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2026

A bill to be entitled  
An act relating to the Department of Financial Services; amending s. 112.3135, F.S.; authorizing a public official to take specified actions in relation to the employment of a relative as a firefighter; amending s. 215.422, F.S.; revising the Chief Financial Officer's rulemaking authority; amending s. 215.5586, F.S.; defining terms; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the circumstances under which applicants may submit a subsequent hurricane mitigation inspection; deleting the requirement that licensed inspectors must determine mitigation measures during initial inspections of eligible homes; deleting inspectors' authorization to inspect townhouses; revising the criteria for eligibility for a hurricane mitigation grant; revising the grant's applicant requirements; revising the improvements that grants may be used for; requiring that improvements be identified in the final hurricane mitigation inspection to receive grant funds; deleting a provision related to grants for townhouses; authorizing the program to accept a specified certification directly from applicants; 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28 deemed abandoned, rather than withdrawn, under certain  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 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

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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

101 persons; amending s. 626.731, F.S.; revising the  
102 qualifications for a general lines agent's license;  
103 amending s. 626.785, F.S.; revising the qualifications  
104 for a life agent's license; amending s. 626.831, F.S.;  
105 revising the qualifications for a health agent's  
106 license; amending s. 626.854, F.S.; requiring a public  
107 adjuster, public adjuster apprentice, or public  
108 adjusting firm to respond with specific information  
109 within a specified timeframe and document in the file  
110 the response or information provided; amending s.  
111 648.34, F.S.; revising requirements for bail bond  
112 agent applicants; amending s. 648.382, F.S.; requiring  
113 officers or officials of the appointing insurer to  
114 obtain, rather than submit, certain information;  
115 amending s. 717.001, F.S.; revising the short title;  
116 amending s. 717.101, F.S.; revising and adding  
117 definitions; amending s. 717.102, F.S.; providing that  
118 certain intangible property is presumed abandoned;  
119 deleting a provision relating to the presumption that  
120 certain intangible property is presumed unclaimed;  
121 specifying the dormancy period for property presumed  
122 abandoned; requiring that property be considered  
123 payable or distributable under certain circumstances;  
124 deleting a provision relating to when property is  
125 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

151 abandoned; specifying that the applicable dormancy  
152 period ceases under certain circumstances; revising  
153 the timeframe that a sum held or owing by a business  
154 association is presumed abandoned; amending ss.  
155 717.111, 717.112, 717.1125, 717.113, 717.115, and  
156 717.116, F.S.; conforming provisions to changes made  
157 by the act; amending s. 717.117, F.S.; specifying that  
158 property is presumed abandoned upon the expiration of  
159 the applicable dormancy periods; specifying that  
160 property is not deemed abandoned for certain purposes  
161 until the holder meets certain requirements; requiring  
162 holders of property presumed abandoned that has a  
163 specified value to use due diligence to locate and  
164 notify the apparent owner; requiring, before a  
165 specified timeframe, a holder in possession of  
166 presumed abandoned property to send a specified  
167 written notice to the apparent owner; specifying the  
168 method of delivery of such notice; requiring, before a  
169 specified timeframe, the holder to send a second  
170 written notice under certain circumstances;  
171 authorizing the reasonable cost for the notice to be  
172 deducted from the property; specifying that a signed  
173 return receipt constitutes an affirmative  
174 demonstration of continued interest; specifying  
175 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.

201        717.1201 and 717.122, F.S.; conforming provisions to  
202        changes made by the act; amending s. 717.123, F.S.;  
203        conforming provisions to changes made by the act;  
204        revising the name of a certain trust fund; revising  
205        the amount the department must retain from certain  
206        funds received; revising a required transfer of funds  
207        to the State School Fund; amending s. 717.1235, F.S.;  
208        conforming provisions to changes made by the act;  
209        amending s. 717.124, F.S.; conforming provisions to  
210        changes made by the act; deleting provisions related  
211        to requirements of claimant's representatives;  
212        specifying that the department is authorized to make a  
213        distribution of property or money in accordance with a  
214        specified agreement under certain circumstances;  
215        requiring shares of securities to be delivered  
216        directly to the claimant under certain circumstances;  
217        deleting a provision authorizing the department to  
218        develop a process by which a buyer of unclaimed  
219        property may electronically submit certain images and  
220        documents; deleting provisions relating to a buyer of  
221        unclaimed property's filing of a claim; amending s.  
222        717.12403, F.S.; conforming provisions to changes made  
223        by the act; amending s. 717.12404, F.S.; requiring  
224        claims on behalf of an active corporation to include a  
225        specified driver license; conforming provisions to

226 changes made by the act; amending ss. 717.12405 and  
227 717.12406, F.S.; conforming provisions to changes made  
228 by the act; amending s. 717.1241, F.S.; defining the  
229 term "conflicting claim"; conforming provisions to  
230 changes made by the act; revising requirements for  
231 remitting property when conflicting claims have been  
232 received by the department; amending ss. 717.1242,  
233 717.1243, 717.1244, 717.1245, 717.125, 717.126,  
234 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and  
235 717.132, F.S.; conforming provisions to changes made  
236 by the act; amending s. 717.1322, F.S.; revising the  
237 acts that constitute grounds for administrative  
238 enforcement action by the department; conforming  
239 provisions to changes made by the act; amending ss.  
240 717.133, 717.1333, and 717.1341, F.S.; conforming  
241 provisions to changes made by the act; amending s.  
242 717.135, F.S.; conforming provisions to changes made  
243 by the act; deleting applicability; creating s.  
244 717.1356, F.S.; specifying that agreements for the  
245 purchase of abandoned property reported to the  
246 department are valid only under certain circumstances;  
247 authorizing the seller to cancel a purchase agreement  
248 without penalty or obligation within a specified  
249 timeframe; specifying that the agreement must contain  
250 certain language; requiring a copy of an executed

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

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276 to revoke a registration under certain circumstances;  
277 prohibiting a claimant representative from reapplying  
278 under certain circumstances; amending ss. 197.582 and  
279 626.9541, F.S.; conforming cross-references;  
280 reenacting s. 772.13(6)(a), F.S., relating to  
281 postjudgment execution proceedings to enforce a  
282 judgment entered against a terrorist party, to  
283 incorporate the amendment made to s. 717.101, F.S., in  
284 a reference thereto; providing an effective date.  
285

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

287  
288 **Section 1. Paragraph (c) is added to subsection (2) of**  
289 **section 112.3135, Florida Statutes, to read:**

290 112.3135 Restriction on employment of relatives.—

291 (2)

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

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

301        215.422 Payments, warrants, and invoices; processing time  
302        limits; dispute resolution; agency or judicial branch  
303        compliance.—

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

312        **Section 3. Subsections (4) through (10) of section  
313 215.5586, Florida Statutes, are renumbered as subsections (5)  
314 through (11), respectively, paragraphs (a) through (e) of  
315 subsection (1), subsections (2) and (3), paragraph (a) of  
316 present subsection (8), and present subsection (10) are amended,  
317 and a new subsection (4) is added to that section, to read:**

318        215.5586 My Safe Florida Home Program.—There is  
319        established within the Department of Financial Services the My  
320        Safe Florida Home Program. The department shall provide fiscal  
321        accountability, contract management, and strategic leadership  
322        for the program, consistent with this section. This section does  
323        not create an entitlement for property owners or obligate the  
324        state in any way to fund the inspection or retrofitting of  
325        residential property in this state. Implementation of this

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

341 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

350 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, 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

376 errors or omissions in the application;

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

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

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

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

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

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

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

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

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

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

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

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

424 1. The applicant home must be eligible for an inspection  
425 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

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

453 d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

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

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

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

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

491 1. Opening protection improvements, including:

492 a. Exterior doors.~~r~~  
493 b. Garage doors.~~r~~  
494 c. Windows.~~r~~ and  
495 d. Skylights.

496 2. Roof improvements, including:

497 a. Reinforcing roof-to-wall connections.  
498 b.~~3.~~ Improving the strength of roof-deck attachments.  
499 c.~~4.~~ Installing secondary water resistance for roof and  
500 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

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

582        (9) (8) CONTRACT MANAGEMENT.—

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

593        (11) (10) REPORTS.—The department shall make an annual  
594        report on the activities of the program that shall account for  
595        the use of state funds and indicate the number of inspections  
596        requested, the number of inspections performed, the number of  
597        grant applications received, the number and value of grants  
598        approved, and the estimated average annual amount of insurance  
599        premium discounts and total estimated annual amount of insurance  
600        premium discounts applicants ~~homeowners~~ received from insurers

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

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

606 215.96 Coordinating council and design and coordination  
607 staff.—

608 (2) The coordinating council shall consist of the Chief  
609 Financial Officer; the Commissioner of Agriculture; the Attorney  
610 General; the Secretary of Management Services; the state chief  
611 information officer; the executive director of the Department of  
612 Revenue; and the Director of Planning and Budgeting, Executive  
613 Office of the Governor, or their designees. The Chief Financial  
614 Officer, or his or her designee, shall be chair of the council,  
615 and the design and coordination staff shall provide  
616 administrative and clerical support to the council and the  
617 board. The design and coordination staff shall maintain the  
618 Minutes of each meeting shall be and make such minutes available  
619 to any interested person. The Auditor General, the State Courts  
620 Administrator, a an executive officer of the Florida Association  
621 of state agency administrative services director selected by the  
622 council Directors, and a an executive officer of the Florida  
623 Association of state budget officer selected by the council  
624 Officers, or their designees, shall serve without voting rights  
625 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~~  
~~to recommend to the board solutions, policy alternatives, and~~  
~~legislative budget request issues that ensure the availability~~  
~~of data and information that support state planning, policy~~  
~~development, management, evaluation, and performance monitoring.~~

665 ~~(e) 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

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

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

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

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

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

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

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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 pledged 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

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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

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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

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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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1001       (6) Members of the United States Armed Forces and their  
1002 spouses, and veterans of the United States Armed Forces who have  
1003 separated from service ~~within 24 months~~ before application for  
1004 licensure, are exempt from the application filing fee prescribed  
1005 in s. 624.501. Qualified individuals must provide a copy of a  
1006 military identification card, military dependent identification  
1007 card, military service record, military personnel file, veteran  
1008 record, discharge paper or separation document that indicates  
1009 such members are currently in good standing or such veterans  
1010 were honorably discharged.

