; revising the timeframe in which the  
56        panel determining the statewide schedule of maximum  
57        reimbursement allowances must submit certain  
58        recommendations to the Legislature; creating s.  
59        497.1411, F.S.; defining the term "applicant";  
60        specifying that certain applicants are permanently  
61        barred from licensure; specifying that certain  
62        applicants are subject to disqualifying periods;  
63        requiring the Board of Funeral, Cemetery, and Consumer  
64        Services to adopt rules; specifying requirements,  
65        authorizations, and prohibitions for such rules;  
66        specifying when a disqualifying period begins;  
67        specifying that the applicant has certain burdens to  
68        demonstrate that he or she is qualified for licensure;  
69        specifying that certain applicants who have been  
70        granted a pardon or restoration of civil rights are  
71        not barred or disqualified from licensure; specifying  
72        that such pardon or restoration does not require the  
73        board to award a license; authorizing the board to  
74        grant an exemption from disqualification under certain  
75        circumstances; specifying requirements for the

76        applicant in order for the board to grant an  
77        exemption; specifying that the board has discretion to  
78        grant or deny an exemption; specifying that certain  
79        decisions are subject to ch. 120, F.S.; providing  
80        applicability and construction; amending s. 497.142,  
81        F.S.; prohibiting an application from being deemed  
82        complete under certain circumstances; revising the  
83        list of crimes to be disclosed on a license  
84        application; amending s. 626.171, F.S.; deleting  
85        reinsurance intermediaries from certain application  
86        requirements; revising the list of persons from whom  
87        the department is required to accept uniform  
88        applications; making clarifying changes regarding the  
89        voluntary submission of cellular telephone numbers;  
90        revising the exemption from the application filing fee  
91        for members of the United States Armed Forces;  
92        amending s. 626.292, F.S.; revising applicant  
93        requirements for a license transfer; amending s.  
94        626.611, F.S.; requiring the department to require  
95        license reexamination of certain persons, and suspend  
96        or revoke the eligibility to hold a license or  
97        appointment of such persons under certain  
98        circumstances; amending the grounds for suspension or  
99        revocation; amending 626.621, F.S.; authorizing the  
100       department to require an reexamination of certain

persons; amending s. 626.731, F.S.; revising the qualifications for a general lines agent's license; amending s. 626.785, F.S.; revising the qualifications for a life agent's license; amending s. 626.831, F.S.; revising the qualifications for a health agent's license; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond with specific information within a specified timeframe and document in the file the response or information provided; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising the short title; amending s. 717.101, F.S.; revising and adding definitions; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption;

126 providing that property shall be presumed abandoned  
127 under certain circumstances; providing an exception;  
128 amending s. 717.103, F.S.; requiring that intangible  
129 property be subject to the custody of the department  
130 under certain circumstances; amending criteria for  
131 when intangible property is subject to the custody of  
132 the department; repealing s. 717.1035, F.S., relating  
133 to property originated or issued by this state, any  
134 political subdivision of this state, or any entity  
135 incorporated, organized, created, or otherwise located  
136 in the state; amending ss. 717.104, 717.1045, 717.105,  
137 717.106, 717.107, 717.1071, 717.108, and 717.109,  
138 F.S.; conforming provisions to changes made by the  
139 act; amending s. 717.1101, F.S.; revising the  
140 timelines and conditions under which stock, other  
141 equity interests, or debt of a business association is  
142 considered abandoned; requiring the holder to attempt  
143 to confirm the apparent owner's interest in the equity  
144 interest by sending an e-mail communication under  
145 certain circumstances; requiring the holder to attempt  
146 to contract the apparent owner by first-class United  
147 States mail under certain circumstances; specifying  
148 that equity interest is presumed abandoned under  
149 certain circumstances; revising when unmatured,  
150 unredeemed, matured, or redeemed debt is presumed

abandoned; specifying that the applicable dormancy period ceases under certain circumstances; revising the timeframe that a sum held or owing by a business association is presumed abandoned; amending ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and 717.116, F.S.; conforming provisions to changes made by the act; amending s. 717.117, F.S.; specifying that property is presumed abandoned upon the expiration of the applicable dormancy periods; specifying that property is not deemed abandoned for certain purposes until the holder meets certain requirements; requiring holders of property presumed abandoned that has a specified value to use due diligence to locate and notify the apparent owner; requiring, before a specified timeframe, a holder in possession of presumed abandoned property to send a specified written notice to the apparent owner; specifying the method of delivery of such notice; requiring, before a specified timeframe, the holder to send a second written notice under certain circumstances; authorizing the reasonable cost for the notice to be deducted from the property; specifying that a signed return receipt constitutes an affirmative demonstration of continued interest; specifying requirements of the written notice; requiring holders

176 of abandoned property to submit a specified report to  
177 the department; prohibiting certain balances,  
178 overpayments, deposits, and refunds from being  
179 reported as abandoned property; prohibiting certain  
180 securities from being included in the report;  
181 requiring the holder to report and deliver such  
182 securities under certain circumstances; requiring the  
183 report to be signed and verified and contain a  
184 specified statement; deleting certain provisions  
185 relating to the due diligence and notices to apparent  
186 owners; amending s. 717.118, F.S.; revising the  
187 state's obligation to notify apparent owners that  
188 their abandoned property has been reported and  
189 remitted to the department; requiring the department  
190 to use a cost-effective means to make an attempt to  
191 notify certain apparent owners; specifying  
192 requirements for the notice; requiring the department  
193 to maintain a specified website; revising  
194 applicability; amending s. 717.119, F.S.; conforming  
195 provisions to changes made by the act; revising  
196 requirements for firearm or ammunition found in an  
197 abandoned safe-deposit box or safekeeping repository;  
198 revising requirements if a will or trust instrument is  
199 included among the contents of an abandoned safe-  
200 deposit box or safekeeping repository; amending ss.



717.1201 and 717.122, F.S.; conforming provisions to changes made by the act; amending s. 717.123, F.S.; conforming provisions to changes made by the act; revising the name of a certain trust fund; revising the amount the department must retain from certain funds received; revising a required transfer of funds to the State School Fund; amending s. 717.1235, F.S.; conforming provisions to changes made by the act; amending s. 717.124, F.S.; conforming provisions to changes made by the act; deleting provisions related to requirements of claimant's representatives; specifying that the department is authorized to make a distribution of property or money in accordance with a specified agreement under certain circumstances; requiring shares of securities to be delivered directly to the claimant under certain circumstances; deleting a provision authorizing the department to develop a process by which a buyer of unclaimed property may electronically submit certain images and documents; deleting provisions relating to a buyer of unclaimed property's filing of a claim; amending s. 717.12403, F.S.; conforming provisions to changes made by the act; amending s. 717.12404, F.S.; requiring claims on behalf of an active corporation to include a specified driver license; conforming provisions to

changes made by the act; amending ss. 717.12405 and 717.12406, F.S.; conforming provisions to changes made by the act; amending s. 717.1241, F.S.; defining the term "conflicting claim"; conforming provisions to changes made by the act; revising requirements for remitting property when conflicting claims have been received by the department; amending ss. 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and 717.132, F.S.; conforming provisions to changes made by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; specifying that the agreement must contain certain language; requiring a copy of an executed

Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing legislative findings; revising a statement of public policy; deleting a legislative declaration; providing legislative intent; prohibiting title to abandoned property from transferring to the state except under certain circumstances; amending s. 717.1400, F.S.; requiring an individual to meet certain requirements in order to file claims as a claimant representative; revising application requirements for registering as a claimant representative; requiring claimant representatives to file and obtain payment on a specified number of claims within a specified timeframe to maintain active registration; requiring the department to notify the claimant representative in writing and provide a certain timeframe to demonstrate compliance or good cause for noncompliance under certain circumstances; requiring the department

to revoke a registration under certain circumstances;  
prohibiting a claimant representative from reapplying  
under certain circumstances; amending ss. 197.582 and  
626.9541, F.S.; conforming cross-references;  
reenacting s. 772.13(6)(a), F.S., relating to  
postjudgment execution proceedings to enforce a  
judgment entered against a terrorist party, to  
incorporate the amendment made to s. 717.101, F.S., in  
a reference thereto; providing an effective date.

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

**Section 1. Paragraph (c) is added to subsection (2) of  
section 112.3135, Florida Statutes, to read:**

112.3135 Restriction on employment of relatives.—

(2)

(c) To aid the recruitment of firefighters within this  
state, notwithstanding paragraph (a), a public official may  
appoint, employ, promote, or advance, or advocate for the  
appointment, employment, promotion, or advancement of a relative  
as a firefighter as defined in s. 633.102 if such appointment,  
employment, promotion, or advancement is part of a competitive  
process provided for in a collective bargaining agreement.

**Section 2. Subsection (15) of section 215.422, Florida  
Statutes, is amended to read:**

215.422 Payments, warrants, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(15) The Chief Financial Officer may adopt rules to authorize advance payments for goods and services, including, but not limited to, maintenance agreements and subscriptions, such as prepaid multiyear software licenses. Such rules shall provide objective criteria for determining when it is in the best interest of the state to make payments in advance and shall also provide for adequate protection to ensure that such goods or services will be provided.

**Section 3. Subsections (4) through (10) of section 215.5586, Florida Statutes, are renumbered as subsections (5) through (11), respectively, paragraphs (a) through (e) of subsection (1), subsections (2) and (3), paragraph (a) of present subsection (8), and present subsection (10) are amended, and a new subsection (4) is added to that section, to read:**

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this

program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) 1. For the purposes of this paragraph, the term:

a. "Attached" means a dwelling unit that shares a wall with another dwelling unit.

b. "Detached" means a dwelling that does not share a wall with another dwelling unit or building and has greater than zero clearance between it and any other building. This term includes a garage that is located under a contiguous roof with a residence.

c. "Single-family" means a residence designed for and

351 containing only one dwelling unit.

352 2. An applicant is ~~To be~~ eligible for a hurricane  
353 mitigation inspection under the program if all of the following  
354 conditions are met:

355 a.1. The A home for which the inspection is sought is ~~must~~  
356 ~~be~~ a single-family~~y~~ unit on an individual parcel of land that  
357 is:

358 (I) A detached residential property; or

359 (II) An attached residential property not exceeding three  
360 stories. A townhouse as defined in s. 481.203;

361 b.2. The A home for which the inspection is sought is ~~must~~  
362 ~~be~~ site-built and owner-occupied~~.~~ and

363 c.3. The applicant is homeowner ~~must have been~~ granted a  
364 homestead exemption on the home under chapter 196.

365 (b)1. An application for a hurricane mitigation inspection  
366 must contain a signed or electronically verified statement made  
367 under penalty of perjury that the applicant has submitted only  
368 one inspection application on the home or that the application  
369 is allowed under subparagraph 2., and the application must have  
370 documents attached which demonstrate that the applicant meets  
371 the requirements of paragraph (a).

372 2. An applicant may submit a subsequent hurricane  
373 mitigation inspection application for the same home only if:

374 a. The original hurricane mitigation inspection  
375 application has been denied or withdrawn because of material

errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant home did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant homeowner reasonably believes that he or she is the home now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she the home is eligible under the new requirements; or.

d. More than 24 months have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of the a home through ~~under~~ the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide initial home inspections of eligible homes to determine ~~what mitigation measures are needed,~~ what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. ~~An inspector may inspect a townhouse as~~



defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(c)1. would provide improvements to mitigate hurricane damage.

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The initial inspections provided to applicants ~~homeowners~~, at a minimum, must include:

1. A home inspection and report that summarizes the inspection results and identifies recommended improvements an applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane damage.

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

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

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

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

430           3. The home must undergo an initial ~~acceptable~~ hurricane  
431 mitigation inspection through the program as provided in  
432 subsection (1).

433           4. The ~~building permit application for initial~~  
434 ~~construction of the~~ home must have been built ~~made~~ before  
435 January 1, 2008, as reflected on the county property appraiser's  
436 website.

437           5. The applicant ~~homeowner~~ must agree to make his or her  
438 home available for a final inspection once a mitigation project  
439 is completed.

440           6. The applicant ~~homeowner~~ must agree to provide to the  
441 department information received from the applicant's ~~homeowner's~~  
442 insurer identifying the discounts realized by the applicant  
443 ~~homeowner~~ because of the mitigation improvements funded through  
444 the program.

445           7.a. The applicant ~~homeowner~~ must be a low-income person  
446 or moderate-income person as defined in s. 420.0004.

447           b. The hurricane mitigation inspection must have occurred  
448 within the previous 24 months from the date of application.

449           c. Notwithstanding subparagraph 2., applicants ~~homeowners~~  
450 who are low-income persons, as defined in s. 420.0004(11), are

not exempt from the requirement that the home must be a dwelling with an insured value of \$700,000 or less.

d. This subparagraph expires July 1, 2026.

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the~~ ~~home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the applicant ~~homeowner~~ which contains the name and state license number of the contractor that the applicant ~~homeowner~~

acknowledges as the intended contractor for the mitigation work.  
The program must ~~electronically~~ verify that the contractor's  
state license number is valid ~~accurate and up to date before~~  
~~grant approval~~.

(c) All grants must be matched on the basis of \$1 provided  
by the applicant for \$2 provided by the state up to a maximum  
state contribution of \$10,000 toward the actual cost of the  
mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program  
must be based upon the securing of all required local permits  
and inspections and must be performed by properly licensed  
contractors.

(e) When recommended by an initial ~~a~~ hurricane mitigation  
inspection, grants for eligible applicants ~~homes~~ may be used for  
all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors.~~7~~

b. Garage doors.~~7~~

c. Windows.~~7~~ ~~and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

b.~~3.~~ Improving the strength of roof-deck attachments.

c.~~4.~~ Installing secondary water resistance for roof and  
replacing the roof covering.

501       (f) Improvements must be identified by the final hurricane  
502 mitigation inspection to receive grant funds ~~When recommended by~~  
503 ~~a hurricane mitigation inspection, grants for townhouses, as~~  
504 ~~defined in s. 481.203, may only be used for opening protection.~~

505       (g) The department may require that improvements be made  
506 to all openings, including exterior doors, garage doors,  
507 windows, and skylights, as a condition of reimbursing an  
508 applicant ~~a homeowner~~ approved for a grant. The department may  
509 adopt, by rule, the maximum grant allowances for any improvement  
510 allowable under paragraph (e) ~~or paragraph (f)~~.

511       (h) Low-income applicants ~~homeowners~~, as defined in s.  
512 420.0004(11), who otherwise meet the applicable requirements of  
513 this subsection are eligible for a grant of up to \$10,000 and  
514 are not required to provide a matching amount to receive the  
515 grant.

516       (i)1. The department shall develop a process that ensures  
517 the most efficient means to collect and verify inspection  
518 applications and grant applications to determine eligibility.  
519 The department may direct hurricane mitigation inspectors to  
520 collect and verify grant application information or use the  
521 Internet or other electronic means to collect information and  
522 determine eligibility.

523       2. The department shall prioritize the review and approval  
524 of such inspection applications and grant applications in the  
525 following order:

526           a. First, applications from low-income persons, as defined  
527 in s. 420.0004, who are at least 60 years old;

528           b. Second, applications from all other low-income persons,  
529 as defined in s. 420.0004;

530           c. Third, applications from moderate-income persons, as  
531 defined in s. 420.0004, who are at least 60 years old;

532           d. Fourth, applications from all other moderate-income  
533 persons, as defined in s. 420.0004; and

534           e. Last, all other applications.

535           3. The department shall start accepting inspection  
536 applications and grant applications no earlier than the  
537 effective date of a legislative appropriation funding  
538 inspections and grants, as follows:

539           a. Initially, from applicants prioritized under sub-  
540 subparagraph 2.a.;

541           b. From applicants prioritized under sub-subparagraph  
542 2.b., beginning 15 days after the program initially starts  
543 accepting applications;

544           c. From applicants prioritized under sub-subparagraph  
545 2.c., beginning 30 days after the program initially starts  
546 accepting applications;

547           d. From applicants described in sub-subparagraph 2.d.,  
548 beginning 45 days after the program initially starts accepting  
549 applications; and

550           e. From all other applicants, beginning 60 days after the

551 program initially starts accepting applications.

552 4. The program may accept a certification directly from a  
553 low-income applicant ~~homeowner~~ or moderate-income applicant  
554 ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12),  
555 respectively, if the applicant ~~homeowner~~ provides such  
556 certification in a signed or electronically verified statement  
557 made under penalty of perjury.

558 5. The program may accept a certification directly from an  
559 applicant attesting to his or her age if the applicant provides  
560 such certification in a signed or electronically verified  
561 statement made under penalty of perjury.

562 (j) An applicant ~~A homeowner~~ who receives a grant shall  
563 finalize construction and request a final inspection, ~~or request~~  
564 ~~an extension for an additional 6 months,~~ within 18 months ~~1 year~~  
565 after grant application approval. If an applicant ~~a homeowner~~  
566 fails to comply with this paragraph, his or her application is  
567 deemed abandoned and the grant money reverts to the department.

568 (3) REQUESTS FOR INFORMATION.—The department may request  
569 that an applicant provide additional information. An application  
570 is deemed abandoned ~~withdrawn~~ by the applicant if the department  
571 does not receive a response to its request for additional  
572 information within 60 days after the notification of any  
573 apparent error or omission.

574 (4) ABANDONED APPLICATIONS.—The department must notify an  
575 applicant at least 5 business days before an application is

deemed abandoned. If the applicant responds to such notification within 5 business days after receiving the notice and demonstrates good cause for why the application should not be deemed abandoned, the applicant may submit a subsequent grant application or the department may determine the application is not abandoned.

(9)~~(8)~~ CONTRACT MANAGEMENT.—

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

(11)~~(10)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts applicants ~~homeowners~~ received from insurers



as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

**Section 4. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:**

215.96 Coordinating council and design and coordination staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of Revenue; and the Director of Planning and Budgeting, Executive Office of the Governor, or their designees. The Chief Financial Officer, or his or her designee, shall be chair of the council, and the design and coordination staff shall provide administrative and clerical support to the council and the board. ~~The design and coordination staff shall maintain the Minutes of each meeting shall be and make such minutes~~ available to any interested person. The Auditor General, the State Courts Administrator, ~~a an executive officer of the Florida Association of state agency administrative services~~ director selected by the council ~~Directors,~~ and ~~a an executive officer of the Florida Association of state budget~~ officer selected by the council ~~Officers,~~ or their designees, shall serve without voting rights as ex officio members of the council. The chair may call

626 meetings of the council as often as necessary to transact  
627 business; however, the council shall meet at least once a year.  
628 Action of the council shall be by motion, duly made, seconded  
629 and passed by a majority of the council voting in the  
630 affirmative for approval of items that are to be recommended for  
631 approval to the Financial Management Information Board.

