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LEGISLATIVE ACTION

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|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/03/2026 | . | |
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The Committee on Rules (Truenow) recommended the following:

1 **Senate Substitute for Amendment (557824) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (2) of section 17.11, Florida
7 Statutes, is amended to read:

8 17.11 To report disbursements made.—

9 (2) The Chief Financial Officer shall also cause to have
10 reported from the Financial Management ~~Florida Accounting~~
11 ~~Information Resource~~ Subsystem no less than quarterly the



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12 disbursements which agencies made to small businesses, as
13 defined in the Florida Small and Minority Business Assistance
14 Act; to certified minority business enterprises in the
15 aggregate; and to certified minority business enterprises broken
16 down into categories of minority persons, as well as gender and
17 nationality subgroups. This information shall be made available
18 to the agencies, the Office of Supplier Diversity, the Governor,
19 the President of the Senate, and the Speaker of the House of
20 Representatives. Each agency shall be responsible for the
21 accuracy of information entered into the Financial Management
22 ~~Florida Accounting Information Resource~~ Subsystem for use in
23 this reporting.

24 Section 2. Section 17.13, Florida Statutes, is amended to
25 read:

26 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

27 (1) The Chief Financial Officer is required to replace
28 ~~duplicate~~ any Chief Financial Officer's warrants that may have
29 been lost or destroyed, or may hereafter be lost or destroyed,
30 upon the owner thereof or the owner's agent or attorney
31 presenting the Chief Financial Officer the statement, under
32 oath, reciting the number, date, and amount of any warrant or
33 the best and most definite description in his or her knowledge
34 and the circumstances of its loss; if the Chief Financial
35 Officer deems it necessary, the owner or the owner's agent or
36 attorney shall file in the office of the Chief Financial Officer
37 a surety bond, or a bond with securities, to be approved by one
38 of the judges of the circuit court or one of the justices of the
39 Supreme Court, in a penalty of not less than twice the amount of
40 any warrants so replaced ~~duplicate~~, conditioned to indemnify



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41 the state and any innocent holders thereof from any damages that
42 may accrue from such replacement ~~duplication~~.

43 (2) The Chief Financial Officer is required to replace
44 ~~duplicate~~ any Chief Financial Officer's warrant that may have
45 been lost or destroyed, or may hereafter be lost or destroyed,
46 when sent to any payee via any state agency when such warrant is
47 lost or destroyed prior to being received by the payee and
48 provided the director of the state agency to whom the warrant
49 was sent presents to the Chief Financial Officer a statement,
50 under oath, reciting the number, date, and amount of the warrant
51 lost or destroyed, the circumstances surrounding the loss or
52 destruction of such warrant, and any additional information that
53 the Chief Financial Officer shall request in regard to such
54 warrant.

55 (3) Any replacement ~~duplicate~~ Chief Financial Officer's
56 warrant issued in pursuance of the above provisions shall be of
57 the same validity as the original was before its loss.

58 Section 3. Subsection (1) of section 110.113, Florida
59 Statutes, is amended to read:

60 110.113 Pay periods for state officers and employees;
61 salary payments by direct deposit.—

62 (1) The normal pay period for salaries of state officers
63 and employees shall be 1 month. The Department of Financial
64 Services shall issue either monthly or biweekly salary payments
65 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
66 ~~make semimonthly salary payments by direct deposit pursuant to~~
67 ~~s. 17.076~~, as requested by the head of each state agency and
68 approved by the Executive Office of the Governor and the
69 Department of Financial Services.



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70 Section 4. Paragraph (c) is added to subsection (2) of
71 section 112.3135, Florida Statutes, to read:

72 112.3135 Restriction on employment of relatives.—

73 (2)

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

82 Section 5. Present subsections (4) through (10) of section
83 215.5586, Florida Statutes, are redesignated as subsections (5)
84 through (11), respectively, a new subsection (4) is added to
85 that section, and paragraphs (a) through (e) of subsection (1),
86 subsections (2) and (3), paragraph (a) of present subsection
87 (8), and present subsection (10) of that section are amended, to
88 read:

89 215.5586 My Safe Florida Home Program.—There is established
90 within the Department of Financial Services the My Safe Florida
91 Home Program. The department shall provide fiscal
92 accountability, contract management, and strategic leadership
93 for the program, consistent with this section. This section does
94 not create an entitlement for property owners or obligate the
95 state in any way to fund the inspection or retrofitting of
96 residential property in this state. Implementation of this
97 program is subject to annual legislative appropriations. It is
98 the intent of the Legislature that, subject to the availability



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99 of funds, the My Safe Florida Home Program provide licensed
100 inspectors to perform hurricane mitigation inspections of
101 eligible homes and grants to fund hurricane mitigation projects
102 on those homes. The department shall implement the program in
103 such a manner that the total amount of funding requested by
104 accepted applications, whether for inspections, grants, or other
105 services or assistance, does not exceed the total amount of
106 available funds. If, after applications are processed and
107 approved, funds remain available, the department may accept
108 applications up to the available amount. The program shall
109 develop and implement a comprehensive and coordinated approach
110 for hurricane damage mitigation pursuant to the requirements
111 provided in this section.

112 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

121 c. "Single-family" means a residence designed for and
122 containing only one dwelling unit.

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

126 a. ~~1.~~ The ~~A~~ home for which the inspection is sought is ~~must~~
127 be a single-family~~7~~ unit on an individual parcel of land which



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128 is:

129 (I) A detached residential property; or

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

132 b.2. The A home for which the inspection is sought is must
133 be site-built and owner-occupied.; and

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

136 (b)1. An application for a hurricane mitigation inspection
137 must contain a signed or electronically verified statement made
138 under penalty of perjury that the applicant has submitted only
139 one inspection application on the home or that the application
140 is allowed under subparagraph 2., and the application must have
141 documents attached which demonstrate that the applicant meets
142 the requirements of paragraph (a).

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

145 a. The original hurricane mitigation inspection application
146 has been denied or withdrawn because of material errors or
147 omissions in the application;

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

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



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157 eligible under the new requirements; or

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

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

166 (d) Licensed inspectors are to provide initial home
167 inspections of eligible homes to determine ~~what mitigation~~
168 ~~measures are needed,~~ what insurance premium discounts may be
169 available, ~~and~~ what improvements to existing residential
170 properties are needed to reduce the property's vulnerability to
171 hurricane damage. ~~An inspector may inspect a townhouse as~~
172 ~~defined in s. 481.203 to determine if opening protection~~
173 ~~mitigation as listed in subparagraph (2)(c)1. would provide~~
174 ~~improvements to mitigate hurricane damage.~~

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

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

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

185 3. Information regarding estimated premium discounts,



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186 correlated to the current mitigation features and the
187 recommended mitigation improvements identified by the
188 inspection.

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

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

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

197 2. The home must be a dwelling with an insured value of
198 \$700,000 or less. ~~Homeowners who are low-income persons, as~~
199 ~~defined in s. 420.0004(11), are exempt from this requirement.~~

200 3. The home must undergo an initial ~~acceptable~~ hurricane
201 mitigation inspection through the program as provided in
202 subsection (1) within the 24 months immediately preceding the
203 date of application.

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

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

210 6. The applicant ~~homeowner~~ must agree to provide to the
211 department information received from the applicant's ~~homeowner's~~
212 insurer identifying the discounts realized by the applicant
213 ~~homeowner~~ because of the mitigation improvements funded through
214 the program.



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215 7.a. The applicant homeowner must be a low-income person or
216 moderate-income person as defined in s. 420.0004.

217 ~~b. The hurricane mitigation inspection must have occurred~~
218 ~~within the previous 24 months from the date of application.~~

219 ~~e. Notwithstanding subparagraph 2., homeowners who are low-~~
220 ~~income persons, as defined in s. 420.0004(11), are not exempt~~
221 ~~from the requirement that the home must be a dwelling with an~~
222 ~~insured value of \$700,000 or less.~~

223 ~~d. This subparagraph expires July 1, 2026.~~

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

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

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

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

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

243 3. A grant application must include a statement from the



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244 applicant homeowner which contains the name and state license
245 number of the contractor that the applicant homeowner
246 acknowledges as the intended contractor for the mitigation work.
247 The program must ~~electronically~~ verify that the contractor's
248 state license number is valid accurate and up to date before
249 ~~grant approval~~.

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

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

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

261 1. Opening protection improvements, including:

262 a. Exterior doors. ~~7~~

263 b. Garage doors. ~~7~~

264 c. Windows. ~~7~~ and

265 d. Skylights.

266 2. Roof improvements, including:

267 a. Reinforcing roof-to-wall connections.

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

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

271 (f) Improvements must be identified by the final hurricane
272 mitigation inspection to receive grant funds ~~When recommended by~~



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273 ~~a hurricane mitigation inspection, grants for townhouses, as~~
274 ~~defined in s. 481.203, may only be used for opening protection.~~

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

281 (h) Low-income applicants ~~homeowners~~, as defined in s.
282 420.0004(11), who otherwise meet the applicable requirements of
283 this subsection are eligible for a grant of up to \$10,000 and
284 are not required to provide a matching amount to receive the
285 grant.

286 (i)1. The department shall develop a process that ensures
287 the most efficient means to collect and verify inspection
288 applications and grant applications to determine eligibility.
289 The department may direct hurricane mitigation inspectors to
290 collect and verify grant application information or use the
291 Internet or other electronic means to collect information and
292 determine eligibility.

293 2. The department shall prioritize the review and approval
294 of such inspection applications and grant applications in the
295 following order:

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

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

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



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302 d. Fourth, applications from all other moderate-income
303 persons, as defined in s. 420.0004; ~~and~~

304 ~~e. Last, all other applications.~~

305 3. The department shall start accepting inspection
306 applications and grant applications no earlier than the
307 effective date of a legislative appropriation funding
308 inspections and grants, as follows:

309 a. Initially, from applicants prioritized under sub-
310 subparagraph 2.a.;

311 b. From applicants prioritized under sub-subparagraph 2.b.,
312 beginning 15 days after the program initially starts accepting
313 applications;

314 c. From applicants prioritized under sub-subparagraph 2.c.,
315 beginning 30 days after the program initially starts accepting
316 applications; and

317 d. From applicants described in sub-subparagraph 2.d.,
318 beginning 45 days after the program initially starts accepting
319 applications; ~~and~~

320 ~~e. From all other applicants, beginning 60 days after the~~
321 ~~program initially starts accepting applications.~~

322 4. The program may accept a certification directly from a
323 low-income applicant homeowner or moderate-income applicant
324 ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12),
325 respectively, if the applicant homeowner provides such
326 certification in a signed or electronically verified statement
327 made under penalty of perjury.

328 5. The program may accept a certification directly from an
329 applicant attesting to his or her age if the applicant provides
330 such certification in a signed or electronically verified



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331 statement made under penalty of perjury.

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

338 (3) REQUESTS FOR INFORMATION.—The department may request
339 that an applicant provide additional information. An application
340 is deemed abandoned ~~withdrawn~~ by the applicant if the department
341 does not receive a response to its request for additional
342 information within 60 days after the notification of any
343 apparent error or omission.

344 (4) ABANDONED APPLICATIONS.—The department shall notify an
345 applicant at least 5 business days before an application is
346 deemed abandoned. If the applicant responds to such notification
347 within 5 business days after receiving the notice and
348 demonstrates good cause for why the application should not be
349 deemed abandoned, the applicant may submit a subsequent grant
350 application or the department may determine the application is
351 not abandoned.

352 (9) ~~(8)~~ CONTRACT MANAGEMENT.—

353 (a) The department may contract with third parties for
354 grants management, inspection services, contractor services for
355 low-income applicants ~~homeowners~~, information technology,
356 educational outreach, and auditing services. Such contracts are
357 considered direct costs of the program and are not subject to
358 administrative cost limits. The department shall contract with
359 providers that have a demonstrated record of successful business



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360 operations in areas directly related to the services to be
361 provided and shall ensure the highest accountability for use of
362 state funds, consistent with this section.

363 (11)~~(10)~~ REPORTS.—The department shall make an annual
364 report on the activities of the program that shall account for
365 the use of state funds and indicate the number of inspections
366 requested, the number of inspections performed, the number of
367 grant applications received, the number and value of grants
368 approved, and the estimated average annual amount of insurance
369 premium discounts and total estimated annual amount of insurance
370 premium discounts applicants ~~homeowners~~ received from insurers
371 as a result of mitigation funded through the program. The report
372 must be delivered to the President of the Senate and the Speaker
373 of the House of Representatives by February 1 of each year.

374 Section 6. Subsections (1) and (2) and paragraphs (a) and
375 (j) of subsection (5) of section 215.55871, Florida Statutes,
376 are amended to read:

377 215.55871 My Safe Florida Condominium Pilot Program.—There
378 is established within the Department of Financial Services the
379 My Safe Florida Condominium Pilot Program to be implemented
380 pursuant to appropriations. The department shall provide fiscal
381 accountability, contract management, and strategic leadership
382 for the pilot program, consistent with this section. This
383 section does not create an entitlement for associations or unit
384 owners or obligate the state in any way to fund the inspection
385 or retrofitting of condominiums in the state. Implementation of
386 this pilot program is subject to annual legislative
387 appropriations. It is the intent of the Legislature that the My
388 Safe Florida Condominium Pilot Program provide licensed



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389 inspectors to perform inspections for and grants to eligible
390 associations as funding allows.

391 (1) DEFINITIONS.—As used in this section, the term:

392 (a) “Area median income” means the median household income,
393 as published annually by the United States Department of Housing
394 and Urban Development, for the county in which the condominium
395 property is located.

396 (b)~~(a)~~ “Association” has the same meaning as in s. 718.103.

397 (c)~~(b)~~ “Association property” means property, real and
398 personal, which is owned or leased by, or is dedicated by a
399 recorded plat to, an association for the use and benefit of its
400 members ~~and is located in the service area.~~

401 (d)~~(c)~~ “Board of administration” has the same meaning as in
402 s. 718.103.

403 (e)~~(d)~~ “Condominium” has the same meaning as in s. 718.103.
404 For purposes of this section, the term does not include detached
405 units on individual parcels of land.

406 (f)~~(e)~~ “Condominium property” means the lands, leaseholds,
407 and personal property that are subjected to condominium
408 ownership, whether or not contiguous, and all improvements
409 thereon and all easements and rights appurtenant thereto
410 intended for use in connection with the condominium ~~and are~~
411 ~~located in the service area.~~

412 (g)~~(f)~~ “Department” means the Department of Financial
413 Services.

414 (h)~~(g)~~ “Property” means association property and
415 condominium property, as applicable, ~~located in the service~~
416 ~~area.~~

417 ~~(h) “Service area” means the area of the state which is 15~~



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418 ~~miles inward of a coastline, as that term is defined in s.~~
419 ~~376.031.~~

420 (i) "Unit" has the same meaning as in s. 718.103.

421 (j) "Unit owner" has the same meaning as in s. 718.103.

422 (2) PARTICIPATION.—

423 (a) Participation in the pilot program is limited to:

424 1. Condominium associations in which at least 80 percent of
425 the occupied units within the condominium are owned or occupied
426 by a person or family whose annual income is at or below 80
427 percent of the area median income, adjusted for household size,
428 applicable to the county in which the condominium is located.
429 Eligibility must be determined using the area median income
430 published at the time an application is submitted. For purposes
431 of determining whether a condominium association meets the 80
432 percent unit-occupied threshold:

433 a. Only occupied residential units may be counted.

434 b. Both owner-occupied and tenant-occupied residential
435 units may be counted as long as the persons or families living
436 in such residential units provide income documentation to the
437 department and the department has verified that such persons or
438 families meet the income requirements of this subparagraph.

439 2. Structures or buildings on the condominium property
440 which are three or more stories in height, provided that each
441 structure or building that is the subject of a mitigation grant
442 contains at least two single-family dwellings.

443 (b) The department shall adopt rules establishing
444 acceptable methods for verifying household income, including,
445 but not limited to, owner self-certification, tax returns,
446 income statements, or other documentation deemed sufficient by



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447 the department. The department may require periodic
448 recertification of income eligibility to ensure compliance with
449 this section.

450 (c) A condominium with mixed-income occupancies is eligible
451 to participate in the pilot program under this section if the
452 income threshold in subparagraph (a)1. is met.

453 (d)~~(b)~~ In order to apply for an inspection under subsection
454 (4) or a grant under subsection (5) for association property or
455 condominium property, an association must receive approval by a
456 majority vote of the board of administration or a majority vote
457 of the total voting interests of the association to participate
458 in the pilot program. An association may not apply for an
459 inspection under subsection (4) or a grant under subsection (5)
460 for association property or condominium property unless the
461 association has complied with the inspection requirements in ss.
462 553.899 and 718.112(2)(g) and (h). An association may not apply
463 for a grant under subparagraph (5)(e)1. for association property
464 or condominium property unless the windows of the association
465 property or condominium property are established as common
466 elements in the declaration.

467 (e)~~(e)~~ In order to apply for a grant under subsection (5)
468 which improves one or more units within a condominium, an
469 association must receive both of the following:

470 1. Approval by a majority vote of the board of
471 administration or a majority vote of the total voting interests
472 of the association to participate in a mitigation inspection.

473 2. Approval by at least 75 percent of all unit owners who
474 reside within the structure or building that is the subject of
475 the mitigation grant.



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476 (f)~~(d)~~ A unit owner may participate in the pilot program
477 through a mitigation grant awarded to the association but may
478 not participate individually in the pilot program.

479 (g)~~(e)~~ The votes required under this subsection may take
480 place at the annual budget meeting of the association or at a
481 unit owner meeting called for the purpose of taking such vote.
482 Before a vote of the unit owners may be taken, the association
483 must provide to the unit owners a clear disclosure of the pilot
484 program on a form created by the department. The president and
485 the treasurer of the board of administration must sign the
486 disclosure form indicating that a copy of the form was provided
487 to each unit owner of the association. The signed disclosure
488 form and the minutes from the meeting at which the unit owners
489 voted to participate in the pilot program must be maintained as
490 part of the official records of the association. Within 14 days
491 after an affirmative vote to participate in the pilot program,
492 the association must provide written notice in the same manner
493 as required under s. 718.112(2)(d) to all unit owners of the
494 decision to participate in the pilot program.

495 (5) MITIGATION GRANTS.—Financial grants may be used by
496 associations to make improvements recommended in a hurricane
497 mitigation inspection report which increase the condominium's
498 resistance to hurricane damage.

499 (a) An application for a mitigation grant must:

500 1. Contain a signed or electronically verified statement
501 made under penalty of perjury by the president of the board of
502 administration that the association has submitted only a single
503 application for each property that the association operates or
504 maintains.



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505 2. Include a notarized statement from the president of the
506 board of administration containing the name and license number
507 of each contractor the association intends to use for the
508 mitigation project.

509 3. Include a notarized statement from the president of the
510 board of administration which commits to the department that the
511 association will complete the mitigation improvements. If the
512 grant will be used to improve units, the application must also
513 include an acknowledged statement from each unit owner who is
514 required to provide approval for a grant under paragraph (2) (e)
515 ~~(2) (e)~~.

516 4. Include documentation deemed sufficient by the
517 department under paragraph (2) (b) for verifying household
518 income.

519 (j) Grant funds may only be awarded for a mitigation
520 improvement that addresses the common elements of the
521 condominium property that will result in a mitigation credit,
522 ~~discount, or other rate differential for the building or~~
523 ~~structure to which the improvement is made.~~ As a condition of
524 receiving awarding a grant, the association department must
525 complete 100 percent of the opening protection improvements to
526 the common elements which were recommended in the final
527 hurricane mitigation inspection report ~~require mitigation~~
528 ~~improvements to be made to all openings,~~ including exterior
529 doors, garage doors, windows, and skylights that are a part of
530 the common elements, ~~if doing so is necessary for the building~~
531 ~~or structure to qualify for a mitigation credit, discount, or~~
532 ~~other rate differential.~~

533 Section 7. Subsection (3) of section 215.89, Florida



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534 Statutes, is amended to read:

535 215.89 Charts of account.—

536 ~~(3) REPORTING STRUCTURE.—~~

537 ~~(a) The Chief Financial Officer shall accept comments from~~
538 ~~state agencies, local governments, educational entities,~~
539 ~~entities of higher education, and other interested parties~~
540 ~~regarding the proposed charts of account until November 1, 2013.~~

541 ~~(b) By January 15, 2014, the Chief Financial Officer, after~~
542 ~~consultation with affected state agencies, local governments,~~
543 ~~educational entities, entities of higher education, and the~~
544 ~~Auditor General, shall submit to the Governor, the President of~~
545 ~~the Senate, and the Speaker of the House of Representatives a~~
546 ~~report recommending a uniform charts of account which requires~~
547 ~~specific enterprise-wide information related to revenues and~~
548 ~~expenditures of state agencies, local governments, educational~~
549 ~~entities, and entities of higher education. The report must~~
550 ~~include the estimated cost of adopting and implementing a~~
551 ~~uniform enterprise-wide charts of account.~~

552 Section 8. Subsections (1) and (5) of section 215.93,
553 Florida Statutes, are amended to read:

554 215.93 Florida Financial Management Information System.—

555 (1) To provide the information necessary to carry out the
556 intent of the Legislature, there shall be a Florida Financial
557 Management Information System. The Florida Financial Management
558 Information System shall be fully implemented and shall be
559 upgraded as necessary to ensure the efficient operation of an
560 integrated financial management information system and to
561 provide necessary information for the effective operation of
562 state government. Upon the recommendation of the coordinating



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563 council and approval of the board, the Florida Financial
564 Management Information System may require data from any state
565 agency information system or information subsystem or may
566 request data from any judicial branch information system or
567 information subsystem that the coordinating council and board
568 have determined to have statewide financial management
569 significance. Each functional owner information subsystem within
570 the Florida Financial Management Information System shall be
571 developed in such a fashion as to allow for timely, positive,
572 preplanned, and prescribed data transfers between the Florida
573 Financial Management Information System functional owner
574 information subsystems and from other information systems. The
575 principal unit of the system shall be the functional owner
576 information subsystem, and the system shall include, but shall
577 not be limited to, the following:

578 (a) Planning and Budgeting Subsystem.

579 ~~(b) Florida Accounting Information Resource Subsystem.~~

580 (b) ~~(e)~~ Financial Management Subsystem.

581 (c) ~~(d)~~ Purchasing Subsystem.

582 (d) ~~(e)~~ Personnel Information System.

583 (5) Functional owners are legally responsible for the
584 security and integrity of all data records existing within or
585 transferred from their information subsystems. Each agency and
586 the judicial branch shall be responsible for the accuracy of the
587 information entered into the Florida Financial Management
588 Information System. A request for a copy of a document or an
589 accounting record, whether made by public records request or
590 subpoena, must be made to the state entity for which the
591 document or accounting record is recorded. The request may not



592 be made to the functional owner of the subsystem unless the
593 document or accounting record was recorded for such entity.

594 Section 9. Subsections (2) and (3) of section 215.94,
595 Florida Statutes, are amended to read:

596 215.94 Designation, duties, and responsibilities of
597 functional owners.—

598 (2) The Department of Financial Services shall be the
599 functional owner of the Financial Management ~~Florida Accounting~~
600 ~~Information Resource~~ Subsystem established pursuant to ss.
601 17.03, 215.86, 216.141, and 216.151 and further developed in
602 accordance with the provisions of ss. 215.90-215.96. The
603 subsystem shall include, but shall not be limited to, the
604 following functions:

605 (a) Accounting and reporting so as to provide timely data
606 for producing financial statements for the state in accordance
607 with generally accepted accounting principles.

608 (b) Auditing and settling claims against the state.

609 ~~(3) The Chief Financial Officer shall be the functional~~
610 ~~owner of the Financial Management Subsystem. The Chief Financial~~
611 ~~Officer shall design, implement, and operate the subsystem in~~
612 ~~accordance with the provisions of ss. 215.90-215.96. The~~
613 ~~subsystem shall include, but shall not be limited to, functions~~
614 ~~for:~~

615 (c) ~~(a)~~ Recording and reconciling credits and debits to
616 treasury fund accounts.

617 (d) ~~(b)~~ Monitoring cash levels and activities in state bank
618 accounts.

619 (e) ~~(c)~~ Monitoring short-term investments of idle cash.

620 (f) ~~(d)~~ Administering the provisions of the Federal Cash



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621 Management Improvement Act of 1990.

622 Section 10. Subsections (2) and (3) of section 215.96,
623 Florida Statutes, are amended to read:

624 215.96 Coordinating council and design and coordination
625 staff.—

626 (2) The coordinating council shall consist of the Chief
627 Financial Officer; the Commissioner of Agriculture; the Attorney
628 General; the Secretary of Management Services; the state chief
629 information officer; the executive director of the Department of
630 Revenue; and the Director of Planning and Budgeting, Executive
631 Office of the Governor, or their designees. The Chief Financial
632 Officer, or his or her designee, shall be chair of the council,
633 and the design and coordination staff shall provide
634 administrative and clerical support to the council and the
635 board. ~~The design and coordination staff shall maintain the~~
636 Minutes of each meeting shall be ~~and make such minutes~~ available
637 to any interested person. The Auditor General, the State Courts
638 Administrator, ~~a an executive officer of the Florida Association~~
639 ~~of state agency administrative services director selected by the~~
640 council Directors, and ~~a an executive officer of the Florida~~
641 ~~Association of state budget officer selected by the council~~
642 ~~Officers~~, or their designees, shall serve without voting rights
643 as ex officio members of the council. The chair may call
644 meetings of the council as often as necessary to transact
645 business; however, the council shall meet at least once a year.
646 Action of the council shall be by motion, duly made, seconded
647 and passed by a majority of the council voting in the
648 affirmative for approval of items that are to be recommended for
649 approval to the Financial Management Information Board.



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650 (3) The coordinating council, assisted by the design and
651 coordination staff, shall have the following duties, powers, and
652 responsibilities pertaining to the Florida Financial Management
653 Information System:

654 (a) To review and coordinate annual workplans to ensure
655 that the Florida Financial Management Information System remains
656 aligned across participating entities. The coordination council
657 shall ensure that each participating entity submits an annual
658 workplan by October 1 of each year. The coordinating council
659 shall review and discuss the workplans, identify potential
660 impacts or conflicts, facilitate resolutions when practicable,
661 and expedite unresolved issues as appropriate.

662 (b) To conduct such studies and to establish committees,
663 workgroups, and teams to develop recommendations for rules,
664 policies, procedures, principles, and standards to the board as
665 necessary to assist the board in its efforts to design,
666 implement, and perpetuate a financial management information
667 system, including, but not limited to, the establishment of
668 common data codes, and the development of integrated financial
669 management policies that address the information and management
670 needs of the functional owner subsystems. The coordinating
671 council shall make available a copy of the approved plan in
672 writing or through electronic means to each of the coordinating
673 council members, the fiscal committees of the Legislature, and
674 any interested person.