1011       (7) Pursuant to the federal Personal Responsibility and  
1012 Work Opportunity Reconciliation Act of 1996, each party is  
1013 required to provide his or her social security number in  
1014 accordance with this section. Disclosure of social security  
1015 numbers obtained through this requirement must be limited to the  
1016 purpose of administration of the Title IV-D program for child  
1017 support enforcement.

1018       **Section 11. Paragraph (c) of subsection (2) of section  
1019 626.292, Florida Statutes, is amended to read:**

1020       626.292 Transfer of license from another state.—

1021       (2) To qualify for a license transfer, an individual  
1022 applicant must meet the following requirements:

1023       (c) The individual must submit a completed application for  
1024 this state which is received by the department within 90 days  
1025 after the date the individual became a resident of this state,

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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,

1101 and s. 626.830 with respect to health agents.

1102 (m) Willful failure to comply with, or willful violation  
1103 of, any proper order or rule of the department or willful  
1104 violation of any provision of this code.

1105 (n) Having been found guilty of or having pleaded guilty  
1106 or nolo contendere to a misdemeanor directly related to the  
1107 financial services business, any felony, or any crime punishable  
1108 by imprisonment of 1 year or more under the law of the United  
1109 States of America or of any state thereof or under the law of  
1110 any other country, without regard to whether a judgment of  
1111 conviction has been entered by the court having jurisdiction of  
1112 such cases.

1113 (o) Fraudulent or dishonest practice in submitting or  
1114 aiding or abetting any person in the submission of an  
1115 application for workers' compensation coverage under chapter 440  
1116 containing false or misleading information as to employee  
1117 payroll or classification for the purpose of avoiding or  
1118 reducing the amount of premium due for such coverage.

1119 (p) Sale of an unregistered security that was required to  
1120 be registered, pursuant to chapter 517.

1121 (q) In transactions related to viatical settlement  
1122 contracts as defined in s. 626.9911:

1123 1. Commission of a fraudulent or dishonest act.

1124 2. No longer meeting the requirements for initial  
1125 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)(l).

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

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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~~  
~~resident of this state shall be deemed to meet the residence~~  
~~requirement of this paragraph, 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.~~

1237 (c) The applicant's place of business will be located in  
1238 this state and he or she will be actively engaged in the  
1239 business of insurance and will maintain a place of business, the  
1240 location of which is identifiable by and accessible to the  
1241 public.

1242 (d) The license is not being sought for the purpose of

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1251 writing or handling controlled business, in violation of s.  
1252 626.730.

1253 (e) The applicant is qualified as to knowledge,  
1254 experience, or instruction in the business of insurance and  
1255 meets the requirements provided in s. 626.732.

1256 (f) The applicant has passed any required examination for  
1257 license required under s. 626.221.

1258 **Section 15. Subsection (2) of section 626.785, Florida  
1259 Statutes, is amended to read:**

1260 626.785 Qualifications for license.—

1261 ~~(2) An individual who is a bona fide resident of this  
1262 state shall be deemed to meet the residence requirement of  
1263 paragraph (1)(b), notwithstanding the existence at the time of  
1264 application for license of a license in his or her name on the  
1265 records of another state as a resident licensee of such other  
1266 state, if the applicant furnishes a letter of clearance  
1267 satisfactory to the department that the resident licenses have  
1268 been canceled or changed to a nonresident basis and that he or  
1269 she is in good standing.~~

1270 **Section 16. Section 626.831, Florida Statutes, is amended  
1271 to read:**

1272 626.831 Qualifications for license.—

1273 (1) The department may ~~shall~~ not grant or issue a license  
1274 as health agent as to any individual found by it to be  
1275 untrustworthy or incompetent, or who does not meet all of the

1276 following qualifications:

1277 (1) (a) Is Must be a natural person of at least 18 years of  
1278 age.

1279 (2) (b) Is Must be a United States citizen or legal alien  
1280 who possesses work authorization from the United States Bureau  
1281 of Citizenship and Immigration Services and is a bona fide  
1282 resident of this state.

1283 (3) (c) Is Must not ~~be~~ an employee of the United States  
1284 Department of Veterans Affairs or state service office, as  
1285 referred to in s. 626.833.

1286 (4) (d) Has taken Must take and passed pass any examination  
1287 for license required under s. 626.221.

1288 (5) (e) Is Must be qualified as to knowledge, experience,  
1289 or instruction in the business of insurance and meets meet the  
1290 requirements relative thereto provided in s. 626.8311.

1291 (2) ~~An individual who is a bona fide resident of this~~  
1292 ~~state shall be deemed to meet the residence requirement of~~  
1293 ~~paragraph (1) (b), notwithstanding the existence at the time of~~  
1294 ~~application for license of a license in his or her name on the~~  
1295 ~~records of another state as a resident licensee of such other~~  
1296 ~~state, if the applicant furnishes a letter of clearance~~  
1297 ~~satisfactory to the department that the resident licenses have~~  
1298 ~~been canceled or changed to a nonresident basis and that he or~~  
1299 ~~she is in good standing.~~

1300 **Section 17. Subsection (24) is added to section 626.854,**

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1301 **Florida Statutes, to read:**

1302        626.854 "Public adjuster" defined; prohibitions.—The  
1303 Legislature finds that it is necessary for the protection of the  
1304 public to regulate public insurance adjusters and to prevent the  
1305 unauthorized practice of law.

1306        (24) A public adjuster, public adjuster apprentice, or  
1307 public adjusting firm must respond with specific information to  
1308 a written or electronic request for claims status from a  
1309 claimant or insured or their designated representative within 14  
1310 days after the date of the request and shall document in the  
1311 file the response or information provided.

1312        **Section 18. Subsection (4) of section 648.34, Florida**  
1313 **Statutes, is amended to read:**

1314        648.34 Bail bond agents; qualifications.—

1315        (4) The applicant shall furnish, with his or her  
1316 application, a complete set of his or her fingerprints in  
1317 accordance with s. 626.171(4) and a recent credential-sized,  
1318 fullface photograph of the applicant. The department may shall  
1319 not authorize an applicant to take the required examination  
1320 until the department has received a report from the Department  
1321 of Law Enforcement and the Federal Bureau of Investigation  
1322 relative to the existence or nonexistence of a criminal history  
1323 report based on the applicant's fingerprints.

1324        **Section 19. Subsection (2) of section 648.382, Florida**  
1325 **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.<sup>7</sup>

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

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1351 department, stating under oath that the licensee has failed to  
1352 timely satisfy forfeitures and judgments on bonds written and  
1353 that the insurer has satisfied the forfeiture or judgment from  
1354 its own funds. Upon receipt of such notification and supporting  
1355 documents, the appointing insurer shall immediately cancel the  
1356 licensee's appointment. The licensee may be reappointed only  
1357 upon certification by the former insurer that all forfeitures  
1358 and judgments on bonds written by the licensee have been  
1359 discharged. The appointing insurer or former agent or agency  
1360 may, within 10 days, file a petition with the department seeking  
1361 relief from this paragraph. Filing of the petition stays the  
1362 duty of the appointing insurer to cancel the appointment until  
1363 the department grants or denies the petition.~~;~~

1364 (c) Any other information that the department reasonably  
1365 requires concerning the proposed appointee.~~;~~ and

1366 (d) Effective January 1, 2025, a certification that the  
1367 appointing entity obtained from each appointee the following  
1368 sworn statement:

1369  
1370 Pursuant to section 648.382(2)(b), Florida Statutes, I  
1371 do solemnly swear that I owe no premium to any insurer  
1372 or agency and that I will discharge all outstanding  
1373 forfeitures and judgments on bonds that have been  
1374 previously written. I acknowledge that failure to do  
1375 this will result in my active appointments being

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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

1476 ~~customer's favor.~~

1477 (15) ~~(12)~~ "Due diligence" means the use of reasonable and  
1478 prudent methods under particular circumstances to locate  
1479 apparent owners of presumed abandoned property ~~inactive accounts~~  
1480 using the taxpayer identification number or social security  
1481 number, if known, which may include, but are not limited to,  
1482 using a nationwide database, cross-indexing with other records  
1483 of the holder, mailing to the last known address unless the last  
1484 known address is known to be inaccurate, providing written  
1485 notice as described in this chapter by electronic mail if an  
1486 apparent owner has elected such delivery, or engaging a licensed  
1487 agency or company capable of conducting such search and  
1488 providing updated addresses.

1489 (14) ~~"Financial organization"~~ means a ~~savings association,~~  
1490 ~~savings and loan association, savings bank, industrial bank,~~  
1491 ~~bank, banking organization, trust company, international bank~~  
1492 ~~agency, cooperative bank, building and loan association, or~~  
1493 ~~credit union.~~

1494 (18) ~~(16)~~ "Holder" means a person who is in possession of  
1495 property belonging to another or who owes a debt or an  
1496 obligation to another person, including, but not limited to,  
1497 financial institutions, insurance companies, corporations,  
1498 partnerships, fiduciaries, and government agencies.

1499 (a) ~~A person who is in possession or control or has~~  
1500 ~~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.

1526 (f) Amounts distributable from a trust or custodial fund  
1527 established under a plan to provide any health, welfare,  
1528 pension, vacation, severance, retirement, death, stock purchase,  
1529 profit sharing, employee savings, supplemental unemployment  
1530 insurance, or similar benefit.