632 (3) The coordinating council, assisted by the design and  
633 coordination staff, shall have the following duties, powers, and  
634 responsibilities pertaining to the Florida Financial Management  
635 Information System:

636 (a) To review and coordinate annual workplans to ensure  
637 that the Florida Financial Management Information System remains  
638 aligned across participating entities. The coordination council  
639 shall ensure that each participating entity submits an annual  
640 workplan by October 1 of each year. The coordinating council  
641 shall review and discuss the workplans, identify potential  
642 impacts or conflicts, facilitate resolutions when practicable,  
643 and expedite unresolved issues as appropriate.

644 (b) To conduct such studies and to establish committees,  
645 workgroups, and teams to develop recommendations for rules,  
646 policies, procedures, principles, and standards to the board as  
647 necessary to assist the board in its efforts to design,  
648 implement, and perpetuate a financial management information  
649 system, including, but not limited to, the establishment of  
650 common data codes, and the development of integrated financial

651 management policies that address the information and management  
652 needs of the functional owner subsystems. The coordinating  
653 council shall make available a copy of the approved plan in  
654 writing or through electronic means to each of the coordinating  
655 council members, the fiscal committees of the Legislature, and  
656 any interested person.

657 (c) ~~(b)~~ To recommend to the board solutions, policy  
658 alternatives, and legislative budget request issues that will  
659 provide ~~ensure~~ a framework for the timely, positive, preplanned,  
660 and prescribed data transfer between information subsystems ~~and~~  
661 ~~to recommend to the board solutions, policy alternatives, and~~  
662 ~~legislative budget request issues that ensure the availability~~  
663 ~~of data and information that support state planning, policy~~  
664 ~~development, management, evaluation, and performance monitoring.~~

665 ~~(c) To report to the board all actions taken by the~~  
666 ~~coordinating council for final action.~~

667 ~~(d) To review the annual work plans of the functional~~  
668 ~~owner information subsystems by October 1 of each year. The~~  
669 ~~review shall be conducted to assess the status of the Florida~~  
670 ~~Financial Management Information System and the functional owner~~  
671 ~~subsystems in regard to the provisions of s. 215.91. The~~  
672 ~~coordinating council, as part of the review process, may make~~  
673 ~~recommendations for modifications to the functional owner~~  
674 ~~information subsystems annual work plans.~~

675 **Section 5. Section 284.08, Florida Statutes, is amended to**

676 **read:**

677       284.08 Purchase of insurance, excess insurance,  
678 reinsurance, and services ~~Reinsurance on excess coverage and~~  
679 ~~approval by Department of Management Services.~~ Notwithstanding  
680 the requirements of s. 287.022(1), the Department of Financial  
681 Services shall determine what property insurance ~~excess~~ coverage  
682 is necessary and may purchase insurance, excess insurance, and  
683 reinsurance as necessary to provide insurance coverages  
684 authorized by this part ~~thereon upon approval by the Department~~  
685 ~~of Management Services.~~ The Department of Financial Services may  
686 contract with an insurance or reinsurance broker to market the  
687 insurance program and facilitate the purchase of insurance,  
688 excess insurance, and reinsurance on behalf of the department.

689       **Section 6. Section 284.33, Florida Statutes, is amended to**  
690 **read:**

691       284.33 Purchase of insurance, reinsurance, excess  
692 insurance, and services.—

693       (1) Notwithstanding the requirements of s. 287.022(1), the  
694 Department of Financial Services is authorized to purchase  
695 ~~provide~~ insurance, ~~specific~~ excess insurance, and reinsurance  
696 ~~aggregate excess insurance through the Department of Management~~  
697 ~~Services, pursuant to the provisions of part I of chapter 287,~~  
698 as necessary to provide insurance coverages authorized by this  
699 part, consistent with market availability. The Department of  
700 Financial Services may contract with an insurance or reinsurance

701 broker to market the insurance program and facilitate the  
702 purchase of insurance, excess insurance, and reinsurance on  
703 behalf of the department. ~~However,~~ The Department of Financial  
704 Services may directly purchase annuities by using a structured  
705 settlement insurance consulting firm selected by the department  
706 to assist in the settlement of claims being handled by the  
707 Division of Risk Management. The selection of the structured  
708 settlement insurance services consultant shall be made by using  
709 competitive sealed proposals. The consulting firm shall act as  
710 an agent of record for the department in procuring the best  
711 annuity products available to facilitate structured settlement  
712 of claims, considering price, insurer financial strength, and  
713 the best interests of the state risk management program.  
714 Purchase of annuities by the department using a structured  
715 settlement method is excepted from competitive sealed bidding or  
716 proposal requirements. The Department of Financial Services is  
717 further authorized to purchase such risk management services,  
718 including, but not limited to, risk and claims control; safety  
719 management; and legal, investigative, and adjustment services,  
720 as may be required and pay claims. The department may contract  
721 with a service organization for such services and advance money  
722 to such service organization for deposit in a special checking  
723 account for paying claims made against the state under ~~the~~  
724 ~~provisions of~~ this part. The special checking account shall be  
725 maintained in this state in a bank or savings association

726 organized under the laws of this state or of the United States.  
727 The department may replenish such account as often as necessary  
728 upon the presentation by the service organization of  
729 documentation for payments of claims equal to the amount of the  
730 requested reimbursement.

731 (2) ~~Nothing contained in~~ Chapter 287 may not shall be  
732 construed as requiring written agreements for health and mental  
733 health services or drugs in the examinations, diagnoses, or  
734 treatments of sick or injured employees or other benefits as  
735 required by ~~the provisions of~~ chapter 440.

736 **Section 7. Paragraph (a) of subsection (7) and paragraph**  
737 **(j) of subsection (12) of section 440.13, Florida Statutes, are**  
738 **amended to read:**

739 440.13 Medical services and supplies; penalty for  
740 violations; limitations.—

741 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

742 (a) Any health care provider who elects to contest the  
743 disallowance or adjustment of payment by a carrier under  
744 subsection (6) must, within 60 ~~45~~ days after receipt of notice  
745 of disallowance or adjustment of payment, petition the  
746 department to resolve the dispute. The petitioner must serve, by  
747 the United States Postal Service certified mail or by common  
748 carrier with verifiable tracking methods, a copy of the petition  
749 on the carrier and on all affected parties listed on the notice  
750 of disallowance or adjustment ~~by certified mail~~. The petition

751 must be accompanied by all documents and records that support  
752 the allegations contained in the petition. Failure of a  
753 petitioner to submit such documentation to the department  
754 results in dismissal of the petition.

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

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

759 1. Take testimony, receive records, and collect data to  
760 evaluate the adequacy of the workers' compensation fee schedule,  
761 nationally recognized fee schedules and alternative methods of  
762 reimbursement to health care providers and health care  
763 facilities for inpatient and outpatient treatment and care.

764 2. Survey health care providers and health care facilities  
765 to determine the availability and accessibility of workers'  
766 compensation health care delivery systems for injured workers.

767 3. Survey carriers to determine the estimated impact on  
768 carrier costs and workers' compensation premium rates by  
769 implementing changes to the carrier reimbursement schedule or  
770 implementing alternative reimbursement methods.

771 4. Submit recommendations on or before January 15, 2031  
772 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President  
773 of the Senate and the Speaker of the House of Representatives on  
774 methods to improve the workers' compensation health care  
775 delivery system.

776  
777 The department, as requested, shall provide data to the panel,  
778 including, but not limited to, utilization trends in the  
779 workers' compensation health care delivery system. The  
780 department shall provide the panel with an annual report  
781 regarding the resolution of medical reimbursement disputes and  
782 any actions pursuant to subsection (8). The department shall  
783 provide administrative support and service to the panel to the  
784 extent requested by the panel. The department may adopt rules  
785 pursuant to ss. 120.536(1) and 120.54 to implement this  
786 subsection. For prescription medication purchased under the  
787 requirements of this subsection, a dispensing practitioner shall  
788 not possess such medication unless payment has been made by the  
789 practitioner, the practitioner's professional practice, or the  
790 practitioner's practice management company or employer to the  
791 supplying manufacturer, wholesaler, distributor, or drug  
792 repackager within 60 days of the dispensing practitioner taking  
793 possession of that medication.

794 **Section 8. Section 497.1411, Florida Statutes, is created**  
795 **to read:**

796 497.1411 Disqualification of applicants and licenses;  
797 penalties against licensees; rulemaking.—

798 (1) For purposes of this section, the term "applicant"  
799 means an individual applying for licensure or relicensure under  
800 this chapter, or an officer, director, majority owner, partner,



801 manager, or other person who manages or controls an entity  
802 applying for licensure or relicensure under this chapter.

803 (2) An applicant who has been found guilty of or has  
804 pleaded guilty or nolo contendere to any of the following  
805 offenses, regardless of adjudication, is permanently barred from  
806 licensure under this chapter:

807 (a) A felony of the first degree.

808 (b) A felony involving conduct prohibited under chapter  
809 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter  
810 825, chapter 827, or chapter 847.

811 (c) A felony involving moral turpitude.

812 (3) An applicant who has been found guilty of, or has  
813 entered a plea of guilty or nolo contendere to an offense not  
814 subject to the permanent bar under subsection (2), regardless of  
815 adjudication, is subject to the following disqualifying periods:

816 (a) A 10-year disqualifying period for any felony to which  
817 the permanent bar in subsection (2) does not apply.

818 Notwithstanding subsection (4), an applicant who has completed  
819 at least one-half of the disqualifying period may apply for a  
820 probationary license for the remainder of the disqualifying  
821 period if, during that time, the applicant has not been found  
822 guilty of, or has not entered a plea of guilty or nolo  
823 contendere to, any offense.

824 (b) A 5-year disqualifying period for all misdemeanors  
825 directly related to chapter 497.

826       (4) The board shall adopt rules to administer this  
827 section. Such rules must provide additional disqualifying  
828 periods for applicants who have committed multiple criminal  
829 offenses and may provide additional factors for disqualification  
830 reasonably related to the applicant's criminal history. The  
831 rules must also establish mitigating and aggravating factors.  
832 However, mitigation may not reduce any disqualifying period to  
833 less than 5 years and may not be applied to reduce the 5-year  
834 disqualifying period provided in paragraph (3) (b) .

835       (5) For purposes of this section, a disqualifying period  
836 begins upon the applicant's final release from supervision or  
837 upon completion of the applicant's criminal sentence. The board  
838 may not approve issuance of a license to an applicant until the  
839 applicant provides proof that all related fines, court costs,  
840 fees, and court-ordered restitution have been paid.

841       (6) After the disqualifying period has expired, the burden  
842 is on the applicant to demonstrate to the board that he or she  
843 has been rehabilitated, does not pose a risk to the public, is  
844 fit and trustworthy to engage in business regulated by this  
845 chapter, and is otherwise qualified for licensure.

846       (7) Notwithstanding subsections (2) and (3), an applicant  
847 who has been found guilty of, or has pleaded guilty or nolo  
848 contendere to, a crime in subsection (2) or subsection (3), and  
849 who has subsequently been granted a pardon or the restoration of  
850 civil rights pursuant to chapter 940 and s. 8, Art. IV of the

851 State Constitution, or a pardon or the restoration of civil  
852 rights under the laws of another jurisdiction with respect to a  
853 conviction in that jurisdiction, is not barred or disqualified  
854 from licensure under this chapter; however, such a pardon or  
855 restoration of civil rights does not require the board to award  
856 such license.

857 (8) (a) The board may grant an exemption from  
858 disqualification to any person disqualified from licensure under  
859 subsection (3) if:

860 1. The applicant has paid in full any fee, fine, fund,  
861 lien, civil judgment, restitution, or cost of prosecution  
862 imposed by the court as part of the judgment and sentence for  
863 any disqualifying offense; and

864 2. At least 2 years have elapsed since the applicant  
865 completed or has been lawfully released from confinement,  
866 supervision, or any nonmonetary condition imposed by the court  
867 for a disqualifying offense.

868 (b) For the board to grant an exemption under this  
869 subsection, the applicant must clearly and convincingly  
870 demonstrate that he or she would not pose a risk to persons or  
871 property if licensed under this chapter, evidence of which must  
872 include, but need not be limited to, facts and circumstances  
873 surrounding the disqualifying offense, the time that has elapsed  
874 since the offense, the nature of the offense and harm caused to  
875 the victim, the applicant's history before and after the

876 offense, and any other evidence or circumstances indicating that  
877 the applicant will not present a danger if licensed or  
878 certified.

879 (c) The board has discretion whether to grant or deny an  
880 exemption under this subsection. The board's decision is subject  
881 to chapter 120.

882 (9) The disqualification periods provided in this section  
883 do not apply to the renewal of a license or to a new application  
884 for licensure if the applicant has an active license as of July  
885 1, 2026, and the applicable criminal history was considered by  
886 the board on the prior approval of any active license held by  
887 the applicant. This section does not affect any criminal history  
888 disclosure requirements of this chapter.

889 **Section 9. Subsection (9) and paragraph (c) of subsection**  
890 **(10) of section 497.142, Florida Statutes, are amended to read:**

891 497.142 Licensing; fingerprinting and criminal background  
892 checks.—

893 (9) If any applicant under this chapter has been, ~~within~~  
894 ~~the 10 years preceding the application under this chapter,~~  
895 convicted or found guilty of, or entered a plea of nolo  
896 contendere to, regardless of adjudication, any crime in any  
897 jurisdiction, the application may ~~shall~~ not be deemed complete  
898 until such time as the applicant provides such certified true  
899 copies of the court records evidencing the conviction, finding,  
900 or plea, as required in this section or as the licensing

901 authority may by rule require.

902 (10)

903 (c) Crimes to be disclosed are:

904 1. Any felony ~~or misdemeanor~~, no matter when committed,  
905 ~~that was directly or indirectly related to or involving any~~  
906 ~~aspect of the practice or business of funeral directing,~~  
907 ~~embalming, direct disposition, cremation, funeral or cemetery~~  
908 ~~preneed sales, funeral establishment operations, cemetery~~  
909 ~~operations, or cemetery monument or marker sales or~~  
910 ~~installation.~~

911 2. Any misdemeanor, no matter when committed, that was  
912 directly related to the practice or activities regulated under  
913 this chapter ~~Any other felony not already disclosed under~~  
914 ~~subparagraph 1. that was committed within the 20 years~~  
915 ~~immediately preceding the application under this chapter.~~

916 3. Any other misdemeanor not already disclosed under  
917 subparagraph 2. which ~~subparagraph 1. that~~ was committed within  
918 the 5 years immediately preceding the application under this  
919 chapter.

920 **Section 10. Section 626.171, Florida Statutes, is amended**  
921 **to read:**

922 626.171 Application for license as an agent, customer  
923 representative, adjuster, or service representative, ~~or~~  
924 ~~reinsurance intermediary.~~

925 (1) The department may not issue a license as agent,

customer representative, adjuster, or service representative, ~~or~~  
~~reinsurance intermediary~~ to any person except upon written  
application filed with the department, meeting the  
qualifications for the license applied for as determined by the  
department, and payment in advance of all applicable fees. The  
application must be made under the oath of the applicant and be  
signed by the applicant. An applicant may permit a third party  
to complete, submit, and sign an application on the applicant's  
behalf, but is responsible for ensuring that the information on  
the application is true and correct and is accountable for any  
misstatements or misrepresentations. The department shall accept  
the uniform application for resident and nonresident agent and  
adjuster licensing. The department may adopt revised versions of  
the uniform application by rule.

(2) In the application, the applicant must include all of  
the following ~~shall set forth~~:

(a) The applicant's ~~His or her~~ full name, age, social  
security number, residence address, business address, mailing  
address, contact telephone numbers, including a business  
telephone number, and e-mail address.

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

(c) Whether the applicant ~~he or she~~ has been refused or

951 has voluntarily surrendered or has had suspended or revoked a  
952 license to solicit insurance by the department or by the  
953 supervising officials of any state.

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

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

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

961       (g) The applicant's native language.

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

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

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

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

976 this information exclusively for research and statistical  
977 purposes and to improve the quality and fairness of the  
978 examinations. The department may ~~shall~~ make provisions for  
979 applicants to voluntarily submit their cellular telephone  
980 numbers as part of the application process solely ~~on a voluntary~~  
981 ~~basis only~~ for the purpose of two-factor authentication of  
982 secure login credentials ~~only~~.

983 (3) Each application must be accompanied by payment of any  
984 applicable fee.

985 (4) An applicant for a license issued by the department  
986 under this chapter must submit a set of the individual  
987 applicant's fingerprints, or, if the applicant is not an  
988 individual, a set of the fingerprints of the sole proprietor,  
989 majority owner, partners, officers, and directors, to the  
990 department and must pay the fingerprint processing fee set forth  
991 in s. 624.501. Fingerprints must be processed in accordance with  
992 s. 624.34 and used to investigate the applicant's qualifications  
993 pursuant to s. 626.201. The fingerprints must be taken by a law  
994 enforcement agency or other department-approved entity. The  
995 department may not approve an application for licensure as an  
996 agent, customer ~~service~~ representative, adjuster, or service  
997 representative, ~~or reinsurance intermediary~~ if fingerprints have  
998 not been submitted.

999 (5) The application for license filing fee prescribed in  
1000 s. 624.501 is not subject to refund.



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(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

**Section 11. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:**

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state,

1026 along with payment of the applicable fees set forth in s.  
1027 624.501 and submission of the following documents:

1028 1. A certification issued by the appropriate official of  
1029 the applicant's home state identifying the type of license and  
1030 lines of authority under the license and stating that, ~~at the~~  
1031 ~~time the license from the home state was canceled,~~ the applicant  
1032 was in good standing in that state or that the state's Producer  
1033 Database records, maintained by the National Association of  
1034 Insurance Commissioners, its affiliates, or subsidiaries,  
1035 indicate that the agent or all-lines adjuster is or was licensed  
1036 in good standing for the line of authority requested. An  
1037 applicant may hold a resident license in another state for 30  
1038 days after the Florida resident license has been issued to  
1039 facilitate the transfer of licensure between states.

1040 2. A set of the applicant's fingerprints in accordance  
1041 with s. 626.171(4).