675 (c) ~~(b)~~ To recommend to the board solutions, policy
676 alternatives, and legislative budget request issues that will
677 provide ~~ensure~~ a framework for the timely, positive, preplanned,
678 and prescribed data transfer between information subsystems ~~and~~



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679 ~~to recommend to the board solutions, policy alternatives, and~~
680 ~~legislative budget request issues that ensure the availability~~
681 ~~of data and information that support state planning, policy~~
682 ~~development, management, evaluation, and performance monitoring.~~

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

685 ~~(d) To review the annual work plans of the functional owner~~
686 ~~information subsystems by October 1 of each year. The review~~
687 ~~shall be conducted to assess the status of the Florida Financial~~
688 ~~Management Information System and the functional owner~~
689 ~~subsystems in regard to the provisions of s. 215.91. The~~
690 ~~coordinating council, as part of the review process, may make~~
691 ~~recommendations for modifications to the functional owner~~
692 ~~information subsystems annual work plans.~~

693 Section 11. Paragraph (a) of subsection (4) of section
694 215.985, Florida Statutes, is amended to read:

695 215.985 Transparency in government spending.—

696 (4) The Executive Office of the Governor, in consultation
697 with the appropriations committees of the Senate and the House
698 of Representatives, shall establish and maintain a website that
699 provides information relating to the approved operating budget
700 for each branch of state government and state agency.

701 (a) At a minimum, the information must include:

702 1. Disbursement data for each appropriation by the account
703 ~~value object code~~ associated with each expenditure established
704 within the Financial Management Florida Accounting Information
705 ~~Resource~~ Subsystem. Expenditure data must include the name of
706 the payee, the date of the expenditure, the amount of the
707 expenditure, and the voucher ~~statewide document~~ number. Such



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708 data must be searchable by the name of the payee, the paying
709 agency, and fiscal year, and must be downloadable in a format
710 that allows offline analysis.

711 2. For each appropriation, any adjustments, including
712 vetoes, approved supplemental appropriations included in
713 legislation other than the General Appropriations Act, budget
714 amendments, other actions approved pursuant to chapter 216, and
715 other adjustments authorized by law.

716 3. Status of spending authority for each appropriation in
717 the approved operating budget, including released, unreleased,
718 reserved, and disbursed balances.

719 4. Position and rate information for positions provided in
720 the General Appropriations Act or approved through an amendment
721 to the approved operating budget and position information for
722 positions established in the legislative branch.

723 5. Allotments for planned expenditures of state
724 appropriations established by state agencies in the Financial
725 Management Florida Accounting Information Resource Subsystem,
726 and the current balances of such allotments.

727 6. Trust fund balance reports, including cash available,
728 investments, and receipts.

729 7. General revenue fund balance reports, including revenue
730 received and amounts disbursed.

731 8. Fixed capital outlay project data, including original
732 appropriation and disbursements throughout the life of the
733 project.

734 9. A 10-year history of appropriations indicated by agency.

735 10. Links to state audits or reports related to the
736 expenditure and dispersal of state funds.



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737 11. Links to program or activity descriptions for which
738 funds may be expended.

739 Section 12. Subsections (1) and (2) and paragraph (f) of
740 subsection (3) of section 216.102, Florida Statutes, are amended
741 to read:

742 216.102 Filing of financial information; handling by Chief
743 Financial Officer; penalty for noncompliance.—

744 (1) By September 30 of each year, each agency supported by
745 any form of taxation, licenses, fees, imposts, or exactions, the
746 judicial branch, and, for financial reporting purposes, each
747 component unit of the state as determined by the Chief Financial
748 Officer shall prepare, using generally accepted accounting
749 principles, and file with the Chief Financial Officer the
750 financial and other information necessary for the preparation of
751 annual financial statements for the State of Florida as of June
752 30. In addition, each such agency and the judicial branch shall
753 prepare financial statements showing the financial position and
754 results of agency or branch operations as of June 30 for
755 internal management purposes.

756 (a) Each state agency and the judicial branch shall record
757 the receipt and disbursement of funds from federal sources in a
758 form and format prescribed by the Chief Financial Officer. The
759 access to federal funds by the administering agencies or the
760 judicial branch may not be authorized until:

761 1. The deposit has been recorded in the Financial
762 Management Florida Accounting Information Resource Subsystem
763 using proper, consistent codes that designate deposits as
764 federal funds.

765 2. The deposit and appropriate recording required by this



766 paragraph have been verified by the office of the Chief
767 Financial Officer.

768 (b) The Chief Financial Officer shall publish a statewide
769 policy detailing the requirements for recording receipt and
770 disbursement of federal funds into the Financial Management
771 ~~Florida Accounting Information Resource~~ Subsystem and provide
772 technical assistance to the agencies and the judicial branch to
773 implement the policy.

774 (2) Financial information must be contained within the
775 Financial Management ~~Florida Accounting Information Resource~~
776 Subsystem. Other information must be submitted in the form and
777 format prescribed by the Chief Financial Officer.

778 (a) Each component unit shall file financial information
779 and other information necessary for the preparation of annual
780 financial statements with the agency or branch designated by the
781 Chief Financial Officer by the date specified by the Chief
782 Financial Officer.

783 (b) The state agency or branch designated by the Chief
784 Financial Officer to receive financial information and other
785 information from component units shall include the financial
786 information in the Financial Management ~~Florida Accounting~~
787 ~~Information Resource~~ Subsystem and shall include the component
788 units' other information in its submission to the Chief
789 Financial Officer.

790 (3) The Chief Financial Officer shall:

791 (f) Consult with and elicit comments from the Executive
792 Office of the Governor on changes to the Financial Management
793 ~~Florida Accounting Information Resource~~ Subsystem which clearly
794 affect the accounting of federal funds, so as to ensure



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795 consistency of information entered into the Federal Aid Tracking
796 System by state executive and judicial branch entities. While
797 efforts shall be made to ensure the compatibility of the
798 Financial Management ~~Florida Accounting Information Resource~~
799 Subsystem and the Federal Aid Tracking System, any successive
800 systems serving identical or similar functions shall preserve
801 such compatibility.

802

803 The Chief Financial Officer may furnish and publish in
804 electronic form the financial statements and the annual
805 comprehensive financial report required under paragraphs (a),
806 (b), and (c).

807 Section 13. Subsection (3) of section 216.141, Florida
808 Statutes, is amended to read:

809 216.141 Budget system procedures; planning and programming
810 by state agencies.—

811 (3) The Chief Financial Officer, as chief fiscal officer,
812 shall use the Financial Management ~~Florida Accounting~~

813 ~~Information Resource~~ Subsystem developed pursuant to s.

814 215.94(2) for account purposes in the performance of and
815 accounting for all of his or her constitutional and statutory
816 duties and responsibilities. However, state agencies and the
817 judicial branch continue to be responsible for maintaining
818 accounting records necessary for effective management of their
819 programs and functions.

820 Section 14. Paragraphs (a) and (b) of subsection (7) and
821 paragraph (j) of subsection (12) of section 440.13, Florida
822 Statutes, are amended to read:

823 440.13 Medical services and supplies; penalty for



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824 violations; limitations.—

825 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

826 (a) Any health care provider who elects to contest the
827 disallowance or adjustment of payment by a carrier under
828 subsection (6) must, within 60 ~~45~~ days after receipt of notice
829 of disallowance or adjustment of payment, petition the
830 department to resolve the dispute. The petitioner must serve, by
831 United States Postal Service certified mail or by a common
832 carrier with verifiable tracking methods, a copy of the petition
833 on the carrier and on all affected parties listed on the notice
834 of disallowance or adjustment ~~by certified mail~~. The petition
835 must be accompanied by all documents and records that support
836 the allegations contained in the petition. Failure of a
837 petitioner to submit such documentation to the department
838 results in dismissal of the petition.

839 (b) The carrier must submit to the department within 45 ~~30~~
840 days after receipt of the petition all documentation
841 substantiating the carrier's disallowance or adjustment. Failure
842 of the carrier to timely submit such documentation to the
843 department within 45 ~~30~~ days constitutes a waiver of all
844 objections to the petition.

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

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

849 1. Take testimony, receive records, and collect data to
850 evaluate the adequacy of the workers' compensation fee schedule,
851 nationally recognized fee schedules and alternative methods of
852 reimbursement to health care providers and health care



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853 facilities for inpatient and outpatient treatment and care.

854 2. Survey health care providers and health care facilities
855 to determine the availability and accessibility of workers'
856 compensation health care delivery systems for injured workers.

857 3. Survey carriers to determine the estimated impact on
858 carrier costs and workers' compensation premium rates by
859 implementing changes to the carrier reimbursement schedule or
860 implementing alternative reimbursement methods.

861 4. Submit recommendations on or before January 15, 2031
862 2017, and every 5 years ~~biennially~~ thereafter, to the President
863 of the Senate and the Speaker of the House of Representatives on
864 methods to improve the workers' compensation health care
865 delivery system.

866
867 The department, as requested, shall provide data to the panel,
868 including, but not limited to, utilization trends in the
869 workers' compensation health care delivery system. The
870 department shall provide the panel with an annual report
871 regarding the resolution of medical reimbursement disputes and
872 any actions pursuant to subsection (8). The department shall
873 provide administrative support and service to the panel to the
874 extent requested by the panel. The department may adopt rules
875 pursuant to ss. 120.536(1) and 120.54 to implement this
876 subsection. For prescription medication purchased under the
877 requirements of this subsection, a dispensing practitioner shall
878 not possess such medication unless payment has been made by the
879 practitioner, the practitioner's professional practice, or the
880 practitioner's practice management company or employer to the
881 supplying manufacturer, wholesaler, distributor, or drug



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882 repackager within 60 days of the dispensing practitioner taking
883 possession of that medication.

884 Section 15. Section 497.1411, Florida Statutes, is created
885 to read:

886 497.1411 Disqualification of applicants and licenses;
887 penalties against licensees; rulemaking.-

888 (1) For purposes of this section, the term "applicant"
889 means an individual applying for licensure or relicensure under
890 this chapter, or an officer, director, majority owner, partner,
891 manager, or other person who manages or controls an entity
892 applying for licensure or relicensure under this chapter.

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

897 (a) A felony of the first degree.

898 (b) A felony involving conduct prohibited under chapter
899 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
900 825, chapter 827, or chapter 847.

901 (c) A felony involving moral turpitude.

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

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

908 Notwithstanding subsection (4), an applicant who has completed
909 at least one-half of the disqualifying period may apply for a
910 probationary license for the remainder of the disqualifying



911 period if, during that time, the applicant has not been found
912 guilty of, or has not entered a plea of guilty or nolo
913 contendere to, any offense.

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

916 (4) The board shall adopt rules to administer this section.
917 Such rules must provide additional disqualifying periods for
918 applicants who have committed multiple criminal offenses and may
919 provide additional factors for disqualification reasonably
920 related to the applicant's criminal history. The rules must also
921 establish mitigating and aggravating factors. However,
922 mitigation may not reduce any disqualifying period to less than
923 5 years and may not be applied to reduce the 5-year
924 disqualifying period provided in paragraph (3) (b).

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

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

936 (7) Notwithstanding subsections (2) and (3), an applicant
937 who has been found guilty of, or has pleaded guilty or nolo
938 contendere to, a crime in subsection (2) or subsection (3), and
939 who has subsequently been granted a pardon or the restoration of



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940 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
941 State Constitution, or a pardon or the restoration of civil
942 rights under the laws of another jurisdiction with respect to a
943 conviction in that jurisdiction, is not barred or disqualified
944 from licensure under this chapter; however, such a pardon or
945 restoration of civil rights does not require the board to award
946 such license.

947 (8) (a) The board may grant an exemption from
948 disqualification to any person disqualified from licensure under
949 subsection (3) if:

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

954 2. At least 2 years have elapsed since the applicant
955 completed or has been lawfully released from confinement,
956 supervision, or any nonmonetary condition imposed by the court
957 for a disqualifying offense.

958 (b) For the board to grant an exemption under this
959 subsection, the applicant must clearly and convincingly
960 demonstrate that he or she would not pose a risk to persons or
961 property if licensed under this chapter, evidence of which must
962 include, but need not be limited to, facts and circumstances
963 surrounding the disqualifying offense, the time that has elapsed
964 since the offense, the nature of the offense and harm caused to
965 the victim, the applicant's history before and after the
966 offense, and any other evidence or circumstances indicating that
967 the applicant will not present a danger if licensed or
968 certified.



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

972 (9) The disqualification periods provided in this section
973 do not apply to the renewal of a license or to a new application
974 for licensure if the applicant has an active license as of July
975 1, 2026, and the applicable criminal history was considered by
976 the board on the prior approval of any active license held by
977 the applicant. This section does not affect any criminal history
978 disclosure requirements of this chapter.

979 Section 16. Subsection (9) and paragraph (c) of subsection
980 (10) of section 497.142, Florida Statutes, are amended to read:
981 497.142 Licensing; fingerprinting and criminal background
982 checks.—

983 (9) If any applicant under this chapter has been, ~~within~~
984 ~~the 10 years preceding the application under this chapter,~~
985 convicted or found guilty of, or entered a plea of nolo
986 contendere to, regardless of adjudication, any crime in any
987 jurisdiction, the application may shall not be deemed complete
988 until such time as the applicant provides such certified true
989 copies of the court records evidencing the conviction, finding,
990 or plea, as required in this section or as the licensing
991 authority may by rule require.

992 (10)

993 (c) Crimes to be disclosed are:

994 1. Any felony ~~or misdemeanor,~~ no matter when committed,
995 ~~that was directly or indirectly related to or involving any~~
996 ~~aspect of the practice or business of funeral directing,~~
997 ~~embalming, direct disposition, cremation, funeral or cemetery~~



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998 ~~preneed sales, funeral establishment operations, cemetery~~
999 ~~operations, or cemetery monument or marker sales or~~
1000 ~~installation.~~

1001 2. Any misdemeanor, no matter when committed, that was
1002 directly related to the practice or activities regulated ~~Any~~
1003 ~~other felony not already disclosed under subparagraph 1. that~~
1004 ~~was committed within the 20 years immediately preceding the~~
1005 ~~application under this chapter.~~

1006 3. Any other misdemeanor not already disclosed under
1007 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
1008 the 5 years immediately preceding the application under this
1009 chapter.

1010 Section 17. Subsection (11) is added to section 553.80,
1011 Florida Statutes, to read:

1012 553.80 Enforcement.—

1013 (11) For purposes of the design, construction, erection,
1014 alteration, fire protection, fire suppression, modification,
1015 repair, and demolition of a single-family or two-family
1016 dwelling, such dwelling does not have a change of occupancy as
1017 defined in the Florida Building Code solely due to its being
1018 used as or converted into a dwelling used:

1019 (a) By a tax-exempt charitable organization under s.
1020 501(c)(3) of the Internal Revenue Code whose stated corporate
1021 purpose relates to the support of people who are living with a
1022 mental health disorder, provided the dwelling has no fewer than
1023 two and no more than four bedrooms, is occupied by a group of or
1024 family of no more than six ambulatory adults living with a
1025 mental disorder, and has no more than two adults assigned to any
1026 bedroom; or



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1027 (b) For residential migrant housing as defined in s.
1028 381.008(8) which has a permit from the Department of Health
1029 pursuant to s. 381.0081.

1030 Section 18. Subsection (10) of section 560.309, Florida
1031 Statutes, is amended to read:

1032 560.309 Conduct of business.—

1033 (10) If a check is returned to a licensee from a payor
1034 financial institution due to lack of funds, a closed account, or
1035 a stop-payment order, the licensee may seek collection pursuant
1036 to s. 68.065. In seeking collection, the licensee must comply
1037 with the prohibitions against harassment or abuse, false or
1038 misleading representations, and unfair practices in the Florida
1039 Consumer Collection Practices Act under part VI of chapter 559,
1040 including s. 559.77. The licensee must also comply with the Fair
1041 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
1042 1692f if the licensee uses a third-party debt collector or any
1043 name other than its own to collect such debts. A violation of
1044 this subsection is a deceptive and unfair trade practice and
1045 constitutes a violation of the Deceptive and Unfair Trade
1046 Practices Act under part II of chapter 501. ~~In addition, a~~
1047 ~~licensee must comply with the applicable provisions of the~~
1048 ~~Consumer Collection Practices Act under part VI of chapter 559,~~
1049 ~~including s. 559.77.~~

1050 Section 19. Subsection (3) of section 560.405, Florida
1051 Statutes, is amended to read:

1052 560.405 Deposit; redemption.—

1053 (3) Notwithstanding subsection (1), in lieu of presentment,
1054 a deferred presentment provider may allow the check to be
1055 redeemed at any time upon payment of the outstanding transaction



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1056 balance and earned fees. Redemption in cash or through a debit
1057 card transaction shall be treated the same. However, payment may
1058 not be made in the form of a personal check or through a credit
1059 card transaction. Upon redemption, the deferred presentment
1060 provider must return the drawer's check and provide a signed,
1061 dated receipt showing that the drawer's check has been redeemed.

1062 Section 20. Subsection (2) of section 560.406, Florida
1063 Statutes, is amended to read:

1064 560.406 Worthless checks.—

1065 (2) If a check is returned to a deferred presentment
1066 provider from a payor financial institution due to insufficient
1067 funds, a closed account, or a stop-payment order, the deferred
1068 presentment provider may pursue all legally available civil
1069 remedies to collect the check, including, but not limited to,
1070 the imposition of all charges imposed on the deferred
1071 presentment provider by the financial institution. In its
1072 collection practices, a deferred presentment provider must
1073 comply with the prohibitions against harassment or abuse, false
1074 or misleading representations, and unfair practices that are
1075 contained in the Florida Consumer Collection Practices Act under
1076 part VI of chapter 559, including s. 559.77. A deferred
1077 presentment provider must also comply with the Fair Debt
1078 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f
1079 if the deferred presentment provider uses a third-party debt
1080 collector or any name other than its own to collect such debts.

1081 A violation of this act is a deceptive and unfair trade practice
1082 and constitutes a violation of the Deceptive and Unfair Trade
1083 Practices Act under part II of chapter 501. ~~In addition, a~~
1084 ~~deferred presentment provider must comply with the applicable~~



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1085 ~~provisions of the Consumer Collection Practices Act under part~~
1086 ~~VI of chapter 559, including s. 559.77.~~

1087 Section 21. Subsection (3) of section 626.0428, Florida
1088 Statutes, is amended to read:

1089 626.0428 Agency personnel powers, duties, and limitations.-

1090 (3) An employee or an authorized representative located at
1091 a designated branch of an agent or agency may not initiate
1092 contact with any person for the purpose of soliciting insurance
1093 unless licensed and appointed as an agent or customer
1094 representative. As to title insurance, an employee of an agent
1095 or agency may not initiate contact with any individual proposed
1096 insured for the purpose of soliciting title insurance unless
1097 licensed as a title insurance agent or exempt from such
1098 licensure pursuant to s. 626.8417(4) ~~and (5)~~.

1099 Section 22. Section 626.171, Florida Statutes, is amended
1100 to read:

1101 626.171 Application for license as an agent, customer
1102 representative, adjuster, or service representative, ~~or~~
1103 ~~reinsurance intermediary~~.-

1104 (1) The department may not issue a license as agent,
1105 customer representative, adjuster, or service representative, ~~or~~
1106 ~~reinsurance intermediary~~ to any person except upon written
1107 application filed with the department, meeting the
1108 qualifications for the license applied for as determined by the
1109 department, and payment in advance of all applicable fees. The
1110 application must be made under the oath of the applicant and be
1111 signed by the applicant. An applicant may permit a third party
1112 to complete, submit, and sign an application on the applicant's
1113 behalf, but is responsible for ensuring that the information on



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1114 the application is true and correct and is accountable for any
1115 misstatements or misrepresentations. The department shall accept
1116 the uniform application for resident and nonresident agent and
1117 adjuster licensing. The department may adopt revised versions of
1118 the uniform application by rule.

1119 (2) In the application, the applicant must include all of
1120 the following shall set forth:

1121 (a) The applicant's ~~His or her~~ full name, age, social
1122 security number, residence address, business address, mailing
1123 address, contact telephone numbers, including a business
1124 telephone number, and e-mail address.

1125 (b) A statement indicating the method the applicant used or
1126 is using to meet any required prelicensing education, knowledge,
1127 experience, or instructional requirements for the type of
1128 license applied for.

1129 (c) Whether the applicant ~~he or she~~ has been refused or has
1130 voluntarily surrendered or has had suspended or revoked a
1131 license to solicit insurance by the department or by the
1132 supervising officials of any state.

1133 (d) Whether any insurer or any managing general agent
1134 claims the applicant is indebted under any agency contract or
1135 otherwise and, if so, the name of the claimant, the nature of
1136 the claim, and the applicant's defense thereto, if any.

1137 (e) Proof that the applicant meets the requirements for the
1138 type of license for which he or she is applying.

1139 (f) The applicant's gender (male or female).

1140 (g) The applicant's native language.

1141 (h) The highest level of education achieved by the
1142 applicant.



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1143 (i) The applicant's race or ethnicity (African American,
1144 white, American Indian, Asian, Hispanic, or other).

1145 (j) Such other or additional information as the department
1146 may deem proper to enable it to determine the character,
1147 experience, ability, and other qualifications of the applicant
1148 to hold himself or herself out to the public as an insurance
1149 representative.

1150
1151 However, the application must contain a statement that an
1152 applicant is not required to disclose his or her race or
1153 ethnicity, gender, or native language, that he or she will not
1154 be penalized for not doing so, and that the department will use
1155 this information exclusively for research and statistical
1156 purposes and to improve the quality and fairness of the
1157 examinations. The department may ~~shall~~ make provisions for
1158 applicants to voluntarily submit their cellular telephone
1159 numbers as part of the application process solely ~~on a voluntary~~
1160 ~~basis only~~ for the purpose of two-factor authentication of
1161 secure login credentials ~~only~~.

1162 (3) Each application must be accompanied by payment of any
1163 applicable fee.

1164 (4) An applicant for a license issued by the department
1165 under this chapter must submit a set of the individual
1166 applicant's fingerprints, or, if the applicant is not an
1167 individual, a set of the fingerprints of the sole proprietor,
1168 majority owner, partners, officers, and directors, to the
1169 department and must pay the fingerprint processing fee set forth
1170 in s. 624.501. Fingerprints must be processed in accordance with
1171 s. 624.34 and used to investigate the applicant's qualifications



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1172 pursuant to s. 626.201. The fingerprints must be taken by a law
1173 enforcement agency or other department-approved entity. The
1174 department may not approve an application for licensure as an
1175 agent, customer ~~service~~ representative, adjuster, or service
1176 representative, ~~or reinsurance intermediary~~ if fingerprints have
1177 not been submitted.

1178 (5) The application for license filing fee prescribed in s.
1179 624.501 is not subject to refund.

1180 (6) Members of the United States Armed Forces and their
1181 spouses, and veterans of the United States Armed Forces who have
1182 separated from service ~~within 24 months~~ before application for
1183 licensure, are exempt from the application filing fee prescribed
1184 in s. 624.501. Qualified individuals must provide a copy of a
1185 military identification card, military dependent identification
1186 card, military service record, military personnel file, veteran
1187 record, discharge paper or separation document that indicates
1188 such members are currently in good standing or such veterans
1189 were honorably discharged.

1190 (7) Pursuant to the federal Personal Responsibility and
1191 Work Opportunity Reconciliation Act of 1996, each party is
1192 required to provide his or her social security number in
1193 accordance with this section. Disclosure of social security
1194 numbers obtained through this requirement must be limited to the
1195 purpose of administration of the Title IV-D program for child
1196 support enforcement.

1197 Section 23. Paragraph (c) of subsection (2) of section
1198 626.292, Florida Statutes, is amended to read:

1199 626.292 Transfer of license from another state.—

1200 (2) To qualify for a license transfer, an individual



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1201 applicant must meet the following requirements:

1202 (c) The individual must submit a completed application for
1203 this state which is received by the department within 90 days
1204 after the date the individual became a resident of this state,
1205 along with payment of the applicable fees set forth in s.
1206 624.501 and submission of the following documents:

1207 1. A certification issued by the appropriate official of
1208 the applicant's home state identifying the type of license and
1209 lines of authority under the license and stating that, ~~at the~~
1210 ~~time the license from the home state was canceled,~~ the applicant
1211 was in good standing in that state or that the state's Producer
1212 Database records, maintained by the National Association of
1213 Insurance Commissioners, its affiliates, or subsidiaries,
1214 indicate that the agent or all-lines adjuster is or was licensed
1215 in good standing for the line of authority requested. An
1216 applicant may hold a resident license in another state for 30
1217 days after the Florida resident license has been issued to
1218 facilitate the transfer of licensure between states.

1219 2. A set of the applicant's fingerprints in accordance with
1220 s. 626.171(4).

1221 Section 24. Subsection (1) of section 626.611, Florida
1222 Statutes, is amended to read:

1223 626.611 Grounds for compulsory refusal, suspension, or
1224 revocation of agent's, title agency's, adjuster's, customer
1225 representative's, service representative's, or managing general
1226 agent's license or appointment.—

1227 (1) The department shall require license reexamination,
1228 deny an application for, suspend, revoke, or refuse to renew or
1229 continue the license or appointment of any applicant, agent,



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1230 title agency, adjuster, customer representative, service
1231 representative, or managing general agent, and it shall suspend
1232 or revoke the eligibility to hold a license or appointment of
1233 any such person, if it finds that as to the applicant, licensee,
1234 or appointee any one or more of the following applicable grounds
1235 exist:

1236 (a) Lack of one or more of the qualifications for the
1237 license or appointment as specified in this code.

1238 (b) Material misstatement, misrepresentation, or fraud in
1239 obtaining the license or appointment or in attempting to obtain
1240 the license or appointment.

1241 (c) Failure to pass to the satisfaction of the department
1242 any examination required under this code, including cheating on
1243 an examination required for licensure or violating test center
1244 or examination procedures delivered orally, in writing, or
1245 electronically at the test site by authorized representatives of
1246 the examination program administrator.

1247 (d) If the license or appointment is willfully used, or to
1248 be used, to circumvent any of the requirements or prohibitions
1249 of this code.

1250 (e) Willful misrepresentation of any insurance policy or
1251 annuity contract or willful deception with regard to any such
1252 policy or contract, done either in person or by any form of
1253 dissemination of information or advertising.