1531 (21) (19) "Last known address" means a description of the  
1532 location of the apparent owner sufficient for the purpose of the  
1533 delivery of mail. For the purposes of identifying, reporting,  
1534 and remitting property to the department ~~which is presumed to be~~  
1535 ~~unclaimed, the term "last known address"~~ includes any partial  
1536 description of the location of the apparent owner sufficient to  
1537 establish the apparent owner was a resident of this state at the  
1538 time of last contact with the apparent owner or at the time the  
1539 property became due and payable.

1540 (22) (20) "Lawful charges" means charges against the  
1541 property or the account in which the property is held dormant  
1542 accounts that are authorized by statute for the purpose of  
1543 offsetting the costs of maintaining the property or the account  
1544 in which the property is held dormant account.

1545 (23) "Locator" means a private individual or business that  
1546 locates owners of abandoned property in exchange for a fee,  
1547 typically a percentage of the recovered property. Locators are  
1548 not employees or agents of the state and are not registered with  
1549 the department.

1550 (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

1601 property arises, regardless of whether the apparent owner or  
1602 authorized representative has failed to demand or to present  
1603 documents required to receive payment.

1604 ~~(2) Property is payable or distributable for the purpose~~  
1605 ~~of this chapter notwithstanding the owner's failure to make~~  
1606 ~~demand or to present any instrument or document required to~~  
1607 ~~receive payment.~~

1608 ~~(3) A presumption that property is abandoned may be~~  
1609 ~~unclaimed is rebutted by the affirmative demonstration of~~  
1610 ~~continued interest by the apparent owner or authorized~~  
1611 ~~representative an apparent owner's expression of interest in the~~  
1612 ~~property. Such demonstration An owner's expression of continued~~  
1613 ~~interest in property includes, but is not limited to, any of the~~  
1614 ~~following:~~

1615 ~~(a) A record communicated by the apparent owner or~~  
1616 ~~authorized representative to the holder or its agent of the~~  
1617 ~~holder concerning the property or the account in which the~~  
1618 ~~property is held.†~~

1619 ~~(b) An oral communication by the apparent owner or~~  
1620 ~~authorized representative to the holder or its agent of the~~  
1621 ~~holder concerning the property or the account in which the~~  
1622 ~~property is held, if the holder or its agent contemporaneously~~  
1623 ~~records makes and preserves evidence a record of the fact of the~~  
1624 ~~apparent owner's communication.†~~

1625 ~~(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

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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~~

1676 property is in this state.~~r~~

1677 (3) The records of the holder do not reflect the last  
1678 known address of the apparent owner, but and it is established  
1679 that either of the following conditions apply:

1680 (a) The last known address of the apparent owner person  
1681 ~~entitled to the property~~ is in this state.~~r~~ or

1682 (b) The holder is domiciled in this state, a ~~domiciliary~~  
1683 or is a government entity or ~~governmental~~ subdivision or ~~agency~~  
1684 of this state, and has not previously paid the property to the  
1685 state of the last known address of the apparent owner. ~~or other~~  
1686 ~~person entitled to the property~~;

1687 (4) The last known address, as shown on the records of the  
1688 holder, of the apparent owner ~~or other person entitled to the~~  
1689 ~~property~~ is in a jurisdiction state that does not have  
1690 ~~applicable~~ ~~provide by law for the~~ escheat, abandoned, or  
1691 unclaimed property ~~laws~~ ~~custodial taking of the property~~, or ~~its~~  
1692 ~~escheat~~ or ~~unclaimed property~~ law is not applicable to the  
1693 ~~property~~, and the holder is domiciled in this state a  
1694 ~~domiciliary~~ or is a government entity ~~or governmental~~  
1695 ~~subdivision~~ or agency of this state.~~r~~

1696 (5) The last known address, as shown on the records of the  
1697 holder, of the apparent owner is in a foreign nation and the  
1698 holder is domiciled in this state a ~~domiciliary~~ or is a  
1699 government entity ~~or governmental~~ subdivision or agency of this  
1700 state.~~r~~ 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

1751     of the following conditions are met:

1752         (a) The records of the holder ~~issuer~~ show that the  
1753 traveler's check, money order, or similar written instrument was  
1754 purchased in this state.~~;~~

1755         (b) The holder ~~issuer~~ has its principal place of business  
1756 in this state and its ~~the~~ records ~~of the~~ issuer do not show the  
1757 state in which the traveler's check, money order, or similar  
1758 written instrument was purchased.~~;~~ or

1759         (c) The holder ~~issuer~~ has its principal place of business  
1760 in this state; the ~~holder's~~ records ~~of the~~ issuer show the state  
1761 in which the traveler's check, money order, or similar written  
1762 instrument was purchased; and the ~~laws of the~~ state of purchase  
1763 does not provide applicable ~~do not provide for the~~ escheat,  
1764 abandoned, ~~or unclaimed property laws or custodial taking of the~~  
1765 ~~property, or its escheat or unclaimed property law is not~~  
1766 ~~applicable to the property.~~

1767         (5) Notwithstanding any other provision of this chapter,  
1768 subsection (4) applies to sums payable on traveler's checks,  
1769 money orders, and similar written instruments presumed abandoned  
1770 ~~unclaimed~~ on or after February 1, 1965, except to the extent  
1771 that those sums have been paid over to a state prior to January  
1772 1, 1974.

1773         **Section 26. Section 717.1045, Florida Statutes, is amended  
1774 to read:**

1775         717.1045 Gift certificates and similar credit items.—

1776 Notwithstanding s. 717.117, an unredeemed gift certificate or  
1777 credit memo as defined in s. 501.95 is not required to be  
1778 reported as abandoned unclaimed property.

1779 (1) The consideration paid for an unredeemed gift  
1780 certificate or credit memo is the property of the issuer of the  
1781 unredeemed gift certificate or credit memo.

1782 (2) An unredeemed gift certificate or credit memo is  
1783 subject only to any rights of a purchaser or owner thereof and  
1784 is not subject to a claim made by any state acting on behalf of  
1785 a purchaser or owner.

1786 (3) It is the intent of the Legislature that this section  
1787 apply to the custodial holding of unredeemed gift certificates  
1788 and credit memos.

1789 (4) However, a gift certificate or credit memo described  
1790 in s. 501.95(2) (b) shall be reported as abandoned unclaimed  
1791 property. The consideration paid for such a gift certificate or  
1792 credit memo is the property of the owner of the gift certificate  
1793 or credit memo.

1794 **Section 27. Section 717.105, Florida Statutes, is amended  
1795 to read:**

1796 717.105 Checks, drafts, and similar instruments issued or  
1797 certified by banking and financial organizations.—

1798 (1) Any sum payable on a check, draft, or similar  
1799 instrument, except those subject to ss. 717.104 and 717.115, on  
1800 which a banking or financial organization is directly liable,

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1801 including, but not limited to, a cashier's check or a certified  
1802 check, which has been outstanding for more than 5 years after it  
1803 was payable or after its issuance if payable on demand, is  
1804 presumed abandoned unclaimed unless the apparent owner or  
1805 authorized representative, within 5 years, has communicated in  
1806 writing with the banking or financial organization concerning it  
1807 or otherwise demonstrated a continued interest in the property  
1808 in accordance with s. 717.102 indicated an interest as evidenced  
1809 ~~by a memorandum or other record on file with the banking or~~  
1810 ~~financial organization.~~

1811 (2) A ~~No~~ holder may not deduct from the amount of any  
1812 instrument subject to this section any charges imposed by reason  
1813 of the failure to present the instrument for encashment unless  
1814 there is a valid and enforceable written contract between the  
1815 holder and the apparent owner of the instrument pursuant to  
1816 which the holder may impose those charges and does not regularly  
1817 reverse or otherwise cancel those charges with respect to the  
1818 instrument.

1819 **Section 28. Subsection (1), paragraphs (a) and (b) of**  
1820 **subsection (3), and subsections (4) and (5) of section 717.106,**  
1821 **Florida Statutes, are amended to read:**

1822 717.106 Bank deposits and funds in financial  
1823 organizations.—

1824 (1) Any demand, savings, or matured time deposit with a  
1825 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

1851 organization; or

1852 2. Otherwise demonstrated a continued indicated an  
1853 interest as evidenced by a memorandum or other record on file  
1854 with the banking or financial organization and if the banking or  
1855 financial organization communicates in writing with the apparent  
1856 owner or authorized representative with regard to the property  
1857 that would otherwise be presumed abandoned unclaimed under this  
1858 subsection at the address to which communications regarding the  
1859 other relationship regularly are sent.

1860 (3) A ~~No~~ holder may not impose with respect to property  
1861 described in subsection (1) any charges due to dormancy or  
1862 inactivity or cease payment of interest unless:

1863 (a) There is an enforceable written contract between the  
1864 holder and the apparent owner of the property pursuant to which  
1865 the holder may impose those charges or cease payment of  
1866 interest.

1867 (b) For property in excess of \$2, the holder, no more than  
1868 3 months prior to the initial imposition of those charges or  
1869 cessation of interest, has given written notice to the apparent  
1870 owner of the amount of those charges at the last known address  
1871 of the apparent owner stating that those charges shall be  
1872 imposed or that interest shall cease, but the notice provided in  
1873 this section need not be given with respect to charges imposed  
1874 or interest ceased before July 1, 1987.

1875 (4) Any property described in subsection (1) that is

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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.—

1901 (1) Funds held or owing under any life or endowment  
1902 insurance policy or annuity contract which has matured or  
1903 terminated are presumed abandoned unclaimed if unclaimed for  
1904 more than 5 years after the date of death of the insured, the  
1905 annuitant, or the retained asset account holder, but property  
1906 described in paragraph (3)(d) is presumed abandoned unclaimed if  
1907 such property is not claimed for more than 2 years. The amount  
1908 presumed abandoned unclaimed shall include any amount due and  
1909 payable under s. 627.4615.