1042 **Section 12. Subsection (1) of section 626.611, Florida**  
1043 **Statutes, is amended to read:**

1044 626.611 Grounds for compulsory refusal, suspension, or  
1045 revocation of agent's, title agency's, adjuster's, customer  
1046 representative's, service representative's, or managing general  
1047 agent's license or appointment.—

1048 (1) The department shall require license reexamination,  
1049 deny an application for, suspend, revoke, or refuse to renew or  
1050 continue the license or appointment of any applicant, agent,

1051 title agency, adjuster, customer representative, service  
1052 representative, or managing general agent, and it shall suspend  
1053 or revoke the eligibility to hold a license or appointment of  
1054 any such person, if it finds that as to the applicant, licensee,  
1055 or appointee any one or more of the following applicable grounds  
1056 exist:

1057       (a) Lack of one or more of the qualifications for the  
1058 license or appointment as specified in this code.

1059       (b) Material misstatement, misrepresentation, or fraud in  
1060 obtaining the license or appointment or in attempting to obtain  
1061 the license or appointment.

1062       (c) Failure to pass to the satisfaction of the department  
1063 any examination required under this code, including cheating on  
1064 an examination required for licensure or violating test center  
1065 or examination procedures published orally, in writing, or  
1066 electronically at the test site by authorized representatives of  
1067 the examination program administrator.

1068       (d) If the license or appointment is willfully used, or to  
1069 be used, to circumvent any of the requirements or prohibitions  
1070 of this code.

1071       (e) Willful misrepresentation of any insurance policy or  
1072 annuity contract or willful deception with regard to any such  
1073 policy or contract, done either in person or by any form of  
1074 dissemination of information or advertising.

1075       (f) If, as an adjuster, or agent licensed and appointed to

1076     adjust claims under this code, he or she has materially  
1077     misrepresented to an insured or other interested party the terms  
1078     and coverage of an insurance contract with intent and for the  
1079     purpose of effecting settlement of claim for loss or damage or  
1080     benefit under such contract on less favorable terms than those  
1081     provided in and contemplated by the contract.

1082            (g)   Demonstrated lack of fitness or trustworthiness to  
1083     engage in the business of insurance.

1084            (h)   Demonstrated lack of reasonably adequate knowledge and  
1085     technical competence to engage in the transactions authorized by  
1086     the license or appointment.

1087            (i)   Fraudulent or dishonest practices in the conduct of  
1088     business under the license or appointment.

1089            (j)   Misappropriation, conversion, or unlawful withholding  
1090     of moneys belonging to insurers or insureds or beneficiaries or  
1091     to others and received in conduct of business under the license  
1092     or appointment.

1093            (k)   Unlawfully rebating, attempting to unlawfully rebate,  
1094     or unlawfully dividing or offering to divide his or her  
1095     commission with another.

1096            (l)   Having obtained or attempted to obtain, or having used  
1097     or using, a license or appointment as agent or customer  
1098     representative for the purpose of soliciting or handling  
1099     "controlled business" as defined in s. 626.730 with respect to  
1100     general lines agents, s. 626.784 with respect to life agents,

and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business, any felony, or any crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440 containing false or misleading information as to employee payroll or classification for the purpose of avoiding or reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.
2. No longer meeting the requirements for initial licensure.

1126           3. Having received a fee, commission, or other valuable  
1127 consideration for his or her services with respect to viatical  
1128 settlements that involved unlicensed viatical settlement  
1129 providers or persons who offered or attempted to negotiate on  
1130 behalf of another person a viatical settlement contract as  
1131 defined in s. 626.9911 and who were not licensed life agents.

1132           4. Dealing in bad faith with viators.

1133           **Section 13. Section 626.621, Florida Statutes, is amended**  
1134 **to read:**

1135           626.621 Grounds for discretionary refusal, suspension, or  
1136 revocation of agent's, adjuster's, customer representative's,  
1137 service representative's, or managing general agent's license or  
1138 appointment.—The department may, in its discretion, require a  
1139 license reexamination, deny an application for, suspend, revoke,  
1140 or refuse to renew or continue the license or appointment of any  
1141 applicant, agent, adjuster, customer representative, service  
1142 representative, or managing general agent, and it may suspend or  
1143 revoke the eligibility to hold a license or appointment of any  
1144 such person, if it finds that as to the applicant, licensee, or  
1145 appointee any one or more of the following applicable grounds  
1146 exist under circumstances for which such denial, suspension,  
1147 revocation, or refusal is not mandatory under s. 626.611:

1148           (1) Any cause for which issuance of the license or  
1149 appointment could have been refused had it then existed and been  
1150 known to the department.

1151 (2) Violation of any provision of this code or of any  
1152 other law applicable to the business of insurance in the course  
1153 of dealing under the license or appointment.

1154 (3) Violation of any lawful order or rule of the  
1155 department, commission, or office.

1156 (4) Failure or refusal, upon demand, to pay over to any  
1157 insurer he or she represents or has represented any money coming  
1158 into his or her hands belonging to the insurer.

1159 (5) Violation of the provision against twisting, as  
1160 defined in s. 626.9541(1)(1).

1161 (6) In the conduct of business under the license or  
1162 appointment, engaging in unfair methods of competition or in  
1163 unfair or deceptive acts or practices, as prohibited under part  
1164 IX of this chapter, or having otherwise shown himself or herself  
1165 to be a source of injury or loss to the public.

1166 (7) Willful overinsurance of any property or health  
1167 insurance risk.

1168 (8) If a life agent, violation of the code of ethics.

1169 (9) Cheating on an examination required for licensure or  
1170 violating test center or examination procedures published  
1171 orally, in writing, or electronically at the test site by  
1172 authorized representatives of the examination program  
1173 administrator. Communication of test center and examination  
1174 procedures must be clearly established and documented.

1175 (10) Failure to inform the department in writing within 30

1176 days after pleading guilty or nolo contendere to, or being  
1177 convicted or found guilty of, any felony or a crime punishable  
1178 by imprisonment of 1 year or more under the law of the United  
1179 States or of any state thereof, or under the law of any other  
1180 country without regard to whether a judgment of conviction has  
1181 been entered by the court having jurisdiction of the case.

1182       (11) Knowingly aiding, assisting, procuring, advising, or  
1183 abetting any person in the violation of or to violate a  
1184 provision of the insurance code or any order or rule of the  
1185 department, commission, or office.

1186       (12) Has been the subject of or has had a license, permit,  
1187 appointment, registration, or other authority to conduct  
1188 business subject to any decision, finding, injunction,  
1189 suspension, prohibition, revocation, denial, judgment, final  
1190 agency action, or administrative order by any court of competent  
1191 jurisdiction, administrative law proceeding, state agency,  
1192 federal agency, national securities, commodities, or option  
1193 exchange, or national securities, commodities, or option  
1194 association involving a violation of any federal or state  
1195 securities or commodities law or any rule or regulation adopted  
1196 thereunder, or a violation of any rule or regulation of any  
1197 national securities, commodities, or options exchange or  
1198 national securities, commodities, or options association.

1199       (13) Failure to comply with any civil, criminal, or  
1200 administrative action taken by the child support enforcement



1201 program under Title IV-D of the Social Security Act, 42 U.S.C.  
1202 ss. 651 et seq., to determine paternity or to establish, modify,  
1203 enforce, or collect support.

1204 (14) Directly or indirectly accepting any compensation,  
1205 inducement, or reward from an inspector for the referral of the  
1206 owner of the inspected property to the inspector or inspection  
1207 company. This prohibition applies to an inspection intended for  
1208 submission to an insurer in order to obtain property insurance  
1209 coverage or establish the applicable property insurance premium.

1210 (15) Denial, suspension, or revocation of, or any other  
1211 adverse administrative action against, a license to practice or  
1212 conduct any regulated profession, business, or vocation by this  
1213 state, any other state, any nation, any possession or district  
1214 of the United States, any court, or any lawful agency thereof.

1215 (16) Taking an action that allows the personal financial  
1216 or medical information of a consumer or customer to be made  
1217 available or accessible to the general public, regardless of the  
1218 format in which the record is stored.

1219 (17) Initiating in-person or telephone solicitation after  
1220 9 p.m. or before 8 a.m. local time of the prospective customer  
1221 unless requested by the prospective customer.

1222 (18) Cancellation of the applicant's, licensee's, or  
1223 appointee's resident license in a state other than Florida.

1224 **Section 14. Subsection (1) of section 626.731, Florida**  
1225 **Statutes, is amended to read:**

1226           626.731 Qualifications for general lines agent's license.—

1227           (1) The department may ~~shall~~ not grant or issue a license  
1228 as general lines agent to any individual found by it to be  
1229 untrustworthy or incompetent or who does not meet each all of  
1230 the following qualifications:

1231           (a) The applicant is a natural person at least 18 years of  
1232 age.

1233           (b) The applicant is a United States citizen or legal  
1234 alien who possesses work authorization from the United States  
1235 Bureau of Citizenship and Immigration Services and is a bona  
1236 fide resident of this state. ~~An individual who is a bona fide~~  
1237 ~~resident of this state shall be deemed to meet the residence~~  
1238 ~~requirement of this paragraph, notwithstanding the existence at~~  
1239 ~~the time of application for license of a license in his or her~~  
1240 ~~name on the records of another state as a resident licensee of~~  
1241 ~~such other state, if the applicant furnishes a letter of~~  
1242 ~~clearance satisfactory to the department that the resident~~  
1243 ~~licenses have been canceled or changed to a nonresident basis~~  
1244 ~~and that he or she is in good standing.~~

1245           (c) The applicant's place of business will be located in  
1246 this state and he or she will be actively engaged in the  
1247 business of insurance and will maintain a place of business, the  
1248 location of which is identifiable by and accessible to the  
1249 public.

1250           (d) The license is not being sought for the purpose of

writing or handling controlled business, in violation of s.  
626.730.

(e) The applicant is qualified as to knowledge,  
experience, or instruction in the business of insurance and  
meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for  
license required under s. 626.221.

**Section 15. Subsection (2) of section 626.785, Florida  
Statutes, is amended to read:**

626.785 Qualifications for license.—

~~(2) An individual who is a bona fide resident of this  
state shall be deemed to meet the residence requirement of  
paragraph (1)(b), notwithstanding the existence at the time of  
application for license of a license in his or her name on the  
records of another state as a resident licensee of such other  
state, if the applicant furnishes a letter of clearance  
satisfactory to the department that the resident licenses have  
been canceled or changed to a nonresident basis and that he or  
she is in good standing.~~

**Section 16. Section 626.831, Florida Statutes, is amended  
to read:**

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license  
as health agent as to any individual found by it to be  
untrustworthy or incompetent, or who does not meet all of the

following qualifications:

(1) ~~(a)~~ Is ~~Must be~~ a natural person of at least 18 years of age.

(2) ~~(b)~~ Is ~~Must be~~ a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state.

(3) ~~(c)~~ Is ~~Must~~ not be an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4) ~~(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination for license required under s. 626.221.

(5) ~~(e)~~ Is ~~Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1) (b), notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.~~

**Section 17. Subsection (24) is added to section 626.854,**

**Florida Statutes, to read:**

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

**Section 18. Subsection (4) of section 648.34, Florida Statutes, is amended to read:**

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in accordance with s. 626.171(4) ~~and a recent credential-sized, fullface photograph of the applicant.~~ The department ~~may~~ shall not authorize an applicant to take the required examination until the department has received a report from the Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

**Section 19. Subsection (2) of section 648.382, Florida Statutes, is amended to read:**

1326           648.382 Appointment of bail bond agents and bail bond  
1327 agencies; effective date of appointment.—

1328           (2) Before any appointment, an appropriate officer or  
1329 official of the appointing insurer must obtain all of the  
1330 following information ~~submit~~:

1331           (a) A certified statement or affidavit to the department  
1332 stating what investigation has been made concerning the proposed  
1333 appointee and the proposed appointee's background and the  
1334 appointing person's opinion to the best of his or her knowledge  
1335 and belief as to the moral character and reputation of the  
1336 proposed appointee. In lieu of such certified statement or  
1337 affidavit, by authorizing the effectuation of an appointment for  
1338 a licensee, the appointing entity certifies to the department  
1339 that such investigation has been made and that the results of  
1340 the investigation and the appointing person's opinion is that  
1341 the proposed appointee is a person of good moral character and  
1342 reputation and is fit to engage in the bail bond business.~~+~~

1343           (b) An affidavit under oath on a form prescribed by the  
1344 department, signed by the proposed appointee, stating that  
1345 premiums are not owed to any insurer and that the appointee will  
1346 discharge all outstanding forfeitures and judgments on bonds  
1347 previously written. If the appointee does not satisfy or  
1348 discharge such forfeitures or judgments, the former insurer  
1349 shall file a notice, with supporting documents, with the  
1350 appointing insurer, the former agent or agency, and the

department, stating under oath that the licensee has failed to timely satisfy forfeitures and judgments on bonds written and that the insurer has satisfied the forfeiture or judgment from its own funds. Upon receipt of such notification and supporting documents, the appointing insurer shall immediately cancel the licensee's appointment. The licensee may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the licensee have been discharged. The appointing insurer or former agent or agency may, within 10 days, file a petition with the department seeking relief from this paragraph. Filing of the petition stays the duty of the appointing insurer to cancel the appointment until the department grants or denies the petition..~~;~~

(c) Any other information that the department reasonably requires concerning the proposed appointee..~~;~~ ~~and~~

(d) Effective January 1, 2025, a certification that the appointing entity obtained from each appointee the following sworn statement:

Pursuant to section 648.382(2)(b), Florida Statutes, I do solemnly swear that I owe no premium to any insurer or agency and that I will discharge all outstanding forfeitures and judgments on bonds that have been previously written. I acknowledge that failure to do this will result in my active appointments being

1376 canceled.

1377  
1378 An appointed bail bond agency must have the attestation under  
1379 this paragraph signed by its owner.

1380 **Section 20. Section 717.001, Florida Statutes, is amended**  
1381 **to read:**

1382 717.001 Short title.—This chapter may be cited as the  
1383 "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property  
1384 Act."

1385 **Section 21. Present subsections (1) through (4), (5)**  
1386 **through (8), (10) through (13), (15) through (20), (21), (22)**  
1387 **through (28), and (31), (32), and (33) of section 717.101,**  
1388 **Florida Statutes, are redesignated as subsections (4) through**  
1389 **(7), (9) through (12), (13) through (16), (17) through (22),**  
1390 **(24), (26) through (32), and (33), (34), and (35), respectively,**  
1391 **new subsections (1), (2), (3), (8), (23), and (25) are added to**  
1392 **that section, and present subsections (1), (2), (5), (6), (8),**  
1393 **(9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and**  
1394 **(30) of that section are amended, to read:**

1395 717.101 Definitions.—As used in this chapter, unless the  
1396 context otherwise requires:

1397 (1) "Abandoned property" means property held by a holder  
1398 for which all of the following are true:

1399 (a) The apparent owner has shown no activity or indication  
1400 of interest for the duration of the applicable dormancy period



1401 established under this chapter.

1402 (b) The holder has complied with the due diligence  
1403 requirements set forth in this chapter, including the issuance  
1404 of notice to the apparent owner, and has received no response or  
1405 contact sufficient to demonstrate continued interest in the  
1406 property.

1407 (2) "Abandoned Property Purchase Agreement" means the form  
1408 adopted by the department pursuant to s. 717.135 which must be  
1409 used, without modification or amendment, by a claimant  
1410 representative to purchase abandoned property from an owner.

1411 (3) "Abandoned Property Recovery Agreement" means the form  
1412 adopted by the department pursuant to s. 717.135 which must be  
1413 used, without modification or amendment, by a claimant  
1414 representative to obtain consent and authority to recover  
1415 abandoned property on behalf of a person.

1416 (4)~~(1)~~ "Aggregate" means the amounts reported for owners  
1417 of abandoned ~~unclaimed~~ property of less than \$10 or where there  
1418 is no name for the individual or entity listed on the holder's  
1419 records, regardless of the amount to be reported.

1420 (5)~~(2)~~ "Apparent owner" means the person whose name  
1421 appears on the records of the holder as the owner of the  
1422 abandoned property, but whose status as the true owner entitled  
1423 to receive the property may be subject to change due to the  
1424 passage of time or changes in circumstances ~~person entitled to~~  
1425 ~~property held, issued, or owing by the holder.~~

1426        (8) "Authorized representative" means a person or entity  
1427 legally empowered to act on behalf of the apparent owner or his  
1428 or estate, including, but not limited to, an agent, a fiduciary,  
1429 a personal representative, a trustee, a legal heir, a guardian,  
1430 or any other individual or entity authorized by law or  
1431 agreement.

1432        (9)~~(5)~~ "Banking or financial organization" means any and  
1433 all banks, trust companies, private bankers, savings banks,  
1434 industrial banks, safe-deposit companies, savings and loan  
1435 associations, credit unions, savings associations, banking  
1436 organizations, international bank agencies, cooperative banks,  
1437 building and loan associations, and investment companies in this  
1438 state, organized under or subject to the laws of this state or  
1439 of the United States, including entities organized under 12  
1440 U.S.C. s. 611, but does not include federal reserve banks. The  
1441 term also includes any corporation, business association, or  
1442 other organization that:

1443        (a) Is a wholly or partially owned subsidiary of any  
1444 banking, banking corporation, or bank holding company that  
1445 performs any or all of the functions of a banking organization;  
1446 or

1447        (b) Performs functions pursuant to the terms of a contract  
1448 with any banking organization.

1449        (10)~~(6)~~ "Business association" means any for-profit or  
1450 nonprofit corporation other than a public corporation; joint

1451 stock company; investment company; unincorporated association or  
1452 association of two or more individuals for business purposes,  
1453 whether or not for profit; partnership; joint venture; limited  
1454 liability company; sole proprietorship; business trust; trust  
1455 company; land bank; safe-deposit company; safekeeping  
1456 depository; banking or financial organization; insurance  
1457 company; federally chartered entity; utility company; transfer  
1458 agent; or other business entity, whether or not for profit.

1459 ~~(12)(8)~~ "Claimant ~~Claimant's~~ representative" means an  
1460 attorney who is a member in good standing with ~~of~~ The Florida  
1461 Bar, a certified public accountant licensed in this state, or a  
1462 private investigator ~~who is duly licensed to do business in this~~  
1463 ~~the state, who is~~ registered with the department, and authorized  
1464 to file claims on behalf of persons with the department ~~by the~~  
1465 ~~claimant to claim unclaimed property on the claimant's behalf.~~  
1466 The term does not include a person acting in a representative or  
1467 fiduciary capacity, such as a personal representative, guardian,  
1468 trustee, or attorney, whose representation is not contingent  
1469 upon the discovery or location of abandoned ~~unclaimed~~ property,  
1470 and it expressly excludes locators, who engage in locating  
1471 owners of abandoned property for a fee but are not registered  
1472 with the department; ~~provided, however, that any agreement~~  
1473 ~~entered into for the purpose of evading s. 717.135 is invalid~~  
1474 ~~and unenforceable.~~

1475 ~~(9) "Credit balance" means an account balance in the~~

customer's favor.