1254 (f) If, as an adjuster, or agent licensed and appointed to
1255 adjust claims under this code, he or she has materially
1256 misrepresented to an insured or other interested party the terms
1257 and coverage of an insurance contract with intent and for the
1258 purpose of effecting settlement of claim for loss or damage or



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1259 benefit under such contract on less favorable terms than those
1260 provided in and contemplated by the contract.

1261 (g) Demonstrated lack of fitness or trustworthiness to
1262 engage in the business of insurance.

1263 (h) Demonstrated lack of reasonably adequate knowledge and
1264 technical competence to engage in the transactions authorized by
1265 the license or appointment.

1266 (i) Fraudulent or dishonest practices in the conduct of
1267 business under the license or appointment.

1268 (j) Misappropriation, conversion, or unlawful withholding
1269 of moneys belonging to insurers or insureds or beneficiaries or
1270 to others and received in conduct of business under the license
1271 or appointment.

1272 (k) Unlawfully rebating, attempting to unlawfully rebate,
1273 or unlawfully dividing or offering to divide his or her
1274 commission with another.

1275 (l) Having obtained or attempted to obtain, or having used
1276 or using, a license or appointment as agent or customer
1277 representative for the purpose of soliciting or handling
1278 "controlled business" as defined in s. 626.730 with respect to
1279 general lines agents, s. 626.784 with respect to life agents,
1280 and s. 626.830 with respect to health agents.

1281 (m) Willful failure to comply with, or willful violation
1282 of, any proper order or rule of the department or willful
1283 violation of any provision of this code.

1284 (n) Having been found guilty of or having pleaded guilty or
1285 nolo contendere to a misdemeanor directly related to the
1286 financial services business, any felony, or any crime punishable
1287 by imprisonment of 1 year or more under the law of the United



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1288 States of America or of any state thereof or under the law of
1289 any other country, without regard to whether a judgment of
1290 conviction has been entered by the court having jurisdiction of
1291 such cases.

1292 (o) Fraudulent or dishonest practice in submitting or
1293 aiding or abetting any person in the submission of an
1294 application for workers' compensation coverage under chapter 440
1295 containing false or misleading information as to employee
1296 payroll or classification for the purpose of avoiding or
1297 reducing the amount of premium due for such coverage.

1298 (p) Sale of an unregistered security that was required to
1299 be registered, pursuant to chapter 517.

1300 (q) In transactions related to viatical settlement
1301 contracts as defined in s. 626.9911:

1302 1. Commission of a fraudulent or dishonest act.

1303 2. No longer meeting the requirements for initial
1304 licensure.

1305 3. Having received a fee, commission, or other valuable
1306 consideration for his or her services with respect to viatical
1307 settlements that involved unlicensed viatical settlement
1308 providers or persons who offered or attempted to negotiate on
1309 behalf of another person a viatical settlement contract as
1310 defined in s. 626.9911 and who were not licensed life agents.

1311 4. Dealing in bad faith with viators.

1312 Section 25. Section 626.621, Florida Statutes, is amended
1313 to read:

1314 626.621 Grounds for discretionary refusal, suspension, or
1315 revocation of agent's, adjuster's, customer representative's,
1316 service representative's, or managing general agent's license or



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1317 appointment.—The department may, in its discretion, require a
1318 license reexamination, deny an application for, suspend, revoke,
1319 or refuse to renew or continue the license or appointment of any
1320 applicant, agent, adjuster, customer representative, service
1321 representative, or managing general agent, and it may suspend or
1322 revoke the eligibility to hold a license or appointment of any
1323 such person, if it finds that as to the applicant, licensee, or
1324 appointee any one or more of the following applicable grounds
1325 exist under circumstances for which such denial, suspension,
1326 revocation, or refusal is not mandatory under s. 626.611:

1327 (1) Any cause for which issuance of the license or
1328 appointment could have been refused had it then existed and been
1329 known to the department.

1330 (2) Violation of any provision of this code or of any other
1331 law applicable to the business of insurance in the course of
1332 dealing under the license or appointment.

1333 (3) Violation of any lawful order or rule of the
1334 department, commission, or office.

1335 (4) Failure or refusal, upon demand, to pay over to any
1336 insurer he or she represents or has represented any money coming
1337 into his or her hands belonging to the insurer.

1338 (5) Violation of the provision against twisting, as defined
1339 in s. 626.9541(1)(1).

1340 (6) In the conduct of business under the license or
1341 appointment, engaging in unfair methods of competition or in
1342 unfair or deceptive acts or practices, as prohibited under part
1343 IX of this chapter, or having otherwise shown himself or herself
1344 to be a source of injury or loss to the public.

1345 (7) Willful overinsurance of any property or health



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1346 insurance risk.

1347 (8) If a life agent, violation of the code of ethics.

1348 (9) Cheating on an examination required for licensure or
1349 violating test center or examination procedures published
1350 orally, in writing, or electronically at the test site by
1351 authorized representatives of the examination program
1352 administrator. Communication of test center and examination
1353 procedures must be clearly established and documented.

1354 (10) Failure to inform the department in writing within 30
1355 days after pleading guilty or nolo contendere to, or being
1356 convicted or found guilty of, any felony or a crime punishable
1357 by imprisonment of 1 year or more under the law of the United
1358 States or of any state thereof, or under the law of any other
1359 country without regard to whether a judgment of conviction has
1360 been entered by the court having jurisdiction of the case.

1361 (11) Knowingly aiding, assisting, procuring, advising, or
1362 abetting any person in the violation of or to violate a
1363 provision of the insurance code or any order or rule of the
1364 department, commission, or office.

1365 (12) Has been the subject of or has had a license, permit,
1366 appointment, registration, or other authority to conduct
1367 business subject to any decision, finding, injunction,
1368 suspension, prohibition, revocation, denial, judgment, final
1369 agency action, or administrative order by any court of competent
1370 jurisdiction, administrative law proceeding, state agency,
1371 federal agency, national securities, commodities, or option
1372 exchange, or national securities, commodities, or option
1373 association involving a violation of any federal or state
1374 securities or commodities law or any rule or regulation adopted



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1375 thereunder, or a violation of any rule or regulation of any
1376 national securities, commodities, or options exchange or
1377 national securities, commodities, or options association.

1378 (13) Failure to comply with any civil, criminal, or
1379 administrative action taken by the child support enforcement
1380 program under Title IV-D of the Social Security Act, 42 U.S.C.
1381 ss. 651 et seq., to determine paternity or to establish, modify,
1382 enforce, or collect support.

1383 (14) Directly or indirectly accepting any compensation,
1384 inducement, or reward from an inspector for the referral of the
1385 owner of the inspected property to the inspector or inspection
1386 company. This prohibition applies to an inspection intended for
1387 submission to an insurer in order to obtain property insurance
1388 coverage or establish the applicable property insurance premium.

1389 (15) Denial, suspension, or revocation of, or any other
1390 adverse administrative action against, a license to practice or
1391 conduct any regulated profession, business, or vocation by this
1392 state, any other state, any nation, any possession or district
1393 of the United States, any court, or any lawful agency thereof.

1394 (16) Taking an action that allows the personal financial or
1395 medical information of a consumer or customer to be made
1396 available or accessible to the general public, regardless of the
1397 format in which the record is stored.

1398 (17) Initiating in-person or telephone solicitation after 9
1399 p.m. or before 8 a.m. local time of the prospective customer
1400 unless requested by the prospective customer.

1401 (18) Cancellation of the applicant's, licensee's, or
1402 appointee's resident license in a state other than Florida.

1403 Section 26. Subsection (1) of section 626.731, Florida



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1404 Statutes, is amended to read:

1405 626.731 Qualifications for general lines agent's license.—

1406 (1) The department may ~~shall~~ not grant or issue a license
1407 as general lines agent to any individual found by it to be
1408 untrustworthy or incompetent or who does not meet ~~each~~ all of
1409 the following qualifications:

1410 (a) The applicant is a natural person at least 18 years of
1411 age.

1412 (b) The applicant is a United States citizen or legal alien
1413 who possesses work authorization from the United States Bureau
1414 of Citizenship and Immigration Services and is a bona fide
1415 resident of this state. ~~An individual who is a bona fide
1416 resident of this state shall be deemed to meet the residence
1417 requirement of this paragraph, notwithstanding the existence at
1418 the time of application for license of a license in his or her
1419 name on the records of another state as a resident licensee of
1420 such other state, if the applicant furnishes a letter of
1421 clearance satisfactory to the department that the resident
1422 licenses have been canceled or changed to a nonresident basis
1423 and that he or she is in good standing.~~

1424 (c) The applicant's place of business will be located in
1425 this state and he or she will be actively engaged in the
1426 business of insurance and will maintain a place of business, the
1427 location of which is identifiable by and accessible to the
1428 public.

1429 (d) The license is not being sought for the purpose of
1430 writing or handling controlled business, in violation of s.
1431 626.730.

1432 (e) The applicant is qualified as to knowledge, experience,



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1433 or instruction in the business of insurance and meets the
1434 requirements provided in s. 626.732.

1435 (f) The applicant has passed any required examination for
1436 license required under s. 626.221.

1437 Section 27. Subsection (2) of section 626.785, Florida
1438 Statutes, is amended to read:

1439 626.785 Qualifications for license.—

1440 ~~(2) An individual who is a bona fide resident of this state~~
1441 ~~shall be deemed to meet the residence requirement of paragraph~~
1442 ~~(1)(b), notwithstanding the existence at the time of application~~
1443 ~~for license of a license in his or her name on the records of~~
1444 ~~another state as a resident licensee of such other state, if the~~
1445 ~~applicant furnishes a letter of clearance satisfactory to the~~
1446 ~~department that the resident licenses have been canceled or~~
1447 ~~changed to a nonresident basis and that he or she is in good~~
1448 ~~standing.~~

1449 Section 28. Section 626.831, Florida Statutes, is amended
1450 to read:

1451 626.831 Qualifications for license.—

1452 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
1453 as health agent as to any individual found by it to be
1454 untrustworthy or incompetent, or who does not meet all of the
1455 following qualifications:

1456 (1)(a) ~~Is Must be~~ a natural person of at least 18 years of
1457 age.

1458 (2)(b) ~~Is Must be~~ a United States citizen or legal alien
1459 who possesses work authorization from the United States Bureau
1460 of Citizenship and Immigration Services and is a bona fide
1461 resident of this state.



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1462 ~~(3)(e)~~ Is ~~Must~~ not be an employee of the United States
1463 Department of Veterans Affairs or state service office, as
1464 referred to in s. 626.833.

1465 ~~(4)(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination
1466 for license required under s. 626.221.

1467 ~~(5)(e)~~ Is ~~Must be~~ qualified as to knowledge, experience, or
1468 instruction in the business of insurance and meets ~~meet~~ the
1469 requirements relative thereto provided in s. 626.8311.

1470 ~~(2) An individual who is a bona fide resident of this state~~
1471 ~~shall be deemed to meet the residence requirement of paragraph~~
1472 ~~(1)(b), notwithstanding the existence at the time of application~~
1473 ~~for license of a license in his or her name on the records of~~
1474 ~~another state as a resident licensee of such other state, if the~~
1475 ~~applicant furnishes a letter of clearance satisfactory to the~~
1476 ~~department that the resident licenses have been canceled or~~
1477 ~~changed to a nonresident basis and that he or she is in good~~
1478 ~~standing.~~

1479 Section 29. Subsections (4) and (5) of section 626.8417,
1480 Florida Statutes, are amended to read:

1481 626.8417 Title insurance agent licensure; exemptions.—

1482 (4) Title insurers, acting through designated corporate
1483 officers, or attorneys duly admitted to practice law in this
1484 state and in good standing with The Florida Bar are exempt from
1485 the provisions of this chapter relating to title insurance
1486 licensing and appointment requirements.

1487 ~~(5) An insurer may designate a corporate officer of the~~
1488 ~~insurer to occasionally issue and countersign binders,~~
1489 ~~commitments, and policies of title insurance. The designated~~
1490 ~~officer is exempt from the provisions of this chapter relating~~



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1491 ~~to title insurance licensing and appointment requirements while~~
1492 ~~the officer is acting within the scope of the designation.~~

1493 Section 30. Subsection (24) is added to section 626.854,
1494 Florida Statutes, to read:

1495 626.854 "Public adjuster" defined; prohibitions.—The
1496 Legislature finds that it is necessary for the protection of the
1497 public to regulate public insurance adjusters and to prevent the
1498 unauthorized practice of law.

1499 (24) A public adjuster, public adjuster apprentice, or
1500 public adjusting firm must respond with specific information to
1501 a written or electronic request for claims status from a
1502 claimant or insured or their designated representative within 14
1503 days after the date of the request and shall document in the
1504 file the response or information provided.

1505 Section 31. Section 627.797, Florida Statutes, is repealed.

1506 Section 32. Subsection (11) of section 633.208, Florida
1507 Statutes, is amended to read:

1508 633.208 Minimum firesafety standards.—

1509 (11) Notwithstanding subsection (8), a single-family or
1510 two-family dwelling may not be reclassified for purposes of
1511 enforcing the Florida Fire Prevention Code solely due to such
1512 dwelling being used as or converted into:

1513 (a) ~~That is~~ A certified recovery residence, as defined in
1514 s. 397.311, or ~~that is~~ a recovery residence, as defined in s.
1515 397.311, that has a charter from an entity recognized or
1516 sanctioned by Congress;

1517 (b) A residence owned by a tax-exempt charitable
1518 organization under s. 501(c)(3) of the Internal Revenue Code
1519 whose stated corporate purpose relates to the support of people



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1520 who are living with a mental health disorder and which has no
1521 fewer than two and no more than four bedrooms, is occupied by a
1522 group or family of no more than six ambulatory adults living
1523 with a mental health disorder, and has no more than two adults
1524 assigned to any bedroom; or

1525 (c) Residential migrant housing as defined in s. 381.008(8)
1526 which has a permit from the Department of Health pursuant to s.
1527 381.0081 may not be reclassified for purposes of enforcing the
1528 Florida Fire Prevention Code solely due to such use.

1529 Section 33. Subsection (4) of section 648.34, Florida
1530 Statutes, is amended to read:

1531 648.34 Bail bond agents; qualifications.—

1532 (4) The applicant shall furnish, with his or her
1533 application, a complete set of his or her fingerprints in
1534 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1535 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1536 not authorize an applicant to take the required examination
1537 until the department has received a report from the Department
1538 of Law Enforcement and the Federal Bureau of Investigation
1539 relative to the existence or nonexistence of a criminal history
1540 report based on the applicant's fingerprints.

1541 Section 34. Subsection (2) of section 648.382, Florida
1542 Statutes, is amended to read:

1543 648.382 Appointment of bail bond agents and bail bond
1544 agencies; effective date of appointment.—

1545 (2) Before any appointment, an appropriate officer or
1546 official of the appointing insurer must obtain all of the
1547 following information ~~submit~~:

1548 (a) A certified statement or affidavit to the department



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1549 stating what investigation has been made concerning the proposed
1550 appointee and the proposed appointee's background and the
1551 appointing person's opinion to the best of his or her knowledge
1552 and belief as to the moral character and reputation of the
1553 proposed appointee. In lieu of such certified statement or
1554 affidavit, by authorizing the effectuation of an appointment for
1555 a licensee, the appointing entity certifies to the department
1556 that such investigation has been made and that the results of
1557 the investigation and the appointing person's opinion is that
1558 the proposed appointee is a person of good moral character and
1559 reputation and is fit to engage in the bail bond business.†

1560 (b) An affidavit under oath on a form prescribed by the
1561 department, signed by the proposed appointee, stating that
1562 premiums are not owed to any insurer and that the appointee will
1563 discharge all outstanding forfeitures and judgments on bonds
1564 previously written. If the appointee does not satisfy or
1565 discharge such forfeitures or judgments, the former insurer
1566 shall file a notice, with supporting documents, with the
1567 appointing insurer, the former agent or agency, and the
1568 department, stating under oath that the licensee has failed to
1569 timely satisfy forfeitures and judgments on bonds written and
1570 that the insurer has satisfied the forfeiture or judgment from
1571 its own funds. Upon receipt of such notification and supporting
1572 documents, the appointing insurer shall immediately cancel the
1573 licensee's appointment. The licensee may be reappointed only
1574 upon certification by the former insurer that all forfeitures
1575 and judgments on bonds written by the licensee have been
1576 discharged. The appointing insurer or former agent or agency
1577 may, within 10 days, file a petition with the department seeking



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1578 relief from this paragraph. Filing of the petition stays the
1579 duty of the appointing insurer to cancel the appointment until
1580 the department grants or denies the petition.~~+~~

1581 (c) Any other information that the department reasonably
1582 requires concerning the proposed appointee.~~+~~~~and~~

1583 (d) Effective January 1, 2025, a certification that the
1584 appointing entity obtained from each appointee the following
1585 sworn statement:

1586

1587 Pursuant to section 648.382(2)(b), Florida Statutes, I
1588 do solemnly swear that I owe no premium to any insurer
1589 or agency and that I will discharge all outstanding
1590 forfeitures and judgments on bonds that have been
1591 previously written. I acknowledge that failure to do
1592 this will result in my active appointments being
1593 canceled.

1594

1595 An appointed bail bond agency must have the attestation under
1596 this paragraph signed by its owner.

1597 Section 35. Section 717.001, Florida Statutes, is amended
1598 to read:

1599 717.001 Short title.—This chapter may be cited as the
1600 "Florida Disposition of Abandoned Personal Unclaimed Property
1601 Act."

1602 Section 36. Present subsections (1) through (4), (5)
1603 through (8), (10) through (13), (15) through (20), (21), (22)
1604 through (28), (31), (32), and (33) of section 717.101, Florida
1605 Statutes, are redesignated as subsections (4) through (7), (9)
1606 through (12), (13) through (16), (17) through (22), (24), (26)



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1607 through (32), and (33), (34), and (35), respectively, new
1608 subsections (1), (2), (3), (8), (23), and (25) are added to that
1609 section, and present subsections (1), (2), (5), (6), (8), (9),
1610 (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30)
1611 of that section are amended, to read:

1612 717.101 Definitions.—As used in this chapter, unless the
1613 context otherwise requires:

1614 (1) “Abandoned property” means property held by a holder
1615 for which all of the following are true:

1616 (a) The apparent owner has shown no activity or indication
1617 of interest for the duration of the applicable dormancy period
1618 established under this chapter.

1619 (b) The holder has complied with the due diligence
1620 requirements set forth in this chapter, including the issuance
1621 of notice to the apparent owner, and has received no response or
1622 contact sufficient to demonstrate continued interest in the
1623 property.

1624
1625 For purposes of this chapter, property is presumed abandoned
1626 upon expiration of the applicable dormancy period established
1627 under this chapter. Once the dormancy period has expired, the
1628 holder must comply with the due diligence requirements set forth
1629 in s. 717.117. If the holder does not receive response or
1630 contact sufficient to demonstrate continued interest in the
1631 property after completion of its due diligence efforts, the
1632 property is deemed abandoned and subject to reporting and
1633 remittance to the department for custodial holding on behalf of
1634 the owner.

1635 (2) “Abandoned Property Purchase Agreement” means the form



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1636 adopted by the department pursuant to s. 717.135 which must be
1637 used, without modification or amendment, by a claimant
1638 representative to purchase abandoned property from an owner.

1639 (3) "Abandoned Property Recovery Agreement" means the form
1640 adopted by the department pursuant to s. 717.135 which must be
1641 used, without modification or amendment, by a claimant
1642 representative to obtain consent and authority to recover
1643 abandoned property on behalf of a person.

1644 (4)-(1) "Aggregate" means the amounts reported for owners of
1645 abandoned unclaimed property of less than \$10 or where there is
1646 no name for the individual or entity listed on the holder's
1647 records, regardless of the amount to be reported.

1648 (5)-(2) "Apparent owner" means the person whose name appears
1649 on the records of the holder as the owner of the abandoned
1650 property, but whose status as the true owner entitled to receive
1651 the property may be subject to change due to the passage of time
1652 or changes in circumstances person entitled to property held,
1653 issued, or owing by the holder.

1654 (8) "Authorized representative" means a person or entity
1655 legally empowered to act on behalf of the apparent owner or his
1656 or her estate, including, but not limited to, an agent, a
1657 fiduciary, a personal representative, a trustee, a legal heir, a
1658 guardian, or any other individual or entity authorized by law or
1659 agreement.

1660 (9)-(5) "Banking or financial organization" means any and
1661 all banks, trust companies, private bankers, savings banks,
1662 industrial banks, safe-deposit companies, savings and loan
1663 associations, credit unions, savings associations, banking
1664 organizations, international bank agencies, cooperative banks,



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1665 building and loan associations, and investment companies in this
1666 state, organized under or subject to the laws of this state or
1667 of the United States, including entities organized under 12
1668 U.S.C. s. 611, but does not include federal reserve banks. The
1669 term also includes any corporation, business association, or
1670 other organization that:

1671 (a) Is a wholly or partially owned subsidiary of any
1672 banking, banking corporation, or bank holding company that
1673 performs any or all of the functions of a banking organization;
1674 or

1675 (b) Performs functions pursuant to the terms of a contract
1676 with any banking organization.

1677 ~~(10)-(6)~~ "Business association" means any for-profit or
1678 nonprofit corporation other than a public corporation; joint
1679 stock company; investment company; unincorporated association or
1680 association of two or more individuals for business purposes,
1681 whether or not for profit; partnership; joint venture; limited
1682 liability company; sole proprietorship; business trust; trust
1683 company; land bank; safe-deposit company; safekeeping
1684 depository; banking or financial organization; insurance
1685 company; federally chartered entity; utility company; transfer
1686 agent; or other business entity, whether or not for profit.

1687 ~~(12)-(8)~~ "Claimant ~~Claimant's~~ representative" means an
1688 attorney who is a member in good standing with ~~of~~ The Florida
1689 Bar, a certified public accountant licensed in this state, or a
1690 private investigator ~~who is duly licensed to do business in this~~
1691 ~~the state,~~ who is registered with the department, and authorized
1692 to file claims on behalf of persons with the department ~~by the~~
1693 ~~claimant to claim unclaimed property on the claimant's behalf.~~



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1694 The term does not include a person acting in a representative or
1695 fiduciary capacity, such as a personal representative, guardian,
1696 trustee, or attorney, whose representation is not contingent
1697 upon the discovery or location of abandoned unclaimed property,
1698 and it expressly excludes locators who engage in locating owners
1699 of abandoned property for a fee but are not registered with the
1700 department; provided, however, that any agreement entered into
1701 for the purpose of evading s. 717.135 is invalid and
1702 unenforceable.

1703 ~~(9) "Credit balance" means an account balance in the~~
1704 ~~customer's favor.~~

1705 ~~(15)~~(12) "Due diligence" means the use of reasonable and
1706 prudent methods under particular circumstances to locate
1707 apparent owners of presumed abandoned property ~~inactive accounts~~
1708 using the taxpayer identification number or social security
1709 number, if known, which may include, but are not limited to,
1710 using a nationwide database, cross-indexing with other records
1711 of the holder, mailing to the last known address unless the last
1712 known address is known to be inaccurate, providing written
1713 notice as described in this chapter by electronic mail if an
1714 apparent owner has elected such delivery, or engaging a licensed
1715 agency or company capable of conducting such search and
1716 providing updated addresses.

1717 ~~(14) "Financial organization" means a savings association,~~
1718 ~~savings and loan association, savings bank, industrial bank,~~
1719 ~~bank, banking organization, trust company, international bank~~
1720 ~~agency, cooperative bank, building and loan association, or~~
1721 ~~credit union.~~

1722 ~~(18)~~(16) "Holder" means a person who is in possession of



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1723 property belonging to another or who owes a debt or an
1724 obligation to another person, including, but not limited to,
1725 financial institutions, insurance companies, corporations,
1726 partnerships, fiduciaries, and government agencies;

1727 ~~(a) A person who is in possession or control or has custody~~
1728 ~~of property or the rights to property belonging to another; is~~
1729 ~~indebted to another on an obligation; or is obligated to hold~~
1730 ~~for the account of, or to deliver or pay to, the owner, property~~
1731 ~~subject to this chapter; or~~

1732 ~~(b) A trustee in case of a trust.~~

1733 ~~(20)-(18)~~ "Intangible property" includes, by way of
1734 illustration and not limitation:

1735 (a) Moneys, checks, virtual currency, drafts, deposits,
1736 interest, dividends, and income.

1737 (b) Credit balances, customer overpayments, security
1738 deposits and other instruments as defined by chapter 679,
1739 refunds, unpaid wages, unused airline tickets, and unidentified
1740 remittances.

1741 (c) Stocks, and other intangible ownership interests in
1742 business associations except for:

1743 1. A non-freely transferable security; or

1744 2. A security that is subject to a lien, legal hold, or
1745 restriction evidenced on the records of the holder or imposed by
1746 operation of law, if the lien, legal hold, or restriction
1747 restricts the holder's or owner's ability to receive, transfer,
1748 sell, or otherwise negotiate the security.

1749 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1750 original issue discount bonds, coupons, and other securities, or
1751 to make distributions.



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1752 (e) Amounts due and payable under the terms of insurance
1753 policies.

1754 (f) Amounts distributable from a trust or custodial fund
1755 established under a plan to provide any health, welfare,
1756 pension, vacation, severance, retirement, death, stock purchase,
1757 profit sharing, employee savings, supplemental unemployment
1758 insurance, or similar benefit.

1759 ~~(21)~~ ~~(19)~~ "Last known address" means a description of the
1760 location of the apparent owner sufficient for the purpose of the
1761 delivery of mail. For the purposes of identifying, reporting,
1762 and remitting property to the department ~~which is presumed to be~~
1763 ~~unclaimed~~, the term "last known address" includes any partial
1764 description of the location of the apparent owner sufficient to
1765 establish the apparent owner was a resident of this state at the
1766 time of last contact with the apparent owner or at the time the
1767 property became due and payable.

1768 ~~(22)~~ ~~(20)~~ "Lawful charges" means charges against the
1769 property or the account in which the property is held which
1770 ~~dormant accounts that~~ are authorized by statute for the purpose
1771 of offsetting the costs of maintaining the property or the
1772 account in which the property is held ~~dormant account~~.

1773 (23) "Locator" means a private individual or business that
1774 locates owners of abandoned property in exchange for a fee,
1775 typically a percentage of the recovered property. Locators are
1776 not employees or agents of the state and are not registered with
1777 the department.