1910 **Section 30. Section 717.1071, Florida Statutes, is amended**  
1911 **to read:**

1912 717.1071 Lost owners of abandoned unclaimed  
1913 demutualization, rehabilitation, or related reorganization  
1914 proceeds.—

1915 (1) Property distributable in the course of a  
1916 demutualization, rehabilitation, or related reorganization of an  
1917 insurance company is deemed abandoned 2 years after the date the  
1918 property is first distributable if, at the time of the first  
1919 distribution, the last known address of the apparent owner on  
1920 the books and records of the holder is known to be incorrect or  
1921 the distribution or statements are returned by the post office  
1922 as undeliverable; and the apparent owner or authorized  
1923 representative owner has not communicated in writing with the  
1924 holder or its agent regarding the interest or otherwise  
1925 communicated with the holder regarding the interest as evidenced

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1926 by a memorandum or other record on file with the holder or its  
1927 agent.

1928 (2) Property distributable in the course of  
1929 demutualization, rehabilitation, or related reorganization of a  
1930 mutual insurance company that is not subject to subsection (1)  
1931 shall be reportable as otherwise provided by this chapter.

1932 (3) Property subject to this section shall be reported and  
1933 delivered no later than May 1 as of the preceding December 31;  
1934 however, the initial report under this section shall be filed no  
1935 later than November 1, 2003, as of December 31, 2002.

1936 **Section 31. Section 717.108, Florida Statutes, is amended  
1937 to read:**

1938 717.108 Deposits held by utilities.—Any deposit, including  
1939 any interest thereon, made by a subscriber with a utility to  
1940 secure payment or any sum paid in advance for utility services  
1941 to be furnished, less any lawful charges, that remains unclaimed  
1942 by the apparent owner for more than 1 year after termination of  
1943 the services for which the deposit or advance payment was made  
1944 is presumed abandoned unclaimed.

1945 **Section 32. Section 717.109, Florida Statutes, is amended  
1946 to read:**

1947 717.109 Refunds held by business associations.—Except as  
1948 otherwise provided by law, any sum that a business association  
1949 has been ordered to refund by a court or administrative agency  
1950 which has been unclaimed by the apparent owner for more than 1

1951 year after it became payable in accordance with the final  
1952 determination or order providing for the refund, regardless of  
1953 whether the final determination or order requires any person  
1954 entitled to a refund to make a claim for it, is presumed  
1955 abandoned unclaimed.

1956 **Section 33. Section 717.1101, Florida Statutes, is amended**  
1957 **to read:**

1958 717.1101 Abandoned Unclaimed equity and debt of business  
1959 associations.—

1960 (1) (a) Stock, or other equity interests, or debt of  
1961 interest in a business association is presumed abandoned  
1962 unclaimed on the date of the earliest of any of the following:

1963 1. Three years after the date a communication, other than  
1964 communications required by s. 717.117, sent by the holder by  
1965 first-class United States mail to the apparent owner is returned  
1966 to the holder undelivered by the United States Postal Service.  
1967 If such returned communication is resent within 1 month to the  
1968 apparent owner, the 3-year dormancy period does not begin until  
1969 the day the resent item is returned as undelivered.

1970 2. Five Three years after the most recent of any account  
1971 owner-generated activity or communication initiated by the  
1972 apparent owner or authorized representative which demonstrates  
1973 continued interest in the related to the account, as recorded  
1974 and maintained by in the holder. Routine automatic reinvestments  
1975 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

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2001     apparent owner an e-mail communication not later than 3 years  
2002     after the apparent owner's or authorized representative's last  
2003     demonstration of continued interest in the equity interest.  
2004     However, the holder shall promptly attempt to contact the  
2005     apparent owner by first-class United States mail if:  
2006         1. The holder does not have information needed to send the  
2007     apparent owner an e-mail communication or the holder believes  
2008     that the apparent owner's e-mail address in the holder's records  
2009     is not valid;  
2010         2. The holder received notification that the e-mail  
2011     communication was not received; or  
2012         3. The apparent owner does not respond to the e-mail  
2013     communication within 30 days after the communication was sent.  
2014         (c) If first-class United States mail sent under paragraph  
2015     (b) is returned to the holder undelivered by the United States  
2016     Postal Service, the equity interest is presumed abandoned in  
2017     accordance with paragraph (1) (a) .  
2018         (d) Unmatured or unredeemed debt, other than a bearer bond  
2019     or an original issue discount bond, is presumed abandoned 5  
2020     unclaimed 3 years after the date of the most recent interest  
2021     payment unclaimed by the owner.  
2022         (e) (e) Matured or redeemed debt is presumed abandoned 5  
2023     unclaimed 3 years after the date of maturity or redemption.  
2024         (f) (d) At the time property is presumed abandoned  
2025     unclaimed under paragraph (a) or paragraph (b), any other

2026 property right accrued or accruing to the owner as a result of  
2027 the property interest and not previously presumed abandoned  
2028 unclaimed is also presumed abandoned unclaimed.

2029 (2) The running of the applicable dormancy period under  
2030 this section such 3-year period ceases if the apparent owner or  
2031 authorized representative demonstrates continued interest under  
2032 s. 717.102, including by any of the following actions person:

2033 (a) 1. Communicating Communicates in writing or by other  
2034 means with the association or its agent regarding the interest, or  
2035 a dividend, distribution, or other sum payable as a result of  
2036 the interest, as recorded by the association or its agent; or

2037 2. Otherwise communicates with the association regarding  
2038 the interest or a dividend, distribution, or other sum payable  
2039 as a result of the interest, as evidenced by a memorandum or  
2040 other record on file with the association or its agent.

2041 (b) Presenting Presents an instrument issued to pay  
2042 interest, or a dividend, or other cash distribution. If any  
2043 future dividend, distribution, or other sum payable to the owner  
2044 as a result of the interest is subsequently unclaimed not  
2045 claimed by the owner, a new period in which the property is  
2046 presumed abandoned unclaimed commences and relates back only to  
2047 the time a subsequent dividend, distribution, or other sum  
2048 became due and payable.

2049 (3) At the same time any interest is presumed abandoned  
2050 unclaimed under this section, any dividend, distribution, or

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2051 other sum then held for or owing to the owner as a result of the  
2052 interest, is presumed abandoned unclaimed.

2053 (4) Any dividend, profit, distribution, interest  
2054 redemption, payment on principal, or other sum held or owing by  
2055 a business association for or to a shareholder,  
2056 certificateholder, member, bondholder, or other security holder,  
2057 who has not claimed such amount or corresponded in writing with  
2058 the business association concerning such amount, within 5 3  
2059 years after the date prescribed for payment or delivery, is  
2060 presumed abandoned unclaimed.

2061 **Section 34. Section 717.111, Florida Statutes, is amended  
2062 to read:**

2063 717.111 Property of business associations held in course  
2064 of dissolution.—All intangible property distributable in the  
2065 course of a voluntary or involuntary dissolution of a business  
2066 association which is not claimed by the apparent owner for more  
2067 than 6 months after the date specified for final distribution is  
2068 presumed abandoned unclaimed.

2069 **Section 35. Subsections (1) and (5) of section 717.112,  
2070 Florida Statutes, are amended to read:**

2071 717.112 Property held by agents and fiduciaries.—

2072 (1) All intangible property and any income or increment  
2073 thereon held in a fiduciary capacity for the benefit of another  
2074 person, including property held by an attorney in fact or an  
2075 agent, except as provided in ss. 717.1125 and 733.816, is

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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:**

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2126        717.115 Wages.—Unpaid wages, including wages represented  
2127 by unpresented 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

2176 a mailing address for the apparent owner which is not known by  
2177 the holder to be inaccurate. Reasonable costs paid to the United  
2178 States Postal Service for certified mail, return receipt  
2179 requested, may be deducted from the property as a service  
2180 charge. A signed return receipt received in response to the  
2181 certified mail notice constitutes an affirmative demonstration  
2182 of continued interest as described in s. 717.102.

2183 (4) The written notice required under this section must  
2184 include:

2185 (a) A heading that reads substantially as follows:  
2186 "Notice: The State of Florida requires us to notify you that  
2187 your property may be transferred to the custody of the Florida  
2188 Department of Financial Services if you do not contact us before  
2189 ... (insert date that is at least 30 days after the date of  
2190 notice) ...."

2191 (b) A description of the type, nature, and, unless the  
2192 property does not have a fixed value, value of the property that  
2193 is the subject of the notice.

2194 (c) A statement that the property will be turned over to  
2195 the custody of the department as abandoned property if no  
2196 response is received.

2197 (d) A statement that noncash property will be sold or  
2198 liquidated by the department.

2199 (e) A statement that, after the property is remitted to  
2200 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)~~ 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)~~ 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

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2276 reporting. The penalty shall be remitted to the department  
2277 within 30 days after the date of the notification to the holder  
2278 that the penalty is due and owing. As necessary for proper  
2279 administration of this chapter, the department may waive any  
2280 penalty due with appropriate justification. The department must  
2281 provide information contained in a report filed with the  
2282 department to any person requesting a copy of the report or  
2283 information contained in a report, to the extent the information  
2284 requested is not confidential, within 45 days after the  
2285 department determines that the report is accurate and acceptable  
2286 and that the reported property is the same as the remitted  
2287 property.