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

~~(14) "Financial organization" means a savings association, savings and loan association, savings bank, industrial bank, bank, banking organization, trust company, international bank agency, cooperative bank, building and loan association, or credit union.~~

(18)(16) "Holder" means a person who is in 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÷

~~(a) A person who is in possession or control or has custody of property or the rights to property belonging to~~

1501 ~~another; is indebted to another on an obligation; or is~~  
1502 ~~obligated to hold for the account of, or to deliver or pay to,~~  
1503 ~~the owner, property subject to this chapter; or~~

1504 ~~(b) A trustee in case of a trust.~~

1505 (20) ~~(18)~~ "Intangible property" includes, by way of  
1506 illustration and not limitation:

1507 (a) Moneys, checks, virtual currency, drafts, deposits,  
1508 interest, dividends, and income.

1509 (b) Credit balances, customer overpayments, security  
1510 deposits and other instruments as defined by chapter 679,  
1511 refunds, unpaid wages, unused airline tickets, and unidentified  
1512 remittances.

1513 (c) Stocks, and other intangible ownership interests in  
1514 business associations except for:

1515 1. A non-freely transferable security; or

1516 2. A security that is subject to a lien, legal hold, or  
1517 restriction evidenced on the records of the holder or imposed by  
1518 operation of law, if the lien, legal hold, or restriction  
1519 restricts the holder's or owner's ability to receive, transfer,  
1520 sell, or otherwise negotiate the security.

1521 (d) Moneys deposited to redeem stocks, bonds, bearer  
1522 bonds, original issue discount bonds, coupons, and other  
1523 securities, or to make distributions.

1524 (e) Amounts due and payable under the terms of insurance  
1525 policies.

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

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

(22) ~~(20)~~ "Lawful charges" means charges against the property or the account in which the property is held ~~dormant accounts~~ that are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means 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 the department.

(25) "Non-freely transferable security" means a security

1551 that cannot be delivered to the administrator by the Depository  
1552 Trust Clearing Corporation or similar custodian of securities  
1553 providing post-trade clearing and settlement services to  
1554 financial markets or cannot be delivered because there is no  
1555 agent to effect transfer. The term includes a worthless  
1556 security.

1557 (26)(22) "Owner" means the a person, ~~or the person's legal~~  
1558 ~~representative,~~ entitled to receive or having a legal or  
1559 equitable interest in the abandoned property. An owner  
1560 establishes his or her entitlement by filing a valid claim with  
1561 the department pursuant ~~or claim against property subject to~~  
1562 ~~this chapter; a depositor in the case of a deposit; a~~  
1563 ~~beneficiary in the case of a trust or a deposit in trust; or a~~  
1564 ~~payee in the case of a negotiable instrument or other intangible~~  
1565 ~~property.~~

1566 (29)(25) "Record" means information that is captured or  
1567 maintained in any format, including written, printed,  
1568 electronic, audio, visual, or other forms, and that can be made  
1569 perceptible or understandable to a person, either directly or  
1570 through technological means, including assistive technologies  
1571 ~~inscribed on a tangible medium or that is stored in an~~  
1572 ~~electronic or other medium and is retrievable in perceivable~~  
1573 ~~form.~~

1574 ~~(29)~~ ~~"Unclaimed Property Purchase Agreement" means the~~  
1575 ~~form adopted by the department pursuant to s. 717.135 which must~~

1576 ~~be used, without modification or amendment, by a claimant's~~  
1577 ~~representative to purchase unclaimed property from an owner.~~

1578 ~~(30) "Unclaimed Property Recovery Agreement" means the~~  
1579 ~~form adopted by the department pursuant to s. 717.135 which must~~  
1580 ~~be used, without modification or amendment, by a claimant's~~  
1581 ~~representative to obtain an owner's consent and authority to~~  
1582 ~~recover unclaimed property on the owner's behalf.~~

1583 **Section 22. Section 717.102, Florida Statutes, is amended**  
1584 **to read:**

1585 717.102 Property presumed abandoned ~~unclaimed~~; general  
1586 rule.—

1587 (1) Except as otherwise provided by this chapter, all  
1588 intangible property, including any income or increment thereon  
1589 less any lawful charges, that is held, issued, or owing in the  
1590 ordinary course of the holder's business and for which the  
1591 apparent owner or authorized representative fails to demonstrate  
1592 continued interest for more than the applicable dormancy period  
1593 prescribed by this chapter shall be presumed abandoned ~~claim~~  
1594 ~~such property for more than 5 years after the property becomes~~  
1595 ~~payable or distributable is presumed unclaimed, except as~~  
1596 ~~otherwise provided by this chapter. Unless otherwise specified~~  
1597 ~~by law, the dormancy period shall be 5 years from the date the~~  
1598 ~~property becomes payable or distributable. For the purposes of~~  
1599 ~~this chapter, property shall be considered payable or~~  
1600 ~~distributable once the holder's obligation to pay or deliver the~~



property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

(2) ~~Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.~~

~~(3)~~ A presumption that property is abandoned may be unclaimed is rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative ~~an apparent owner's expression of interest in the property. Such demonstration~~ An owner's expression of continued interest in property includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.~~†~~

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~ ~~apparent owner's~~ communication.~~†~~

(c) Presentment of a check or other instrument for ~~of~~

1626 payment of ~~a dividends dividend~~, interest ~~payment~~, or other  
1627 ~~distributions related to the property. distribution, with~~  
1628 ~~respect to an account, underlying security, or interest in a~~  
1629 ~~business association;~~

1630 (d) Any account activity initiated ~~directed~~ by an apparent  
1631 owner or authorized representative ~~in the account in which the~~  
1632 ~~property is held~~, including accessing the account or directing  
1633 changes to information concerning the account, ~~or to the amount~~  
1634 or type of property held, excluding routine automatic  
1635 transactions previously authorized, ~~a direction by the apparent~~  
1636 ~~owner~~ to increase, decrease, or otherwise change the amount or  
1637 type of property held in the account. ~~†~~

1638 (e) Any ~~A~~ deposit into or withdrawal from the property or  
1639 the an account in which the property is held ~~at a financial~~  
1640 ~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or  
1641 reinvestments ~~deposit or withdrawal~~ previously authorized by the  
1642 apparent owner or authorized representative. ~~an automatic~~  
1643 ~~reinvestment of dividends or interest, which does not constitute~~  
1644 ~~an expression of interest; or~~

1645 (f) Any other action by the apparent owner or authorized  
1646 representative which reasonably demonstrates to the holder that  
1647 the apparent owner or authorized representative is aware of and  
1648 maintains an interest in ~~knows that~~ the property ~~exists~~.

1649 ~~(3)-(4)~~ If a holder learns or receives confirmation of an  
1650 apparent owner's death, the property shall be presumed abandoned

1651 ~~unclaimed~~ 2 years after the date of death, unless an authorized  
1652 representative makes an affirmative demonstration a fiduciary  
1653 ~~appointed to represent the estate of the apparent owner has made~~  
1654 ~~an expression~~ of interest in the property before the expiration  
1655 of the 2-year period. This subsection may not be construed to  
1656 extend the otherwise applicable dormancy period prescribed by  
1657 this chapter.

1658 **Section 23. Section 717.103, Florida Statutes, is amended**  
1659 **to read:**

1660 717.103 General rules for taking custody of intangible  
1661 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this  
1662 chapter or by other statute of this state, intangible property  
1663 is subject to the custody of the department as abandoned  
1664 ~~unclaimed~~ property when ~~if~~ the conditions leading to a  
1665 presumption that the property is abandoned ~~unclaimed~~ as  
1666 described in ss. 717.102 and 717.105-717.116 are satisfied and  
1667 the holder has fulfilled all required due diligence obligations  
1668 without receiving any response or claim from the apparent owner,  
1669 and one or more of the following criteria apply:

1670 (1) The last known address, as shown on the records of the  
1671 holder, of the apparent owner is in this state. ~~†~~

1672 (2) The records of the holder do not identify the name of  
1673 the apparent owner, but do reflect the identity of the person  
1674 ~~entitled to the property, and it is established~~ that the last  
1675 known address of the apparent owner ~~person entitled to the~~

property is in this state.~~†~~

(3) The records of the holder do not reflect the last known address of the apparent owner, but ~~and~~ it is established that either of the following conditions apply:

(a) The last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~†~~ ~~or~~

(b) The holder is domiciled in this state, ~~a domiciliary~~ or is a government entity or ~~governmental~~ subdivision ~~or agency~~ of this state, and has not previously paid the property to the state of the last known address of the apparent owner. ~~or other person entitled to the property;~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction ~~state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or unclaimed property laws ~~custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property,~~ and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity ~~or governmental~~ subdivision or agency of this state.~~†~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity ~~or governmental~~ subdivision or agency of this state.~~†~~ ~~or~~

1701 (6) The transaction out of which the property arose  
1702 occurred in this state, and both of the following are true:

1703 (a) ~~1. The last known address of the apparent owner or~~  
1704 ~~other person entitled to the property is unknown; or~~

1705 ~~2. The last known address of the apparent owner or other~~  
1706 ~~person entitled to the property is in a state that does not~~  
1707 ~~provide by law for the escheat or custodial taking of the~~  
1708 ~~property, or its escheat or unclaimed property law is not~~  
1709 ~~applicable to the property; and~~

1710 (b) The holder is domiciled in a jurisdiction a  
1711 ~~domiciliary of a state that does not have applicable provide by~~  
1712 ~~law for the escheat, abandoned, or custodial taking of the~~  
1713 ~~property, or its escheat or unclaimed property laws law is not~~  
1714 ~~applicable to the property.~~

1715 **Section 24.** Section 717.1035, Florida Statutes, is  
1716 repealed.

1717 **Section 25. Section 717.104, Florida Statutes, is amended**  
1718 **to read:**

1719 717.104 Traveler's checks and money orders.—

1720 (1) Subject to subsection (4), any sum payable on a  
1721 traveler's check that has been outstanding for more than 15  
1722 years after its issuance is presumed abandoned ~~unclaimed~~ unless  
1723 the apparent owner or authorized representative, within 15  
1724 years, has demonstrated a continued interest in the property in  
1725 accordance with s. 717.102 ~~communicated in writing with the~~

1726 ~~issuer concerning it or otherwise indicated an interest as~~  
1727 ~~evidenced by a memorandum or other record on file with the~~  
1728 ~~issuer.~~

1729 (2) Subject to subsection (4), any sum payable on a money  
1730 order or similar written instrument, other than a third party  
1731 bank check, that has been outstanding for more than 7 years  
1732 after its issuance is presumed abandoned ~~unclaimed~~ unless the  
1733 apparent owner or authorized representative, within 7 years, has  
1734 demonstrated a continued interest in the property in accordance  
1735 with s. 717.102 ~~communicated in writing with the issuer~~  
1736 ~~concerning it or otherwise indicated an interest as evidenced by~~  
1737 ~~a memorandum or other record on file with the issuer.~~

1738 (3) A ~~No~~ holder may not deduct from the amount of any  
1739 traveler's check or money order any charges imposed by reason of  
1740 the failure to present those instruments for payment unless  
1741 there is a valid and enforceable written contract between the  
1742 holder ~~issuer~~ and the apparent owner of the property pursuant to  
1743 which the holder ~~issuer~~ may impose those charges and the holder  
1744 ~~issuer~~ regularly imposes those charges and does not regularly  
1745 reverse or otherwise cancel those charges with respect to the  
1746 property.

1747 (4) No sum payable on a traveler's check, money order, or  
1748 similar written instrument, other than a third party bank check,  
1749 described in subsections (1) and (2) may be subjected to the  
1750 custody of this state as abandoned ~~unclaimed~~ property unless any

of the following conditions are met:

(a) The records of the holder ~~issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.

(b) The holder ~~issuer~~ has its principal place of business in this state and its ~~the~~ records ~~of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.

(c) The holder ~~issuer~~ has its principal place of business in this state; the holder's records ~~of the issuer~~ show the state in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the state of purchase does not provide applicable~~ do not provide for the escheat, abandoned, or unclaimed property laws ~~or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property.~~

(5) Notwithstanding any other provision of this chapter, subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned ~~unclaimed~~ on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

**Section 26. Section 717.1045, Florida Statutes, is amended to read:**

717.1045 Gift certificates and similar credit items.—

Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned ~~unclaimed~~ property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~ property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

**Section 27. Section 717.105, Florida Statutes, is amended to read:**

717.105 Checks, drafts, and similar instruments issued or certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable,



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including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization.~~

(2) A ~~No~~ holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

**Section 28. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:**

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are

1826 automatically renewable, and any funds paid toward the purchase  
1827 of shares, a mutual investment certificate, or any other  
1828 interest in a banking or financial organization is presumed  
1829 abandoned ~~unclaimed~~ unless the apparent owner or authorized  
1830 representative has, within 5 years, engaged in any of the  
1831 following activities:

1832 (a) Increased or decreased the amount of the deposit or  
1833 presented the passbook or other similar evidence of the deposit  
1834 for the crediting of interest.~~+~~

1835 (b) Communicated in writing or by documented telephone  
1836 contact with the banking or financial organization concerning  
1837 the property.~~+~~

1838 (c) Otherwise demonstrated a continued ~~indicated an~~  
1839 interest in the property as evidenced by a memorandum or other  
1840 record on file with the banking or financial organization.~~+~~

1841 (d) Owned other property to which paragraph (a), paragraph  
1842 (b), or paragraph (c) is applicable and if the banking or  
1843 financial organization communicates in writing with the owner  
1844 with regard to the property that would otherwise be presumed  
1845 abandoned ~~unclaimed~~ under this subsection at the address to  
1846 which communications regarding the other property regularly are  
1847 sent.~~;~~~~or~~

1848 (e) Had another relationship with the banking or financial  
1849 organization concerning which the apparent owner has:

1850 1. Communicated in writing with the banking or financial

organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) A ~~No~~ holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of \$2, the holder, no more than 3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is

1876 automatically renewable is matured for purposes of subsection  
1877 (1) upon the expiration of its initial time period except that,  
1878 in the case of any renewal to which the apparent owner consents  
1879 at or about the time of renewal by communicating in writing with  
1880 the banking or financial organization or otherwise indicating  
1881 consent as evidenced by a memorandum or other record on file  
1882 prepared by an employee of the organization, the property is  
1883 matured upon the expiration of the last time period for which  
1884 consent was given. If, at the time provided for delivery in s.  
1885 717.119, a penalty or forfeiture in the payment of interest  
1886 would result from the delivery of the property, the time for  
1887 delivery is extended until the time when no penalty or  
1888 forfeiture would result.

1889 (5) If the documents establishing a deposit described in  
1890 subsection (1) state the address of a beneficiary of the  
1891 deposit, and the account has a value of at least \$50, notice  
1892 shall be given to the beneficiary as provided for notice to the  
1893 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection  
1894 shall apply to accounts opened on or after October 1, 1990.

1895 **Section 29. Subsection (1) of section 717.107, Florida**  
1896 **Statutes, is amended to read:**

1897 717.107 Funds owing under life insurance policies, annuity  
1898 contracts, and retained asset accounts; fines, penalties, and  
1899 interest; United States Social Security Administration Death  
1900 Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned ~~unclaimed~~ if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if such property is not claimed for more than 2 years. The amount presumed abandoned ~~unclaimed~~ shall include any amount due and payable under s. 627.4615.

**Section 30. Section 717.1071, Florida Statutes, is amended to read:**

717.1071 Lost owners of abandoned ~~unclaimed~~ demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced

by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

**Section 31. Section 717.108, Florida Statutes, is amended to read:**

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

**Section 32. Section 717.109, Florida Statutes, is amended to read:**

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1

year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned unclaimed.

**Section 33. Section 717.1101, Florida Statutes, is amended to read:**

717.1101 Abandoned Unclaimed equity and debt of business associations.—

(1)(a) Stock, or other equity interests, or debt of interest in a business association is presumed abandoned unclaimed on the date of the earliest of any of the following:

1. Three years after the date a communication, other than communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account owner-generated activity or communication initiated by the apparent owner or authorized representative which demonstrates continued interest in the ~~related to the~~ account, as recorded and maintained by in the holder. Routine automatic reinvestments or other routine transactions previously authorized by the

1976 apparent owner or authorized representative do not prevent,  
1977 interrupt, or reset the dormancy period and do not constitute an  
1978 affirmative demonstration of continued interest. ~~holder's~~

1979 ~~database and records systems sufficient enough to demonstrate~~  
1980 ~~the owner's continued awareness or interest in the property;~~

1981 3.2. Two ~~Three~~ years after the date of the death of the  
1982 apparent owner, as evidenced by:

1983 a. Notice to the holder of the apparent owner's death by  
1984 an authorized representative ~~administrator, beneficiary,~~  
1985 ~~relative, or trustee, or by a personal representative or other~~  
1986 ~~legal representative of the owner's estate;~~

1987 b. Receipt by the holder of a copy of the death  
1988 certificate of the apparent owner;

1989 c. Confirmation by the holder of the apparent owner's  
1990 death through ~~though~~ other means; or

1991 d. Other evidence from which the holder may reasonably  
1992 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

1993 ~~3. One year after the date on which the holder receives~~  
1994 ~~notice under subparagraph 2. if the notice is received 2 years~~  
1995 ~~or less after the owner's death and the holder lacked knowledge~~  
1996 ~~of the owner's death during that period of 2 years or less.~~

1997 (b) If the holder does not send communication to the  
1998 apparent owner of a security by first-class United States mail  
1999 on an annual basis, the holder shall attempt to confirm the  
2000 apparent owner's interest in the equity interest by sending the



apparent owner an e-mail communication not later than 3 years after the apparent owner's or authorized representative's last demonstration of continued interest in the equity interest.

However, the holder shall promptly attempt to contact the apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the apparent owner an e-mail communication or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

2. The holder received notification that the e-mail communication was not received; or

3. The apparent owner does not respond to the e-mail communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph (b) is returned to the holder undelivered by the United States Postal Service, the equity interest is presumed abandoned in accordance with paragraph (1) (a).