1778 (25) "Non-freely transferable security" means a security
1779 that cannot be delivered to the administrator by the Depository
1780 Trust and Clearing Corporation or similar custodian of



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1781 securities providing post-trade clearing and settlement services
1782 to financial markets or cannot be delivered because there is no
1783 agent to effect transfer. The term includes a worthless
1784 security.

1785 ~~(26)-(22) "Owner" means the a person, or the person's legal~~
1786 ~~representative, entitled to receive or having a legal or~~
1787 ~~equitable interest in the abandoned property. An owner~~
1788 ~~establishes his or her entitlement by filing a valid claim with~~
1789 ~~the department pursuant or claim against property subject to~~
1790 ~~this chapter; a depositor in the case of a deposit; a~~
1791 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
1792 ~~payee in the case of a negotiable instrument or other intangible~~
1793 ~~property.~~

1794 ~~(29)-(25) "Record" means information that is captured or~~
1795 ~~maintained in any format, including written, printed,~~
1796 ~~electronic, audio, visual, or other forms, and that can be made~~
1797 ~~perceptible or understandable to a person, either directly or~~
1798 ~~through technological means, including assistive technologies~~
1799 ~~inscribed on a tangible medium or that is stored in an~~
1800 ~~electronic or other medium and is retrievable in perceivable~~
1801 ~~form.~~

1802 ~~(29) "Unclaimed Property Purchase Agreement" means the form~~
1803 ~~adopted by the department pursuant to s. 717.135 which must be~~
1804 ~~used, without modification or amendment, by a claimant's~~
1805 ~~representative to purchase unclaimed property from an owner.~~

1806 ~~(30) "Unclaimed Property Recovery Agreement" means the form~~
1807 ~~adopted by the department pursuant to s. 717.135 which must be~~
1808 ~~used, without modification or amendment, by a claimant's~~
1809 ~~representative to obtain an owner's consent and authority to~~



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1810 ~~recover unclaimed property on the owner's behalf.~~

1811 Section 37. Section 717.102, Florida Statutes, is amended
1812 to read:

1813 717.102 Property presumed abandoned ~~unclaimed~~; general
1814 rule.-

1815 (1) Except as otherwise provided by this chapter, all
1816 intangible property, including any income or increment thereon
1817 less any lawful charges, that is held, issued, or owing in the
1818 ordinary course of the holder's business and for which the
1819 apparent owner or authorized representative fails to demonstrate
1820 continued interest for more than the applicable dormancy period
1821 prescribed by this chapter shall be presumed abandoned ~~claim~~
1822 ~~such property for more than 5 years after the property becomes~~
1823 ~~payable or distributable is presumed unclaimed, except as~~
1824 ~~otherwise provided by this chapter. Unless otherwise specified~~
1825 ~~by law, the dormancy period shall be 5 years from the date the~~
1826 ~~property becomes payable or distributable. For the purposes of~~
1827 ~~this chapter, property shall be considered payable or~~
1828 ~~distributable once the holder's obligation to pay or deliver the~~
1829 ~~property arises, regardless of whether the apparent owner or~~
1830 ~~authorized representative has failed to demand or to present~~
1831 ~~documents required to receive payment.~~

1832 (2) ~~Property is payable or distributable for the purpose of~~
1833 ~~this chapter notwithstanding the owner's failure to make demand~~
1834 ~~or to present any instrument or document required to receive~~
1835 ~~payment.~~

1836 ~~(3)~~ A presumption that property is abandoned may be
1837 ~~unclaimed is~~ rebutted by the affirmative demonstration of
1838 continued interest by the apparent owner or authorized



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1839 ~~representative an apparent owner's expression of interest in the~~
1840 ~~property. Such demonstration An owner's expression of continued~~
1841 ~~interest in property includes, but is not limited to, any of the~~
1842 ~~following:~~

1843 (a) A record communicated by the apparent owner or
1844 authorized representative to the holder or its agent ~~of the~~
1845 ~~holder~~ concerning the property or the account in which the
1846 property is held.~~.~~

1847 (b) An oral communication by the apparent owner or
1848 authorized representative to the holder or its agent ~~of the~~
1849 ~~holder~~ concerning the property or the account in which the
1850 property is held, if the holder or its agent contemporaneously
1851 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
1852 ~~apparent owner's~~ communication.~~.~~

1853 (c) Presentment of a check or other instrument for ~~of~~
1854 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
1855 distributions related to the property. ~~distribution,~~ with
1856 ~~respect to an account, underlying security, or interest in a~~
1857 ~~business association;~~

1858 (d) Any account activity initiated ~~directed~~ by an apparent
1859 owner or authorized representative ~~in the account in which the~~
1860 ~~property is held~~, including accessing the account or directing
1861 changes to information concerning the account, ~~or to the amount~~
1862 or type of property held, excluding routine automatic
1863 transactions previously authorized, ~~a direction by the apparent~~
1864 ~~owner~~ to increase, decrease, or otherwise change the amount or
1865 type of property held in the account.~~.~~

1866 (e) Any ~~A~~ deposit into or withdrawal from the property or
1867 the ~~an~~ account in which the property is held ~~at a financial~~



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1868 ~~organization, excluding an automatic deposits, withdrawals, or~~
1869 ~~reinvestments deposit or withdrawal previously authorized by the~~
1870 ~~apparent owner or authorized representative. an automatic~~
1871 ~~reinvestment of dividends or interest, which does not constitute~~
1872 ~~an expression of interest; or~~

1873 (f) Any other action by the apparent owner or authorized
1874 representative which reasonably demonstrates to the holder that
1875 the apparent owner or authorized representative is aware of and
1876 maintains an interest in ~~knows that~~ the property exists.

1877 ~~(3)(4)~~ If a holder learns or receives confirmation of an
1878 apparent owner's death, the property shall be presumed abandoned
1879 ~~unclaimed~~ 2 years after the date of death, unless an authorized
1880 representative makes an affirmative demonstration a fiduciary
1881 ~~appointed to represent the estate of the apparent owner has made~~
1882 ~~an expression~~ of interest in the property before the expiration
1883 of the 2-year period. This subsection may not be construed to
1884 extend the otherwise applicable dormancy period prescribed by
1885 this chapter.

1886 Section 38. Section 717.103, Florida Statutes, is amended
1887 to read:

1888 717.103 General rules for taking custody of intangible
1889 abandoned unclaimed property.—Unless otherwise provided in this
1890 chapter or by other statute of this state, intangible property
1891 is subject to the custody of the department as abandoned
1892 ~~unclaimed~~ property when if the conditions leading to a
1893 presumption that the property is abandoned unclaimed as
1894 described in ss. 717.102 and 717.105-717.116 are satisfied and
1895 the holder has fulfilled all required due diligence obligations
1896 without receiving any response or claim from the apparent owner,



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1897 and one or more of the following criteria apply:

1898 (1) The last known address, as shown on the records of the
1899 holder, of the apparent owner is in this state.~~;~~

1900 (2) The records of the holder do not identify the name of
1901 the apparent owner, but do reflect the identity of the person
1902 entitled to the property, and it is established that the last
1903 known address of the apparent owner person entitled to the
1904 property is in this state.~~;~~

1905 (3) The records of the holder do not reflect the last known
1906 address of the apparent owner, but ~~and~~ it is established that
1907 either of the following conditions apply:

1908 (a) The last known address of the apparent owner person
1909 entitled to the property is in this state.~~;~~ ~~or~~

1910 (b) The holder is domiciled in this state, a domiciliary or
1911 is a government entity or governmental subdivision or agency of
1912 this state, and has not previously paid the property to the
1913 state of the last known address of the apparent owner. ~~or other~~
1914 ~~person entitled to the property;~~

1915 (4) The last known address, as shown on the records of the
1916 holder, of the apparent owner ~~or other person entitled to the~~
1917 ~~property is in a jurisdiction state that does not have~~
1918 applicable provide by law for the escheat, abandoned, or
1919 unclaimed property laws custodial taking of the property, or its
1920 escheat or unclaimed property law is not applicable to the
1921 property, and the holder is domiciled in this state a
1922 domiciliary or is a government entity or governmental
1923 subdivision or agency of this state.~~;~~

1924 (5) The last known address, as shown on the records of the
1925 holder, of the apparent owner is in a foreign nation and the



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1926 holder is domiciled in this state ~~a domiciliary~~ or is a
1927 government entity or governmental subdivision ~~or agency~~ of this
1928 state. ~~;~~ ~~or~~

1929 (6) The transaction out of which the property arose
1930 occurred in this state, ~~and~~ both of the following are true:

1931 (a) ~~1.~~ The last known address of the apparent owner ~~or other~~
1932 ~~person entitled to the property~~ is unknown. ~~;~~ ~~or~~

1933 ~~2.~~ ~~The last known address of the apparent owner or other~~
1934 ~~person entitled to the property is in a state that does not~~
1935 ~~provide by law for the escheat or custodial taking of the~~
1936 ~~property, or its escheat or unclaimed property law is not~~
1937 ~~applicable to the property; and~~

1938 (b) The holder is domiciled in a jurisdiction ~~a domiciliary~~
1939 ~~of a state that does not have applicable~~ ~~provide by law for the~~
1940 ~~escheat, abandoned, or custodial taking of the property, or its~~
1941 ~~escheat or unclaimed property laws~~ ~~law is not applicable to the~~
1942 ~~property.~~

1943 Section 39. Section 717.1035, Florida Statutes, is
1944 repealed.

1945 Section 40. Section 717.104, Florida Statutes, is amended
1946 to read:

1947 717.104 Traveler's checks and money orders.—

1948 (1) Subject to subsection (4), any sum payable on a
1949 traveler's check that has been outstanding for more than 15
1950 years after its issuance is presumed abandoned ~~unclaimed~~ unless
1951 the apparent owner or authorized representative, within 15
1952 years, has demonstrated a continued interest in the property in
1953 accordance with s. 717.102 ~~communicated in writing with the~~
1954 ~~issuer concerning it or otherwise indicated an interest as~~



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1955 ~~evidenced by a memorandum or other record on file with the~~
1956 ~~issuer.~~

1957 (2) Subject to subsection (4), any sum payable on a money
1958 order or similar written instrument, other than a third party
1959 bank check, that has been outstanding for more than 7 years
1960 after its issuance is presumed abandoned ~~unclaimed~~ unless the
1961 apparent owner or authorized representative, within 7 years, has
1962 demonstrated a continued interest in the property in accordance
1963 with s. 717.102 ~~communicated in writing with the issuer~~
1964 ~~concerning it or otherwise indicated an interest as evidenced by~~
1965 ~~a memorandum or other record on file with the issuer.~~

1966 (3) A ~~No~~ holder may not deduct from the amount of any
1967 traveler's check or money order any charges imposed by reason of
1968 the failure to present those instruments for payment unless
1969 there is a valid and enforceable written contract between the
1970 holder ~~issuer~~ and the apparent owner of the property pursuant to
1971 which the holder ~~issuer~~ may impose those charges and the holder
1972 ~~issuer~~ regularly imposes those charges and does not regularly
1973 reverse or otherwise cancel those charges with respect to the
1974 property.

1975 (4) No sum payable on a traveler's check, money order, or
1976 similar written instrument, other than a third party bank check,
1977 described in subsections (1) and (2) may be subjected to the
1978 custody of this state as abandoned ~~unclaimed~~ property unless any
1979 of the following conditions are met:

1980 (a) The records of the holder ~~issuer~~ show that the
1981 traveler's check, money order, or similar written instrument was
1982 purchased in this state.†

1983 (b) The holder ~~issuer~~ has its principal place of business



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1984 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
1985 state in which the traveler's check, money order, or similar
1986 written instrument was purchased. ~~;~~ ~~or~~

1987 (c) The holder ~~issuer~~ has its principal place of business
1988 in this state; the holder's records ~~of the issuer~~ show the state
1989 in which the traveler's check, money order, or similar written
1990 instrument was purchased; and the ~~laws of the state of purchase~~
1991 does not provide applicable ~~do not provide for the escheat,~~
1992 abandoned, or unclaimed property laws ~~or custodial taking of the~~
1993 property, ~~or its escheat or unclaimed property law is not~~
1994 applicable to the property.

1995 (5) Notwithstanding any other provision of this chapter,
1996 subsection (4) applies to sums payable on traveler's checks,
1997 money orders, and similar written instruments presumed abandoned
1998 unclaimed on or after February 1, 1965, except to the extent
1999 that those sums have been paid over to a state prior to January
2000 1, 1974.

2001 Section 41. Section 717.1045, Florida Statutes, is amended
2002 to read:

2003 717.1045 Gift certificates and similar credit items.—
2004 Notwithstanding s. 717.117, an unredeemed gift certificate or
2005 credit memo as defined in s. 501.95 is not required to be
2006 reported as abandoned ~~unclaimed~~ property.

2007 (1) The consideration paid for an unredeemed gift
2008 certificate or credit memo is the property of the issuer of the
2009 unredeemed gift certificate or credit memo.

2010 (2) An unredeemed gift certificate or credit memo is
2011 subject only to any rights of a purchaser or owner thereof and
2012 is not subject to a claim made by any state acting on behalf of



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2013 a purchaser or owner.

2014 (3) It is the intent of the Legislature that this section
2015 apply to the custodial holding of unredeemed gift certificates
2016 and credit memos.

2017 (4) However, a gift certificate or credit memo described in
2018 s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
2019 property. The consideration paid for such a gift certificate or
2020 credit memo is the property of the owner of the gift certificate
2021 or credit memo.

2022 Section 42. Section 717.105, Florida Statutes, is amended
2023 to read:

2024 717.105 Checks, drafts, and similar instruments issued or
2025 certified by banking and financial organizations.—

2026 (1) Any sum payable on a check, draft, or similar
2027 instrument, except those subject to ss. 717.104 and 717.115, on
2028 which a banking or financial organization is directly liable,
2029 including, but not limited to, a cashier's check or a certified
2030 check, which has been outstanding for more than 5 years after it
2031 was payable or after its issuance if payable on demand, is
2032 presumed abandoned ~~unclaimed~~ unless the apparent owner or
2033 authorized representative, within 5 years, has communicated in
2034 writing with the banking or financial organization concerning it
2035 or otherwise demonstrated a continued interest in the property
2036 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
2037 ~~by a memorandum or other record on file with the banking or~~
2038 ~~financial organization.~~

2039 (2) A ~~No~~ holder may not deduct from the amount of any
2040 instrument subject to this section any charges imposed by reason
2041 of the failure to present the instrument for encashment unless



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2042 there is a valid and enforceable written contract between the
2043 holder and the apparent owner of the instrument pursuant to
2044 which the holder may impose those charges and does not regularly
2045 reverse or otherwise cancel those charges with respect to the
2046 instrument.

2047 Section 43. Subsection (1), paragraphs (a) and (b) of
2048 subsection (3), and subsections (4) and (5) of section 717.106,
2049 Florida Statutes, are amended to read:

2050 717.106 Bank deposits and funds in financial
2051 organizations.—

2052 (1) Any demand, savings, or matured time deposit with a
2053 banking or financial organization, including deposits that are
2054 automatically renewable, and any funds paid toward the purchase
2055 of shares, a mutual investment certificate, or any other
2056 interest in a banking or financial organization is presumed
2057 abandoned ~~unclaimed~~ unless the apparent owner or authorized
2058 representative has, within 5 years, engaged in any of the
2059 following activities:

2060 (a) Increased or decreased the amount of the deposit or
2061 presented the passbook or other similar evidence of the deposit
2062 for the crediting of interest. ~~†~~

2063 (b) Communicated in writing or by documented telephone
2064 contact with the banking or financial organization concerning
2065 the property. ~~†~~

2066 (c) Otherwise demonstrated a continued ~~indicated an~~
2067 interest in the property as evidenced by a memorandum or other
2068 record on file with the banking or financial organization. ~~†~~

2069 (d) Owned other property to which paragraph (a), paragraph
2070 (b), or paragraph (c) is applicable and if the banking or



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2071 financial organization communicates in writing with the owner
2072 with regard to the property that would otherwise be presumed
2073 abandoned ~~unclaimed~~ under this subsection at the address to
2074 which communications regarding the other property regularly are
2075 sent. ~~;~~ ~~or~~

2076 (e) Had another relationship with the banking or financial
2077 organization concerning which the apparent owner has:

2078 1. Communicated in writing with the banking or financial
2079 organization; or

2080 2. Otherwise demonstrated a continued ~~indicated an~~ interest
2081 as evidenced by a memorandum or other record on file with the
2082 banking or financial organization and if the banking or
2083 financial organization communicates in writing with the apparent
2084 owner or authorized representative with regard to the property
2085 that would otherwise be presumed abandoned ~~unclaimed~~ under this
2086 subsection at the address to which communications regarding the
2087 other relationship regularly are sent.

2088 (3) A ~~No~~ holder may not impose with respect to property
2089 described in subsection (1) any charges due to dormancy or
2090 inactivity or cease payment of interest unless:

2091 (a) There is an enforceable written contract between the
2092 holder and the apparent owner of the property pursuant to which
2093 the holder may impose those charges or cease payment of
2094 interest.

2095 (b) For property in excess of \$2, the holder, no more than
2096 3 months prior to the initial imposition of those charges or
2097 cessation of interest, has given written notice to the apparent
2098 owner of the amount of those charges at the last known address
2099 of the apparent owner stating that those charges shall be



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2100 imposed or that interest shall cease, but the notice provided in
2101 this section need not be given with respect to charges imposed
2102 or interest ceased before July 1, 1987.

2103 (4) Any property described in subsection (1) that is
2104 automatically renewable is matured for purposes of subsection
2105 (1) upon the expiration of its initial time period except that,
2106 in the case of any renewal to which the apparent owner consents
2107 at or about the time of renewal by communicating in writing with
2108 the banking or financial organization or otherwise indicating
2109 consent as evidenced by a memorandum or other record on file
2110 prepared by an employee of the organization, the property is
2111 matured upon the expiration of the last time period for which
2112 consent was given. If, at the time provided for delivery in s.
2113 717.119, a penalty or forfeiture in the payment of interest
2114 would result from the delivery of the property, the time for
2115 delivery is extended until the time when no penalty or
2116 forfeiture would result.

2117 (5) If the documents establishing a deposit described in
2118 subsection (1) state the address of a beneficiary of the
2119 deposit, and the account has a value of at least \$50, notice
2120 shall be given to the beneficiary as provided for notice to the
2121 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
2122 shall apply to accounts opened on or after October 1, 1990.

2123 Section 44. Subsection (1) of section 717.1065, Florida
2124 Statutes, is amended to read:

2125 717.1065 Virtual currency.—

2126 (1) Any virtual currency held or owing by a banking
2127 organization, corporation, custodian, exchange, or other entity
2128 engaged in virtual currency business activity is presumed



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2129 unclaimed unless the owner, within 7 ~~5~~ years, has communicated
2130 in writing with the banking organization, corporation,
2131 custodian, exchange, or other entity engaged in virtual currency
2132 business activity concerning the virtual currency or otherwise
2133 indicated an interest as evidenced by a memorandum or other
2134 record on file with the banking organization, corporation,
2135 custodian, exchange, or other entity engaged in virtual currency
2136 business activity.

2137 Section 45. Subsection (1) of section 717.107, Florida
2138 Statutes, is amended to read:

2139 717.107 Funds owing under life insurance policies, annuity
2140 contracts, and retained asset accounts; fines, penalties, and
2141 interest; United States Social Security Administration Death
2142 Master File.—

2143 (1) Funds held or owing under any life or endowment
2144 insurance policy or annuity contract which has matured or
2145 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
2146 more than 5 years after the date of death of the insured, the
2147 annuitant, or the retained asset account holder, but property
2148 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
2149 such property is not claimed for more than 2 years. The amount
2150 presumed abandoned ~~unclaimed~~ shall include any amount due and
2151 payable under s. 627.4615.

2152 Section 46. Section 717.1071, Florida Statutes, is amended
2153 to read:

2154 717.1071 Lost owners of abandoned ~~unclaimed~~
2155 demutualization, rehabilitation, or related reorganization
2156 proceeds.—

2157 (1) Property distributable in the course of a



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2158 demutualization, rehabilitation, or related reorganization of an
2159 insurance company is deemed abandoned 2 years after the date the
2160 property is first distributable if, at the time of the first
2161 distribution, the last known address of the apparent owner on
2162 the books and records of the holder is known to be incorrect or
2163 the distribution or statements are returned by the post office
2164 as undeliverable; and the apparent owner or authorized
2165 representative ~~owner~~ has not communicated in writing with the
2166 holder or its agent regarding the interest or otherwise
2167 communicated with the holder regarding the interest as evidenced
2168 by a memorandum or other record on file with the holder or its
2169 agent.

2170 (2) Property distributable in the course of
2171 demutualization, rehabilitation, or related reorganization of a
2172 mutual insurance company that is not subject to subsection (1)
2173 shall be reportable as otherwise provided by this chapter.

2174 (3) Property subject to this section shall be reported and
2175 delivered no later than May 1 as of the preceding December 31;
2176 however, the initial report under this section shall be filed no
2177 later than November 1, 2003, as of December 31, 2002.

2178 Section 47. Section 717.108, Florida Statutes, is amended
2179 to read:

2180 717.108 Deposits held by utilities.—Any deposit, including
2181 any interest thereon, made by a subscriber with a utility to
2182 secure payment or any sum paid in advance for utility services
2183 to be furnished, less any lawful charges, that remains unclaimed
2184 by the apparent owner for more than 1 year after termination of
2185 the services for which the deposit or advance payment was made
2186 is presumed abandoned ~~unclaimed~~.



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2187 Section 48. Section 717.109, Florida Statutes, is amended
2188 to read:

2189 717.109 Refunds held by business associations.—Except as
2190 otherwise provided by law, any sum that a business association
2191 has been ordered to refund by a court or administrative agency
2192 which has been unclaimed by the apparent owner for more than 1
2193 year after it became payable in accordance with the final
2194 determination or order providing for the refund, regardless of
2195 whether the final determination or order requires any person
2196 entitled to a refund to make a claim for it, is presumed
2197 abandoned unclaimed.

2198 Section 49. Section 717.1101, Florida Statutes, is amended
2199 to read:

2200 717.1101 Abandoned Unclaimed equity and debt of business
2201 associations.—

2202 (1) (a) Stock, ~~or~~ other equity interests, or debt of
2203 ~~interest in~~ a business association is presumed abandoned
2204 ~~unclaimed~~ on the date of the earliest of any of the following:

2205 1. Three years after the date a communication, other than
2206 communications required by s. 717.117, sent by the holder by
2207 first-class United States mail to the apparent owner is returned
2208 to the holder undelivered by the United States Postal Service.
2209 If such returned communication is resent within 1 month to the
2210 apparent owner, the 3-year dormancy period does not begin until
2211 the day the resent item is returned as undelivered.

2212 2. Five ~~Three~~ years after the most recent of any account
2213 owner-generated activity or communication initiated by the
2214 apparent owner or authorized representative which demonstrates
2215 continued interest in the ~~related to the~~ account, as recorded



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2216 and maintained by ~~in~~ the holder. Routine automatic reinvestments
2217 or other routine transactions previously authorized by the
2218 apparent owner or authorized representative do not prevent,
2219 interrupt, or reset the dormancy period and do not constitute an
2220 affirmative demonstration of continued interest. ~~holder's~~

2221 ~~database and records systems sufficient enough to demonstrate~~
2222 ~~the owner's continued awareness or interest in the property;~~

2223 ~~3.2.~~ Two ~~Three~~ years after the date of the death of the
2224 apparent owner, as evidenced by:

2225 a. Notice to the holder of the apparent owner's death by an
2226 authorized representative ~~administrator, beneficiary, relative,~~
2227 ~~or trustee, or by a personal representative or other legal~~
2228 ~~representative of the owner's estate;~~

2229 b. Receipt by the holder of a copy of the death certificate
2230 of the apparent owner;

2231 c. Confirmation by the holder of the apparent owner's death
2232 through ~~though~~ other means; or

2233 d. Other evidence from which the holder may reasonably
2234 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

2235 ~~3. One year after the date on which the holder receives~~
2236 ~~notice under subparagraph 2. if the notice is received 2 years~~
2237 ~~or less after the owner's death and the holder lacked knowledge~~
2238 ~~of the owner's death during that period of 2 years or less.~~

2239 (b) If the holder does not send communication to the
2240 apparent owner of a security by first-class United States mail
2241 on an annual basis, the holder shall attempt to confirm the
2242 apparent owner's interest in the equity interest by sending the
2243 apparent owner an e-mail communication not later than 3 years
2244 after the apparent owner's or authorized representative's last



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2245 demonstration of continued interest in the equity interest.

2246 However, the holder shall promptly attempt to contact the

2247 apparent owner by first-class United States mail if:

2248 1. The holder does not have information needed to send the
2249 apparent owner an e-mail communication or the holder believes
2250 that the apparent owner's e-mail address in the holder's records
2251 is not valid;

2252 2. The holder received notification that the e-mail
2253 communication was not received; or

2254 3. The apparent owner does not respond to the e-mail
2255 communication within 30 days after the communication was sent.

2256 (c) If first-class United States mail sent under paragraph
2257 (b) is returned to the holder undelivered by the United States
2258 Postal Service, the equity interest is presumed abandoned in
2259 accordance with paragraph (1) (a).

2260 (d) Unmatured or unredeemed debt, other than a bearer bond
2261 or an original issue discount bond, is presumed abandoned 5
2262 ~~unclaimed~~ 3 years after the date of the most recent interest
2263 payment unclaimed by the owner.

2264 (e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5
2265 ~~unclaimed~~ 3 years after the date of maturity or redemption.

2266 (f) ~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~
2267 under paragraph (a) or paragraph (b), any other property right
2268 accrued or accruing to the owner as a result of the property
2269 interest and not previously presumed abandoned ~~unclaimed~~ is also
2270 presumed abandoned ~~unclaimed~~.

2271 (2) The running of the applicable dormancy period under
2272 this section ~~such 3-year period~~ ceases if the apparent owner or
2273 authorized representative demonstrates continued interest under



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2274 s. 717.102, including by any of the following actions ~~person~~:

2275 (a) ~~1. Communicating~~ Communicates in writing or by other

2276 means with the association or its agent regarding the interest, ,

2277 ~~or a~~ dividend, distribution, or other sum payable as a result of

2278 the interest, as recorded by the association or its agent; ~~or~~

2279 ~~2. Otherwise communicates with the association regarding~~

2280 ~~the interest or a dividend, distribution, or other sum payable~~

2281 ~~as a result of the interest, as evidenced by a memorandum or~~

2282 ~~other record on file with the association or its agent.~~

2283 (b) Presenting ~~Presents~~ an instrument issued to pay

2284 interest, ~~or a~~ dividend, or other ~~cash~~ distribution. If any

2285 future dividend, distribution, or other sum payable ~~to the owner~~

2286 as a result of the interest is subsequently unclaimed ~~not~~

2287 ~~claimed by the owner~~, a new period in which the property is

2288 presumed abandoned ~~unclaimed~~ commences and relates back only to

2289 the time a subsequent dividend, distribution, or other sum

2290 became due and payable.