2288 ~~(6) Holders of inactive accounts having a value of \$50 or~~  
2289 ~~more shall use due diligence to locate and notify apparent~~  
2290 ~~owners that the entity is holding unclaimed property available~~  
2291 ~~for them to recover. Not more than 120 days and not less than 60~~  
2292 ~~days prior to filing the report required by this section, the~~  
2293 ~~holder in possession of property presumed unclaimed and subject~~  
2294 ~~to custody as unclaimed property under this chapter shall send~~  
2295 ~~written notice by first class United States mail to the apparent~~  
2296 ~~owner at the apparent owner's last known address from the~~  
2297 ~~holder's records or from other available sources, or via~~  
2298 ~~electronic mail if the apparent owner has elected this method of~~  
2299 ~~delivery, informing the apparent owner that the holder is in~~  
2300 ~~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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2401 owners shall contain ~~consist~~ of a description of the abandoned  
2402 property and information regarding recovery of the ~~unclaimed~~  
2403 property from the department. The form and content of the  
2404 department's notice shall be tailored to the type of property  
2405 reported and shall include any information necessary to  
2406 reasonably inform the apparent owner of the consequences of  
2407 failure to claim the property, including potential sale or  
2408 disposition under s. 717.122.

2409 (3) The department shall maintain a publicly accessible,  
2410 electronically searchable website that includes the names of  
2411 apparent owners of abandoned property reported to the department  
2412 and instructions for filing a claim. The website must list  
2413 property valued at \$10 or more and provide instructions for  
2414 filing a claim. Abandoned property valued at less than \$10  
2415 remains recoverable from the department in accordance with this  
2416 chapter.

2417 (4) This section is not applicable to abandoned sums  
2418 payable on traveler's checks, money orders, and other written  
2419 instruments ~~presumed unclaimed~~ under s. 717.104, or any other  
2420 abandoned property reported without the necessary identifying  
2421 information to establish ownership.

2422 **Section 42. Section 717.119, Florida Statutes, is amended**  
2423 **to read:**

2424 717.119 Payment or delivery of abandoned ~~unclaimed~~  
2425 property.—

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

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

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

2443 (4) All virtual currency reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. The holder shall liquidate the virtual currency and remit the proceeds to the department. The liquidation must occur within 30 days before the filing of the report. Upon delivery of the virtual currency proceeds to the department, the holder is relieved of all 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

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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

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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 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

2576 relating to escheat or abandoned or unclaimed property, the  
2577 department, upon written notice of the claim, shall defend the  
2578 holder against the claim and indemnify the holder against any  
2579 liability on the claim, except that a holder may not be  
2580 indemnified against penalties imposed by another state.

2581 (2) For the purposes of this section, a payment or  
2582 delivery of abandoned ~~unclaimed~~ property is made in good faith  
2583 if:

2584 (a) The payment or delivery was made in conjunction with  
2585 an accurate and acceptable report.

2586 (b) The payment or delivery was made in a reasonable  
2587 attempt to comply with this chapter and other applicable general  
2588 law.

2589 (c) The holder had a reasonable basis for believing, based  
2590 on the facts then known, that the property was abandoned  
2591 ~~unclaimed~~ and subject to this chapter.

2592 (d) There is no showing that the records pursuant to which  
2593 the delivery was made did not meet reasonable commercial  
2594 standards of practice in the industry.

2595 (4) Any holder who has delivered property, including a  
2596 certificate of any interest in a business association, other  
2597 than money to the department pursuant to this chapter may  
2598 reclaim the property if still in the possession of the  
2599 department, without payment of any fee or other charges, upon  
2600 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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2651 the state.

2652 (c) Certificates for abandoned unclaimed stock or other  
2653 equity interest of business associations that cannot be canceled  
2654 and registered in the department's name or that cannot be  
2655 readily liquidated and converted into the currency of the United  
2656 States may be sold for the value of the certificate, if any, in  
2657 accordance with subsection (1) or may be destroyed in accordance  
2658 with s. 717.128.

2659 (3) The purchaser of property at any sale conducted by the  
2660 department pursuant to this chapter is entitled to ownership of  
2661 the property purchased free from all claims of the owner or  
2662 previous holder thereof and of all persons claiming through or  
2663 under them. The department shall execute all documents necessary  
2664 to complete the transfer of ownership.

2665 (4) The sale of abandoned unclaimed tangible personal  
2666 property is not subject to tax under chapter 212 when such  
2667 property is sold by or on behalf of the department pursuant to  
2668 this section.

2669 **Section 45. Section 717.123, Florida Statutes, is amended**  
2670 **to read:**

2671 717.123 Deposit of funds.—

2672 (1) All funds received under this chapter, including the  
2673 proceeds from the sale of abandoned unclaimed property under s.  
2674 717.122, shall immediately forthwith be deposited by the  
2675 department in the Abandoned Unclaimed Property Trust Fund. The

2676 department shall retain, at minimum, from funds received under  
2677 this chapter, the an amount estimated by the Revenue Estimating  
2678 Conference for not exceeding \$15 million from which the  
2679 department to shall make prompt payment of claims allowed by the  
2680 department and shall pay the administrative costs incurred by  
2681 the department in administering and enforcing this chapter.  
2682 Before the close of each fiscal year, the department shall  
2683 transfer to the State School Fund no more than the transfer  
2684 amount estimated by the Revenue Estimating Conference All  
2685 remaining funds received by the department under this chapter  
2686 shall be deposited by the department into the State School Fund.

2687 (2) The department shall record the name and last known  
2688 address of each person appearing from the holder's reports to be  
2689 entitled to the abandoned unclaimed property in the total  
2690 amounts of \$5 or greater; the name and the last known address of  
2691 each insured person or annuitant; and with respect to each  
2692 policy or contract listed in the report of an insurance  
2693 corporation, its number, the name of the corporation, and the  
2694 amount due.

2695 **Section 46. Section 717.1235, Florida Statutes, is amended**  
2696 **to read:**

2697 717.1235 Dormant campaign accounts; ~~report of unclaimed~~  
2698 ~~property.~~—Abandoned Unclaimed funds reported in the name of a  
2699 campaign for public office, for any campaign that must dispose  
2700 of surplus funds in its campaign account pursuant to s. 106.141,

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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.

2751 (c) Within 90 days after receipt of the claim, or the  
2752 response of the claimant or the 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

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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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2801 costs authorized by the claimant under an Abandoned Unclaimed  
2802 Property Recovery Agreement. The contents of a safe-deposit box  
2803 or shares of securities must be delivered directly to the  
2804 claimant.

2805 2. Payments of fees and costs authorized under an  
2806 Abandoned Unclaimed Property Recovery Agreement for approved  
2807 claims must be made or issued to the law firm of the designated  
2808 attorney licensed to practice law in this state, the public  
2809 accountancy firm of the licensed Florida-certified public  
2810 accountant, or the designated employing private investigative  
2811 agency licensed by this state. Such payments shall be made by  
2812 electronic funds transfer and may be made on such periodic  
2813 schedule as the department may define by rule, provided the  
2814 payment intervals do not exceed 31 days. Payment made to an  
2815 attorney licensed in this state, a Florida-certified public  
2816 accountant, or a private investigator licensed under chapter  
2817 493, operating individually or as a sole practitioner, must be  
2818 to the attorney, certified public accountant, or private  
2819 investigator.

2820 (5) The department shall not be administratively, civilly,  
2821 or criminally liable for any property or funds distributed  
2822 pursuant to this section, provided such distribution is made in  
2823 good faith.

2824 (6) This section does not supersede the licensing  
2825 requirements of chapter 493.

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2826       (7) The department may allow an apparent owner to  
2827 electronically submit a claim for abandoned unclaimed property  
2828 to the department. If a claim is submitted electronically for  
2829 \$2,000 or less, the department may use a method of identity  
2830 verification other than a copy of a valid driver license, other  
2831 government-issued photographic identification, or a sworn  
2832 notarized statement. The department may adopt rules to implement  
2833 this subsection.

2834       (8) Notwithstanding any other provision of this chapter,  
2835 the department may develop and implement an identification  
2836 verification and disbursement process by which an account valued  
2837 at \$2,000 or less, after being received by the department and  
2838 added to the abandoned unclaimed property database, may be  
2839 disbursed to an apparent owner after the department has verified  
2840 that the apparent owner is living and that the apparent owner's  
2841 current address is correct. The department shall include with  
2842 the payment a notification and explanation of the dollar amount,  
2843 the source, and the property type of each account included in  
2844 the disbursement. The department shall adopt rules to implement  
2845 this subsection.

2846       (9) (a) Notwithstanding any other provision of this  
2847 chapter, the department may develop and implement a verification  
2848 and disbursement process by which an account, after being  
2849 received by the department and added to the abandoned unclaimed  
2850 property database, for which the apparent owner entity is:

2851        1. A state agency in this state or a subdivision or  
2852 successor agency thereof;

2853        2. A county government in this state or a subdivision  
2854 thereof;

2855        3. A public school district in this state or a subdivision  
2856 thereof;

2857        4. A municipality in this state or a subdivision thereof;  
2858 or

2859        5. A special taxing district or authority in this state,  
2860  
2861 may be disbursed to the apparent owner entity or successor  
2862 entity. The department shall include with the payment a  
2863 notification and explanation of the dollar amount, the source,  
2864 and the property type of each account included in the  
2865 disbursement.

2866        (b) The department may adopt rules to implement this  
2867 subsection.

2868        (10) Notwithstanding any other provision of this chapter,  
2869 the department may develop a process by which a claimant  
2870 ~~claimant's representative or a buyer of unclaimed property~~ may  
2871 electronically submit to the department an electronic image of a  
2872 completed claim and claims-related documents under this chapter,  
2873 including an Abandoned Unclaimed Property Recovery Agreement or  
2874 Abandoned Unclaimed Property Purchase Agreement that has been  
2875 signed and dated by a claimant or seller under s. 717.135, after

2876 the claimant ~~claimant's~~ representative or the buyer of unclaimed  
2877 property receives the original documents provided by the  
2878 claimant or the seller for any claim. Each claim filed by a  
2879 claimant ~~claimant's~~ representative or a buyer of unclaimed  
2880 property must include a statement by the claimant ~~claimant's~~  
2881 representative or the buyer of unclaimed property attesting that  
2882 all documents are true copies of the original documents and that  
2883 all original documents are physically in the possession of the  
2884 claimant ~~claimant's~~ representative or the buyer of unclaimed  
2885 property. All original documents must be kept in the original  
2886 form, by claim number, under the secure control of the claimant  
2887 ~~claimant's~~ representative or the buyer of unclaimed property and  
2888 must be available for inspection by the department in accordance  
2889 with s. 717.1315. The department may adopt rules to implement  
2890 this subsection.