(d) Unmatured or unredeemed debt, other than a bearer bond or an original issue discount bond, is presumed abandoned 5 ~~unclaimed 3~~ years after the date of the most recent interest payment unclaimed by the owner.

(e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5 ~~unclaimed 3~~ years after the date of maturity or redemption.

(f) ~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~ under paragraph (a) or paragraph (b), any other

property right accrued or accruing to the owner as a result of the property interest and not previously presumed abandoned ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under s. 717.102, including by any of the following actions ~~person~~:

(a) ~~1. Communicating~~ Communicates in writing or by other means with the association or its agent regarding the interest, ~~or a dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent, or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent.~~

(b) Presenting ~~Presents~~ an instrument issued to pay interest, ~~or a dividend, or other cash~~ distribution. If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned ~~unclaimed~~ commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned ~~unclaimed~~ under this section, any dividend, distribution, or

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other sum then held for or owing to the owner as a result of the interest, is presumed abandoned ~~unclaimed~~.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.

**Section 34. Section 717.111, Florida Statutes, is amended to read:**

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned ~~unclaimed~~.

**Section 35. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:**

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is

2076 presumed abandoned ~~unclaimed~~ unless the apparent owner has  
2077 within 5 years after it has become payable or distributable  
2078 increased or decreased the principal, accepted payment of  
2079 principal or income, communicated in writing concerning the  
2080 property, or otherwise indicated an interest as evidenced by a  
2081 memorandum or other record on file with the fiduciary.

2082 (5) All intangible property, and any income or increment  
2083 thereon, issued by a government or governmental subdivision or  
2084 agency, public corporation, or public authority and held in an  
2085 agency capacity for the governmental subdivision, agency, public  
2086 corporation, or public authority for the benefit of the owner of  
2087 record, is presumed abandoned ~~unclaimed~~ unless the apparent  
2088 owner has, within 1 year after such property has become payable  
2089 or distributable, increased or decreased the principal, accepted  
2090 payment of the principal or income, communicated concerning the  
2091 property, or otherwise indicated an interest in the property as  
2092 evidenced by a memorandum or other record on file with the  
2093 fiduciary.

2094 **Section 36. Section 717.1125, Florida Statutes, is amended**  
2095 **to read:**

2096 717.1125 Property held by fiduciaries under trust  
2097 instruments.—All intangible property and any income or increment  
2098 thereon held in a fiduciary capacity for the benefit of another  
2099 person under a trust instrument is presumed abandoned ~~unclaimed~~  
2100 unless the apparent owner has, within 2 years after it has

2101 become payable or distributable, increased or decreased the  
2102 principal, accepted payment of principal or income, communicated  
2103 concerning the property, or otherwise indicated an interest as  
2104 evidenced by a memorandum or other record on file with the  
2105 fiduciary. This section does not relieve a fiduciary of his or  
2106 her duties under the Florida Trust Code.

2107       **Section 37. Section 717.113, Florida Statutes, is amended**  
2108 **to read:**

2109       717.113 Property held by courts and public agencies.—All  
2110 intangible property held for the apparent owner by any court,  
2111 government or governmental subdivision or agency, public  
2112 corporation, or public authority that has not been claimed by  
2113 the apparent owner for more than 1 year after it became payable  
2114 or distributable is presumed abandoned ~~unclaimed~~. Except as  
2115 provided in s. 45.032(3)(c), money held in the court registry  
2116 and for which no court order has been issued to determine an  
2117 owner does not become payable or distributable and is not  
2118 subject to reporting under this chapter. Notwithstanding the  
2119 provisions of this section, funds deposited in the Minerals  
2120 Trust Fund pursuant to s. 377.247 are presumed abandoned  
2121 ~~unclaimed~~ only if the funds have not been claimed by the  
2122 apparent owner for more than 5 years after the date of first  
2123 production from the well.

2124       **Section 38. Section 717.115, Florida Statutes, is amended**  
2125 **to read:**

2126           717.115 Wages.—Unpaid wages, including wages represented  
2127 by unrepresented payroll checks, owing in the ordinary course of  
2128 the holder's business that have not been claimed by the apparent  
2129 owner for more than 1 year after becoming payable are presumed  
2130 abandoned ~~unclaimed~~.

2131           **Section 39. Section 717.116, Florida Statutes, is amended**  
2132 **to read:**

2133           717.116 Contents of safe-deposit box or other safekeeping  
2134 repository.—All tangible and intangible property held by a  
2135 banking or financial organization in a safe-deposit box or any  
2136 other safekeeping repository in this state in the ordinary  
2137 course of the holder's business, and proceeds resulting from the  
2138 sale of the property permitted by law, that has not been claimed  
2139 by the apparent owner or authorized representative for more than  
2140 3 years after the lease or rental period on the box or other  
2141 repository has expired are presumed abandoned ~~unclaimed~~.

2142           **Section 40. Section 717.117, Florida Statutes, is amended**  
2143 **to read:**

2144           717.117 Holder due diligence and report of abandoned  
2145 ~~unclaimed~~ property.—

2146           (1) Property is presumed abandoned upon expiration of the  
2147 applicable dormancy period under this chapter. However, such  
2148 property is not deemed abandoned for purposes of reporting or  
2149 remittance to the department until the holder has conducted  
2150 reasonable due diligence as required by this section, resulting

2151 in no indication of interest from the apparent owner or  
2152 authorized representative.

2153 (2) Holders of property presumed abandoned that has a  
2154 value of \$50 or more shall use due diligence to locate and  
2155 notify the apparent owner that the holder is in possession of  
2156 property subject to this chapter. At least 90 days, but not more  
2157 than 180 days, before filing the report required by this  
2158 section, a holder in possession of presumed abandoned property  
2159 shall send written notice by first-class United States mail to  
2160 the apparent owner's last known address as shown in the holder's  
2161 records or from other available sources, or by e-mail if the  
2162 apparent owner has elected for e-mail delivery, informing the  
2163 apparent owner that the holder is in possession of property  
2164 subject to this chapter, provided that the holder's records  
2165 contain a mailing or e-mail address for the apparent owner which  
2166 is not known by the holder to be inaccurate. The holder may  
2167 provide notice by mail, by e-mail, or by both methods. If the  
2168 holder's records indicate that the mailing address is  
2169 inaccurate, notice may be provided by e-mail if the apparent  
2170 owner has elected e-mail delivery.

2171 (3) If the value of the property is greater than \$1,000,  
2172 the holder shall send a second written notice by certified  
2173 United States mail, return receipt requested, to the apparent  
2174 owner's last known address at least 60 days before filing the  
2175 report required by this section, if the holder's records contain

a mailing address for the apparent owner which is not known by  
the holder to be inaccurate. Reasonable costs paid to the United  
States Postal Service for certified mail, return receipt  
requested, may be deducted from the property as a service  
charge. A signed return receipt received in response to the  
certified mail notice constitutes an affirmative demonstration  
of continued interest as described in s. 717.102.

(4) The written notice required under this section must  
include:

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

(b) A description of the type, nature, and, unless the  
property does not have a fixed value, value of the property that  
is the subject of the notice.

(c) A statement that the property will be turned over to  
the custody of the department as abandoned property if no  
response is received.

(d) A statement that noncash property will be sold or  
liquidated by the department.

(e) A statement that, after the property is remitted to  
the department, a claim must be filed with the department to



2201 recover the property.

2202 (f) A statement that the property is currently in the  
2203 custody of the holder and that the apparent owner may prevent  
2204 transfer of the property by contacting the holder before the  
2205 deadline stated in the notice.

2206 (5) Every holder of abandoned ~~person holding funds or~~  
2207 ~~other~~ property, tangible or intangible, ~~presumed unclaimed and~~  
2208 subject to custody ~~as unclaimed property~~ under this chapter  
2209 shall submit a report to the department via electronic medium as  
2210 the department may prescribe by rule. The report must include:

2211 (a) Except for traveler's checks and money orders, the  
2212 name, social security number or taxpayer identification number,  
2213 date of birth, if known, and last known address, if any, of each  
2214 apparent ~~person appearing from the records of the holder to be~~  
2215 ~~the~~ owner of any property which is abandoned ~~presumed unclaimed~~  
2216 and which has a value of \$10 or more.

2217 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10  
2218 or more held or owing under any life or endowment insurance  
2219 policy or annuity contract, the identifying information provided  
2220 in paragraph (a) for both the insured or annuitant and the  
2221 beneficiary according to records of the insurance company  
2222 holding or owing the funds.

2223 (c) For all tangible property held in a safe-deposit box  
2224 or other safekeeping repository, a description of the property  
2225 and the place where the property is held and may be inspected by

2226 the department, and any amounts owing to the holder. Contents of  
2227 a safe-deposit box or other safekeeping repository which consist  
2228 of documents or writings ~~of a private nature and~~ which have  
2229 little or no commercial value may ~~apparent value shall~~ not be  
2230 reported as abandoned property ~~presumed unclaimed~~.

2231 (d) The nature or type of property, any accounting or  
2232 identifying number associated with the property, a description  
2233 of the property, and the amount appearing from the records to be  
2234 due. Items of value of less than \$10 each may be reported in the  
2235 aggregate.

2236 (e) The date the property became payable, demandable, or  
2237 returnable, and the date of the last transaction with the  
2238 apparent owner with respect to the property.

2239 (f) Any other information the department may prescribe by  
2240 rule as necessary for the administration of this chapter.

2241 ~~(6)-(2)~~ (6) If the total value of all abandoned ~~presumed~~  
2242 ~~unclaimed~~ property, whether tangible or intangible, held by a  
2243 person is less than \$10, a zero balance report may be filed for  
2244 that reporting period.

2245 ~~(7)-(3)~~ (7) Credit balances, customer overpayments, security  
2246 deposits, and refunds having a value of less than \$10 may not be  
2247 reported as abandoned property ~~shall not be presumed unclaimed~~.

2248 (8) A security identified by the holder as non-freely  
2249 transferable or worthless may not to be included in a report  
2250 filed under this section. If the holder determines that a

2251 security is no longer non-freely transferable or worthless, the  
2252 holder shall report and deliver the security on the next regular  
2253 report date prescribed for delivery of securities by the holder  
2254 under this chapter.

2255 (9)(4) If the holder of abandoned property ~~presumed~~  
2256 ~~unclaimed and~~ subject to custody under this chapter ~~as unclaimed~~  
2257 ~~property~~ is a successor holder or if the holder has changed the  
2258 holder's name while in possession of the property, the holder  
2259 shall file with the holder's report all known names and  
2260 addresses of each prior holder of the property. Compliance with  
2261 this subsection means the holder exercises reasonable and  
2262 prudent efforts to determine the names of all prior holders.

2263 (10) The report must be signed by or on behalf of the  
2264 holder and verified as to its completeness and accuracy, and the  
2265 holder must state that it has complied with the due diligence  
2266 requirements of this section.

2267 (11)(5) The report must be filed before May 1 of each  
2268 year. The report applies to the preceding calendar year. Upon  
2269 written request by any person required to file a report, and  
2270 upon a showing of good cause, the department may extend the  
2271 reporting date. The department may impose and collect a penalty  
2272 of \$10 per day up to a maximum of \$500 for the failure to timely  
2273 report, if an extension was not provided or if the holder of the  
2274 property failed to include in a report information required by  
2275 this chapter which was in the holder's possession at the time of

reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of \$50 or more shall use due diligence to locate and notify apparent owners that the entity is holding unclaimed property available for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first-class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder~~

2301 ~~has in its records a mailing or electronic address for the~~  
2302 ~~apparent owner which the holder's records do not disclose to be~~  
2303 ~~inaccurate. These two means of contact are not mutually~~  
2304 ~~exclusive; if the mailing address is determined to be~~  
2305 ~~inaccurate, electronic mail may be used if so elected by the~~  
2306 ~~apparent owner.~~

2307 ~~(7) The written notice to the apparent owner required~~  
2308 ~~under this section must:~~

2309 ~~(a) Contain a heading that reads substantially as follows:~~  
2310 ~~"Notice. The State of Florida requires us to notify you that~~  
2311 ~~your property may be transferred to the custody of the Florida~~  
2312 ~~Department of Financial Services if you do not contact us before~~  
2313 ~~...(insert date that is at least 30 days after the date of~~  
2314 ~~notice)...."~~

2315 ~~(b) Identify the type, nature, and, except for property~~  
2316 ~~that does not have a fixed value, value of the property that is~~  
2317 ~~the subject of the notice.~~

2318 ~~(c) State that the property will be turned over to the~~  
2319 ~~custody of the department as unclaimed property if no response~~  
2320 ~~to this letter is received.~~

2321 ~~(d) State that any property that is not legal tender of~~  
2322 ~~the United States may be sold or liquidated by the department.~~

2323 ~~(e) State that after the property is turned over to the~~  
2324 ~~department, an apparent owner seeking return of the property may~~  
2325 ~~file a claim with the department.~~

2326       ~~(f) State that the property is currently with a holder and~~  
2327 ~~provide instructions that the apparent owner must follow to~~  
2328 ~~prevent the holder from reporting and paying for the property or~~  
2329 ~~from delivering the property to the department.~~

2330       (12)~~(8)~~ Any holder of intangible property may file with  
2331 the department a petition for determination that the property is  
2332 abandoned and unclaimed requesting the department to accept  
2333 custody of the property. The petition shall state any special  
2334 circumstances that exist, contain the information required by  
2335 subsection (9) ~~subsection (4)~~, and show that a diligent search  
2336 has been made to locate the apparent owner. If the department  
2337 finds that the proof of diligent search is satisfactory, it  
2338 shall give notice as provided in s. 717.118 and accept custody  
2339 of the property.

2340       (13)~~(9)~~ Upon written request by any entity or person  
2341 required to file a report, stating such entity's or person's  
2342 justification for such action, the department may place that  
2343 entity or person in an inactive status as an abandoned unclaimed  
2344 property "holder."

2345       (14)~~(10)~~ (a) This section does not apply to the abandoned  
2346 ~~unclaimed~~ patronage refunds as provided for by contract or  
2347 through bylaw provisions of entities organized under chapter 425  
2348 or that are exempt from ad valorem taxation pursuant to s.  
2349 196.2002.

2350       (b) This section does not apply to intangible property

2351 held, issued, or owing by a business association subject to the  
2352 jurisdiction of the United States Surface Transportation Board  
2353 or its successor federal agency if the apparent owner of such  
2354 intangible property is a business association. The holder of  
2355 such property does not have any obligation to report, to pay, or  
2356 to deliver such property to the department.

2357 (c) This section does not apply to credit balances,  
2358 overpayments, refunds, or outstanding checks owed by a health  
2359 care provider to a managed care payor with whom the health care  
2360 provider has a managed care contract, provided that the credit  
2361 balances, overpayments, refunds, or outstanding checks become  
2362 due and owing pursuant to the managed care contract.

2363 ~~(15)-(11)~~(a) As used in this subsection, the term "property  
2364 identifier" means the descriptor used by the holder to identify  
2365 the abandoned ~~unclaimed~~ property.

2366 (b) Social security numbers and property identifiers  
2367 contained in reports required under this section, held by the  
2368 department, are confidential and exempt from s. 119.07(1) and s.  
2369 24(a), Art. I of the State Constitution.

2370 (c) This exemption applies to social security numbers and  
2371 property identifiers held by the department before, on, or after  
2372 the effective date of this exemption.

2373 **Section 41. Section 717.118, Florida Statutes, is amended**  
2374 **to read:**

2375 717.118 Notification of apparent owners of abandoned

2376 ~~unclaimed~~ property.—

2377       (1) It is specifically recognized that the state has an  
2378 obligation to make an effort to notify apparent owners in a  
2379 cost-effective manner that their abandoned property has been  
2380 reported and remitted to the department ~~of unclaimed property in~~  
2381 ~~a cost-effective manner~~. In order to provide all the citizens of  
2382 this state an effective and efficient program for the recovery  
2383 of abandoned personal ~~unclaimed~~ property, the department shall  
2384 use cost-effective means to make at least one active attempt to  
2385 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~  
2386 valued at \$50 or more, abandoned tangible property, and  
2387 abandoned shares of stock for which more than \$250 with a  
2388 reported address or taxpayer identification number is available.  
2389 Such active attempt to notify apparent owners shall include any  
2390 attempt by the department to directly contact the apparent  
2391 owner. Other means of notification, such as publication of the  
2392 names of apparent owners in the newspaper, on television, on the  
2393 Internet, or through other promotional efforts and items in  
2394 which the department does not directly attempt to contact the  
2395 apparent owner are expressly declared to be passive attempts.  
2396 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other  
2397 agencies or entities of state government from notifying owners  
2398 of the existence of abandoned ~~unclaimed~~ property or attempting  
2399 to notify apparent owners of abandoned ~~unclaimed~~ property.

2400       (2) Notification provided directly to individual apparent



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owners shall contain ~~consist of~~ a description of the abandoned property and information regarding recovery of the ~~unclaimed~~ property from the department. The form and content of the department's notice shall be tailored to the type of property reported and shall include any information necessary to reasonably inform the apparent owner of the consequences of failure to claim the property, including potential sale or disposition under s. 717.122.

(3) The department shall maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list property valued at \$10 or more and provide instructions for filing a claim. Abandoned property valued at less than \$10 remains recoverable from the department in accordance with this chapter.

(4) This section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments ~~presumed unclaimed~~ under s. 717.104, or any other abandoned property reported without the necessary identifying information to establish ownership.

**Section 42. Section 717.119, Florida Statutes, is amended to read:**

717.119 Payment or delivery of abandoned ~~unclaimed~~ property.—

2426           (1) Every person who is required to file a report under s.  
2427 717.117 shall simultaneously pay or deliver to the department  
2428 all abandoned ~~unclaimed~~ property required to be reported. Such  
2429 payment or delivery shall accompany the report as required in  
2430 this chapter for the preceding calendar year.

2431           (2) Payment of abandoned ~~unclaimed~~ funds may be made to  
2432 the department by electronic funds transfer.

2433           (3) If the apparent owner establishes the right to receive  
2434 the abandoned ~~unclaimed~~ property to the satisfaction of the  
2435 holder before the property has been delivered to the department  
2436 or it appears that for some other reason ~~the presumption that~~  
2437 the property was erroneously classified as abandoned ~~is~~  
2438 ~~unclaimed is erroneous~~, the holder need not pay or deliver the  
2439 property to the department. In lieu of delivery, the holder  
2440 shall file a verified written explanation of the proof of claim  
2441 or of the error in classification of ~~the presumption that~~ the  
2442 property as abandoned ~~was unclaimed~~.