2291 (3) At the same time any interest is presumed abandoned

2292 ~~unclaimed~~ under this section, any dividend, distribution, or

2293 other sum then held for or owing to the owner as a result of the

2294 interest, is presumed abandoned ~~unclaimed~~.

2295 (4) Any dividend, profit, distribution, interest

2296 redemption, payment on principal, or other sum held or owing by

2297 a business association for or to a shareholder,

2298 certificateholder, member, bondholder, or other security holder,

2299 who has not claimed such amount or corresponded in writing with

2300 the business association concerning such amount, within 5 ~~3~~

2301 years after the date prescribed for payment or delivery, is

2302 presumed abandoned ~~unclaimed~~.



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2303 Section 50. Section 717.111, Florida Statutes, is amended
2304 to read:

2305 717.111 Property of business associations held in course of
2306 dissolution.—All intangible property distributable in the course
2307 of a voluntary or involuntary dissolution of a business
2308 association which is not claimed by the apparent owner for more
2309 than 6 months after the date specified for final distribution is
2310 presumed abandoned ~~unclaimed~~.

2311 Section 51. Subsections (1) and (5) of section 717.112,
2312 Florida Statutes, are amended to read:

2313 717.112 Property held by agents and fiduciaries.—

2314 (1) All intangible property and any income or increment
2315 thereon held in a fiduciary capacity for the benefit of another
2316 person, including property held by an attorney in fact or an
2317 agent, except as provided in ss. 717.1125 and 733.816, is
2318 presumed abandoned ~~unclaimed~~ unless the apparent owner has
2319 within 5 years after it has become payable or distributable
2320 increased or decreased the principal, accepted payment of
2321 principal or income, communicated in writing concerning the
2322 property, or otherwise indicated an interest as evidenced by a
2323 memorandum or other record on file with the fiduciary.

2324 (5) All intangible property, and any income or increment
2325 thereon, issued by a government or governmental subdivision or
2326 agency, public corporation, or public authority and held in an
2327 agency capacity for the governmental subdivision, agency, public
2328 corporation, or public authority for the benefit of the owner of
2329 record, is presumed abandoned ~~unclaimed~~ unless the apparent
2330 owner has, within 1 year after such property has become payable
2331 or distributable, increased or decreased the principal, accepted



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2332 payment of the principal or income, communicated concerning the
2333 property, or otherwise indicated an interest in the property as
2334 evidenced by a memorandum or other record on file with the
2335 fiduciary.

2336 Section 52. Section 717.1125, Florida Statutes, is amended
2337 to read:

2338 717.1125 Property held by fiduciaries under trust
2339 instruments.—All intangible property and any income or increment
2340 thereon held in a fiduciary capacity for the benefit of another
2341 person under a trust instrument is presumed abandoned ~~unclaimed~~
2342 unless the apparent owner has, within 2 years after it has
2343 become payable or distributable, increased or decreased the
2344 principal, accepted payment of principal or income, communicated
2345 concerning the property, or otherwise indicated an interest as
2346 evidenced by a memorandum or other record on file with the
2347 fiduciary. This section does not relieve a fiduciary of his or
2348 her duties under the Florida Trust Code.

2349 Section 53. Section 717.113, Florida Statutes, is amended
2350 to read:

2351 717.113 Property held by courts and public agencies.—All
2352 intangible property held for the apparent owner by any court,
2353 government or governmental subdivision or agency, public
2354 corporation, or public authority that has not been claimed by
2355 the apparent owner for more than 1 year after it became payable
2356 or distributable is presumed abandoned ~~unclaimed~~. Except as
2357 provided in s. 45.032(3)(c), money held in the court registry
2358 and for which no court order has been issued to determine an
2359 owner does not become payable or distributable and is not
2360 subject to reporting under this chapter. Notwithstanding the



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2361 provisions of this section, funds deposited in the Minerals
2362 Trust Fund pursuant to s. 377.247 are presumed abandoned
2363 ~~unclaimed~~ only if the funds have not been claimed by the
2364 apparent owner for more than 5 years after the date of first
2365 production from the well.

2366 Section 54. Section 717.115, Florida Statutes, is amended
2367 to read:

2368 717.115 Wages.—Unpaid wages, including wages represented by
2369 unrepresented payroll checks, owing in the ordinary course of the
2370 holder's business that have not been claimed by the apparent
2371 owner for more than 1 year after becoming payable are presumed
2372 abandoned ~~unclaimed~~.

2373 Section 55. Section 717.116, Florida Statutes, is amended
2374 to read:

2375 717.116 Contents of safe-deposit box or other safekeeping
2376 repository.—All tangible and intangible property held by a
2377 banking or financial organization in a safe-deposit box or any
2378 other safekeeping repository in this state in the ordinary
2379 course of the holder's business, and proceeds resulting from the
2380 sale of the property permitted by law, that has not been claimed
2381 by the apparent owner or authorized representative for more than
2382 3 years after the lease or rental period on the box or other
2383 repository has expired are presumed abandoned ~~unclaimed~~.

2384 Section 56. Section 717.117, Florida Statutes, is amended
2385 to read:

2386 717.117 Holder due diligence and report of abandoned
2387 ~~unclaimed~~ property.—

2388 (1) Property is presumed abandoned upon expiration of the
2389 applicable dormancy period under this chapter. However, such



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2390 property is not deemed abandoned for purposes of reporting or
2391 remittance to the department until the holder has conducted
2392 reasonable due diligence as required by this section, resulting
2393 in no indication of interest from the apparent owner or
2394 authorized representative.

2395 (2) Holders of property presumed abandoned that has a value
2396 of \$50 or more shall use due diligence to locate and notify the
2397 apparent owner that the holder is in possession of property
2398 subject to this chapter. At least 90 days, but not more than 180
2399 days, before filing the report required by this section, a
2400 holder in possession of presumed abandoned property shall send
2401 written notice by first-class United States mail to the apparent
2402 owner's last known address as shown in the holder's records or
2403 from other available sources, or by e-mail if the apparent owner
2404 has elected for e-mail delivery, informing the apparent owner
2405 that the holder is in possession of property subject to this
2406 chapter, provided that the holder's records contain a mailing or
2407 e-mail address for the apparent owner which is not known by the
2408 holder to be inaccurate. The holder may provide notice by mail,
2409 by e-mail, or by both methods. If the holder's records indicate
2410 that the mailing address is inaccurate, notice may be provided
2411 by e-mail if the apparent owner has elected e-mail delivery.

2412 (3) If the value of the property is greater than \$1,000,
2413 the holder shall send a second written notice by certified
2414 United States mail, return receipt requested, to the apparent
2415 owner's last known address at least 60 days before filing the
2416 report required by this section, if the holder's records contain
2417 a mailing address for the apparent owner which is not known by
2418 the holder to be inaccurate. Reasonable costs paid to the United



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2419 States Postal Service for certified mail, return receipt
2420 requested, may be deducted from the property as a service
2421 charge. A signed return receipt received in response to the
2422 certified mail notice constitutes an affirmative demonstration
2423 of continued interest as described in s. 717.102.

2424 (4) The written notice required under this section must
2425 include:

2426 (a) A heading that reads substantially as follows: "Notice:
2427 The State of Florida requires us to notify you that your
2428 property may be transferred to the custody of the Florida
2429 Department of Financial Services if you do not contact us before
2430 ...(insert date that is at least 30 days after the date of
2431 notice)...."

2432 (b) A description of the type, nature, and, unless the
2433 property does not have a fixed value, value of the property that
2434 is the subject of the notice.

2435 (c) A statement that the property will be turned over to
2436 the custody of the department as abandoned property if no
2437 response is received.

2438 (d) A statement that noncash property will be sold or
2439 liquidated by the department.

2440 (e) A statement that, after the property is remitted to the
2441 department, a claim must be filed with the department to recover
2442 the property.

2443 (f) A statement that the property is currently in the
2444 custody of the holder and that the apparent owner may prevent
2445 transfer of the property by contacting the holder before the
2446 deadline stated in the notice.

2447 (g) If the property is virtual currency, a statement that



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2448 the virtual currency will be liquidated by the holder before it
2449 is remitted to the department and that only the proceeds of the
2450 liquidation will be transferred.

2451 (5) Every holder of abandoned ~~person holding funds or other~~
2452 ~~property, tangible or intangible, presumed unclaimed and~~ subject
2453 ~~to custody as unclaimed property~~ under this chapter shall submit
2454 a report to the department via electronic medium as the
2455 department may prescribe by rule. The report must include:

2456 (a) Except for traveler's checks and money orders, the
2457 name, social security number or taxpayer identification number,
2458 date of birth, if known, and last known address, if any, of each
2459 apparent person appearing from the records of the holder to be
2460 ~~the~~ owner of any property which is abandoned ~~presumed unclaimed~~
2461 and which has a value of \$10 or more.

2462 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
2463 or more held or owing under any life or endowment insurance
2464 policy or annuity contract, the identifying information provided
2465 in paragraph (a) for both the insured or annuitant and the
2466 beneficiary according to records of the insurance company
2467 holding or owing the funds.

2468 (c) For all tangible property held in a safe-deposit box or
2469 other safekeeping repository, a description of the property and
2470 the place where the property is held and may be inspected by the
2471 department, and any amounts owing to the holder. Contents of a
2472 safe-deposit box or other safekeeping repository which consist
2473 of documents or writings ~~of a private nature and~~ which have
2474 little or no commercial value ~~may apparent value~~ shall not be
2475 reported as abandoned property ~~presumed unclaimed.~~

2476 (d) The nature or type of property, any accounting or



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2477 identifying number associated with the property, a description
2478 of the property, and the amount appearing from the records to be
2479 due. Items of value of less than \$10 each may be reported in the
2480 aggregate.

2481 (e) The date the property became payable, demandable, or
2482 returnable, and the date of the last transaction with the
2483 apparent owner with respect to the property.

2484 (f) Any other information the department may prescribe by
2485 rule as necessary for the administration of this chapter.

2486 ~~(6)(2)~~ If the total value of all abandoned ~~presumed~~
2487 ~~unclaimed~~ property, whether tangible or intangible, held by a
2488 person is less than \$10, a zero balance report may be filed for
2489 that reporting period.

2490 ~~(7)(3)~~ Credit balances, customer overpayments, security
2491 deposits, and refunds having a value of less than \$10 may not be
2492 reported as abandoned property ~~shall not be presumed unclaimed.~~

2493 (8) A security identified by the holder as non-freely
2494 transferable or worthless may not to be included in a report
2495 filed under this section. If the holder determines that a
2496 security is no longer non-freely transferable or worthless, the
2497 holder shall report and deliver the security on the next regular
2498 report date prescribed for delivery of securities by the holder
2499 under this chapter.

2500 ~~(9)(4)~~ If the holder of abandoned property ~~presumed~~
2501 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2502 ~~property~~ is a successor holder or if the holder has changed the
2503 holder's name while in possession of the property, the holder
2504 shall file with the holder's report all known names and
2505 addresses of each prior holder of the property. Compliance with



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2506 this subsection means the holder exercises reasonable and
2507 prudent efforts to determine the names of all prior holders.

2508 (10) The report must be signed by or on behalf of the
2509 holder and verified as to its completeness and accuracy, and the
2510 holder must state that it has complied with the due diligence
2511 requirements of this section.

2512 (11)-(5) The report must be filed before May 1 of each year.
2513 The report applies to the preceding calendar year. Upon written
2514 request by any person required to file a report, and upon a
2515 showing of good cause, the department may extend the reporting
2516 date. The department may impose and collect a penalty of \$10 per
2517 day up to a maximum of \$500 for the failure to timely report, if
2518 an extension was not provided or if the holder of the property
2519 failed to include in a report information required by this
2520 chapter which was in the holder's possession at the time of
2521 reporting. The penalty shall be remitted to the department
2522 within 30 days after the date of the notification to the holder
2523 that the penalty is due and owing. As necessary for proper
2524 administration of this chapter, the department may waive any
2525 penalty due with appropriate justification. The department must
2526 provide information contained in a report filed with the
2527 department to any person requesting a copy of the report or
2528 information contained in a report, to the extent the information
2529 requested is not confidential, within 45 days after the
2530 department determines that the report is accurate and acceptable
2531 and that the reported property is the same as the remitted
2532 property.

2533 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2534 ~~more shall use due diligence to locate and notify apparent~~



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2535 ~~owners that the entity is holding unclaimed property available~~
2536 ~~for them to recover. Not more than 120 days and not less than 60~~
2537 ~~days prior to filing the report required by this section, the~~
2538 ~~holder in possession of property presumed unclaimed and subject~~
2539 ~~to custody as unclaimed property under this chapter shall send~~
2540 ~~written notice by first-class United States mail to the apparent~~
2541 ~~owner at the apparent owner's last known address from the~~
2542 ~~holder's records or from other available sources, or via~~
2543 ~~electronic mail if the apparent owner has elected this method of~~
2544 ~~delivery, informing the apparent owner that the holder is in~~
2545 ~~possession of property subject to this chapter, if the holder~~
2546 ~~has in its records a mailing or electronic address for the~~
2547 ~~apparent owner which the holder's records do not disclose to be~~
2548 ~~inaccurate. These two means of contact are not mutually~~
2549 ~~exclusive; if the mailing address is determined to be~~
2550 ~~inaccurate, electronic mail may be used if so elected by the~~
2551 ~~apparent owner.~~

2552 ~~(7) The written notice to the apparent owner required under~~
2553 ~~this section must:~~

2554 ~~(a) Contain a heading that reads substantially as follows:~~
2555 ~~"Notice. The State of Florida requires us to notify you that~~
2556 ~~your property may be transferred to the custody of the Florida~~
2557 ~~Department of Financial Services if you do not contact us before~~
2558 ~~...(insert date that is at least 30 days after the date of~~
2559 ~~notice)...."~~

2560 ~~(b) Identify the type, nature, and, except for property~~
2561 ~~that does not have a fixed value, value of the property that is~~
2562 ~~the subject of the notice.~~

2563 ~~(c) State that the property will be turned over to the~~



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2564 ~~eustody of the department as unclaimed property if no response~~
2565 ~~to this letter is received.~~

2566 ~~(d) State that any property that is not legal tender of the~~
2567 ~~United States may be sold or liquidated by the department.~~

2568 ~~(e) State that after the property is turned over to the~~
2569 ~~department, an apparent owner seeking return of the property may~~
2570 ~~file a claim with the department.~~

2571 ~~(f) State that the property is currently with a holder and~~
2572 ~~provide instructions that the apparent owner must follow to~~
2573 ~~prevent the holder from reporting and paying for the property or~~
2574 ~~from delivering the property to the department.~~

2575 ~~(12)(8)~~ Any holder of intangible property may file with the
2576 department a petition for determination that the property is
2577 abandoned and unclaimed requesting the department to accept
2578 custody of the property. The petition shall state any special
2579 circumstances that exist, contain the information required by
2580 subsection (9) ~~subsection (4)~~, and show that a diligent search
2581 has been made to locate the apparent owner. If the department
2582 finds that the proof of diligent search is satisfactory, it
2583 shall give notice as provided in s. 717.118 and accept custody
2584 of the property.

2585 ~~(13)(9)~~ Upon written request by any entity or person
2586 required to file a report, stating such entity's or person's
2587 justification for such action, the department may place that
2588 entity or person in an inactive status as an abandoned unclaimed
2589 property "holder."

2590 ~~(14)(10)~~(a) This section does not apply to the abandoned
2591 unclaimed patronage refunds as provided for by contract or
2592 through bylaw provisions of entities organized under chapter 425



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2593 or that are exempt from ad valorem taxation pursuant to s.
2594 196.2002.

2595 (b) This section does not apply to intangible property
2596 held, issued, or owing by a business association subject to the
2597 jurisdiction of the United States Surface Transportation Board
2598 or its successor federal agency if the apparent owner of such
2599 intangible property is a business association. The holder of
2600 such property does not have any obligation to report, to pay, or
2601 to deliver such property to the department.

2602 (c) This section does not apply to credit balances,
2603 overpayments, refunds, or outstanding checks owed by a health
2604 care provider to a managed care payor with whom the health care
2605 provider has a managed care contract, provided that the credit
2606 balances, overpayments, refunds, or outstanding checks become
2607 due and owing pursuant to the managed care contract.

2608 (15)~~(11)~~(a) As used in this subsection, the term "property
2609 identifier" means the descriptor used by the holder to identify
2610 the abandoned ~~unclaimed~~ property.

2611 (b) Social security numbers and property identifiers
2612 contained in reports required under this section, held by the
2613 department, are confidential and exempt from s. 119.07(1) and s.
2614 24(a), Art. I of the State Constitution.

2615 (c) This exemption applies to social security numbers and
2616 property identifiers held by the department before, on, or after
2617 the effective date of this exemption.

2618 (16) Notwithstanding any other provision of this section,
2619 equity interests in business associations and securities
2620 accounts are not presumed abandoned solely due to inactivity if
2621 the holder knows the location of the apparent owner.



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2622 (a) For purposes of this subsection, a holder shall perform
2623 annual data matching of owner records maintained in its database
2624 against commercially available third-party data comparison
2625 sources to identify updated owner address information and
2626 indicators of deceased status. Using any updated information,
2627 together with existing information of record, the holder is
2628 deemed to know the location of the apparent owner under this
2629 subsection if:

2630 1. The holder communicates with the apparent owner at least
2631 annually by first-class United States mail or electronic means,
2632 including, but not limited to, electronic mail, text message,
2633 mobile application, or similar mechanism;

2634 2. Such communication is successfully delivered, meaning
2635 not returned as undeliverable;

2636 3. One or more additional account-level indicators
2637 demonstrate an owner indication of interest occurring at least
2638 once every 10 years, including:

2639 a. Owner-initiated activity, such as authenticated access
2640 to website, mobile engagement via mobile messaging, or other
2641 authenticated third-party account servicing software;

2642 b. Updated contact information received through an
2643 authorized financial adviser;

2644 c. Responses to account notifications or alerts;

2645 d. Negotiation of distributions, including dividends; and

2646 e. Any other action by the apparent owner or authorized
2647 representative which reasonably demonstrates to the holder that
2648 the apparent owner or authorized representative is aware of and
2649 maintains an interest in the property.

2650 (b) Automatic deposits, reinvestments, or other recurring



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2651 transactions initiated by the holder may not independently
2652 constitute an indication of apparent owner interest for purposes
2653 of this subsection.

2654 (c) If the conditions in paragraph (a) are not satisfied
2655 and the owner's location is deemed unknown, the equity interest
2656 or securities account may be presumed abandoned:

2657 1. Ten years after the owner's most recent indication of
2658 interest in the property; or

2659 2. Five years after the date a communication is returned as
2660 undeliverable, unless the owner responds to a due-diligence
2661 notice before the reporting deadline.

2662 (d) The equity interest or securities account may be
2663 presumed abandoned only after reasonable efforts to locate the
2664 owner have been unsuccessful and the holder has complied with
2665 the due-diligence requirements of this chapter.

2666 (e) This subsection applies to equity interests and
2667 securities accounts held directly by the owner or indirectly
2668 through a brokerage account or similar account.

2669 Section 57. Section 717.118, Florida Statutes, is amended
2670 to read:

2671 717.118 Notification of apparent owners of abandoned
2672 unclaimed property.—

2673 (1) It is specifically recognized that the state has an
2674 obligation to make an effort to notify apparent owners in a
2675 cost-effective manner that their abandoned property has been
2676 reported and remitted to the department ~~of unclaimed property in~~
2677 a cost-effective manner. In order to provide all the citizens of
2678 this state an effective and efficient program for the recovery
2679 of abandoned personal ~~unclaimed~~ property, the department shall



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2680 use cost-effective means to make at least one active attempt to
2681 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
2682 valued at \$50 or more, abandoned tangible property, and
2683 abandoned shares of stock for which ~~more than \$250~~ with a
2684 reported address or taxpayer identification number is available.
2685 Such active attempt to notify apparent owners shall include any
2686 attempt by the department to directly contact the apparent
2687 owner. Other means of notification, such as publication of the
2688 names of apparent owners in the newspaper, on television, on the
2689 Internet, or through other promotional efforts and items in
2690 which the department does not directly attempt to contact the
2691 apparent owner are expressly declared to be passive attempts.
2692 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2693 agencies or entities of state government from notifying owners
2694 of the existence of abandoned ~~unclaimed~~ property or attempting
2695 to notify apparent owners of abandoned ~~unclaimed~~ property.

2696 (2) Notification provided directly to individual apparent
2697 owners shall contain ~~consist of~~ a description of the abandoned
2698 property and information regarding recovery of the ~~unclaimed~~
2699 property from the department. The form and content of the
2700 department's notice shall be tailored to the type of property
2701 reported and shall include any information necessary to
2702 reasonably inform the apparent owner of the consequences of
2703 failure to claim the property, including potential sale or
2704 disposition under s. 717.122.

2705 (3) The department shall maintain a publicly accessible,
2706 electronically searchable website that includes the names of
2707 apparent owners of abandoned property reported to the department
2708 and instructions for filing a claim. The website must list



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2709 property valued at \$10 or more and provide instructions for
2710 filing a claim. Abandoned property valued at less than \$10
2711 remains recoverable from the department in accordance with this
2712 chapter.

2713 (4) This section is not applicable to abandoned sums
2714 payable on traveler's checks, money orders, and other written
2715 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2716 abandoned property reported without the necessary identifying
2717 information to establish ownership.

2718 Section 58. Section 717.119, Florida Statutes, is amended
2719 to read:

2720 717.119 Payment or delivery of abandoned ~~unclaimed~~
2721 property.—

2722 (1) Every person who is required to file a report under s.
2723 717.117 shall simultaneously pay or deliver to the department
2724 all abandoned ~~unclaimed~~ property required to be reported. Such
2725 payment or delivery shall accompany the report as required in
2726 this chapter for the preceding calendar year.

2727 (2) Payment of abandoned ~~unclaimed~~ funds may be made to the
2728 department by electronic funds transfer.

2729 (3) If the apparent owner establishes the right to receive
2730 the abandoned ~~unclaimed~~ property to the satisfaction of the
2731 holder before the property has been delivered to the department
2732 or it appears that for some other reason ~~the presumption~~ that
2733 the property was erroneously classified as abandoned ~~is~~
2734 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2735 property to the department. In lieu of delivery, the holder
2736 shall file a verified written explanation of the proof of claim
2737 or of the error in classification of ~~the presumption that the~~



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2738 property as abandoned ~~was unclaimed~~.

2739 (4) All virtual currency reported under this chapter on the
2740 annual report filing required in s. 717.117 shall be remitted to
2741 the department with the report. The holder shall liquidate the
2742 virtual currency and remit the proceeds to the department. The
2743 liquidation must occur within 30 days before the filing of the
2744 report. Upon delivery of the virtual currency proceeds to the
2745 department, the holder is relieved of all liability of every
2746 kind in accordance with the provisions of s. 717.1201 to every
2747 person for any losses or damages resulting to the person by the
2748 delivery to the department of the virtual currency proceeds.

2749 (5) All stock or other intangible ownership interest
2750 reported under this chapter on the annual report filing required
2751 in s. 717.117 shall be remitted to the department with the
2752 report. Upon delivery of the stock or other intangible ownership
2753 interest to the department, the holder and any transfer agent,
2754 registrar, or other person acting for or on behalf of a holder
2755 is relieved of all liability of every kind in accordance with
2756 the provisions of s. 717.1201 to every person for any losses or
2757 damages resulting to the person by the delivery to the
2758 department of the stock or other intangible ownership interest.

2759 (6) All intangible and tangible property held in a safe-
2760 deposit box or any other safekeeping repository reported under
2761 s. 717.117 shall not be delivered to the department until 120
2762 days after the report due date. The delivery of the property,
2763 through the United States mail or any other carrier, shall be
2764 insured by the holder at an amount equal to the estimated value
2765 of the property. Each package shall be clearly marked on the
2766 outside "Deliver Unopened." A holder's safe-deposit box contents



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2767 shall be delivered to the department in a single shipment. In
2768 lieu of a single shipment, holders may provide the department
2769 with a single detailed shipping schedule that includes package
2770 tracking information for all packages being sent pursuant to
2771 this section.

2772 (a) Holders may remit the value of cash and coins found in
2773 abandoned unclaimed safe-deposit boxes to the department by
2774 cashier's check or by electronic funds transfer, unless the cash
2775 or coins have a value above face value. The department shall
2776 identify by rule those cash and coin items having a numismatic
2777 value. Cash and coin items identified as having a numismatic
2778 value shall be remitted to the department in their original
2779 form.

2780 (b) Any firearm or ammunition found in an abandoned
2781 unclaimed safe-deposit box or any other safekeeping repository
2782 shall be delivered by the holder to a law enforcement agency for
2783 property handling or disposal pursuant to s. 705.103(2)(b). If
2784 the firearm is sold by the law enforcement agency, with the
2785 balance of the proceeds shall be deposited into the State School
2786 Fund if the firearm is sold. However, The department is
2787 authorized to make a reasonable attempt to ascertain the
2788 historical value to collectors of any firearm that has been
2789 delivered to the department. Any firearm appearing to have
2790 historical value to collectors may be sold by the department
2791 pursuant to s. 717.122 to a person having a federal firearms
2792 license. Any firearm which is not sold pursuant to s. 717.122
2793 shall be delivered by the department to a law enforcement agency
2794 in this state for proper handling or disposal. In accordance
2795 with pursuant to s. 705.103(2)(b), if the firearm is sold by the



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2796 law enforcement agency, with the balance of the proceeds shall
2797 be deposited into the State School Fund ~~if the firearm is sold.~~
2798 The department shall not be administratively, civilly, or
2799 criminally liable for any firearm delivered by the department to
2800 a law enforcement agency in this state for disposal.

2801 (c) If such property is not paid or delivered to the
2802 department on or before the applicable payment or delivery date,
2803 the holder shall pay to the department a penalty for each safe-
2804 deposit box shipment received late. The penalty shall be \$100
2805 for a safe-deposit box shipment container that is late 30 days
2806 or less. Thereafter, the penalty shall be \$500 for a safe-
2807 deposit box shipment container that is late for each additional
2808 successive 30-day period. The penalty assessed against a holder
2809 for a late safe-deposit box shipment container shall not exceed
2810 \$4,000 annually. The penalty shall be remitted to the department
2811 within 30 days after the date of the notification to the holder
2812 that the penalty is due and owing.