2891 (11) This section applies to all abandoned ~~unclaimed~~  
2892 property reported and remitted to the Chief Financial Officer,  
2893 including, but not limited to, property reported pursuant to ss.  
2894 45.032, 732.107, 733.816, and 744.534.

2895 **Section 48. Section 717.12403, Florida Statutes, is**  
2896 **amended to read:**

2897 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking  
2898 account in a financial institution held in the name of more than  
2899 one person.—

2900 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or

2901 checking account in a financial institution is reported as an  
2902 "and" account in the name of two or more persons who are not  
2903 beneficiaries, it is presumed that each person must claim the  
2904 account in order for the claim to be approved by the department.  
2905 This presumption may be rebutted by showing that entitlement to  
2906 the account has been transferred to another person or by clear  
2907 and convincing evidence demonstrating that the account should  
2908 have been reported by the financial institution as an "or"  
2909 account.

2910 (b) If an abandoned unclaimed demand, savings, or checking  
2911 account in a financial institution is reported as an "and"  
2912 account and one of the persons on the account is deceased, it is  
2913 presumed that the account is a survivorship account. This  
2914 presumption may be rebutted by showing that entitlement to the  
2915 account has been transferred to another person or by clear and  
2916 convincing evidence demonstrating that the account is not a  
2917 survivorship account.

2918 (2) If an abandoned unclaimed demand, savings, or checking  
2919 account in a financial institution is reported as an "or"  
2920 account in the name of two or more persons who are not  
2921 beneficiaries, it is presumed that either person listed on the  
2922 account may claim the entire amount held in the account. This  
2923 presumption may be rebutted by showing that entitlement to the  
2924 account has been transferred to another person or by clear and  
2925 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

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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

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2976 full amount of the abandoned unclaimed property or the value  
2977 thereof to the department in accordance with s. 717.1341.

2978 **Section 51. Section 717.12406, Florida Statutes, is**  
2979 **amended to read:**

2980 717.12406 Joint ownership of abandoned unclaimed  
2981 securities or dividends.—For the purpose of determining joint  
2982 ownership of abandoned unclaimed securities or dividends, the  
2983 term:

2984 (1) "TEN COM" means tenants in common.

2985 (2) "TEN ENT" means tenants by the entireties.

2986 (3) "JT TEN" or "JT" means joint tenants with the right of  
2987 survivorship and not as tenants in common.

2988 (4) "And" means tenants in common with each person  
2989 entitled to an equal pro rata share.

2990 (5) "Or" means that each person listed on the account is  
2991 entitled to all of the funds.

2992 **Section 52. Section 717.1241, Florida Statutes, is amended**  
2993 **to read:**

2994 717.1241 Conflicting claims.—

2995 (1) For purposes of this section, the term "conflicting  
2996 claim" means two or more claims received by the department for  
2997 the same abandoned property account or accounts in which two or  
2998 more claimants appear to be equally entitled to the property.  
2999 The term also includes circumstances in which the same claimant  
3000 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'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

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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

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3051 challenge the department's determination of completeness in a  
3052 proceeding under ss. 120.569 and 120.57.

3053 (4)-(3) A claim is complete when entitlement to the  
3054 abandoned unclaimed property has been established.

3055 **Section 53. Subsection (1) of section 717.1242, Florida  
3056 Statutes, is amended to read:**

3057 717.1242 Restatement of jurisdiction of the circuit court  
3058 sitting in probate and the department.—

3059 (1) It is and has been the intent of the Legislature that,  
3060 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of  
3061 proceedings relating to the settlement of the estates of  
3062 decedents and other jurisdiction usually pertaining to courts of  
3063 probate. It is and has been the intent of the Legislature that,  
3064 pursuant to this chapter, the department determines the merits  
3065 of claims and entitlement to abandoned unclaimed property paid  
3066 or delivered to the department under this chapter. Consistent  
3067 with this legislative intent, any beneficiary, devisee, heir,  
3068 personal representative, or other interested person, as those  
3069 terms are defined in the Florida Probate Code and the Florida  
3070 Trust Code, of an estate seeking to obtain property paid or  
3071 delivered to the department under this chapter must file a claim  
3072 with the department as provided in s. 717.124.

3073 **Section 54. Subsections (1) and (4) of section 717.1243,  
3074 Florida Statutes, are amended to read:**

3075 717.1243 Small estate accounts.—

3076       (1) A claim for abandoned unclaimed property made by a  
3077 beneficiary, as defined in s. 731.201, of a deceased owner need  
3078 not be accompanied by an order of a probate court if the  
3079 claimant files with the department an affidavit, signed by all  
3080 beneficiaries, stating that all the beneficiaries have amicably  
3081 agreed among themselves upon a division of the estate and that  
3082 all funeral expenses, expenses of the last illness, and any  
3083 other lawful claims have been paid, and any additional  
3084 information reasonably necessary to make a determination of  
3085 entitlement. If the owner died testate, the claim shall be  
3086 accompanied by a copy of the will.

3087       (4) This section applies only if all of the abandoned  
3088 unclaimed property held by the department on behalf of the owner  
3089 has an aggregate value of \$20,000 or less and no probate  
3090 proceeding is pending.

3091       **Section 55. Section 717.1244, Florida Statutes, is amended**  
3092 **to read:**

3093       717.1244 Determinations of abandoned unclaimed property  
3094 claims.—In rendering a determination regarding the merits of an  
3095 abandoned unclaimed property claim, the department shall rely on  
3096 the applicable statutory, regulatory, common, and case law.  
3097 Agency statements applying the statutory, regulatory, common,  
3098 and case law to abandoned unclaimed property claims are not  
3099 agency statements subject to s. 120.56(4).

3100       **Section 56. Section 717.1245, Florida Statutes, is amended**

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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;

3126 (b) The last known address of the apparent owner or other  
3127 person entitled to the property, as reflected by the records of  
3128 the holder, is in the other state and under the laws of that  
3129 state the property has escheated to or become subject to a claim  
3130 of abandonment by that state;

3131 (c) The records of the holder were erroneous in that they  
3132 did not accurately reflect the actual owner of the property and  
3133 the last known address of the actual owner is in the other state  
3134 and under laws of that state the property escheated to or was  
3135 subject to a claim of abandonment by that state;

3136 (d) The property was subject to custody by this state  
3137 under s. 717.103(6) and under the laws of the state of domicile  
3138 of the holder the property has escheated to or become subject to  
3139 a claim of abandonment by that state; or

3140 (e) The property is the sum payable on a traveler's check,  
3141 money order, or other similar instrument that was subjected to  
3142 custody by this state under s. 717.104, and the instrument was  
3143 purchased in the other state, and under the laws of that state  
3144 the property escheated to or became subject to a claim of  
3145 abandonment by that state.

3146 **Section 58. Subsection (1) of section 717.126, Florida  
3147 Statutes, is amended to read:**

3148 717.126 Administrative hearing; burden of proof; proof of  
3149 entitlement; venue.—

3150 (1) Any person aggrieved by a decision of the department

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3151 may petition for a hearing as provided in ss. 120.569 and  
3152 120.57. In any proceeding for determination of a claim to  
3153 property paid or delivered to the department under this chapter,  
3154 the burden shall be upon the claimant to establish entitlement  
3155 to the property by a preponderance of evidence. Having the same  
3156 name as that reported to the department is not sufficient, in  
3157 the absence of other evidence, to prove entitlement to abandoned  
3158 unclaimed property.

3159 **Section 59. Section 717.1261, Florida Statutes, is amended  
3160 to read:**

3161 717.1261 Death certificates.—Any person who claims  
3162 entitlement to abandoned unclaimed property by means of the  
3163 death of one or more persons shall file a copy of the death  
3164 certificate of the decedent or decedents that has been certified  
3165 as being authentic by the issuing governmental agency.

3166 **Section 60. Section 717.1262, Florida Statutes, is amended  
3167 to read:**

3168 717.1262 Court documents.—Any person who claims  
3169 entitlement to abandoned unclaimed property by reason of a court  
3170 document shall file a certified copy of the court document with  
3171 the department. A certified copy of each pleading filed with the  
3172 court to obtain a court document establishing entitlement, filed  
3173 within 180 days before the date the claim form was signed by the  
3174 claimant or claimant's representative, must also be  
3175 filed with the department.

3176       **Section 61. Section 717.129, Florida Statutes, is amended**  
3177       **to read:**

3178       717.129 Periods of limitation.—

3179       (1) The expiration before or after July 1, 1987, of any  
3180 period of time specified by contract, statute, or court order,  
3181 during which a claim for money or property may be made or during  
3182 which an action or proceeding may be commenced or enforced to  
3183 obtain payment of a claim for money or to recover property, does  
3184 not prevent the money or property from being presumed abandoned  
3185 unclaimed or affect any duty to file a report or to pay or  
3186 deliver abandoned unclaimed property to the department as  
3187 required by this chapter.

3188       (2) The department may not commence an action or  
3189 proceeding to enforce this chapter with respect to the  
3190 reporting, payment, or delivery of property or any other duty of  
3191 a holder under this chapter more than 10 years after the duty  
3192 arose. The period of limitation established under this  
3193 subsection is tolled by the earlier of the department's or audit  
3194 agent's delivery of a notice that a holder is subject to an  
3195 audit or examination under s. 717.1301 or the holder's written  
3196 election to enter into an abandoned unclaimed property voluntary  
3197 disclosure agreement.