2443           (4) All virtual currency reported under this chapter on  
2444 the annual report filing required in s. 717.117 shall be  
2445 remitted to the department with the report. The holder shall  
2446 liquidate the virtual currency and remit the proceeds to the  
2447 department. The liquidation must occur within 30 days before the  
2448 filing of the report. Upon delivery of the virtual currency  
2449 proceeds to the department, the holder is relieved of all  
2450 liability of every kind in accordance with the provisions of s.

2451 717.1201 to every person for any losses or damages resulting to  
2452 the person by the delivery to the department of the virtual  
2453 currency proceeds.

2454 (5) All stock or other intangible ownership interest  
2455 reported under this chapter on the annual report filing required  
2456 in s. 717.117 shall be remitted to the department with the  
2457 report. Upon delivery of the stock or other intangible ownership  
2458 interest to the department, the holder and any transfer agent,  
2459 registrar, or other person acting for or on behalf of a holder  
2460 is relieved of all liability of every kind in accordance with  
2461 the provisions of s. 717.1201 to every person for any losses or  
2462 damages resulting to the person by the delivery to the  
2463 department of the stock or other intangible ownership interest.

2464 (6) All intangible and tangible property held in a safe-  
2465 deposit box or any other safekeeping repository reported under  
2466 s. 717.117 shall not be delivered to the department until 120  
2467 days after the report due date. The delivery of the property,  
2468 through the United States mail or any other carrier, shall be  
2469 insured by the holder at an amount equal to the estimated value  
2470 of the property. Each package shall be clearly marked on the  
2471 outside "Deliver Unopened." A holder's safe-deposit box contents  
2472 shall be delivered to the department in a single shipment. In  
2473 lieu of a single shipment, holders may provide the department  
2474 with a single detailed shipping schedule that includes package  
2475 tracking information for all packages being sent pursuant to

2476 | this section.

2477 |       (a) Holders may remit the value of cash and coins found in  
2478 | abandoned ~~unclaimed~~ safe-deposit boxes to the department by  
2479 | cashier's check or by electronic funds transfer, unless the cash  
2480 | or coins have a value above face value. The department shall  
2481 | identify by rule those cash and coin items having a numismatic  
2482 | value. Cash and coin items identified as having a numismatic  
2483 | value shall be remitted to the department in their original  
2484 | form.

2485 |       (b) Any firearm or ammunition found in an abandoned  
2486 | ~~unclaimed~~ safe-deposit box or any other safekeeping repository  
2487 | shall be delivered by the holder to a law enforcement agency for  
2488 | property handling or disposal pursuant to s. 705.103(2)(b). If  
2489 | the firearm is sold by the law enforcement agency, ~~with~~ the  
2490 | balance of the proceeds shall be deposited into the State School  
2491 | Fund ~~if the firearm is sold. However,~~ The department is  
2492 | authorized to make a reasonable attempt to ascertain the  
2493 | historical value to collectors of any firearm that has been  
2494 | delivered to the department. Any firearm appearing to have  
2495 | historical value to collectors may be sold by the department  
2496 | pursuant to s. 717.122 to a person having a federal firearms  
2497 | license. Any firearm which is not sold pursuant to s. 717.122  
2498 | shall be delivered by the department to a law enforcement agency  
2499 | in this state for proper handling or disposal. In accordance  
2500 | with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the

2501 law enforcement agency, with the balance of the proceeds shall  
2502 be deposited into the State School Fund ~~if the firearm is sold~~.  
2503 The department shall not be administratively, civilly, or  
2504 criminally liable for any firearm delivered by the department to  
2505 a law enforcement agency in this state for disposal.

2506 (c) If such property is not paid or delivered to the  
2507 department on or before the applicable payment or delivery date,  
2508 the holder shall pay to the department a penalty for each safe-  
2509 deposit box shipment received late. The penalty shall be \$100  
2510 for a safe-deposit box shipment container that is late 30 days  
2511 or less. Thereafter, the penalty shall be \$500 for a safe-  
2512 deposit box shipment container that is late for each additional  
2513 successive 30-day period. The penalty assessed against a holder  
2514 for a late safe-deposit box shipment container shall not exceed  
2515 \$4,000 annually. The penalty shall be remitted to the department  
2516 within 30 days after the date of the notification to the holder  
2517 that the penalty is due and owing.

2518 (d) The department may waive any penalty due with  
2519 appropriate justification, as provided by rule.

2520 (e) If a will or trust instrument is included among the  
2521 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping  
2522 repository delivered to the department, the department must  
2523 provide a copy of the will, trust, and any codicils or  
2524 amendments to such will or trust instrument, upon request, to  
2525 anyone who provides the department with a certified copy of the

2526 death certificate ~~evidence of the death~~ of the testator or  
2527 settlor.

2528 (7) Any holder may request an extension in writing of up  
2529 to 60 days for the delivery of property if extenuating  
2530 circumstances exist for the late delivery of the property. Any  
2531 such extension the department may grant shall be in writing.

2532 (8) A holder may not assign or otherwise transfer its  
2533 obligation to report, pay, or deliver property or to comply with  
2534 the provisions of this chapter, other than to a parent,  
2535 subsidiary, or affiliate of the holder.

2536 (a) Unless otherwise agreed to by the parties to a  
2537 transaction, the holder's successor by merger or consolidation,  
2538 or any person or entity that acquires all or substantially all  
2539 of the holder's capital stock or assets, is responsible for  
2540 fulfilling the holder's obligation to report, pay, or deliver  
2541 property or to comply with the duties of this chapter regarding  
2542 the transfer of property owed to the holder's successor and  
2543 being held for an owner resulting from the merger,  
2544 consolidation, or acquisition.

2545 (b) This subsection does not prohibit a holder from  
2546 contracting with a third party for the reporting of abandoned  
2547 ~~unclaimed~~ property, but the holder remains responsible to the  
2548 department for the complete, accurate, and timely reporting of  
2549 the property.

2550 **Section 43. Subsections (1), (2), and (4) of section**

2551 **717.1201, Florida Statutes, are amended to read:**

2552 717.1201 Custody by state; holder liability; reimbursement  
2553 of holder paying claim; reclaiming for owner; payment of safe-  
2554 deposit box or repository charges.—

2555 (1) Upon the good faith payment or delivery of abandoned  
2556 ~~unclaimed~~ property to the department, the state assumes custody  
2557 and responsibility for the safekeeping of the property. Any  
2558 person who pays or delivers abandoned ~~unclaimed~~ property to the  
2559 department in good faith is relieved of all liability to the  
2560 extent of the value of the property paid or delivered for any  
2561 claim then existing or which thereafter may arise or be made  
2562 with ~~in~~ respect to the property.

2563 (a) A holder's substantial compliance with the due  
2564 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith  
2565 payment or delivery of abandoned ~~unclaimed~~ property to the  
2566 department releases the holder from liability that may arise  
2567 from such payment or delivery, and such delivery and payment may  
2568 be pleaded as a defense in any suit or action brought by reason  
2569 of such delivery or payment. This section does not relieve a  
2570 fiduciary of his or her duties under the Florida Trust Code or  
2571 Florida Probate Code.

2572 (b) If the holder pays or delivers property to the  
2573 department in good faith and thereafter any other person claims  
2574 the property from the holder paying or delivering, or another  
2575 state claims the money or property under that state's laws

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

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

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

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

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

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

(4) Any holder who has delivered property, including a certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has



2601 claimed it ~~the property~~ from the holder.

2602 **Section 44. Section 717.122, Florida Statutes, is amended**  
2603 **to read:**

2604 717.122 Public sale of abandoned ~~unclaimed~~ property.—

2605 (1) Except as provided in paragraph (2)(a), the department  
2606 after the receipt of abandoned ~~unclaimed~~ property shall sell it  
2607 to the highest bidder at public sale on the Internet or at a  
2608 specified physical location wherever in the judgment of the  
2609 department the most favorable market for the property involved  
2610 exists. The department may decline the highest bid and reoffer  
2611 the property for sale if in the judgment of the department the  
2612 bid is insufficient. The department shall have the discretion to  
2613 withhold from sale any abandoned ~~unclaimed~~ property that the  
2614 department deems to be of benefit to the people of the state. If  
2615 in the judgment of the department the probable cost of sale  
2616 exceeds the value of the property, it need not be offered for  
2617 sale and may be disposed of as the department determines  
2618 appropriate. Any sale at a specified physical location held  
2619 under this section must be preceded by a single publication of  
2620 notice, at least 3 weeks in advance of sale, in a newspaper of  
2621 general circulation in the county in which the property is to be  
2622 sold. The department shall proportionately deduct auction fees,  
2623 preparation costs, and expenses from the amount posted to an ~~the~~  
2624 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the  
2625 contents are sold. No action or proceeding may be maintained

2626 against the department for or on account of any decision to  
2627 decline the highest bid or withhold any abandoned ~~unclaimed~~  
2628 property from sale.

2629 (2) (a) Securities listed on an established stock exchange  
2630 must be sold at prices prevailing at the time of sale on the  
2631 exchange. Other securities may be sold over the counter at  
2632 prices prevailing at the time of sale or by any other method the  
2633 department deems advisable. The department may authorize the  
2634 agent or broker acting on behalf of the department to deduct  
2635 fees from the proceeds of these sales at a rate agreed upon in  
2636 advance by the agent or broker and the department. The  
2637 department shall reimburse owners' accounts for these brokerage  
2638 fees from the State School Fund unless the securities are sold  
2639 at the owner's request.

2640 (b) Unless the department deems it to be in the public  
2641 interest to do otherwise, all abandoned securities ~~presumed~~  
2642 ~~unclaimed~~ and delivered to the department may be sold upon  
2643 receipt. Any person making a claim pursuant to this chapter is  
2644 entitled to receive either the securities delivered to the  
2645 department by the holder, if they still remain in the hands of  
2646 the department, or the proceeds received from sale, but no  
2647 person has any claim under this chapter against the state, the  
2648 holder, any transfer agent, any registrar, or any other person  
2649 acting for or on behalf of a holder for any appreciation in the  
2650 value of the property occurring after delivery by the holder to

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the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

**Section 45. Section 717.123, Florida Statutes, is amended to read:**

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The

department shall retain, at minimum, from funds received under this chapter, the an amount estimated by the Revenue Estimating Conference for not exceeding \$15 million from which the department to shall make prompt payment of claims allowed by the department and shall pay the administrative costs incurred by the department in administering and enforcing this chapter. Before the close of each fiscal year, the department shall transfer to the State School Fund no more than the transfer amount estimated by the Revenue Estimating Conference ~~All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.~~

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the abandoned ~~unclaimed~~ property in the total amounts of \$5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

**Section 46. Section 717.1235, Florida Statutes, is amended to read:**

717.1235 Dormant campaign accounts; ~~report of unclaimed property.~~ Abandoned Unclaimed funds reported in the name of a campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141,

2701 after being reported to the department, shall be deposited with  
2702 the Chief Financial Officer to the credit of the State School  
2703 Fund.

2704 **Section 47. Section 717.124, Florida Statutes, is amended**  
2705 **to read:**

2706 717.124 Abandoned ~~Unclaimed~~ property claims.—

2707 (1) Any person, excluding another state, claiming an  
2708 interest in any property paid or delivered to the department  
2709 under this chapter may file with the department a claim on a  
2710 form prescribed by the department and verified by the claimant  
2711 or the claimant ~~claimant's~~ representative. ~~The claimant's~~  
2712 ~~representative must be an attorney licensed to practice law in~~  
2713 ~~this state, a licensed Florida-certified public accountant, or a~~  
2714 ~~private investigator licensed under chapter 493.~~ The claimant  
2715 ~~claimant's~~ representative must be registered with the department  
2716 under this chapter. The claimant, or the claimant ~~claimant's~~  
2717 representative, shall provide the department with a legible copy  
2718 of a valid driver license of the claimant at the time the  
2719 original claim form is filed. If the claimant has not been  
2720 issued a valid driver license at the time the original claim  
2721 form is filed, the department shall be provided with a legible  
2722 copy of a photographic identification of the claimant issued by  
2723 the United States, a state or territory of the United States, a  
2724 foreign nation, or a political subdivision or agency thereof or  
2725 other evidence deemed acceptable by the department by rule. In

2726 lieu of photographic identification, a notarized sworn statement  
2727 by the claimant may be provided which affirms the claimant's  
2728 identity and states the claimant's full name and address. The  
2729 claimant must produce to the notary photographic identification  
2730 of the claimant issued by the United States, a state or  
2731 territory of the United States, a foreign nation, or a political  
2732 subdivision or agency thereof or other evidence deemed  
2733 acceptable by the department by rule. The notary shall indicate  
2734 the notary's full address on the notarized sworn statement. Any  
2735 claim filed without the required identification or the sworn  
2736 statement with the original claim form and the original  
2737 Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned  
2738 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

2739 (a) Within 90 days after receipt of a claim, the  
2740 department may return any claim that provides for the receipt of  
2741 fees and costs greater than that permitted under this chapter or  
2742 that contains any apparent errors or omissions. The department  
2743 may also request that the claimant or the claimant ~~claimant's~~  
2744 representative provide additional information. The department  
2745 shall retain a copy or electronic image of the claim.

2746 (b) A claim is considered to have been withdrawn by a  
2747 claimant or the claimant ~~claimant's~~ representative if the  
2748 department does not receive a response to its request for  
2749 additional information within 60 days after the notification of  
2750 any apparent errors or omissions.

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2751           (c) Within 90 days after receipt of the claim, or the  
2752 response of the claimant or the claimant ~~claimant's~~  
2753 representative to the department's request for additional  
2754 information, whichever is later, the department shall determine  
2755 each claim. Such determination shall contain a notice of rights  
2756 provided by ss. 120.569 and 120.57. The 90-day period shall be  
2757 extended by 60 days if the department has good cause to need  
2758 additional time or if the abandoned ~~unclaimed~~ property:

2759           1. Is owned by a person who has been a debtor in  
2760 bankruptcy;

2761           2. Was reported with an address outside of the United  
2762 States;

2763           3. Is being claimed by a person outside of the United  
2764 States; or

2765           4. Contains documents filed in support of the claim that  
2766 are not in the English language and have not been accompanied by  
2767 an English language translation.

2768           (2) A claim for a cashier's check or a stock certificate  
2769 without the original instrument may require an indemnity bond  
2770 equal to the value of the claim to be provided prior to issue of  
2771 the stock or payment of the claim by the department.

2772           (3) The department may require an affidavit swearing to  
2773 the authenticity of the claim, lack of documentation, and an  
2774 agreement to allow the department to provide the name and  
2775 address of the claimant to subsequent claimants coming forward

2776 with substantiated proof to claim the account. This shall apply  
2777 to claims equal to or less than \$250. The exclusive remedy of a  
2778 subsequent claimant to the property shall be against the person  
2779 who received the property from the department.

2780 (4) (a) Except as otherwise provided in this chapter, if a  
2781 claim is determined in favor of the claimant, the department  
2782 shall deliver or pay over to the claimant the property or the  
2783 amount the department actually received or the proceeds if it  
2784 has been sold by the department, together with any additional  
2785 amount required by s. 717.121.

2786 (b) If a claimant ~~an owner~~ authorizes a claimant  
2787 representative ~~an attorney licensed to practice law in this~~  
2788 ~~state, a Florida-certified public accountant, or a private~~  
2789 ~~investigator licensed under chapter 493, and~~ registered with the  
2790 department under this chapter, to claim the abandoned ~~unclaimed~~  
2791 property on the claimant's ~~owner's~~ behalf, the department is  
2792 authorized to make distribution of the property or money in  
2793 accordance with the Abandoned ~~Unclaimed~~ Property Recovery  
2794 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement  
2795 under s. 717.135. The original Abandoned ~~Unclaimed~~ Property  
2796 Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase  
2797 Agreement must be executed by the claimant or seller and must be  
2798 filed with the department.

2799 (c)1. Payments of approved claims for unclaimed cash  
2800 accounts must be made to the owner after deducting any fees and



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costs authorized by the claimant under an Abandoned ~~Unclaimed~~ Property Recovery Agreement. The contents of a safe-deposit box or shares of securities must be delivered directly to the claimant.

2. Payments of fees and costs authorized under an Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved claims must be made or issued to the law firm of the designated attorney licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

(5) The department shall not be administratively, civilly, or criminally liable for any property or funds distributed pursuant to this section, provided such distribution is made in good faith.

(6) This section does not supersede the licensing requirements of chapter 493.

(7) The department may allow an apparent owner to electronically submit a claim for abandoned ~~unclaimed~~ property to the department. If a claim is submitted electronically for \$2,000 or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at \$2,000 or less, after being received by the department and added to the abandoned ~~unclaimed~~ property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this subsection.

(9) (a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received by the department and added to the abandoned ~~unclaimed~~ property database, for which the apparent owner entity is:

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1. A state agency in this state or a subdivision or  
successor agency thereof;

2. A county government in this state or a subdivision  
thereof;

3. A public school district in this state or a subdivision  
thereof;

4. A municipality in this state or a subdivision thereof;  
or

5. A special taxing district or authority in this state,  
may be disbursed to the apparent owner entity or successor  
entity. The department shall include with the payment a  
notification and explanation of the dollar amount, the source,  
and the property type of each account included in the  
disbursement.

(b) The department may adopt rules to implement this  
subsection.

(10) Notwithstanding any other provision of this chapter,  
the department may develop a process by which a claimant  
~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may  
electronically submit to the department an electronic image of a  
completed claim and claims-related documents under this chapter,  
including an Abandoned ~~Unclaimed~~ Property Recovery Agreement or  
Abandoned ~~Unclaimed~~ Property Purchase Agreement that has been  
signed and dated by a claimant or seller under s. 717.135, after

the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~  
~~property~~ receives the original documents provided by the  
claimant or the seller for any claim. Each claim filed by a  
claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~  
~~property~~ must include a statement by the claimant ~~claimant's~~  
representative ~~or the buyer of unclaimed property~~ attesting that  
all documents are true copies of the original documents and that  
all original documents are physically in the possession of the  
claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~  
~~property~~. All original documents must be kept in the original  
form, by claim number, under the secure control of the claimant  
~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and  
must be available for inspection by the department in accordance  
with s. 717.1315. The department may adopt rules to implement  
this subsection.

(11) This section applies to all abandoned ~~unclaimed~~  
property reported and remitted to the Chief Financial Officer,  
including, but not limited to, property reported pursuant to ss.  
45.032, 732.107, 733.816, and 744.534.