2813 (d) The department may waive any penalty due with
2814 appropriate justification, as provided by rule.

2815 (e) If a will or trust instrument is included among the
2816 contents of an abandoned a safe-deposit box or other safekeeping
2817 repository delivered to the department, the department must
2818 provide a copy of the will, trust, and any codicils or
2819 amendments to such will or trust instrument, upon request, to
2820 anyone who provides the department with a certified copy of the
2821 death certificate or another government-certified record
2822 evidencing ~~evidence of~~ the death of the testator or settlor.

2823 (7) Any holder may request an extension in writing of up to
2824 60 days for the delivery of property if extenuating



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2825 circumstances exist for the late delivery of the property. Any
2826 such extension the department may grant shall be in writing.

2827 (8) A holder may not assign or otherwise transfer its
2828 obligation to report, pay, or deliver property or to comply with
2829 the provisions of this chapter, other than to a parent,
2830 subsidiary, or affiliate of the holder.

2831 (a) Unless otherwise agreed to by the parties to a
2832 transaction, the holder's successor by merger or consolidation,
2833 or any person or entity that acquires all or substantially all
2834 of the holder's capital stock or assets, is responsible for
2835 fulfilling the holder's obligation to report, pay, or deliver
2836 property or to comply with the duties of this chapter regarding
2837 the transfer of property owed to the holder's successor and
2838 being held for an owner resulting from the merger,
2839 consolidation, or acquisition.

2840 (b) This subsection does not prohibit a holder from
2841 contracting with a third party for the reporting of abandoned
2842 ~~unclaimed~~ property, but the holder remains responsible to the
2843 department for the complete, accurate, and timely reporting of
2844 the property.

2845 Section 59. Subsections (1), (2), and (4) of section
2846 717.1201, Florida Statutes, are amended to read:

2847 717.1201 Custody by state; holder liability; reimbursement
2848 of holder paying claim; reclaiming for owner; payment of safe-
2849 deposit box or repository charges.—

2850 (1) Upon the good faith payment or delivery of abandoned
2851 ~~unclaimed~~ property to the department, the state assumes custody
2852 and responsibility for the safekeeping of the property. Any
2853 person who pays or delivers abandoned ~~unclaimed~~ property to the



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2854 department in good faith is relieved of all liability to the
2855 extent of the value of the property paid or delivered for any
2856 claim then existing or which thereafter may arise or be made
2857 with ~~in~~ respect to the property.

2858 (a) A holder's substantial compliance with the due
2859 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
2860 payment or delivery of abandoned ~~unclaimed~~ property to the
2861 department releases the holder from liability that may arise
2862 from such payment or delivery, and such delivery and payment may
2863 be pleaded as a defense in any suit or action brought by reason
2864 of such delivery or payment. This section does not relieve a
2865 fiduciary of his or her duties under the Florida Trust Code or
2866 Florida Probate Code.

2867 (b) If the holder pays or delivers property to the
2868 department in good faith and thereafter any other person claims
2869 the property from the holder paying or delivering, or another
2870 state claims the money or property under that state's laws
2871 relating to escheat or abandoned or unclaimed property, the
2872 department, upon written notice of the claim, shall defend the
2873 holder against the claim and indemnify the holder against any
2874 liability on the claim, except that a holder may not be
2875 indemnified against penalties imposed by another state.

2876 (2) For the purposes of this section, a payment or delivery
2877 of abandoned ~~unclaimed~~ property is made in good faith if:

2878 (a) The payment or delivery was made in conjunction with an
2879 accurate and acceptable report.

2880 (b) The payment or delivery was made in a reasonable
2881 attempt to comply with this chapter and other applicable general
2882 law.



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2883 (c) The holder had a reasonable basis for believing, based
2884 on the facts then known, that the property was abandoned
2885 ~~unclaimed~~ and subject to this chapter.

2886 (d) There is no showing that the records pursuant to which
2887 the delivery was made did not meet reasonable commercial
2888 standards of practice in the industry.

2889 (4) Any holder who has delivered property, including a
2890 certificate of any interest in a business association, other
2891 than money to the department pursuant to this chapter may
2892 reclaim the property if still in the possession of the
2893 department, without payment of any fee or other charges, upon
2894 filing proof that the person entitled to the property ~~owner~~ has
2895 claimed it ~~the property~~ from the holder.

2896 Section 60. Section 717.122, Florida Statutes, is amended
2897 to read:

2898 717.122 Public sale of abandoned ~~unclaimed~~ property.—

2899 (1) Except as provided in paragraph (2) (a), the department
2900 after the receipt of abandoned ~~unclaimed~~ property shall sell it
2901 to the highest bidder at public sale on the Internet or at a
2902 specified physical location wherever in the judgment of the
2903 department the most favorable market for the property involved
2904 exists. The department may decline the highest bid and reoffer
2905 the property for sale if in the judgment of the department the
2906 bid is insufficient. The department shall have the discretion to
2907 withhold from sale any abandoned ~~unclaimed~~ property that the
2908 department deems to be of benefit to the people of the state. If
2909 in the judgment of the department the probable cost of sale
2910 exceeds the value of the property, it need not be offered for
2911 sale and may be disposed of as the department determines



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2912 appropriate. Any sale at a specified physical location held
2913 under this section must be preceded by a single publication of
2914 notice, at least 3 weeks in advance of sale, in a newspaper of
2915 general circulation in the county in which the property is to be
2916 sold. The department shall proportionately deduct auction fees,
2917 preparation costs, and expenses from the amount posted to an ~~the~~
2918 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
2919 contents are sold. No action or proceeding may be maintained
2920 against the department for or on account of any decision to
2921 decline the highest bid or withhold any abandoned ~~unclaimed~~
2922 property from sale.

2923 (2) (a) Securities listed on an established stock exchange
2924 must be sold at prices prevailing at the time of sale on the
2925 exchange. Other securities may be sold over the counter at
2926 prices prevailing at the time of sale or by any other method the
2927 department deems advisable. The department may authorize the
2928 agent or broker acting on behalf of the department to deduct
2929 fees from the proceeds of these sales at a rate agreed upon in
2930 advance by the agent or broker and the department. The
2931 department shall reimburse owners' accounts for these brokerage
2932 fees from the State School Fund unless the securities are sold
2933 at the owner's request.

2934 (b) Unless the department deems it to be in the public
2935 interest to do otherwise, all abandoned securities ~~presumed~~
2936 ~~unclaimed~~ and delivered to the department may be sold upon
2937 receipt. Any person making a claim pursuant to this chapter is
2938 entitled to receive either the securities delivered to the
2939 department by the holder, if they still remain in the hands of
2940 the department, or the proceeds received from sale, but no



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2941 person has any claim under this chapter against the state, the
2942 holder, any transfer agent, any registrar, or any other person
2943 acting for or on behalf of a holder for any appreciation in the
2944 value of the property occurring after delivery by the holder to
2945 the state.

2946 (c) Certificates for abandoned ~~unclaimed~~ stock or other
2947 equity interest of business associations that cannot be canceled
2948 and registered in the department's name or that cannot be
2949 readily liquidated and converted into the currency of the United
2950 States may be sold for the value of the certificate, if any, in
2951 accordance with subsection (1) or may be destroyed in accordance
2952 with s. 717.128.

2953 (3) The purchaser of property at any sale conducted by the
2954 department pursuant to this chapter is entitled to ownership of
2955 the property purchased free from all claims of the owner or
2956 previous holder thereof and of all persons claiming through or
2957 under them. The department shall execute all documents necessary
2958 to complete the transfer of ownership.

2959 (4) The sale of abandoned ~~unclaimed~~ tangible personal
2960 property is not subject to tax under chapter 212 when such
2961 property is sold by or on behalf of the department pursuant to
2962 this section.

2963 Section 61. Section 717.123, Florida Statutes, is amended
2964 to read:

2965 717.123 Deposit of funds.—

2966 (1) All funds received under this chapter, including the
2967 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
2968 717.122, shall immediately ~~forthwith~~ be deposited by the
2969 department in the Unclaimed Property Trust Fund. The department



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2970 shall retain, from funds received under this chapter, an amount
2971 not exceeding \$15 million from which the department shall make
2972 prompt payment of claims allowed by the department and shall pay
2973 the costs incurred by the department in administering and
2974 enforcing this chapter. All remaining funds received by the
2975 department under this chapter shall be deposited by the
2976 department into the State School Fund.

2977 (2) The department shall record the name and last known
2978 address of each person appearing from the holder's reports to be
2979 entitled to the abandoned unclaimed property in the total
2980 amounts of \$5 or greater; the name and the last known address of
2981 each insured person or annuitant; and with respect to each
2982 policy or contract listed in the report of an insurance
2983 corporation, its number, the name of the corporation, and the
2984 amount due.

2985 Section 62. Section 717.1235, Florida Statutes, is amended
2986 to read:

2987 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
2988 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
2989 campaign for public office, for any campaign that must dispose
2990 of surplus funds in its campaign account pursuant to s. 106.141,
2991 after being reported to the department, shall be deposited with
2992 the Chief Financial Officer to the credit of the State School
2993 Fund.

2994 Section 63. Section 717.124, Florida Statutes, is amended
2995 to read:

2996 717.124 Abandoned Unclaimed property claims.—

2997 (1) Any person, excluding another state, claiming an
2998 interest in any property paid or delivered to the department



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2999 under this chapter may file with the department a claim on a
3000 form prescribed by the department and verified by the claimant
3001 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
3002 ~~representative must be an attorney licensed to practice law in~~
3003 ~~this state, a licensed Florida-certified public accountant, or a~~
3004 ~~private investigator licensed under chapter 493.~~ The claimant
3005 ~~claimant's~~ representative must be registered with the department
3006 under this chapter. The claimant, or the claimant ~~claimant's~~
3007 representative, shall provide the department with a legible copy
3008 of a valid driver license of the claimant at the time the
3009 original claim form is filed. If the claimant has not been
3010 issued a valid driver license at the time the original claim
3011 form is filed, the department shall be provided with a legible
3012 copy of a photographic identification of the claimant issued by
3013 the United States, a state or territory of the United States, a
3014 foreign nation, or a political subdivision or agency thereof or
3015 other evidence deemed acceptable by the department by rule. In
3016 lieu of photographic identification, a notarized sworn statement
3017 by the claimant may be provided which affirms the claimant's
3018 identity and states the claimant's full name and address. The
3019 claimant must produce to the notary photographic identification
3020 of the claimant issued by the United States, a state or
3021 territory of the United States, a foreign nation, or a political
3022 subdivision or agency thereof or other evidence deemed
3023 acceptable by the department by rule. The notary shall indicate
3024 the notary's full address on the notarized sworn statement. Any
3025 claim filed without the required identification or the sworn
3026 statement with the original claim form and the original
3027 Abandoned Unclaimed Property Recovery Agreement or Abandoned



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3028 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

3029 (a) Within 90 days after receipt of a claim, the department
3030 may return any claim that provides for the receipt of fees and
3031 costs greater than that permitted under this chapter or that
3032 contains any apparent errors or omissions. The department may
3033 also request that the claimant or the claimant ~~claimant's~~
3034 representative provide additional information. The department
3035 shall retain a copy or electronic image of the claim.

3036 (b) A claim is ~~considered to have been~~ withdrawn by a
3037 ~~claimant or the claimant's~~ representative if any of the
3038 following applies: the department does not receive a response to
3039 its request for additional information within 60 days after the
3040 notification of any apparent errors or omissions.

3041 1. The department receives a written acknowledgment from
3042 the claimant confirming withdrawal of the claim.

3043 2. The department receives a written notice to withdraw the
3044 claim from a claimant representative which is accompanied by
3045 written authorization from the claimant expressly approving
3046 withdrawal of the claim.

3047 a. The authorization must state the reason for the
3048 withdrawal, contain an acknowledgment that the claimant
3049 understands that withdrawal will affect the processing of that
3050 claim and may affect the processing of other pending claims, and
3051 must be signed by the claimant.

3052 b. The claimant's authorization must be submitted
3053 concurrently with, or as part of, the withdrawal notice.

3054 3. The claimant or the claimant's representative fails to
3055 respond to the department's written request for additional
3056 information within 60 days after the department provides notice



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3057 of any apparent errors or omissions.

3058 (c) Within 90 days after receipt of the claim, or the
3059 response of the claimant or the claimant ~~claimant's~~
3060 representative to the department's request for additional
3061 information, whichever is later, the department shall determine
3062 each claim. Such determination shall contain a notice of rights
3063 provided by ss. 120.569 and 120.57. The 90-day period shall be
3064 extended by 60 days if the department has good cause to need
3065 additional time or if the abandoned ~~unclaimed~~ property:

3066 1. Is owned by a person who has been a debtor in
3067 bankruptcy;

3068 2. Was reported with an address outside of the United
3069 States;

3070 3. Is being claimed by a person outside of the United
3071 States; or

3072 4. Contains documents filed in support of the claim that
3073 are not in the English language and have not been accompanied by
3074 an English language translation.

3075 (2) A claim for a cashier's check or a stock certificate
3076 without the original instrument may require an indemnity bond
3077 equal to the value of the claim to be provided prior to issue of
3078 the stock or payment of the claim by the department.

3079 (3) The department may require an affidavit swearing to the
3080 authenticity of the claim, lack of documentation, and an
3081 agreement to allow the department to provide the name and
3082 address of the claimant to subsequent claimants coming forward
3083 with substantiated proof to claim the account. This shall apply
3084 to claims equal to or less than \$250. The exclusive remedy of a
3085 subsequent claimant to the property shall be against the person



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3086 who received the property from the department.

3087 (4) (a) Except as otherwise provided in this chapter, if a
3088 claim is determined in favor of the claimant, the department
3089 shall deliver or pay over to the claimant the property or the
3090 amount the department actually received or the proceeds if it
3091 has been sold by the department, together with any additional
3092 amount required by s. 717.121.

3093 (b) If a claimant ~~an owner~~ authorizes a claimant
3094 representative ~~an attorney licensed to practice law in this~~
3095 ~~state, a Florida-certified public accountant, or a private~~
3096 ~~investigator licensed under chapter 493, and registered with the~~
3097 department under this chapter, to claim the abandoned unclaimed
3098 property on the claimant's ~~owner's~~ behalf, the department is
3099 authorized to make distribution of the property or money in
3100 accordance with the Abandoned Unclaimed Property Recovery
3101 Agreement or Abandoned Unclaimed Property Purchase Agreement
3102 under s. 717.135. The original Abandoned Unclaimed Property
3103 Recovery Agreement or Abandoned Unclaimed Property Purchase
3104 Agreement must be executed by the claimant or seller and must be
3105 filed with the department.

3106 (c)1. Payments of approved claims for unclaimed cash
3107 accounts must be made to the owner after deducting any fees and
3108 costs authorized by the claimant under an Abandoned Unclaimed
3109 Property Recovery Agreement. The contents of a safe-deposit box
3110 or shares of securities must be delivered directly to the
3111 claimant.

3112 2. Payments of fees and costs authorized under an Abandoned
3113 Unclaimed Property Recovery Agreement for approved claims must
3114 be made or issued to the law firm of the designated attorney



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3115 licensed to practice law in this state, the public accountancy
3116 firm of the licensed Florida-certified public accountant, or the
3117 designated employing private investigative agency licensed by
3118 this state. Such payments shall be made by electronic funds
3119 transfer and may be made on such periodic schedule as the
3120 department may define by rule, provided the payment intervals do
3121 not exceed 31 days. Payment made to an attorney licensed in this
3122 state, a Florida-certified public accountant, or a private
3123 investigator licensed under chapter 493, operating individually
3124 or as a sole practitioner, must be to the attorney, certified
3125 public accountant, or private investigator.

3126 (5) The department is ~~shall~~ not be administratively,
3127 civilly, or criminally liable for any property or funds
3128 distributed pursuant to this section, provided such distribution
3129 is made in good faith.

3130 (6) This section does not supersede the licensing
3131 requirements of chapter 493.

3132 (7) The department may allow an apparent owner to
3133 electronically submit a claim for abandoned ~~unclaimed~~ property
3134 to the department. If a claim is submitted electronically for
3135 \$2,000 or less, the department may use a method of identity
3136 verification other than a copy of a valid driver license, other
3137 government-issued photographic identification, or a sworn
3138 notarized statement. The department may adopt rules to implement
3139 this subsection.

3140 (8) Notwithstanding any other provision of this chapter,
3141 the department may develop and implement an identification
3142 verification and disbursement process by which an account valued
3143 at \$2,000 or less, after being received by the department and



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3144 added to the abandoned ~~unclaimed~~ property database, may be
3145 disbursed to an apparent owner after the department has verified
3146 that the apparent owner is living and that the apparent owner's
3147 current address is correct. The department shall include with
3148 the payment a notification and explanation of the dollar amount,
3149 the source, and the property type of each account included in
3150 the disbursement. The department shall adopt rules to implement
3151 this subsection.

3152 (9) (a) Notwithstanding any other provision of this chapter,
3153 the department may develop and implement a verification and
3154 disbursement process by which an account, after being received
3155 by the department and added to the abandoned ~~unclaimed~~ property
3156 database, for which the apparent owner entity is:

3157 1. A state agency in this state or a subdivision or
3158 successor agency thereof;

3159 2. A county government in this state or a subdivision
3160 thereof;

3161 3. A public school district in this state or a subdivision
3162 thereof;

3163 4. A municipality in this state or a subdivision thereof;
3164 or

3165 5. A special taxing district or authority in this state,
3166

3167 may be disbursed to the apparent owner entity or successor
3168 entity. The department shall include with the payment a
3169 notification and explanation of the dollar amount, the source,
3170 and the property type of each account included in the
3171 disbursement.

3172 (b) The department may adopt rules to implement this



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3173 subsection.

3174 (10) Notwithstanding any other provision of this chapter,
3175 the department may develop a process by which a claimant
3176 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
3177 electronically submit to the department an electronic image of a
3178 completed claim and claims-related documents under this chapter,
3179 including an Abandoned Unclaimed Property Recovery Agreement or
3180 Abandoned Unclaimed Property Purchase Agreement that has been
3181 signed and dated by a claimant or seller under s. 717.135, after
3182 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3183 ~~property~~ receives the original documents provided by the
3184 claimant or the seller for any claim. Each claim filed by a
3185 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
3186 ~~property~~ must include a statement by the claimant ~~claimant's~~
3187 representative ~~or the buyer of unclaimed property~~ attesting that
3188 all documents are true copies of the original documents and that
3189 all original documents are physically in the possession of the
3190 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3191 ~~property~~. All original documents must be kept in the original
3192 form, by claim number, under the secure control of the claimant
3193 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
3194 must be available for inspection by the department in accordance
3195 with s. 717.1315. The department may adopt rules to implement
3196 this subsection.

3197 (11) This section applies to all abandoned unclaimed
3198 property reported and remitted to the Chief Financial Officer,
3199 including, but not limited to, property reported pursuant to ss.
3200 45.032, 732.107, 733.816, and 744.534.

3201 Section 64. Section 717.12403, Florida Statutes, is amended



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3202 to read:

3203 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
3204 account in a financial institution held in the name of more than
3205 one person.—

3206 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
3207 checking account in a financial institution is reported as an
3208 “and” account in the name of two or more persons who are not
3209 beneficiaries, it is presumed that each person must claim the
3210 account in order for the claim to be approved by the department.
3211 This presumption may be rebutted by showing that entitlement to
3212 the account has been transferred to another person or by clear
3213 and convincing evidence demonstrating that the account should
3214 have been reported by the financial institution as an “or”
3215 account.

3216 (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
3217 account in a financial institution is reported as an “and”
3218 account and one of the persons on the account is deceased, it is
3219 presumed that the account is a survivorship account. This
3220 presumption may be rebutted by showing that entitlement to the
3221 account has been transferred to another person or by clear and
3222 convincing evidence demonstrating that the account is not a
3223 survivorship account.

3224 (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
3225 account in a financial institution is reported as an “or”
3226 account in the name of two or more persons who are not
3227 beneficiaries, it is presumed that either person listed on the
3228 account may claim the entire amount held in the account. This
3229 presumption may be rebutted by showing that entitlement to the
3230 account has been transferred to another person or by clear and



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3231 convincing evidence demonstrating that the account should have
3232 been reported by the financial institution as an "and" account.

3233 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
3234 account in a financial institution is reported in the name of
3235 two or more persons who are not beneficiaries without
3236 identifying whether the account is an "and" account or an "or"
3237 account, it is presumed that the account is an "or" account.
3238 This presumption may be rebutted by showing that entitlement to
3239 the account has been transferred to another person or by clear
3240 and convincing evidence demonstrating that the account should
3241 have been reported by the financial institution as an "and"
3242 account.

3243 (4) The department shall be deemed to have made a
3244 distribution in good faith if the department remits funds
3245 consistent with this section.

3246 Section 65. Subsection (2) of section 717.12404, Florida
3247 Statutes, is amended to read:

3248 717.12404 Claims on behalf of a business entity or trust.—

3249 (2) Claims on behalf of an active or a dissolved
3250 corporation, a business entity ~~other than an active corporation~~,
3251 or a trust must include a legible copy of a valid driver license
3252 of the person acting on behalf of the ~~dissolved~~ corporation,
3253 business entity ~~other than an active corporation~~, or trust. If
3254 the person has not been issued a valid driver license, the
3255 department shall be provided with a legible copy of a
3256 photographic identification of the person issued by the United
3257 States, a foreign nation, or a political subdivision or agency
3258 thereof. In lieu of photographic identification, a notarized
3259 sworn statement by the person may be provided which affirms the



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3260 person's identity and states the person's full name and address.
3261 The person must produce his or her photographic identification
3262 issued by the United States, a state or territory of the United
3263 States, a foreign nation, or a political subdivision or agency
3264 thereof or other evidence deemed acceptable by the department by
3265 rule. The notary shall indicate the notary's full address on the
3266 notarized sworn statement. Any claim filed without the required
3267 identification or the sworn statement with the original claim
3268 form and the original Abandoned Unclaimed Property Recovery
3269 Agreement or Abandoned Unclaimed Property Purchase Agreement, if
3270 applicable, is void.

3271 Section 66. Section 717.12405, Florida Statutes, is amended
3272 to read:

3273 717.12405 Claims by estates.—An estate or any person
3274 representing an estate or acting on behalf of an estate may
3275 claim abandoned unclaimed property only after the heir or
3276 legatee of the decedent entitled to the property has been
3277 located. Any estate, or any person representing an estate or
3278 acting on behalf of an estate, that receives abandoned unclaimed
3279 property before the heir or legatee of the decedent entitled to
3280 the property has been located, is personally liable for the
3281 abandoned unclaimed property and must immediately return the
3282 full amount of the abandoned unclaimed property or the value
3283 thereof to the department in accordance with s. 717.1341.

3284 Section 67. Section 717.12406, Florida Statutes, is amended
3285 to read:

3286 717.12406 Joint ownership of abandoned unclaimed securities
3287 or dividends.—For the purpose of determining joint ownership of
3288 abandoned unclaimed securities or dividends, the term:



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- 3289 (1) "TEN COM" means tenants in common.
- 3290 (2) "TEN ENT" means tenants by the entireties.
- 3291 (3) "JT TEN" or "JT" means joint tenants with the right of
3292 survivorship and not as tenants in common.
- 3293 (4) "And" means tenants in common with each person entitled
3294 to an equal pro rata share.
- 3295 (5) "Or" means that each person listed on the account is
3296 entitled to all of the funds.
- 3297 Section 68. Section 717.1241, Florida Statutes, is amended
3298 to read:
- 3299 717.1241 Conflicting claims.—
- 3300 (1) For purposes of this section, the term "conflicting
3301 claim" means two or more claims received by the department for
3302 the same abandoned property account or accounts in which two or
3303 more claimants appear to be equally entitled to the property.
3304 The term also includes circumstances in which the same claimant
3305 has more than one claim pending for the same property, including
3306 when the claimant is represented by more than one claimant
3307 representative or submits both a personal claim and a claim
3308 through a representative.
- 3309 (2) When conflicting claims have been received by the
3310 department for the same abandoned ~~unclaimed~~ property account or
3311 accounts, the property shall be remitted in accordance with the
3312 claim filed by the person as follows, notwithstanding the
3313 withdrawal of a claim:
- 3314 (a) To the person submitting the first claim received by
3315 the ~~Division of Unclaimed Property of the~~ department that is
3316 complete or made complete.
- 3317 (b) If a claimant's claim and a claimant ~~claimant's~~



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3318 representative's claim for the recovery of property are received
3319 by the ~~Division of Unclaimed Property of the~~ department on the
3320 same day and both claims are complete, to the claimant.

3321 (c) If a buyer's claim or a purchasing claimant
3322 representative's claim and a claimant's claim or a claimant
3323 ~~claimant's~~ representative's claim for the recovery of property
3324 are received by the ~~Division of Unclaimed Property of the~~
3325 department on the same day and the claims are complete, to the
3326 buyer.

3327 (d) As between two or more claimant representatives'
3328 ~~claimant's representative's~~ claims received by the ~~Division of~~
3329 ~~Unclaimed Property of the~~ department that are complete or made
3330 complete on the same day, to the claimant ~~claimant's~~
3331 representative who has agreed to receive the lowest fee. If the
3332 two or more claimant ~~claimant's~~ representatives whose claims
3333 received by ~~the Division of Unclaimed Property of the~~ department
3334 were complete or made complete on the same day are charging the
3335 same ~~lowest~~ fee, the fee shall be divided equally between the
3336 claimant ~~claimant's~~ representatives.

3337 (e) If more than one buyer's claim received by the ~~Division~~
3338 ~~of Unclaimed Property of the~~ department is complete or made
3339 complete on the same day, the department shall remit the
3340 abandoned unclaimed property to the buyer who paid the highest
3341 amount to the seller. If the buyers paid the same amount to the
3342 seller, the department shall remit the abandoned unclaimed
3343 property to the buyers divided in equal amounts.

3344 (3) ~~(2)~~ The purpose of this section is solely to provide
3345 guidance to the department regarding to whom it should remit the
3346 abandoned unclaimed property and is not intended to extinguish



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3347 or affect any private cause of action that any person may have
3348 against another person for breach of contract or other statutory
3349 or common-law remedy. A buyer's sole remedy, if any, shall be
3350 against the claimant ~~claimant's~~ representative or the seller, or
3351 both. A claimant ~~claimant's~~ representative's sole remedy, if
3352 any, shall be against the buyer or the seller, or both. A
3353 claimant's or seller's sole remedy, if any, shall be against the
3354 buyer or the claimant ~~claimant's~~ representative, or both.
3355 Nothing in this section forecloses the right of a person to
3356 challenge the department's determination of completeness in a
3357 proceeding under ss. 120.569 and 120.57.