3198       **Section 62. Subsections (3) and (4) of section 717.1301,**  
3199       **Florida Statutes, are amended to read:**

3200       717.1301 Investigations; examinations; subpoenas.—

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3201 (3) The department may authorize a compliance review of a  
3202 report for a specified reporting year. The review must be  
3203 limited to the contents of the report filed, as required by s.  
3204 717.117 and subsection (2), and all supporting documents related  
3205 to the reports. If the review results in a finding of a  
3206 deficiency in abandoned unclaimed property due and payable to  
3207 the department, the department shall notify the holder in  
3208 writing of the amount of deficiency within 1 year after the  
3209 authorization of the compliance review. If the holder fails to  
3210 pay the deficiency within 90 days, the department may seek to  
3211 enforce the assessment under subsection (1). The department is  
3212 not required to conduct a review under this section before  
3213 initiating an audit.

3214 (4) Notwithstanding any other provision of law, in a  
3215 contract providing for the location or collection of abandoned  
3216 unclaimed property, the department may authorize the contractor  
3217 to deduct its fees and expenses for services provided under the  
3218 contract from the abandoned unclaimed property that the  
3219 contractor has recovered or collected under the contract. The  
3220 department shall annually report to the Chief Financial Officer  
3221 the total amount collected or recovered by each contractor  
3222 during the previous fiscal year and the total fees and expenses  
3223 deducted by each contractor.

3224           Section 63. Section 717.1315, Florida Statutes, is amended  
3225 to read:

3226        717.1315 Retention of records by claimant ~~claimant's~~  
3227 representatives and buyers of abandoned ~~unclaimed~~ property.—  
3228        (1) Every claimant ~~claimant's~~ representative and buyer of  
3229 abandoned ~~unclaimed~~ property shall keep and use in his or her  
3230 business such books, accounts, and records of the business  
3231 conducted under this chapter to enable the department to  
3232 determine whether such person is complying with this chapter and  
3233 the rules adopted by the department under this chapter. Every  
3234 claimant ~~claimant's~~ representative and buyer of abandoned  
3235 ~~unclaimed~~ property shall preserve such books, accounts, and  
3236 records, including every Abandoned ~~Unclaimed~~ Property Recovery  
3237 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement  
3238 between the owner and such claimant ~~claimant's~~ representative or  
3239 buyer, for at least 3 years after the date of the initial  
3240 agreement.  
3241        (2) A claimant ~~claimant's~~ representative or buyer of  
3242 abandoned ~~unclaimed~~ property, operating at two or more places of  
3243 business in this state, may maintain the books, accounts, and  
3244 records of all such offices at any one of such offices, or at  
3245 any other office maintained by such claimant ~~claimant's~~  
3246 representative or buyer of abandoned ~~unclaimed~~ property, upon  
3247 the filing of a written notice with the department designating  
3248 in the written notice the office at which such records are  
3249 maintained.  
3250        (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, 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

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3276 any written agreement entered into with the department in an  
3277 amount not to exceed \$2,000 for each violation. All fines  
3278 collected under this subsection shall be deposited as received  
3279 in the Abandoned Unclaimed Property Trust Fund.

3280 **Section 65. Paragraphs (c), (d), and (j) of subsection  
3281 (1), subsections (2) and (3), paragraph (b) of subsection (4),  
3282 and subsection (5) of section 717.1322, Florida Statutes, are  
3283 amended to read:**

3284 717.1322 Administrative and civil enforcement.—

3285 (1) The following acts are violations of this chapter and  
3286 constitute grounds for an administrative enforcement action by  
3287 the department in accordance with the requirements of chapter  
3288 120 and for civil enforcement by the department in a court of  
3289 competent jurisdiction:

3290 (c) ~~Fraudulent Misrepresentation, circumvention, or~~  
3291 concealment of any matter required to be stated or furnished to  
~~the department or to~~ an owner or apparent owner under this  
3293 chapter, ~~regardless of reliance by or damage to the owner or~~  
3294 ~~apparent owner.~~

3295 (d) ~~Willful~~ Imposition of illegal or excessive charges in  
3296 any abandoned unclaimed property transaction.

3297 (j) Requesting or receiving compensation for notifying a  
3298 person of his or her abandoned unclaimed property or assisting  
3299 another person in filing a claim for abandoned unclaimed  
3300 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.†

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

3351 claim involved, the complexity of locating the owner, the steps  
3352 taken to ensure the accuracy of the claim by the person filing  
3353 the claim, the acts of commission and omission of the claimant  
3354 ~~ultimate owners~~ in establishing themselves as rightful owners of  
3355 the funds, the acts of commission or omission of the agent or  
3356 employee of a claimant representative or its ~~an~~ employer in the  
3357 filing of the claim, the actual knowledge of the agent,  
3358 employee, employer, or owner in the filing of the claim, the  
3359 departure, if any, by the agent or employee from the internal  
3360 controls and procedures established by the claimant  
3361 representative or its employer with regard to the filing of a  
3362 claim, the number of defective claims previously filed by the  
3363 agent, employee, employer, or owner; that such guidelines  
3364 provide reasonable and meaningful notice of likely penalties  
3365 that may be imposed for proscribed conduct; and that such  
3366 penalties be consistently applied by the department.

3367 (5) The department may seek any appropriate civil legal  
3368 remedy available to it by filing a civil action in a court of  
3369 competent jurisdiction against any person who has, directly or  
3370 through a claimant ~~claimant's~~ representative, wrongfully  
3371 submitted a claim as the ~~ultimate~~ owner of property and  
3372 improperly received funds from the department in violation of  
3373 this chapter.

3374 **Section 66. Subsections (1) and (3) of section 717.133,**  
3375 **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

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3401 records after being requested to do so, the amount due to the  
3402 department may be reasonably estimated.

3403 **Section 68. Paragraph (a) of subsection (1) and**  
3404 **subsections (2) and (4) of section 717.1341, Florida Statutes,**  
3405 **are amended to read:**

3406 717.1341 Invalid claims, recovery of property, interest  
3407 and penalties.—

3408 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned  
3409 ~~unclaimed~~ property that the person is not entitled to receive.  
3410 Any person who receives, or assists another person to receive,  
3411 abandoned ~~unclaimed~~ property that the person is not entitled to  
3412 receive is strictly, jointly, personally, and severally liable  
3413 for the abandoned ~~unclaimed~~ property and shall immediately  
3414 return the property, or the reasonable value of the property if  
3415 the property has been damaged or disposed of, to the department  
3416 plus interest at the rate set in accordance with s. 55.03(1).  
3417 Assisting another person to receive abandoned ~~unclaimed~~ property  
3418 includes executing a claim form on the person's behalf.

3419 (2) The department may maintain a civil or administrative  
3420 action:

3421 (a) To recover abandoned ~~unclaimed~~ property that was paid  
3422 or remitted to a person who was not entitled to the abandoned  
3423 ~~unclaimed~~ property or to offset amounts owed to the department  
3424 against amounts owed to an owner representative;

3425 (b) Against a person who assists another person in

3426 receiving, or attempting to receive, abandoned unclaimed  
3427 property that the person is not entitled to receive; or  
3428 (c) Against a person who attempts to receive abandoned  
3429 unclaimed property that the person is not entitled to receive.  
3430 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly  
3431 conspire to file, or knowingly assist in filing, a claim for  
3432 abandoned unclaimed property the person is not entitled to  
3433 receive. Any person who violates this subsection regarding  
3434 abandoned unclaimed property of an aggregate value:  
3435 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of  
3436 the first degree, punishable as provided in s. 775.082, s.  
3437 775.083, or s. 775.084;  
3438 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~  
3439 ~~of~~ a felony of the second degree, punishable as provided in s.  
3440 775.082, s. 775.083, or s. 775.084;  
3441 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~  
3442 a felony of the third degree, punishable as provided in s.  
3443 775.082, s. 775.083, or s. 775.084;  
3444 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a  
3445 misdemeanor of the first degree, punishable as provided in s.  
3446 775.082 or s. 775.083; or  
3447 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the  
3448 second degree, punishable as provided in s. 775.082 or s.  
3449 775.083.

3450 **Section 69. Section 717.135, Florida Statutes, is amended**

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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

3476 property account number.

3477 (f) For the Abandoned Unclaimed Property Purchase  
3478 Agreement, a statement that the amount of the purchase price  
3479 will be remitted to the seller by the purchaser within 30 days  
3480 after the execution of the agreement by the seller.

3481 (g) The name, address, e-mail address, phone number, and  
3482 license number of the claimant ~~claimant's~~ representative.

3483 (h) 1. The manual signature of the claimant or seller and  
3484 the date signed, affixed on the agreement by the claimant or  
3485 seller.

3486 2. Notwithstanding any other provision of this chapter to  
3487 the contrary, the department may allow ~~an apparent owner, who is~~  
3488 ~~also~~ the claimant or seller, to sign the agreement  
3489 electronically. All electronic signatures on the Abandoned  
3490 Unclaimed Property Recovery Agreement and the Abandoned  
3491 Unclaimed Property Purchase Agreement must be affixed on the  
3492 agreement by the claimant or seller using the specific,  
3493 exclusive eSignature product and protocol authorized by the  
3494 department.

3495 (i) The social security number or taxpayer identification  
3496 number of the claimant or seller, if a number has been issued to  
3497 the claimant or seller.

3498 (j) The total fees and costs, or the total discount in the  
3499 case of a purchase agreement, which may not exceed 30 percent of  
3500 the claimed amount. In the case of a recovery agreement, if the

3501 total fees and costs exceed 30 percent, the fees and costs shall  
3502 be reduced to 30 percent and the net balance shall be remitted  
3503 directly by the department to the claimant. In the case of a  
3504 purchase agreement, if the total net gain of the claimant  
3505 ~~claimant's~~ representative exceeds 30 percent, the claim will be  
3506 denied.