**Section 48. Section 717.12403, Florida Statutes, is  
amended to read:**

717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking  
account in a financial institution held in the name of more than  
one person.—

(1) (a) If an abandoned ~~unclaimed~~ demand, savings, or

checking account in a financial institution is reported as an "and" account in the name of two or more persons who are not beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "or" account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have

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2926 been reported by the financial institution as an "and" account.

2927 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking  
2928 account in a financial institution is reported in the name of  
2929 two or more persons who are not beneficiaries without  
2930 identifying whether the account is an "and" account or an "or"  
2931 account, it is presumed that the account is an "or" account.  
2932 This presumption may be rebutted by showing that entitlement to  
2933 the account has been transferred to another person or by clear  
2934 and convincing evidence demonstrating that the account should  
2935 have been reported by the financial institution as an "and"  
2936 account.

2937 (4) The department shall be deemed to have made a  
2938 distribution in good faith if the department remits funds  
2939 consistent with this section.

2940 **Section 49. Subsection (2) of section 717.12404, Florida**  
2941 **Statutes, is amended to read:**

2942 717.12404 Claims on behalf of a business entity or trust.—

2943 (2) Claims on behalf of an active or ~~a~~ dissolved  
2944 corporation, a business entity ~~other than an active corporation~~,  
2945 or a trust must include a legible copy of a valid driver license  
2946 of the person acting on behalf of the ~~dissolved~~ corporation,  
2947 business entity ~~other than an active corporation~~, or trust. If  
2948 the person has not been issued a valid driver license, the  
2949 department shall be provided with a legible copy of a  
2950 photographic identification of the person issued by the United

2951 States, a foreign nation, or a political subdivision or agency  
2952 thereof. In lieu of photographic identification, a notarized  
2953 sworn statement by the person may be provided which affirms the  
2954 person's identity and states the person's full name and address.  
2955 The person must produce his or her photographic identification  
2956 issued by the United States, a state or territory of the United  
2957 States, a foreign nation, or a political subdivision or agency  
2958 thereof or other evidence deemed acceptable by the department by  
2959 rule. The notary shall indicate the notary's full address on the  
2960 notarized sworn statement. Any claim filed without the required  
2961 identification or the sworn statement with the original claim  
2962 form and the original Abandoned ~~Unclaimed~~ Property Recovery  
2963 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if  
2964 applicable, is void.

2965       **Section 50. Section 717.12405, Florida Statutes, is**  
2966 **amended to read:**

2967       717.12405 Claims by estates.—An estate or any person  
2968 representing an estate or acting on behalf of an estate may  
2969 claim abandoned ~~unclaimed~~ property only after the heir or  
2970 legatee of the decedent entitled to the property has been  
2971 located. Any estate, or any person representing an estate or  
2972 acting on behalf of an estate, that receives abandoned ~~unclaimed~~  
2973 property before the heir or legatee of the decedent entitled to  
2974 the property has been located, is personally liable for the  
2975 abandoned ~~unclaimed~~ property and must immediately return the

full amount of the abandoned ~~unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.

**Section 51. Section 717.12406, Florida Statutes, is amended to read:**

717.12406 Joint ownership of abandoned ~~unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of abandoned ~~unclaimed~~ securities or dividends, the term:

(1) "TEN COM" means tenants in common.

(2) "TEN ENT" means tenants by the entirety.

(3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.

(4) "And" means tenants in common with each person entitled to an equal pro rata share.

(5) "Or" means that each person listed on the account is entitled to all of the funds.

**Section 52. Section 717.1241, Florida Statutes, is amended to read:**

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including



3001 when the claimant is represented by more than one claimant  
3002 representative or submits both a personal claim and a claim  
3003 through a representative.

3004 (2) When conflicting claims have been received by the  
3005 department for the same abandoned ~~unclaimed~~ property account or  
3006 accounts, the property shall be remitted in accordance with the  
3007 claim filed by the person as follows, notwithstanding the  
3008 withdrawal of a claim:

3009 (a) To the person submitting the first claim received by  
3010 the ~~Division of Unclaimed Property of the~~ department that is  
3011 complete or made complete.

3012 (b) If a claimant's claim and a claimant ~~claimant's~~  
3013 representative's claim for the recovery of property are received  
3014 by the ~~Division of Unclaimed Property of the~~ department on the  
3015 same day and both claims are complete, to the claimant.

3016 (c) If a buyer's claim or a purchasing claimant  
3017 representative's claim and a claimant's claim or a claimant  
3018 ~~claimant's~~ representative's claim for the recovery of property  
3019 are received by the ~~Division of Unclaimed Property of the~~  
3020 department on the same day and the claims are complete, to the  
3021 buyer.

3022 (d) As between two or more claimant representatives'  
3023 ~~claimant's representative's~~ claims received by the ~~Division of~~  
3024 ~~Unclaimed Property of the~~ department that are complete or made  
3025 complete on the same day, to the claimant ~~claimant's~~

3026 representative who has agreed to receive the lowest fee. If the  
3027 two or more claimant ~~claimant's~~ representatives whose claims  
3028 received by ~~the Division of Unclaimed Property of~~ the department  
3029 were complete or made complete on the same day are charging the  
3030 same ~~lowest~~ fee, the fee shall be divided equally between the  
3031 claimant ~~claimant's~~ representatives.

3032 (e) If more than one buyer's claim received by the  
3033 ~~Division of Unclaimed Property of~~ the department is complete or  
3034 made complete on the same day, the department shall remit the  
3035 abandoned ~~unclaimed~~ property to the buyer who paid the highest  
3036 amount to the seller. If the buyers paid the same amount to the  
3037 seller, the department shall remit the abandoned ~~unclaimed~~  
3038 property to the buyers divided in equal amounts.

3039 ~~(3)-(2)~~ The purpose of this section is solely to provide  
3040 guidance to the department regarding to whom it should remit the  
3041 abandoned ~~unclaimed~~ property and is not intended to extinguish  
3042 or affect any private cause of action that any person may have  
3043 against another person for breach of contract or other statutory  
3044 or common-law remedy. A buyer's sole remedy, if any, shall be  
3045 against the claimant ~~claimant's~~ representative or the seller, or  
3046 both. A claimant ~~claimant's~~ representative's sole remedy, if  
3047 any, shall be against the buyer or the seller, or both. A  
3048 claimant's or seller's sole remedy, if any, shall be against the  
3049 buyer or the claimant ~~claimant's~~ representative, or both.  
3050 Nothing in this section forecloses the right of a person to

challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

(4)~~(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

**Section 53. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:**

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

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

**Section 54. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:**

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

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

**Section 55. Section 717.1244, Florida Statutes, is amended to read:**

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

**Section 56. Section 717.1245, Florida Statutes, is amended**

3101   **to read:**

3102           717.1245   Garnishment of abandoned ~~unclaimed~~ property.—If  
3103   any person files a petition for writ of garnishment seeking to  
3104   obtain property paid or delivered to the department under this  
3105   chapter, the petitioner shall be ordered to pay the department  
3106   reasonable costs and attorney ~~attorney's~~ fees in any proceeding  
3107   brought by the department to oppose, appeal, or collaterally  
3108   attack the petition or writ if the department is the prevailing  
3109   party in any such proceeding.

3110           **Section 57. Subsection (1) of section 717.125, Florida**  
3111   **Statutes, is amended to read:**

3112           717.125   Claim of another state to recover property;  
3113   procedure.—

3114           (1)   At any time after property has been paid or delivered  
3115   to the department under this chapter, another state may recover  
3116   the property if:

3117           (a)   The property was subjected to custody by this state  
3118   because the records of the holder did not reflect the last known  
3119   address of the apparent owner when the property was presumed  
3120   abandoned ~~unclaimed~~ under this chapter, and the other state  
3121   establishes that the last known address of the apparent owner or  
3122   other person entitled to the property was in that state and  
3123   under the laws of that state the property escheated to or was  
3124   subject to a claim of abandonment or being unclaimed by that  
3125   state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subject to custody by this state under s. 717.103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under s. 717.104, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

**Section 58. Subsection (1) of section 717.126, Florida Statutes, is amended to read:**

717.126 Administrative hearing; burden of proof; proof of entitlement; venue.—

(1) Any person aggrieved by a decision of the department

may petition for a hearing as provided in ss. 120.569 and 120.57. In any proceeding for determination of a claim to property paid or delivered to the department under this chapter, the burden shall be upon the claimant to establish entitlement to the property by a preponderance of evidence. Having the same name as that reported to the department is not sufficient, in the absence of other evidence, to prove entitlement to abandoned ~~unclaimed~~ property.

**Section 59. Section 717.1261, Florida Statutes, is amended to read:**

717.1261 Death certificates.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by means of the death of one or more persons shall file a copy of the death certificate of the decedent or decedents that has been certified as being authentic by the issuing governmental agency.

**Section 60. Section 717.1262, Florida Statutes, is amended to read:**

717.1262 Court documents.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by reason of a court document shall file a certified copy of the court document with the department. A certified copy of each pleading filed with the court to obtain a court document establishing entitlement, filed within 180 days before the date the claim form was signed by the claimant or claimant ~~claimant's~~ representative, must also be filed with the department.

**Section 61. Section 717.129, Florida Statutes, is amended to read:**

717.129 Periods of limitation.—

(1) The expiration before or after July 1, 1987, of any period of time specified by contract, statute, or court order, during which a claim for money or property may be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned ~~unclaimed~~ or affect any duty to file a report or to pay or deliver abandoned ~~unclaimed~~ property to the department as required by this chapter.

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

**Section 62. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:**

717.1301 Investigations; examinations; subpoenas.—



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

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

**Section 63. Section 717.1315, Florida Statutes, is amended to read:**

717.1315 Retention of records by claimant ~~claimant's~~  
representatives and buyers of abandoned ~~unclaimed~~ property.—

(1) Every claimant ~~claimant's~~ representative and buyer of  
abandoned ~~unclaimed~~ property shall keep and use in his or her  
business such books, accounts, and records of the business  
conducted under this chapter to enable the department to  
determine whether such person is complying with this chapter and  
the rules adopted by the department under this chapter. Every  
claimant ~~claimant's~~ representative and buyer of abandoned  
~~unclaimed~~ property shall preserve such books, accounts, and  
records, including every Abandoned ~~Unclaimed~~ Property Recovery  
Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement  
between the owner and such claimant ~~claimant's~~ representative or  
buyer, for at least 3 years after the date of the initial  
agreement.

(2) A claimant ~~claimant's~~ representative or buyer of  
abandoned ~~unclaimed~~ property, operating at two or more places of  
business in this state, may maintain the books, accounts, and  
records of all such offices at any one of such offices, or at  
any other office maintained by such claimant ~~claimant's~~  
representative or buyer of abandoned ~~unclaimed~~ property, upon  
the filing of a written notice with the department designating  
in the written notice the office at which such records are  
maintained.

(3) A claimant ~~claimant's~~ representative or buyer of

3251 abandoned ~~unclaimed~~ property shall make all books, accounts, and  
3252 records available at a convenient location in this state upon  
3253 request of the department.

3254 **Section 64. Subsections (2) and (3) of section 717.132,**  
3255 **Florida Statutes, are amended to read:**

3256 717.132 Enforcement; cease and desist orders; fines.—

3257 (2) In addition to any other powers conferred upon it to  
3258 enforce and administer the provisions of this chapter, the  
3259 department may issue and serve upon a person an order to cease  
3260 and desist and to take corrective action whenever the department  
3261 finds that such person is violating, has violated, or is about  
3262 to violate any provision of this chapter, any rule or order  
3263 promulgated under this chapter, or any written agreement entered  
3264 into with the department. For purposes of this subsection, the  
3265 term "corrective action" includes refunding excessive charges,  
3266 requiring a person to return abandoned ~~unclaimed~~ property,  
3267 requiring a holder to remit abandoned ~~unclaimed~~ property, and  
3268 requiring a holder to correct a report that contains errors or  
3269 omissions. Any such order shall contain a notice of rights  
3270 provided by ss. 120.569 and 120.57.

3271 (3) In addition to any other powers conferred upon it to  
3272 enforce and administer the provisions of this chapter, the  
3273 department or a court of competent jurisdiction may impose fines  
3274 against any person found to have violated any provision of this  
3275 chapter, any rule or order promulgated under this chapter, or

any written agreement entered into with the department in an amount not to exceed \$2,000 for each violation. All fines collected under this subsection shall be deposited as received in the Abandoned ~~Unclaimed~~ Property Trust Fund.

**Section 65. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:**

717.1322 Administrative and civil enforcement.—

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

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter, ~~regardless of reliance by or damage to the owner or apparent owner.~~

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice~~

3301 ~~law in this state, a Florida-certified public accountant, or a~~  
3302 ~~private investigator licensed under chapter 493, or entering~~  
3303 ~~into, or making a solicitation to enter into, an agreement to~~  
3304 ~~file a claim for abandoned ~~unclaimed~~ property owned by another,~~  
3305 ~~unless such person is a registered claimant representative~~  
3306 ~~registered with the department under this chapter and an~~  
3307 ~~attorney licensed to practice law in this state in the regular~~  
3308 ~~practice of her or his profession, a Florida-certified public~~  
3309 ~~accountant who is acting within the scope of the practice of~~  
3310 ~~public accounting as defined in chapter 473, or a private~~  
3311 ~~investigator licensed under chapter 493. This paragraph does not~~  
3312 ~~apply to a person who has been granted a durable power of~~  
3313 ~~attorney to convey and receive all of the real and personal~~  
3314 ~~property of the owner, is the court-appointed guardian of the~~  
3315 ~~owner, has been employed as an attorney or qualified~~  
3316 ~~representative to contest the department's denial of a claim, or~~  
3317 ~~has been employed as an attorney to probate the estate of the~~  
3318 ~~owner or an heir or legatee of the owner.~~

3319 (2) Upon a finding by the department that any person has  
3320 committed any of the acts set forth in subsection (1), the  
3321 department may enter an order doing any of the following:

3322 (a) Revoking for a minimum of 5 years or suspending for a  
3323 maximum of 5 years a registration previously granted under this  
3324 chapter during which time the registrant may not reapply for a  
3325 registration under this chapter.~~7~~

3326 (b) Placing a claimant representative ~~registrant~~ or an  
3327 applicant for a registration on probation for a period of time  
3328 and subject to such conditions as the department may specify.~~†~~

3329 (c) Placing permanent restrictions or conditions upon  
3330 issuance or maintenance of a registration under this chapter;

3331 (d) Issuing a reprimand.~~†~~

3332 (e) Imposing an administrative fine not to exceed \$2,000  
3333 for each such act.~~† or~~

3334 (f) Prohibiting any person from being a director, officer,  
3335 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~  
3336 ~~percent~~ or greater interest in an employer of a claimant  
3337 representative ~~registrant~~.

3338 (3) A claimant ~~claimant's~~ representative is subject to  
3339 civil enforcement and the disciplinary actions specified in  
3340 subsection (2) for violations of subsection (1) by an agent or  
3341 employee of the claimant representative's ~~registrant's~~ employer  
3342 if the claimant ~~claimant's~~ representative knew or should have  
3343 known that such agent or employee was violating any provision of  
3344 this chapter.

3345 (4)

3346 (b) The disciplinary guidelines shall specify a meaningful  
3347 range of designated penalties based upon the severity or  
3348 repetition of specific offenses, or both. It is the legislative  
3349 intent that minor violations be distinguished from more serious  
3350 violations; that such guidelines consider the amount of the

claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

**Section 66. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:**

3376           717.133 Interstate agreements and cooperation; joint and  
3377 reciprocal actions with other states.—

3378           (1) The department may enter into agreements with other  
3379 states to exchange information needed to enable this or another  
3380 state to audit or otherwise determine abandoned ~~unclaimed~~  
3381 property that it or another state may be entitled to subject to  
3382 a claim of custody. The department may require the reporting of  
3383 information needed to enable compliance with agreements made  
3384 pursuant to this section and prescribe the form.

3385           (3) At the request of another state, the department may  
3386 bring an action in the name of the other state in any court of  
3387 competent jurisdiction to enforce the abandoned ~~unclaimed~~  
3388 property laws of the other state against a holder in this state  
3389 of property subject to escheat or a claim of abandonment by the  
3390 other state, if the other state has agreed to pay expenses  
3391 incurred in bringing the action.

3392           **Section 67. Subsection (2) of section 717.1333, Florida**  
3393 **Statutes, is amended to read:**

3394           717.1333 Evidence; estimations; audit reports and  
3395 worksheets, investigator reports and worksheets, other related  
3396 documents.—

3397           (2) If the records of the holder that are available for  
3398 the periods subject to this chapter are insufficient to permit  
3399 the preparation of a report of the abandoned ~~unclaimed~~ property  
3400 due and owing by a holder, or if the holder fails to provide



records after being requested to do so, the amount due to the department may be reasonably estimated.

**Section 68. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:**

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1)(a) A ~~No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department against amounts owed to an owner representative;

(b) Against a person who assists another person in

receiving, or attempting to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned ~~unclaimed~~ property that the person is not entitled to receive.

(4) ~~A No~~ person may not ~~shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing, a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than \$50,000, commits ~~is guilty of~~ a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than \$10,000 up to \$50,000, commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**Section 69. Section 717.135, Florida Statutes, is amended**

3451 **to read:**

3452 717.135 Recovery agreements and purchase agreements for  
3453 claims filed by a claimant ~~claimant's~~ representative; fees and  
3454 costs or total net gain.—

3455 (1) In order to protect the interests of owners of  
3456 abandoned ~~unclaimed~~ property, the department shall adopt by rule  
3457 a form entitled "Abandoned ~~Unclaimed~~ Property Recovery  
3458 Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property  
3459 Purchase Agreement."

3460 (2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement  
3461 and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must  
3462 include and disclose all of the following:

3463 (a) The total dollar amount of abandoned ~~unclaimed~~  
3464 property accounts claimed or sold.

3465 (b) The total percentage of all authorized fees and costs  
3466 to be paid to the claimant ~~claimant's~~ representative or the  
3467 percentage of the value of the property to be paid as net gain  
3468 to the purchasing claimant ~~claimant's~~ representative.

3469 (c) The total dollar amount to be deducted and received  
3470 from the claimant as fees and costs by the claimant ~~claimant's~~  
3471 representative or the total net dollar amount to be received by  
3472 the purchasing claimant ~~claimant's~~ representative.

3473 (d) The net dollar amount to be received by the claimant  
3474 or the seller.

3475 (e) For each account claimed, the abandoned ~~unclaimed~~

property account number.