3358 (4) ~~(3)~~ A claim is complete when entitlement to the
3359 abandoned ~~unclaimed~~ property has been established.

3360 Section 69. Subsection (1) of section 717.1242, Florida
3361 Statutes, is amended to read:

3362 717.1242 Restatement of jurisdiction of the circuit court
3363 sitting in probate and the department.—

3364 (1) It is and has been the intent of the Legislature that,
3365 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3366 proceedings relating to the settlement of the estates of
3367 decedents and other jurisdiction usually pertaining to courts of
3368 probate. It is and has been the intent of the Legislature that,
3369 pursuant to this chapter, the department determines the merits
3370 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3371 or delivered to the department under this chapter. Consistent
3372 with this legislative intent, any beneficiary, devisee, heir,
3373 personal representative, or other interested person, as those
3374 terms are defined in the Florida Probate Code and the Florida
3375 Trust Code, of an estate seeking to obtain property paid or



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3376 delivered to the department under this chapter must file a claim
3377 with the department as provided in s. 717.124.

3378 Section 70. Subsections (1) and (4) of section 717.1243,
3379 Florida Statutes, are amended to read:

3380 717.1243 Small estate accounts.—

3381 (1) A claim for abandoned ~~unclaimed~~ property made by a
3382 beneficiary, as defined in s. 731.201, of a deceased owner need
3383 not be accompanied by an order of a probate court if the
3384 claimant files with the department an affidavit, signed by all
3385 beneficiaries, stating that all the beneficiaries have amicably
3386 agreed among themselves upon a division of the estate and that
3387 all funeral expenses, expenses of the last illness, and any
3388 other lawful claims have been paid, and any additional
3389 information reasonably necessary to make a determination of
3390 entitlement. If the owner died testate, the claim shall be
3391 accompanied by a copy of the will.

3392 (4) This section applies only if all of the abandoned
3393 ~~unclaimed~~ property held by the department on behalf of the owner
3394 has an aggregate value of \$20,000 or less and no probate
3395 proceeding is pending.

3396 Section 71. Section 717.1244, Florida Statutes, is amended
3397 to read:

3398 717.1244 Determinations of abandoned ~~unclaimed~~ property
3399 claims.—In rendering a determination regarding the merits of an
3400 abandoned ~~unclaimed~~ property claim, the department shall rely on
3401 the applicable statutory, regulatory, common, and case law.
3402 Agency statements applying the statutory, regulatory, common,
3403 and case law to abandoned ~~unclaimed~~ property claims are not
3404 agency statements subject to s. 120.56(4).



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3405 Section 72. Section 717.1245, Florida Statutes, is amended
3406 to read:

3407 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3408 any person files a petition for writ of garnishment seeking to
3409 obtain property paid or delivered to the department under this
3410 chapter, the petitioner shall be ordered to pay the department
3411 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3412 brought by the department to oppose, appeal, or collaterally
3413 attack the petition or writ if the department is the prevailing
3414 party in any such proceeding.

3415 Section 73. Subsection (1) of section 717.125, Florida
3416 Statutes, is amended to read:

3417 717.125 Claim of another state to recover property;
3418 procedure.—

3419 (1) At any time after property has been paid or delivered
3420 to the department under this chapter, another state may recover
3421 the property if:

3422 (a) The property was subjected to custody by this state
3423 because the records of the holder did not reflect the last known
3424 address of the apparent owner when the property was presumed
3425 abandoned ~~unclaimed~~ under this chapter, and the other state
3426 establishes that the last known address of the apparent owner or
3427 other person entitled to the property was in that state and
3428 under the laws of that state the property escheated to or was
3429 subject to a claim of abandonment or being unclaimed by that
3430 state;

3431 (b) The last known address of the apparent owner or other
3432 person entitled to the property, as reflected by the records of
3433 the holder, is in the other state and under the laws of that



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3434 state the property has escheated to or become subject to a claim
3435 of abandonment by that state;

3436 (c) The records of the holder were erroneous in that they
3437 did not accurately reflect the actual owner of the property and
3438 the last known address of the actual owner is in the other state
3439 and under laws of that state the property escheated to or was
3440 subject to a claim of abandonment by that state;

3441 (d) The property was subject to custody by this state under
3442 s. 717.103(6) and under the laws of the state of domicile of the
3443 holder the property has escheated to or become subject to a
3444 claim of abandonment by that state; or

3445 (e) The property is the sum payable on a traveler's check,
3446 money order, or other similar instrument that was subjected to
3447 custody by this state under s. 717.104, and the instrument was
3448 purchased in the other state, and under the laws of that state
3449 the property escheated to or became subject to a claim of
3450 abandonment by that state.

3451 Section 74. Subsection (1) of section 717.126, Florida
3452 Statutes, is amended to read:

3453 717.126 Administrative hearing; burden of proof; proof of
3454 entitlement; venue.—

3455 (1) Any person aggrieved by a decision of the department
3456 may petition for a hearing as provided in ss. 120.569 and
3457 120.57. In any proceeding for determination of a claim to
3458 property paid or delivered to the department under this chapter,
3459 the burden shall be upon the claimant to establish entitlement
3460 to the property by a preponderance of evidence. Having the same
3461 name as that reported to the department is not sufficient, in
3462 the absence of other evidence, to prove entitlement to abandoned



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3463 ~~unclaimed~~ property.

3464 Section 75. Section 717.1261, Florida Statutes, is amended
3465 to read:

3466 717.1261 Death certificates.—Any person who claims
3467 entitlement to abandoned ~~unclaimed~~ property by means of the
3468 death of one or more persons shall file a copy of the death
3469 certificate of the decedent or decedents that has been certified
3470 as being authentic by the issuing governmental agency.

3471 Section 76. Section 717.1262, Florida Statutes, is amended
3472 to read:

3473 717.1262 Court documents.—Any person who claims entitlement
3474 to abandoned ~~unclaimed~~ property by reason of a court document
3475 shall file a certified copy of the court document with the
3476 department. A certified copy of each pleading filed with the
3477 court to obtain a court document establishing entitlement, filed
3478 within 180 days before the date the claim form was signed by the
3479 claimant or claimant ~~claimant's~~ representative, must also be
3480 filed with the department.

3481 Section 77. Section 717.129, Florida Statutes, is amended
3482 to read:

3483 717.129 Periods of limitation.—

3484 (1) The expiration before or after July 1, 1987, of any
3485 period of time specified by contract, statute, or court order,
3486 during which a claim for money or property may be made or during
3487 which an action or proceeding may be commenced or enforced to
3488 obtain payment of a claim for money or to recover property, does
3489 not prevent the money or property from being presumed abandoned
3490 ~~unclaimed~~ or affect any duty to file a report or to pay or
3491 deliver abandoned ~~unclaimed~~ property to the department as



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3492 required by this chapter.

3493 (2) The department may not commence an action or proceeding
3494 to enforce this chapter with respect to the reporting, payment,
3495 or delivery of property or any other duty of a holder under this
3496 chapter more than 10 years after the duty arose. The period of
3497 limitation established under this subsection is tolled by the
3498 earlier of the department's or audit agent's delivery of a
3499 notice that a holder is subject to an audit or examination under
3500 s. 717.1301 or the holder's written election to enter into an
3501 abandoned unclaimed property voluntary disclosure agreement.

3502 Section 78. Subsections (3) and (4) of section 717.1301,
3503 Florida Statutes, are amended to read:

3504 717.1301 Investigations; examinations; subpoenas.—

3505 (3) The department may authorize a compliance review of a
3506 report for a specified reporting year. The review must be
3507 limited to the contents of the report filed, as required by s.
3508 717.117 and subsection (2), and all supporting documents related
3509 to the reports. If the review results in a finding of a
3510 deficiency in abandoned unclaimed property due and payable to
3511 the department, the department shall notify the holder in
3512 writing of the amount of deficiency within 1 year after the
3513 authorization of the compliance review. If the holder fails to
3514 pay the deficiency within 90 days, the department may seek to
3515 enforce the assessment under subsection (1). The department is
3516 not required to conduct a review under this section before
3517 initiating an audit.

3518 (4) Notwithstanding any other provision of law, in a
3519 contract providing for the location or collection of abandoned
3520 unclaimed property, the department may authorize the contractor



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3521 to deduct its fees and expenses for services provided under the
3522 contract from the abandoned ~~unclaimed~~ property that the
3523 contractor has recovered or collected under the contract. The
3524 department shall annually report to the Chief Financial Officer
3525 the total amount collected or recovered by each contractor
3526 during the previous fiscal year and the total fees and expenses
3527 deducted by each contractor.

3528 Section 79. Section 717.1315, Florida Statutes, is amended
3529 to read:

3530 717.1315 Retention of records by claimant ~~claimant's~~
3531 representatives and buyers of abandoned ~~unclaimed~~ property.-

3532 (1) Every claimant ~~claimant's~~ representative and buyer of
3533 abandoned ~~unclaimed~~ property shall keep and use in his or her
3534 business such books, accounts, and records of the business
3535 conducted under this chapter to enable the department to
3536 determine whether such person is complying with this chapter and
3537 the rules adopted by the department under this chapter. Every
3538 claimant ~~claimant's~~ representative and buyer of abandoned
3539 ~~unclaimed~~ property shall preserve such books, accounts, and
3540 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3541 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3542 between the owner and such claimant ~~claimant's~~ representative or
3543 buyer, for at least 3 years after the date of the initial
3544 agreement.

3545 (2) A claimant ~~claimant's~~ representative or buyer of
3546 abandoned ~~unclaimed~~ property, operating at two or more places of
3547 business in this state, may maintain the books, accounts, and
3548 records of all such offices at any one of such offices, or at
3549 any other office maintained by such claimant ~~claimant's~~



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3550 representative or buyer of abandoned ~~unclaimed~~ property, upon
3551 the filing of a written notice with the department designating
3552 in the written notice the office at which such records are
3553 maintained.

3554 (3) A claimant ~~claimant's~~ representative or buyer of
3555 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3556 records available at a convenient location in this state upon
3557 request of the department.

3558 Section 80. Subsection (2) of section 717.132, Florida
3559 Statutes, is amended to read:

3560 717.132 Enforcement; cease and desist orders; fines.—

3561 (2) In addition to any other powers conferred upon it to
3562 enforce and administer the provisions of this chapter, the
3563 department may issue and serve upon a person an order to cease
3564 and desist and to take corrective action whenever the department
3565 finds that such person is violating, has violated, or is about
3566 to violate any provision of this chapter, any rule or order
3567 promulgated under this chapter, or any written agreement entered
3568 into with the department. For purposes of this subsection, the
3569 term "corrective action" includes refunding excessive charges,
3570 requiring a person to return abandoned ~~unclaimed~~ property,
3571 requiring a holder to remit abandoned ~~unclaimed~~ property, and
3572 requiring a holder to correct a report that contains errors or
3573 omissions. Any such order shall contain a notice of rights
3574 provided by ss. 120.569 and 120.57.

3575 Section 81. Paragraphs (c), (d), and (j) of subsection (1),
3576 subsections (2) and (3), paragraph (b) of subsection (4), and
3577 subsection (5) of section 717.1322, Florida Statutes, are
3578 amended to read:



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3579 717.1322 Administrative and civil enforcement.—

3580 (1) The following acts are violations of this chapter and
3581 constitute grounds for an administrative enforcement action by
3582 the department in accordance with the requirements of chapter
3583 120 and for civil enforcement by the department in a court of
3584 competent jurisdiction:

3585 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
3586 concealment of any matter required to be stated or furnished to
3587 the department or to an owner or apparent owner under this
3588 ~~chapter, regardless of reliance by or damage to the owner or~~
3589 ~~apparent owner.~~

3590 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3591 any abandoned unclaimed property transaction.

3592 (j) Requesting or receiving compensation for notifying a
3593 person of his or her abandoned unclaimed property or assisting
3594 another person in filing a claim for abandoned unclaimed
3595 ~~property, unless the person is an attorney licensed to practice~~
3596 ~~law in this state, a Florida-certified public accountant, or a~~
3597 ~~private investigator licensed under chapter 493, or entering~~
3598 ~~into, or making a solicitation to enter into, an agreement to~~
3599 ~~file a claim for abandoned unclaimed property owned by another,~~
3600 ~~unless such person is a registered claimant representative~~
3601 ~~registered with the department under this chapter and an~~
3602 ~~attorney licensed to practice law in this state in the regular~~
3603 ~~practice of her or his profession, a Florida-certified public~~
3604 ~~accountant who is acting within the scope of the practice of~~
3605 ~~public accounting as defined in chapter 473, or a private~~
3606 ~~investigator licensed under chapter 493. This paragraph does not~~
3607 ~~apply to a person who has been granted a durable power of~~



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3608 attorney to convey and receive all of the real and personal
3609 property of the owner, is the court-appointed guardian of the
3610 owner, has been employed as an attorney or qualified
3611 representative to contest the department's denial of a claim, or
3612 has been employed as an attorney to probate the estate of the
3613 owner or an heir or legatee of the owner.

3614 (2) Upon a finding by the department that any person has
3615 committed any of the acts set forth in subsection (1), the
3616 department may enter an order doing any of the following:

3617 (a) Revoking for a minimum of 5 years or suspending for a
3618 maximum of 5 years a registration previously granted under this
3619 chapter during which time the registrant may not reapply for a
3620 registration under this chapter.~~†~~

3621 (b) Placing a claimant representative ~~registrant~~ or an
3622 applicant for a registration on probation for a period of time
3623 and subject to such conditions as the department may specify.~~†~~

3624 (c) Placing permanent restrictions or conditions upon
3625 issuance or maintenance of a registration under this chapter.~~†~~

3626 (d) Issuing a reprimand.~~†~~

3627 (e) Imposing an administrative fine not to exceed \$2,000
3628 for each such act.~~† or~~

3629 (f) Prohibiting any person from being a director, officer,
3630 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
3631 ~~percent~~ or greater interest in an employer of a claimant
3632 representative ~~registrant~~.

3633 (3) A claimant ~~claimant's~~ representative is subject to
3634 civil enforcement and the disciplinary actions specified in
3635 subsection (2) for violations of subsection (1) by an agent or
3636 employee of the claimant representative's ~~registrant's~~ employer



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3637 if the claimant ~~claimant's~~ representative knew or should have
3638 known that such agent or employee was violating any provision of
3639 this chapter.

3640 (4)

3641 (b) The disciplinary guidelines shall specify a meaningful
3642 range of designated penalties based upon the severity or
3643 repetition of specific offenses, or both. It is the legislative
3644 intent that minor violations be distinguished from more serious
3645 violations; that such guidelines consider the amount of the
3646 claim involved, the complexity of locating the owner, the steps
3647 taken to ensure the accuracy of the claim by the person filing
3648 the claim, the acts of commission and omission of the claimant
3649 ~~ultimate owners~~ in establishing themselves as rightful owners of
3650 the funds, the acts of commission or omission of the agent or
3651 employee of a claimant representative or its ~~an~~ employer in the
3652 filing of the claim, the actual knowledge of the agent,
3653 employee, employer, or owner in the filing of the claim, the
3654 departure, if any, by the agent or employee from the internal
3655 controls and procedures established by the claimant
3656 representative or its employer with regard to the filing of a
3657 claim, the number of defective claims previously filed by the
3658 agent, employee, employer, or owner; that such guidelines
3659 provide reasonable and meaningful notice of likely penalties
3660 that may be imposed for proscribed conduct; and that such
3661 penalties be consistently applied by the department.

3662 (5) The department may seek any appropriate civil legal
3663 remedy available to it by filing a civil action in a court of
3664 competent jurisdiction against any person who has, directly or
3665 through a claimant ~~claimant's~~ representative, wrongfully



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3666 submitted a claim as the ~~ultimate~~ owner of property and
3667 improperly received funds from the department in violation of
3668 this chapter.

3669 Section 82. Subsections (1) and (3) of section 717.133,
3670 Florida Statutes, are amended to read:

3671 717.133 Interstate agreements and cooperation; joint and
3672 reciprocal actions with other states.—

3673 (1) The department may enter into agreements with other
3674 states to exchange information needed to enable this or another
3675 state to audit or otherwise determine abandoned ~~unclaimed~~
3676 property that it or another state may be entitled to subject to
3677 a claim of custody. The department may require the reporting of
3678 information needed to enable compliance with agreements made
3679 pursuant to this section and prescribe the form.

3680 (3) At the request of another state, the department may
3681 bring an action in the name of the other state in any court of
3682 competent jurisdiction to enforce the abandoned ~~unclaimed~~
3683 property laws of the other state against a holder in this state
3684 of property subject to escheat or a claim of abandonment by the
3685 other state, if the other state has agreed to pay expenses
3686 incurred in bringing the action.

3687 Section 83. Subsection (2) of section 717.1333, Florida
3688 Statutes, is amended to read:

3689 717.1333 Evidence; estimations; audit reports and
3690 worksheets, investigator reports and worksheets, other related
3691 documents.—

3692 (2) If the records of the holder that are available for the
3693 periods subject to this chapter are insufficient to permit the
3694 preparation of a report of the abandoned ~~unclaimed~~ property due



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3695 and owing by a holder, or if the holder fails to provide records
3696 after being requested to do so, the amount due to the department
3697 may be reasonably estimated.

3698 Section 84. Paragraph (a) of subsection (1) and subsections
3699 (2) and (4) of section 717.1341, Florida Statutes, are amended
3700 to read:

3701 717.1341 Invalid claims, recovery of property, interest and
3702 penalties.—

3703 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
3704 unclaimed property that the person is not entitled to receive.
3705 Any person who receives, or assists another person to receive,
3706 abandoned ~~unclaimed~~ property that the person is not entitled to
3707 receive is strictly, jointly, personally, and severally liable
3708 for the abandoned ~~unclaimed~~ property and shall immediately
3709 return the property, or the reasonable value of the property if
3710 the property has been damaged or disposed of, to the department
3711 plus interest at the rate set in accordance with s. 55.03(1).
3712 Assisting another person to receive abandoned ~~unclaimed~~ property
3713 includes executing a claim form on the person's behalf.

3714 (2) The department may maintain a civil or administrative
3715 action:

3716 (a) To recover abandoned ~~unclaimed~~ property that was paid
3717 or remitted to a person who was not entitled to the abandoned
3718 ~~unclaimed~~ property or to offset amounts owed to the department
3719 against amounts owed to an owner representative;

3720 (b) Against a person who assists another person in
3721 receiving, or attempting to receive, abandoned ~~unclaimed~~
3722 property that the person is not entitled to receive; or

3723 (c) Against a person who attempts to receive abandoned



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3724 ~~unclaimed~~ property that the person is not entitled to receive.

3725 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly
3726 conspire to file, or knowingly assist in filing, a claim for
3727 abandoned ~~unclaimed~~ property the person is not entitled to
3728 receive. Any person who violates this subsection regarding
3729 abandoned ~~unclaimed~~ property of an aggregate value:

3730 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
3731 the first degree, punishable as provided in s. 775.082, s.
3732 775.083, or s. 775.084;

3733 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
3734 ~~of~~ a felony of the second degree, punishable as provided in s.
3735 775.082, s. 775.083, or s. 775.084;

3736 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a
3737 felony of the third degree, punishable as provided in s.
3738 775.082, s. 775.083, or s. 775.084;

3739 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
3740 misdemeanor of the first degree, punishable as provided in s.
3741 775.082 or s. 775.083; or

3742 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
3743 second degree, punishable as provided in s. 775.082 or s.
3744 775.083.

3745 Section 85. Section 717.135, Florida Statutes, is amended
3746 to read:

3747 717.135 Recovery agreements and purchase agreements for
3748 claims filed by a claimant ~~claimant's~~ representative; fees and
3749 costs or total net gain.—

3750 (1) In order to protect the interests of owners of
3751 abandoned ~~unclaimed~~ property, the department shall adopt by rule
3752 a form entitled "Abandoned ~~Unclaimed~~ Property Recovery



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3753 Agreement" and a form entitled "Abandoned Unclaimed Property
3754 Purchase Agreement."

3755 (2) The Abandoned Unclaimed Property Recovery Agreement and
3756 the Abandoned Unclaimed Property Purchase Agreement must include
3757 and disclose all of the following:

3758 (a) The total dollar amount of abandoned unclaimed property
3759 accounts claimed or sold.

3760 (b) The total percentage of all authorized fees and costs
3761 to be paid to the claimant claimant's representative or the
3762 percentage of the value of the property to be paid as net gain
3763 to the purchasing claimant claimant's representative.

3764 (c) The total dollar amount to be deducted and received
3765 from the claimant as fees and costs by the claimant claimant's
3766 representative or the total net dollar amount to be received by
3767 the purchasing claimant claimant's representative.

3768 (d) The net dollar amount to be received by the claimant or
3769 the seller.

3770 (e) For each account claimed, the abandoned unclaimed
3771 property account number.

3772 (f) For the Abandoned Unclaimed Property Purchase
3773 Agreement, a statement that the amount of the purchase price
3774 will be remitted to the seller by the purchaser within 30 days
3775 after the execution of the agreement by the seller.

3776 (g) The name, address, e-mail address, phone number, and
3777 license number of the claimant claimant's representative.

3778 (h)1. The manual signature of the claimant or seller and
3779 the date signed, affixed on the agreement by the claimant or
3780 seller.

3781 2. Notwithstanding any other provision of this chapter to



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3782 the contrary, the department may allow ~~an apparent owner, who is~~
3783 ~~also~~ the claimant or seller, to sign the agreement
3784 electronically. All electronic signatures on the Abandoned
3785 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3786 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3787 agreement by the claimant or seller using the specific,
3788 exclusive eSignature product and protocol authorized by the
3789 department.

3790 (i) The social security number or taxpayer identification
3791 number of the claimant or seller, if a number has been issued to
3792 the claimant or seller.

3793 (j) The total fees and costs, or the total discount in the
3794 case of a purchase agreement, which may not exceed 30 percent of
3795 the claimed amount. In the case of a recovery agreement, if the
3796 total fees and costs exceed 30 percent, the fees and costs shall
3797 be reduced to 30 percent and the net balance shall be remitted
3798 directly by the department to the claimant. In the case of a
3799 purchase agreement, if the total net gain of the claimant
3800 ~~claimant's~~ representative exceeds 30 percent, the claim will be
3801 denied.

3802 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
3803 form, proof that the purchaser has made payment must be filed
3804 with the department along with the claim. If proof of payment is
3805 not provided, the claim is void.

3806 (4) A claimant ~~claimant's~~ representative must use the
3807 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
3808 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
3809 entering into an agreement or a contract with a claimant or
3810 seller to file a claim with the department.



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3811 (5) Fees and costs may be owed or paid to, or received by,
3812 a claimant ~~claimant's~~ representative only after a filed claim
3813 has been approved and if the claimant's representative used an
3814 agreement authorized by this section.

3815 (6) A claimant ~~claimant's~~ representative may not use or
3816 distribute any other agreement of any type, conveyed by any
3817 method, with respect to the claimant or seller which relates,
3818 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
3819 held by the department or the Chief Financial Officer other than
3820 the agreements authorized by this section. Any engagement,
3821 authorization, recovery, or fee agreement that is not authorized
3822 by this section is void. A claimant ~~claimant's~~ representative is
3823 subject to administrative and civil enforcement under s.
3824 717.1322 if he or she uses an agreement that is not authorized
3825 by this section and if the agreement is used to apply, directly
3826 or indirectly, to abandoned ~~unclaimed~~ property held by this
3827 state. This subsection does not prohibit lawful nonagreement,
3828 noncontractual, or advertising communications between or among
3829 the parties.

3830 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may
3831 not contain language that makes the agreement irrevocable or
3832 that creates an assignment of any portion of abandoned ~~unclaimed~~
3833 property held by the department.

3834 (8) When a claim is approved, the department may pay any
3835 additional account that is owned by the claimant but has not
3836 been claimed at the time of approval, provided that a subsequent
3837 claim has not been filed or is not pending for the claimant at
3838 the time of approval.

3839 (9) This section does not supersede s. 717.1241.



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3840 ~~(10) This section does not apply to the sale and purchase~~
3841 ~~of Florida-held unclaimed property accounts through a bankruptcy~~
3842 ~~estate representative or other person or entity authorized~~
3843 ~~pursuant to Title XI of the United States Code or an order of a~~
3844 ~~bankruptcy court to act on behalf or for the benefit of the~~
3845 ~~debtor, its creditors, and its bankruptcy estate.~~

3846 Section 86. Section 717.1356, Florida Statutes, is created
3847 to read:

3848 717.1356 Purchase of abandoned property.—

3849 (1) Agreements for the purchase of abandoned property
3850 reported to the department shall be valid only if all of the
3851 following conditions are met:

3852 (a) The agreement is entitled "Florida Abandoned Property
3853 Purchase Agreement" and is in writing, in minimum 12-point type.

3854 (b) The agreement includes the social security number or
3855 taxpayer identification number of the seller, if a number has
3856 been issued to the seller; a valid e-mail address, mailing
3857 address, and telephone number for the seller; and is manually
3858 signed and dated by the seller with the signature notarized.

3859 (c) The agreement discloses with specificity the nature and
3860 value of the abandoned property, including the name of the
3861 apparent owner as shown by the records of the department, the
3862 name of the holder who remitted the property, the date of last
3863 contact, and the property category. With respect to the value of
3864 the abandoned property, the agreement must contain the
3865 following:

3866 1. The total dollar amount of all abandoned property to be
3867 sold.

3868 2. The total percentage of the value of the abandoned



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3869 property to be paid as net gain to the purchaser.
3870 3. The total net dollar amount to be received by the
3871 purchaser.
3872 4. The net dollar amount to be received by the seller.
3873 (d) The agreement states the abandoned property account
3874 number for each abandoned property account sold.
3875 (e) The purchase price does not discount the total value of
3876 all abandoned property subject to the sale by more than 30
3877 percent.
3878 (f) The agreement states that the amount of the purchase
3879 price will be remitted to the seller by the purchaser within 30
3880 days after the execution of the agreement by the seller.
3881 (g) The agreement includes the name, address, e-mail
3882 address, and phone number of the purchaser.
3883 (h) The agreement states that the abandoned property is
3884 currently in the department's custody and that the seller can
3885 claim the property directly from the department on its
3886 electronically searchable website without being charged a fee.
3887 The agreement must provide the department's website address.
3888 (2) A seller may cancel a purchase agreement without
3889 penalty or obligation within 15 business days after the date on
3890 which the agreement was executed. The agreement must contain the
3891 following language in minimum 12-point type: "You may cancel
3892 this agreement for any reason without penalty or obligation to
3893 you within 15 days after the date of this agreement by providing
3894 notice to . . .(name of purchaser). . ., submitted in writing
3895 and sent by certified mail, return receipt requested, or other
3896 form of mailing that provides proof thereof, at the address or
3897 e-mail address specified in the agreement."