3507 (3) For an Abandoned Unclaimed Property Purchase Agreement  
3508 form, proof that the purchaser has made payment must be filed  
3509 with the department along with the claim. If proof of payment is  
3510 not provided, the claim is void.

3511 (4) A claimant ~~claimant's~~ representative must use the  
3512 Abandoned Unclaimed Property Recovery Agreement or the Abandoned  
3513 Unclaimed Property Purchase Agreement as the exclusive means of  
3514 entering into an agreement or a contract with a claimant or  
3515 seller to file a claim with the department.

3516 (5) Fees and costs may be owed or paid to, or received by,  
3517 a claimant ~~claimant's~~ representative only after a filed claim  
3518 has been approved and if the claimant's representative used an  
3519 agreement authorized by this section.

3520 (6) A claimant ~~claimant's~~ representative may not use or  
3521 distribute any other agreement of any type, conveyed by any  
3522 method, with respect to the claimant or seller which relates,  
3523 directly or indirectly, to abandoned unclaimed property accounts  
3524 held by the department or the Chief Financial Officer other than  
3525 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**

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3626 **to read:**

3627        717.1382 United States savings bond; abandoned unclaimed  
3628 property; escheatment; procedure.—

3629        (1) Notwithstanding any other provision of law, a United  
3630 States savings bond in possession of the department or  
3631 registered to a person with a last known address in the state,  
3632 including a bond that is lost, stolen, or destroyed, is presumed  
3633 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity  
3634 and no longer earns interest and shall be reported and remitted  
3635 to the department by the financial institution or other holder  
3636 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~  
3637 ~~(5)~~ and 717.119, if the department is not in possession of the  
3638 bond.

3639        (2) (a) After a United States savings bond is abandoned ~~and~~  
3640 ~~unclaimed~~ in accordance with subsection (1), the department may  
3641 commence a civil action in a court of competent jurisdiction in  
3642 Leon County for a determination that the bond shall escheat to  
3643 the state. Upon determination of escheatment, all property  
3644 rights to the bond or proceeds from the bond, including all  
3645 rights, powers, and privileges of survivorship of an owner, co-  
3646 owner, or beneficiary, shall vest solely in the state.

3647        (b) Service of process by publication may be made on a  
3648 party in a civil action pursuant to this section. A notice of  
3649 action shall state the name of any known owner of the bond, the  
3650 nature of the action or proceeding in short and simple terms,

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3651 the name of the court in which the action or proceeding is  
3652 instituted, and an abbreviated title of the case.

3653 (c) The notice of action shall require a person claiming  
3654 an interest in the bond to file a written defense with the clerk  
3655 of the court and serve a copy of the defense by the date fixed  
3656 in the notice. The date must not be less than 28 or more than 60  
3657 days after the first publication of the notice.

3658 (d) The notice of action shall be published once a week  
3659 for 4 consecutive weeks in a newspaper of general circulation  
3660 published in Leon County. Proof of publication shall be placed  
3661 in the court file.

3662 (e) 1. If no person files a claim with the court for the  
3663 bond and if the department has substantially complied with the  
3664 provisions of this section, the court shall enter a default  
3665 judgment that the bond, or proceeds from such bond, has  
3666 escheated to the state.

3667 2. If a person files a claim for one or more bonds and,  
3668 after notice and hearing, the court determines that the claimant  
3669 is not entitled to the bonds claimed by such claimant, the court  
3670 shall enter a judgment that such bonds, or proceeds from such  
3671 bonds, have escheated to the state.

3672 3. If a person files a claim for one or more bonds and,  
3673 after notice and hearing, the court determines that the claimant  
3674 is entitled to the bonds claimed by such claimant, the court  
3675 shall enter a judgment in favor of the claimant.

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3676 (3) The department may redeem a United States savings bond  
3677 escheated to the state pursuant to this section or, in the event  
3678 that the department is not in possession of the bond, seek to  
3679 obtain the proceeds from such bond. Proceeds received by the  
3680 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

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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 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

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3901 undistributed funds, the balance must be retained by the clerk  
3902 for the benefit of persons described in s. 197.522(1)(a), except  
3903 those persons described in s. 197.502(4)(h), as their interests  
3904 may appear. The clerk shall mail notices to such persons  
3905 notifying them of the funds held for their benefit at the  
3906 addresses provided in s. 197.502(4). Such notice constitutes  
3907 compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~.  
3908 Any service charges and costs of mailing notices shall be paid  
3909 out of the excess balance held by the clerk. Notice must be  
3910 provided in substantially the following form:

3911  
3912 NOTICE OF SURPLUS FUNDS

3913 FROM TAX DEED SALE

3914  
3915 CLERK OF COURT

3916 .... COUNTY, FLORIDA

3918 Tax Deed #.....

3919 Certificate #.....

3920 Property Description: .....

3921 Pursuant to chapter 197, Florida Statutes, the above  
3922 property was sold at public sale on ... (date of sale) ..., and a  
3923 surplus of \$... (amount) ... (subject to change) will be held by  
3924 this office for 120 days beginning on the date of this notice to  
3925 benefit the persons having an interest in this property as

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3926 described in section 197.502(4), Florida Statutes, as their  
3927 interests may appear (except for those persons described in  
3928 section 197.502(4)(h), Florida Statutes).

3929 To the extent possible, these funds will be used to satisfy  
3930 in full each claimant with a senior mortgage or lien in the  
3931 property before distribution of any funds to any junior mortgage  
3932 or lien claimant or to the former property owner. To be  
3933 considered for funds when they are distributed, you must file a  
3934 notarized statement of claim with this office within 120 days of  
3935 this notice. If you are a lienholder, your claim must include  
3936 the particulars of your lien and the amounts currently due. Any  
3937 lienholder claim that is not filed within the 120-day deadline  
3938 is barred.

3939 A copy of this notice must be attached to your statement of  
3940 claim. After the office examines the filed claim statements, it  
3941 will notify you if you are entitled to any payment.

3942 Dated: .....

3943 Clerk of Court

3944 **Section 76. Paragraph (t) of subsection (1) of section**  
3945 **626.9541, Florida Statutes, is amended to read:**

3946 626.9541 Unfair methods of competition and unfair or  
3947 deceptive acts or practices defined.—

3948 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
3949 ACTS.—The following are defined as unfair methods of competition  
3950 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**

3976 **772.13, Florida Statutes, is reenacted to read:**3977       772.13 Civil remedy for terrorism or facilitating or  
3978 furthering terrorism.—3979       (6) (a) In any postjudgment execution proceedings to  
3980 enforce a judgment entered against a terrorist party under this  
3981 section or under 18 U.S.C. s. 2333 or a substantially similar  
3982 law of the United States or of any state or territory of the  
3983 United States, including postjudgment execution proceedings  
3984 against any agency or instrumentality of the terrorist party not  
3985 named in the judgment pursuant to s. 201(a) of the Terrorism  
3986 Risk Insurance Act, 28 U.S.C. s. 1610:3987       1. There is no right to a jury trial under s. 56.18 or s.  
3988 77.08;3989       2. A defendant or a person may not use the resources of  
3990 the courts of this state in furtherance of a defense or an  
3991 objection to postjudgment collection proceedings if the  
3992 defendant or person purposely leaves the jurisdiction of this  
3993 state or the United States, declines to enter or reenter this  
3994 state or the United States to submit to its jurisdiction, or  
3995 otherwise evades the jurisdiction of the court in which a  
3996 criminal case is pending against the defendant or person. This  
3997 subparagraph applies to any entity that is owned or controlled  
3998 by a person to whom this paragraph applies;3999       3. Creditor process issued under chapter 56 or chapter 77  
4000 may be served upon any person or entity over whom the court has

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4001 personal jurisdiction. Writs of garnishment issued under s.  
4002 77.01 and proceedings supplementary under s. 56.29 apply to  
4003 intangible assets wherever located, without territorial  
4004 limitation, including bank accounts as defined in s.  
4005 674.104(1)(a), financial assets as defined in s. 678.1021(1), or  
4006 other intangible property as defined in s. 717.101. The situs of  
4007 any intangible assets held or maintained by or in the  
4008 possession, custody, or control of a person or entity so served  
4009 shall be deemed to be in this state for the purposes of a  
4010 proceeding under chapter 56 or chapter 77. Service of a writ or  
4011 notice to appear under this section shall provide the court with  
4012 in rem jurisdiction over any intangible assets regardless of the  
4013 location of the assets;

4014 4. Notwithstanding s. 678.1121, the interest of a debtor  
4015 in a financial asset or security entitlement may be reached by a  
4016 creditor by legal process upon the securities intermediary with  
4017 whom the debtor's securities account is maintained, or, if that  
4018 is a foreign entity, legal process under chapter 56 or chapter  
4019 77 may be served upon the United States securities custodian or  
4020 intermediary that has reported holding, maintaining, possessing,  
4021 or controlling the blocked financial assets or security  
4022 entitlements to the Office of Foreign Assets Control of the  
4023 United States Department of the Treasury, and such financial  
4024 assets or security entitlements shall be subject to execution,  
4025 garnishment, and turnover by the United States securities

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4026     custodian or intermediary; and

4027         5. Notwithstanding s. 670.502(4), when an electronic funds  
4028 transfer is not completed within 5 banking days and is canceled  
4029 pursuant to s. 670.211(4) because a United States intermediary  
4030 financial institution has blocked the transaction in compliance  
4031 with a United States sanctions program, and a terrorist party or  
4032 any agency or instrumentality thereof was either the originator  
4033 or the intended beneficiary, then the blocked funds shall be  
4034 deemed owned by the terrorist party or its agency or  
4035 instrumentality and shall be subject to execution and  
4036 garnishment.

4037         **Section 78.** This act shall take effect upon becoming a  
4038 law.