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

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

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

2. Notwithstanding any other provision of this chapter to the contrary, the department may allow ~~an apparent owner, who is also the claimant or seller,~~ to sign the agreement electronically. All electronic signatures on the Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must be affixed on the agreement by the claimant or seller using the specific, exclusive eSignature product and protocol authorized by the department.

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

(j) The total fees and costs, or the total discount in the case of a purchase agreement, which may not exceed 30 percent of the claimed amount. In the case of a recovery agreement, if the

total fees and costs exceed 30 percent, the fees and costs shall be reduced to 30 percent and the net balance shall be remitted directly by the department to the claimant. In the case of a purchase agreement, if the total net gain of the claimant ~~claimant's~~ representative exceeds 30 percent, the claim will be denied.

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

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

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

(6) A claimant ~~claimant's~~ representative may not use or distribute any other agreement of any type, conveyed by any method, with respect to the claimant or seller which relates, directly or indirectly, to abandoned ~~unclaimed~~ property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement,

3526 authorization, recovery, or fee agreement that is not authorized  
3527 by this section is void. A claimant ~~claimant's~~ representative is  
3528 subject to administrative and civil enforcement under s.

3529 717.1322 if he or she uses an agreement that is not authorized  
3530 by this section and if the agreement is used to apply, directly  
3531 or indirectly, to abandoned ~~unclaimed~~ property held by this  
3532 state. This subsection does not prohibit lawful nonagreement,  
3533 noncontractual, or advertising communications between or among  
3534 the parties.

3535 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement  
3536 may not contain language that makes the agreement irrevocable or  
3537 that creates an assignment of any portion of abandoned ~~unclaimed~~  
3538 property held by the department.

3539 (8) When a claim is approved, the department may pay any  
3540 additional account that is owned by the claimant but has not  
3541 been claimed at the time of approval, provided that a subsequent  
3542 claim has not been filed or is not pending for the claimant at  
3543 the time of approval.

3544 (9) This section does not supersede s. 717.1241.

3545 ~~(10) This section does not apply to the sale and purchase~~  
3546 ~~of Florida-held unclaimed property accounts through a bankruptcy~~  
3547 ~~estate representative or other person or entity authorized~~  
3548 ~~pursuant to Title XI of the United States Code or an order of a~~  
3549 ~~bankruptcy court to act on behalf or for the benefit of the~~  
3550 ~~debtor, its creditors, and its bankruptcy estate.~~

3551       **Section 70. Section 717.1356, Florida Statutes, is created**  
3552 **to read:**

3553       717.1356 Purchase of abandoned property.—

3554       (1) Agreements for the purchase of abandoned property  
3555 reported to the department shall be valid only if all of the  
3556 following conditions are met:

3557       (a) The agreement is entitled "Florida Abandoned Property  
3558 Purchase Agreement" and is in writing, in minimum 12-point type.

3559       (b) The agreement includes the social security number or  
3560 taxpayer identification number of the seller, if a number has  
3561 been issued to the seller; a valid e-mail address, mailing  
3562 address, and telephone number for the seller; and is manually  
3563 signed and dated by the seller with the signature notarized.

3564       (c) The agreement discloses with specificity the nature  
3565 and value of the abandoned property, including the name of the  
3566 apparent owner as shown by the records of the department, the  
3567 name of the holder who remitted the property, the date of last  
3568 contact, and the property category. With respect to the value of  
3569 the abandoned property, the agreement must contain the  
3570 following:

3571       1. The total dollar amount of all abandoned property to be  
3572 sold.

3573       2. The total percentage of the value of the abandoned  
3574 property to be paid as net gain to the purchaser.

3575       3. The total net dollar amount to be received by the

3576 purchaser.

3577 4. The net dollar amount to be received by the seller.

3578 (d) The agreement states the abandoned property account  
3579 number for each abandoned property account sold.

3580 (e) The purchase price does not discount the total value  
3581 of all abandoned property subject to the sale by more than 30  
3582 percent.

3583 (f) The agreement states that the amount of the purchase  
3584 price will be remitted to the seller by the purchaser within 30  
3585 days after the execution of the agreement by the seller.

3586 (g) The agreement includes the name, address, e-mail  
3587 address, and phone number of the purchaser.

3588 (h) The agreement states that the abandoned property is  
3589 currently in the department's custody and that the seller can  
3590 claim the property directly from the department on its  
3591 electronically searchable website without being charged a fee.  
3592 The agreement must provide the department's website address.

3593 (2) A seller may cancel a purchase agreement without  
3594 penalty or obligation within 15 business days after the date on  
3595 which the agreement was executed. The agreement must contain the  
3596 following language in minimum 12-point type: "You may cancel  
3597 this agreement for any reason without penalty or obligation to  
3598 you within 15 days after the date of this agreement by providing  
3599 notice to . . . (name of purchaser) . . . , submitted in writing  
3600 and sent by certified mail, return receipt requested, or other



3601 form of mailing that provides proof thereof, at the address or  
3602 e-mail address specified in the agreement."

3603 (3) A copy of an executed Florida Abandoned Property  
3604 Purchase Agreement must be filed with the purchaser's claim,  
3605 along with proof that the purchaser has made payment in full,  
3606 and all other required documentation. If proof of payment is not  
3607 provided, the department may not approve the claim.

3608 (4) A purchase agreement under this section that discounts  
3609 the value of abandoned property by more than the amount  
3610 authorized in paragraph (1)(e) is enforceable only by the  
3611 seller.

3612 **Section 71. Section 717.138, Florida Statutes, is amended**  
3613 **to read:**

3614 717.138 Rulemaking authority.—The department shall  
3615 administer and provide for the enforcement of this chapter. The  
3616 department has authority to adopt rules pursuant to ss.  
3617 120.536(1) and 120.54 to implement the provisions of this  
3618 chapter. The department may adopt rules to allow for electronic  
3619 filing of fees, forms, and reports required by this chapter. The  
3620 authority to adopt rules pursuant to this chapter applies to all  
3621 abandoned ~~unclaimed~~ property reported and remitted to the Chief  
3622 Financial Officer, including, but not limited to, property  
3623 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,  
3624 and 744.534.

3625 **Section 72. Section 717.1382, Florida Statutes, is amended**

to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2) (a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms,

the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

**Section 73. Section 717.139, Florida Statutes, is amended to read:**

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it. It is the intent of the Legislature that property reported under

3701 this chapter remains the property of the owner and that the  
3702 State of Florida acts solely as a custodian, not as the owner,  
3703 of such property. Title to abandoned property may not transfer  
3704 to the state except as expressly provided by law and only after  
3705 all reasonable efforts to identify and return the property to  
3706 its rightful owner have been exhausted.

3707 **Section 74. Section 717.1400, Florida Statutes, is amended**  
3708 **to read:**

3709 717.1400 Registration.—

3710 (1) In order to file claims as a claimant ~~claimant's~~  
3711 representative, receive a distribution of fees and costs for  
3712 approved claims from the department, and obtain information  
3713 regarding abandoned ~~unclaimed~~ property dollar amounts and  
3714 numbers of reported shares of stock held by the department, an  
3715 individual must meet all of the following requirements:

3716 (a) Be one of the following:

- 3717 1. A Florida-licensed private investigator holding a Class  
3718 "C" individual license under chapter 493;  
3719 2. A Florida-certified public account; or  
3720 3. A Florida-licensed attorney.

3721 (b) Have obtained a certificate of registration from ~~Must~~  
3722 ~~register with~~ the department.

3723 (2) An application for registration as a claimant  
3724 representative must be submitted in writing on a form prescribed  
3725 by the department and must be accompanied by all of the

3726 following:

3727 (a) A legible color copy of the applicant's current driver  
3728 license showing the full name and current address of such  
3729 person. If a current driver license is not available, another  
3730 form of photo identification must be provided which shows the  
3731 full name and current address of such person.

3732 (b) If the applicant is a private investigator:

3733 1. ~~on such form as the department prescribes by rule and~~  
3734 ~~must be verified by the applicant. To register with the~~  
3735 ~~department, a private investigator must provide:~~

3736 ~~(a)~~ A legible copy of the applicant's Class "A" business  
3737 license under chapter 493 or that of the applicant's firm or  
3738 employer which holds a Class "A" business license under chapter  
3739 493; and.

3740 2. ~~(b)~~ A legible copy of the applicant's Class "C"  
3741 individual license issued under chapter 493.

3742 (c) If the applicant is a certified public account, the  
3743 applicant's Florida Board of Accountancy number.

3744 (d) If the applicant is a licensed attorney, the  
3745 applicant's Florida Bar number.

3746 (e) ~~(e)~~ The business address, ~~and~~ telephone number, tax  
3747 identification number, and state of domicile or incorporation of  
3748 the applicant's ~~private investigative~~ firm or employer.

3749 (f) ~~(d)~~ The names of agents, ~~or~~ employees, or independent  
3750 contractors, if any, who are designated or authorized to act on

3751 behalf of the applicant ~~private investigator~~, together with a  
3752 legible color copy of their photo identification issued by an  
3753 agency of the United States, or a state, or a political  
3754 subdivision thereof.

3755 (g) A statement that the applicant has not, during the 5-  
3756 year period immediately preceding the submission of the  
3757 application, violated any part of the Florida Disposition of  
3758 Abandoned Personal Property Act.

3759 (h) A statement that the applicant has not been convicted  
3760 of, or plead guilty to, a felony or any offense involving moral  
3761 turpitude; dishonesty; deceit; or breach of fiduciary duty,  
3762 including theft, attempted theft, falsification, tampering with  
3763 records, securing writings by deception, fraud, forgery, or  
3764 perjury.

3765 (i)(e) Sufficient information to enable the department to  
3766 disburse funds by electronic funds transfer.

3767 (j) The applicant's notarized signature immediately  
3768 following an acknowledgment that any false or perjured statement  
3769 subjects the applicant to criminal liability under the laws of  
3770 this state

3771 ~~(f) The tax identification number of the private~~  
3772 ~~investigator's firm or employer which holds a Class "A" business~~  
3773 ~~license under chapter 493.~~

3774 ~~(2) In order to file claims as a claimant's~~  
3775 ~~representative, receive a distribution of fees and costs from~~

3776 ~~the department, and obtain unclaimed property dollar amounts and~~  
3777 ~~numbers of reported shares of stock held by the department, a~~  
3778 ~~Florida-certified public accountant must register with the~~  
3779 ~~department on such form as the department prescribes by rule and~~  
3780 ~~must be verified by the applicant. To register with the~~  
3781 ~~department, a Florida-certified public accountant must provide:~~

3782 ~~(a) The applicant's Florida Board of Accountancy number.~~

3783 ~~(b) A legible copy of the applicant's current driver~~  
3784 ~~license showing the full name and current address of such~~  
3785 ~~person. If a current driver license is not available, another~~  
3786 ~~form of identification showing the full name and current address~~  
3787 ~~of such person or persons shall be filed with the department.~~

3788 ~~(c) The business address and telephone number of the~~  
3789 ~~applicant's public accounting firm or employer.~~

3790 ~~(d) The names of agents or employees, if any, who are~~  
3791 ~~designated to act on behalf of the Florida-certified public~~  
3792 ~~accountant, together with a legible copy of their photo~~  
3793 ~~identification issued by an agency of the United States, or a~~  
3794 ~~state, or a political subdivision thereof.~~

3795 ~~(e) Sufficient information to enable the department to~~  
3796 ~~disburse funds by electronic funds transfer.~~

3797 ~~(f) The tax identification number of the accountant's~~  
3798 ~~public accounting firm employer.~~

3799 ~~(3) In order to file claims as a claimant's~~  
3800 ~~representative, receive a distribution of fees and costs from~~



3801 ~~the department, and obtain unclaimed property dollar amounts and~~  
3802 ~~numbers of reported shares of stock held by the department, an~~  
3803 ~~attorney licensed to practice in this state must register with~~  
3804 ~~the department on such form as the department prescribes by rule~~  
3805 ~~and must be verified by the applicant. To register with the~~  
3806 ~~department, such attorney must provide:~~

3807 ~~(a) The applicant's Florida Bar number.~~

3808 ~~(b) A legible copy of the applicant's current driver~~  
3809 ~~license showing the full name and current address of such~~  
3810 ~~person. If a current driver license is not available, another~~  
3811 ~~form of identification showing the full name and current address~~  
3812 ~~of such person or persons shall be filed with the department.~~

3813 ~~(c) The business address and telephone number of the~~  
3814 ~~applicant's firm or employer.~~

3815 ~~(d) The names of agents or employees, if any, who are~~  
3816 ~~designated to act on behalf of the attorney, together with a~~  
3817 ~~legible copy of their photo identification issued by an agency~~  
3818 ~~of the United States, or a state, or a political subdivision~~  
3819 ~~thereof.~~

3820 ~~(e) Sufficient information to enable the department to~~  
3821 ~~disburse funds by electronic funds transfer.~~

3822 ~~(f) The tax identification number of the attorney's firm~~  
3823 ~~or employer.~~

3824 ~~(4)~~ Information and documents already on file with the  
3825 department before the effective date of this provision need not

3826 be resubmitted in order to complete the registration.

3827       (4)~~(5)~~ If a material change in the status of a  
3828 registration occurs, the claimant representative ~~a registrant~~  
3829 must, within 30 days, provide the department with the updated  
3830 documentation and information in writing. Material changes  
3831 include, but are not limited to, the following, ~~a~~ a designated  
3832 agent or employee ceasing to act on behalf of the designating  
3833 person, a surrender, suspension, or revocation of a license, or  
3834 a license renewal.

3835       (a) If a designated agent or employee ceases to act on  
3836 behalf of the person who has designated the agent or employee to  
3837 act on such person's behalf, the designating person must, within  
3838 30 days, inform the department ~~the Division of Unclaimed~~  
3839 ~~Property~~ in writing of the termination of agency or employment.

3840       (b) If a registrant surrenders the registrant's license or  
3841 the license is suspended or revoked, the registrant must, within  
3842 30 days, inform the division in writing of the surrender,  
3843 suspension, or revocation.

3844       (c) If a private investigator's Class "C" individual  
3845 license under chapter 493 or a private investigator's employer's  
3846 Class "A" business license under chapter 493 is renewed, the  
3847 private investigator must provide a copy of the renewed license  
3848 to the department within 30 days after the receipt of the  
3849 renewed license by the private investigator or the private  
3850 investigator's employer.

3851        (5)~~(6)~~ An applicant's claimant representative's A  
3852 ~~registrant's~~ firm or employer may not have a name that might  
3853 lead another person to conclude that the claimant  
3854 representative's ~~registrant's~~ firm or employer is affiliated or  
3855 associated with the United States, or an agency thereof, or a  
3856 state or an agency or political subdivision of a state. The  
3857 department shall deny an application for registration or revoke  
3858 a registration if the applicant's or claimant representative's  
3859 ~~registrant's~~ firm or employer has a name that might lead another  
3860 person to conclude that the firm or employer is affiliated or  
3861 associated with the United States, or an agency thereof, or a  
3862 state or an agency or political subdivision of a state. Names  
3863 that might lead another person to conclude that the firm or  
3864 employer is affiliated or associated with the United States, or  
3865 an agency thereof, or a state or an agency or political  
3866 subdivision of a state, include, but are not limited to, the  
3867 words United States, Florida, state, bureau, division,  
3868 department, or government.

3869        (6)~~(7)~~ The licensing and other requirements of this  
3870 section must be maintained as a condition of registration with  
3871 the department.

3872        (7) To maintain active registration under this section, a  
3873 claimant representative must file and obtain payment on at least  
3874 10 claims per calendar year following the date of initial  
3875 registration.

3876        (a) If a claimant representative fails to meet this  
3877        requirement, the department must notify the claimant  
3878        representative in writing and provide 30 days to demonstrate  
3879        compliance or good cause for noncompliance.

3880        (b) If the claimant representative does not cure the  
3881        deficiency or demonstrate good cause within the time provided,  
3882        the department must revoke the registration.

3883        (c) A claimant representative whose registration is  
3884        revoked under this subsection may not reapply for registration  
3885        under this section for a period of 1 year following the  
3886        effective date of the revocation.

3887        **Section 75. Paragraph (a) of subsection (2) of section**  
3888        **197.582, Florida Statutes, is amended to read:**

3889        197.582 Disbursement of proceeds of sale.—

3890        (2)(a) If the property is purchased for an amount in  
3891        excess of the statutory bid of the certificateholder, the  
3892        surplus must be paid over and disbursed by the clerk as set  
3893        forth in subsections (3), (5), and (6). If the opening bid  
3894        included the homestead assessment pursuant to s. 197.502(6)(c),  
3895        that amount must be treated as surplus and distributed in the  
3896        same manner. The clerk shall distribute the surplus to the  
3897        governmental units for the payment of any lien of record held by  
3898        a governmental unit against the property, including any tax  
3899        certificates not incorporated in the tax deed application and  
3900        omitted taxes, if any. If there remains a balance of

undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS  
FROM TAX DEED SALE

CLERK OF COURT

.... COUNTY, FLORIDA

Tax Deed #.....

Certificate #.....

Property Description: .....

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a surplus of \$...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as

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described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

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

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

Dated: .....

Clerk of Court

**Section 76. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:**

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

3951 (t) *Certain life insurance relations with funeral*  
3952 *directors prohibited.*—

3953 1. No life insurer shall permit any funeral director or  
3954 direct disposer to act as its representative, adjuster, claim  
3955 agent, special claim agent, or agent for such insurer in  
3956 soliciting, negotiating, or effecting contracts of life  
3957 insurance on any plan or of any nature issued by such insurer or  
3958 in collecting premiums for holders of any such contracts except  
3959 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

3960 2. No life insurer shall:

3961 a. Affix, or permit to be affixed, advertising matter of  
3962 any kind or character of any licensed funeral director or direct  
3963 disposer to such policies of insurance.

3964 b. Circulate, or permit to be circulated, any such  
3965 advertising matter with such insurance policies.

3966 c. Attempt in any manner or form to influence  
3967 policyholders of the insurer to employ the services of any  
3968 particular licensed funeral director or direct disposer.

3969 3. No such insurer shall maintain, or permit its agent to  
3970 maintain, an office or place of business in the office,  
3971 establishment, or place of business of any funeral director or  
3972 direct disposer in this state.

3973 **Section 77. For the purpose of incorporating the amendment**  
3974 **made by this act to section 717.101, Florida Statutes, in a**  
3975 **reference thereto, paragraph (a) of subsection (6) of section**

**772.13, Florida Statutes, is reenacted to read:**

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has



personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities

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custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

**Section 78.** This act shall take effect upon becoming a law.