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3898 (3) A copy of an executed Florida Abandoned Property
3899 Purchase Agreement must be filed with the purchaser's claim,
3900 along with proof that the purchaser has made payment in full,
3901 and all other required documentation. If proof of payment is not
3902 provided, the department may not approve the claim.

3903 (4) A purchase agreement under this section which discounts
3904 the value of abandoned property by more than the amount
3905 authorized in paragraph (1) (e) is enforceable only by the
3906 seller.

3907 (5) (a) For purposes of this subsection, the term:

3908 1. "Asset purchaser" means a business association that has
3909 purchased property from a large business association.

3910 2. "Large business association" means a business
3911 association or group of business associations which:

3912 a. Generates \$100 million or more in annual gross receipts
3913 or sales;

3914 b. Employs 100 or more full-time employees in the United
3915 States; or

3916 c. Has equity securities publicly traded on an exchange
3917 regulated by the United States Securities and Exchange
3918 Commission.

3919 (b) Claims filed by an asset purchaser under this section
3920 must include:

3921 1. A complete copy of the asset purchase agreement or
3922 similar contract between the asset purchaser and the seller; and

3923 2. An attestation by the seller, either in the asset
3924 purchase agreement or in a separate written affirmation from the
3925 owner, that the owner:

3926 a. Is a large business association as defined in paragraph



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3927 (a); and
3928 b. Is aware that it is selling unclaimed property that may
3929 be recovered from the administrator without paying a fee.
3930 (c) If the seller is a publicly traded entity, the asset
3931 purchaser may provide a copy, or a link to an online copy, of
3932 the most recent Form 10K filed with the United States Securities
3933 and Exchange Commission in lieu of the attestation required by
3934 subparagraph (b)2.
3935 (d) This subsection does not apply to asset purchase
3936 agreements involving the assets of a business association
3937 arising out of a bankruptcy proceeding under Title 11 of the
3938 United States Code or corporate dissolution or a similar
3939 proceeding under applicable state law, such as receiverships and
3940 assignments for the benefit of creditors.
3941 (e) This subsection does not apply to asset purchase
3942 agreements between an asset purchaser and sellers that comprise
3943 a large business association.
3944 (f) The requirements of this subsection apply only to
3945 claims filed based on asset purchase agreements executed on or
3946 after the effective date of this act.
3947 (g) This subsection does not limit the ability of the
3948 department to request or receive additional evidence sufficient
3949 to establish to the satisfaction of the department that the
3950 claimant is the owner of the property pursuant to this chapter.
3951 (h) The department may adopt rules to implement this
3952 subsection. The department may change by administrative rule the
3953 annual gross receipts or sales threshold to an amount less than
3954 \$100 million as specified in sub-subparagraph (a)2.a.
3955 Section 87. Section 717.138, Florida Statutes, is amended



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3956 to read:

3957 717.138 Rulemaking authority.—The department shall
3958 administer and provide for the enforcement of this chapter. The
3959 department has authority to adopt rules pursuant to ss.
3960 120.536(1) and 120.54 to implement the provisions of this
3961 chapter. The department may adopt rules to allow for electronic
3962 filing of fees, forms, and reports required by this chapter. The
3963 authority to adopt rules pursuant to this chapter applies to all
3964 abandoned ~~unclaimed~~ property reported and remitted to the Chief
3965 Financial Officer, including, but not limited to, property
3966 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
3967 and 744.534.

3968 Section 88. Section 717.1382, Florida Statutes, is amended
3969 to read:

3970 717.1382 United States savings bond; abandoned ~~unclaimed~~
3971 property; escheatment; procedure.—

3972 (1) Notwithstanding any other provision of law, a United
3973 States savings bond in possession of the department or
3974 registered to a person with a last known address in the state,
3975 including a bond that is lost, stolen, or destroyed, is presumed
3976 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
3977 and no longer earns interest and shall be reported and remitted
3978 to the department by the financial institution or other holder
3979 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
3980 ~~(5)~~ and 717.119, if the department is not in possession of the
3981 bond.

3982 (2) (a) After a United States savings bond is abandoned ~~and~~
3983 ~~unclaimed~~ in accordance with subsection (1), the department may
3984 commence a civil action in a court of competent jurisdiction in



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3985 Leon County for a determination that the bond shall escheat to
3986 the state. Upon determination of escheatment, all property
3987 rights to the bond or proceeds from the bond, including all
3988 rights, powers, and privileges of survivorship of an owner, co-
3989 owner, or beneficiary, shall vest solely in the state.

3990 (b) Service of process by publication may be made on a
3991 party in a civil action pursuant to this section. A notice of
3992 action shall state the name of any known owner of the bond, the
3993 nature of the action or proceeding in short and simple terms,
3994 the name of the court in which the action or proceeding is
3995 instituted, and an abbreviated title of the case.

3996 (c) The notice of action shall require a person claiming an
3997 interest in the bond to file a written defense with the clerk of
3998 the court and serve a copy of the defense by the date fixed in
3999 the notice. The date must not be less than 28 or more than 60
4000 days after the first publication of the notice.

4001 (d) The notice of action shall be published once a week for
4002 4 consecutive weeks in a newspaper of general circulation
4003 published in Leon County. Proof of publication shall be placed
4004 in the court file.

4005 (e)1. If no person files a claim with the court for the
4006 bond and if the department has substantially complied with the
4007 provisions of this section, the court shall enter a default
4008 judgment that the bond, or proceeds from such bond, has
4009 escheated to the state.

4010 2. If a person files a claim for one or more bonds and,
4011 after notice and hearing, the court determines that the claimant
4012 is not entitled to the bonds claimed by such claimant, the court
4013 shall enter a judgment that such bonds, or proceeds from such



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4014 bonds, have escheated to the state.

4015 3. If a person files a claim for one or more bonds and,
4016 after notice and hearing, the court determines that the claimant
4017 is entitled to the bonds claimed by such claimant, the court
4018 shall enter a judgment in favor of the claimant.

4019 (3) The department may redeem a United States savings bond
4020 escheated to the state pursuant to this section or, in the event
4021 that the department is not in possession of the bond, seek to
4022 obtain the proceeds from such bond. Proceeds received by the
4023 department shall be deposited in accordance with s. 717.123.

4024 Section 89. Section 717.139, Florida Statutes, is amended
4025 to read:

4026 717.139 Uniformity of application and construction.—

4027 (1) The Legislature finds that laws governing abandoned
4028 property serve a vital public purpose by protecting the property
4029 rights of owners, facilitating the return abandoned property to
4030 its owners, preventing private escheatment, and ensuring that
4031 abandoned assets are preserved and safeguarded from waste or
4032 misuse. It is the public policy of the state to protect the
4033 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
4034 ~~declared to be in the best interests of owners of unclaimed~~
4035 ~~property that such owners receive the full amount of any~~
4036 ~~unclaimed property without any fee.~~

4037 (2) This chapter shall be applied and construed as to
4038 effectuate its general purpose of protecting the interest of
4039 missing owners of abandoned property, while providing that the
4040 benefit of all ~~unclaimed and~~ abandoned property shall go to all
4041 the people of the state, and to make uniform the law with
4042 respect to the subject of this chapter among states enacting it.



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4043 It is the intent of the Legislature that property reported under
4044 this chapter remains the property of the owner and that the
4045 State of Florida acts solely as a custodian, not as the owner,
4046 of such property. Title to abandoned property may not transfer
4047 to the state except as expressly provided by law and only after
4048 all reasonable efforts to identify and return the property to
4049 its rightful owner have been exhausted.

4050 Section 90. Section 717.1400, Florida Statutes, is amended
4051 to read:

4052 717.1400 Registration.—

4053 (1) In order to file claims as a claimant ~~claimant's~~
4054 representative, receive a distribution of fees and costs for
4055 approved claims from the department, and obtain information
4056 regarding abandoned ~~unclaimed~~ property dollar amounts and
4057 numbers of reported shares of stock held by the department, an
4058 individual must meet all of the following requirements:

4059 (a) Be one of the following:

4060 1. A Florida-licensed private investigator holding a Class
4061 "C" individual license under chapter 493;

4062 2. A Florida-certified public accountant; or

4063 3. A Florida-licensed attorney.

4064 (b) Have obtained a certificate of registration from ~~Must~~
4065 register with the department.

4066 (2) An application for registration as a claimant
4067 representative must be submitted in writing on a form prescribed
4068 by the department and must be accompanied by all of the
4069 following:

4070 (a) A legible color copy of the applicant's current driver
4071 license showing the full name and current address of such



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4072 person. If a current driver license is not available, another
4073 form of photo identification must be provided which shows the
4074 full name and current address of such person.

4075 (b) If the applicant is a private investigator:

4076 1. ~~on such form as the department prescribes by rule and~~
4077 ~~must be verified by the applicant. To register with the~~
4078 ~~department, a private investigator must provide:~~

4079 ~~(a) A legible copy of the applicant's Class "A" business~~
4080 ~~license under chapter 493 or that of the applicant's firm or~~
4081 ~~employer which holds a Class "A" business license under chapter~~
4082 ~~493; and-~~

4083 2. ~~(b) A legible copy of the applicant's Class "C"~~
4084 ~~individual license issued under chapter 493.~~

4085 (c) If the applicant is a certified public accountant, the
4086 applicant's Florida Board of Accountancy number.

4087 (d) If the applicant is a licensed attorney, the
4088 applicant's Florida Bar number.

4089 ~~(e) The business address, and telephone number, tax~~
4090 ~~identification number, and state of domicile or incorporation of~~
4091 ~~the applicant's private investigative firm or employer.~~

4092 ~~(f) The names of agents, or employees, or independent~~
4093 ~~contractors, if any, who are designated or authorized to act on~~
4094 ~~behalf of the applicant private investigator, together with a~~
4095 ~~legible color copy of their photo identification issued by an~~
4096 ~~agency of the United States, or a state, or a political~~
4097 ~~subdivision thereof.~~

4098 (g) A statement that the applicant has not, during the 5-
4099 year period immediately preceding the submission of the
4100 application, violated any part of the Florida Disposition of



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4101 Abandoned Personal Property Act.

4102 (h) A statement that the applicant has not been convicted
4103 of, or plead guilty to, a felony or any offense involving moral
4104 turpitude; dishonesty; deceit; or breach of fiduciary duty,
4105 including theft, attempted theft, falsification, tampering with
4106 records, securing writings by deception, fraud, forgery, or
4107 perjury.

4108 (i)(e) Sufficient information to enable the department to
4109 disburse funds by electronic funds transfer.

4110 (j) The applicant's notarized signature immediately
4111 following an acknowledgment that any false or perjured statement
4112 subjects the applicant to criminal liability under the laws of
4113 this state

4114 ~~(f) The tax identification number of the private~~
4115 ~~investigator's firm or employer which holds a Class "A" business~~
4116 ~~license under chapter 493.~~

4117 ~~(2) In order to file claims as a claimant's representative,~~
4118 ~~receive a distribution of fees and costs from the department,~~
4119 ~~and obtain unclaimed property dollar amounts and numbers of~~
4120 ~~reported shares of stock held by the department, a Florida-~~
4121 ~~certified public accountant must register with the department on~~
4122 ~~such form as the department prescribes by rule and must be~~
4123 ~~verified by the applicant. To register with the department, a~~
4124 ~~Florida-certified public accountant must provide:~~

4125 ~~(a) The applicant's Florida Board of Accountancy number.~~

4126 ~~(b) A legible copy of the applicant's current driver~~
4127 ~~license showing the full name and current address of such~~
4128 ~~person. If a current driver license is not available, another~~
4129 ~~form of identification showing the full name and current address~~



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4130 ~~of such person or persons shall be filed with the department.~~

4131 ~~(c) The business address and telephone number of the~~
4132 ~~applicant's public accounting firm or employer.~~

4133 ~~(d) The names of agents or employees, if any, who are~~
4134 ~~designated to act on behalf of the Florida-certified public~~
4135 ~~accountant, together with a legible copy of their photo~~
4136 ~~identification issued by an agency of the United States, or a~~
4137 ~~state, or a political subdivision thereof.~~

4138 ~~(e) Sufficient information to enable the department to~~
4139 ~~disburse funds by electronic funds transfer.~~

4140 ~~(f) The tax identification number of the accountant's~~
4141 ~~public accounting firm employer.~~

4142 ~~(3) In order to file claims as a claimant's representative,~~
4143 ~~receive a distribution of fees and costs from the department,~~
4144 ~~and obtain unclaimed property dollar amounts and numbers of~~
4145 ~~reported shares of stock held by the department, an attorney~~
4146 ~~licensed to practice in this state must register with the~~
4147 ~~department on such form as the department prescribes by rule and~~
4148 ~~must be verified by the applicant. To register with the~~
4149 ~~department, such attorney must provide:~~

4150 ~~(a) The applicant's Florida Bar number.~~

4151 ~~(b) A legible copy of the applicant's current driver~~
4152 ~~license showing the full name and current address of such~~
4153 ~~person. If a current driver license is not available, another~~
4154 ~~form of identification showing the full name and current address~~
4155 ~~of such person or persons shall be filed with the department.~~

4156 ~~(c) The business address and telephone number of the~~
4157 ~~applicant's firm or employer.~~

4158 ~~(d) The names of agents or employees, if any, who are~~



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4159 ~~designated to act on behalf of the attorney, together with a~~
4160 ~~legible copy of their photo identification issued by an agency~~
4161 ~~of the United States, or a state, or a political subdivision~~
4162 ~~thereof.~~

4163 ~~(e) Sufficient information to enable the department to~~
4164 ~~disburse funds by electronic funds transfer.~~

4165 ~~(f) The tax identification number of the attorney's firm or~~
4166 ~~employer.~~

4167 ~~(4)~~ Information and documents already on file with the
4168 department before the effective date of this provision need not
4169 be resubmitted in order to complete the registration.

4170 ~~(4)(5)~~ If a material change in the status of a registration
4171 occurs, the claimant representative ~~a registrant~~ must, within 30
4172 days, provide the department with the updated documentation and
4173 information in writing. Material changes include, but are not
4174 limited to, the following, ~~+~~ a designated agent or employee
4175 ceasing to act on behalf of the designating person, a surrender,
4176 suspension, or revocation of a license, or a license renewal.

4177 (a) If a designated agent or employee ceases to act on
4178 behalf of the person who has designated the agent or employee to
4179 act on such person's behalf, the designating person must, within
4180 30 days, inform the department ~~the Division of Unclaimed~~
4181 ~~Property~~ in writing of the termination of agency or employment.

4182 (b) If a registrant surrenders the registrant's license or
4183 the license is suspended or revoked, the registrant must, within
4184 30 days, inform the division in writing of the surrender,
4185 suspension, or revocation.

4186 (c) If a private investigator's Class "C" individual
4187 license under chapter 493 or a private investigator's employer's



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4188 Class "A" business license under chapter 493 is renewed, the
4189 private investigator must provide a copy of the renewed license
4190 to the department within 30 days after the receipt of the
4191 renewed license by the private investigator or the private
4192 investigator's employer.

4193 (5)-(6) An applicant's claimant representative's A
4194 ~~registrant's~~ firm or employer may not have a name that might
4195 lead another person to conclude that the claimant
4196 representative's ~~registrant's~~ firm or employer is affiliated or
4197 associated with the United States, or an agency thereof, or a
4198 state or an agency or political subdivision of a state. The
4199 department shall deny an application for registration or revoke
4200 a registration if the applicant's or claimant representative's
4201 ~~registrant's~~ firm or employer has a name that might lead another
4202 person to conclude that the firm or employer is affiliated or
4203 associated with the United States, or an agency thereof, or a
4204 state or an agency or political subdivision of a state. Names
4205 that might lead another person to conclude that the firm or
4206 employer is affiliated or associated with the United States, or
4207 an agency thereof, or a state or an agency or political
4208 subdivision of a state, include, but are not limited to, the
4209 words United States, Florida, state, bureau, division,
4210 department, or government.

4211 (6)-(7) The licensing and other requirements of this section
4212 must be maintained as a condition of registration with the
4213 department.

4214 (7) To maintain active registration under this section, a
4215 claimant representative must file and obtain payment on at least
4216 10 claims per calendar year following the date of initial



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4217 registration.

4218 (a) If a claimant representative fails to meet this
4219 requirement, the department must notify the claimant
4220 representative in writing and provide 30 days to demonstrate
4221 compliance or good cause for noncompliance.

4222 (b) If the claimant representative does not cure the
4223 deficiency or demonstrate good cause within the time provided,
4224 the department must revoke the registration.

4225 (c) A claimant representative whose registration is revoked
4226 under this subsection may not reapply for registration under
4227 this section for a period of 1 year following the effective date
4228 of the revocation.

4229 Section 91. Subsection (1) of section 1001.281, Florida
4230 Statutes, is amended to read:

4231 1001.281 Operating Trust Fund.—

4232 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
4233 created within the Department of Education.

4234 Section 92. Subsection (1) of section 1001.282, Florida
4235 Statutes, is amended to read:

4236 1001.282 Administrative Trust Fund.—

4237 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
4238 is created within the Department of Education.

4239 Section 93. Paragraph (a) of subsection (2) of section
4240 197.582, Florida Statutes, is amended to read:

4241 197.582 Disbursement of proceeds of sale.—

4242 (2)(a) If the property is purchased for an amount in excess
4243 of the statutory bid of the certificateholder, the surplus must
4244 be paid over and disbursed by the clerk as set forth in
4245 subsections (3), (5), and (6). If the opening bid included the



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4246 homestead assessment pursuant to s. 197.502(6)(c), that amount
4247 must be treated as surplus and distributed in the same manner.
4248 The clerk shall distribute the surplus to the governmental units
4249 for the payment of any lien of record held by a governmental
4250 unit against the property, including any tax certificates not
4251 incorporated in the tax deed application and omitted taxes, if
4252 any. If there remains a balance of undistributed funds, the
4253 balance must be retained by the clerk for the benefit of persons
4254 described in s. 197.522(1)(a), except those persons described in
4255 s. 197.502(4)(h), as their interests may appear. The clerk shall
4256 mail notices to such persons notifying them of the funds held
4257 for their benefit at the addresses provided in s. 197.502(4).
4258 Such notice constitutes compliance with the requirements of s.
4259 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing
4260 notices shall be paid out of the excess balance held by the
4261 clerk. Notice must be provided in substantially the following
4262 form:

4263
4264 NOTICE OF SURPLUS FUNDS
4265 FROM TAX DEED SALE
4266

4267 CLERK OF COURT

4268 COUNTY, FLORIDA
4269

4270 Tax Deed #.....

4271 Certificate #.....

4272 Property Description:

4273 Pursuant to chapter 197, Florida Statutes, the above
4274 property was sold at public sale on ...(date of sale)..., and a



4275 surplus of \$...(amount)... (subject to change) will be held by
4276 this office for 120 days beginning on the date of this notice to
4277 benefit the persons having an interest in this property as
4278 described in section 197.502(4), Florida Statutes, as their
4279 interests may appear (except for those persons described in
4280 section 197.502(4) (h), Florida Statutes).

4281 To the extent possible, these funds will be used to satisfy
4282 in full each claimant with a senior mortgage or lien in the
4283 property before distribution of any funds to any junior mortgage
4284 or lien claimant or to the former property owner. To be
4285 considered for funds when they are distributed, you must file a
4286 notarized statement of claim with this office within 120 days
4287 after ~~of~~ this notice. If you are a lienholder, your claim must
4288 include the particulars of your lien and the amounts currently
4289 due. Any lienholder claim that is not filed within the 120-day
4290 deadline is barred.

4291 A copy of this notice must be attached to your statement of
4292 claim. After the office examines the filed claim statements, it
4293 will notify you if you are entitled to any payment.

4294 Dated:

4295 Clerk of Court

4296 Section 94. Paragraph (t) of subsection (1) of section
4297 626.9541, Florida Statutes, is amended to read:

4298 626.9541 Unfair methods of competition and unfair or
4299 deceptive acts or practices defined.—

4300 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
4301 ACTS.—The following are defined as unfair methods of competition
4302 and unfair or deceptive acts or practices:

4303 (t) *Certain life insurance relations with funeral directors*



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4304 *prohibited.*—

4305 1. No life insurer shall permit any funeral director or
4306 direct disposer to act as its representative, adjuster, claim
4307 agent, special claim agent, or agent for such insurer in
4308 soliciting, negotiating, or effecting contracts of life
4309 insurance on any plan or of any nature issued by such insurer or
4310 in collecting premiums for holders of any such contracts except
4311 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

4312 2. No life insurer shall:

4313 a. Affix, or permit to be affixed, advertising matter of
4314 any kind or character of any licensed funeral director or direct
4315 disposer to such policies of insurance.

4316 b. Circulate, or permit to be circulated, any such
4317 advertising matter with such insurance policies.

4318 c. Attempt in any manner or form to influence policyholders
4319 of the insurer to employ the services of any particular licensed
4320 funeral director or direct disposer.

4321 3. No such insurer shall maintain, or permit its agent to
4322 maintain, an office or place of business in the office,
4323 establishment, or place of business of any funeral director or
4324 direct disposer in this state.

4325 Section 95. For the purpose of incorporating the amendment
4326 made by this act to section 717.101, Florida Statutes, in a
4327 reference thereto, paragraph (a) of subsection (6) of section
4328 772.13, Florida Statutes, is reenacted to read:

4329 772.13 Civil remedy for terrorism or facilitating or
4330 furthering terrorism.—

4331 (6) (a) In any postjudgment execution proceedings to enforce
4332 a judgment entered against a terrorist party under this section



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4333 or under 18 U.S.C. s. 2333 or a substantially similar law of the
4334 United States or of any state or territory of the United States,
4335 including postjudgment execution proceedings against any agency
4336 or instrumentality of the terrorist party not named in the
4337 judgment pursuant to s. 201(a) of the Terrorism Risk Insurance
4338 Act, 28 U.S.C. s. 1610:

4339 1. There is no right to a jury trial under s. 56.18 or s.
4340 77.08;

4341 2. A defendant or a person may not use the resources of the
4342 courts of this state in furtherance of a defense or an objection
4343 to postjudgment collection proceedings if the defendant or
4344 person purposely leaves the jurisdiction of this state or the
4345 United States, declines to enter or reenter this state or the
4346 United States to submit to its jurisdiction, or otherwise evades
4347 the jurisdiction of the court in which a criminal case is
4348 pending against the defendant or person. This subparagraph
4349 applies to any entity that is owned or controlled by a person to
4350 whom this paragraph applies;

4351 3. Creditor process issued under chapter 56 or chapter 77
4352 may be served upon any person or entity over whom the court has
4353 personal jurisdiction. Writs of garnishment issued under s.
4354 77.01 and proceedings supplementary under s. 56.29 apply to
4355 intangible assets wherever located, without territorial
4356 limitation, including bank accounts as defined in s.
4357 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4358 other intangible property as defined in s. 717.101. The situs of
4359 any intangible assets held or maintained by or in the
4360 possession, custody, or control of a person or entity so served
4361 shall be deemed to be in this state for the purposes of a



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4362 proceeding under chapter 56 or chapter 77. Service of a writ or
4363 notice to appear under this section shall provide the court with
4364 in rem jurisdiction over any intangible assets regardless of the
4365 location of the assets;

4366 4. Notwithstanding s. 678.1121, the interest of a debtor in
4367 a financial asset or security entitlement may be reached by a
4368 creditor by legal process upon the securities intermediary with
4369 whom the debtor's securities account is maintained, or, if that
4370 is a foreign entity, legal process under chapter 56 or chapter
4371 77 may be served upon the United States securities custodian or
4372 intermediary that has reported holding, maintaining, possessing,
4373 or controlling the blocked financial assets or security
4374 entitlements to the Office of Foreign Assets Control of the
4375 United States Department of the Treasury, and such financial
4376 assets or security entitlements shall be subject to execution,
4377 garnishment, and turnover by the United States securities
4378 custodian or intermediary; and

4379 5. Notwithstanding s. 670.502(4), when an electronic funds
4380 transfer is not completed within 5 banking days and is canceled
4381 pursuant to s. 670.211(4) because a United States intermediary
4382 financial institution has blocked the transaction in compliance
4383 with a United States sanctions program, and a terrorist party or
4384 any agency or instrumentality thereof was either the originator
4385 or the intended beneficiary, then the blocked funds shall be
4386 deemed owned by the terrorist party or its agency or
4387 instrumentality and shall be subject to execution and
4388 garnishment.

4389 Section 96. The Division of Law Revision is directed to
4390 replace the phrase "the effective date of this act" wherever it



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4391 occurs in this act with the date this act becomes a law.
4392 Section 97. This act shall take effect upon becoming a law.
4393
4394 ===== T I T L E A M E N D M E N T =====
4395 And the title is amended as follows:
4396 Delete everything before the enacting clause
4397 and insert:
4398 A bill to be entitled
4399 An act relating to the Department of Financial
4400 Services; amending s. 17.11, F.S.; revising the
4401 subsystem used for a certain report of disbursements
4402 made; amending s. 17.13, F.S.; requiring the
4403 replacement, rather than the duplication, of lost or
4404 destroyed warrants; amending s. 110.113, F.S.;
4405 deleting the Department of Financial Services'
4406 authority to make semimonthly salary payments;
4407 amending s. 112.3135, F.S.; authorizing a public
4408 official to take specified actions regarding the
4409 employment of a relative as a firefighter; amending s.
4410 215.5586, F.S.; defining terms; revising eligibility
4411 requirements for a hurricane mitigation inspection
4412 under the My Safe Florida Home Program; revising the
4413 circumstances under which applicants may submit a
4414 subsequent hurricane mitigation inspection
4415 application; deleting the requirement that licensed
4416 inspectors determine mitigation measures during
4417 initial inspections of eligible homes; deleting
4418 inspectors' authorization to inspect townhouses;
4419 revising the criteria for eligibility for a hurricane



4420 mitigation grant; deleting an expiration date;
4421 revising the improvements for which grants may be
4422 used; requiring that improvements be identified in the
4423 final hurricane mitigation inspection to receive grant
4424 funds; deleting a provision related to grants for
4425 townhouses; authorizing the program to accept a
4426 specified certification directly from applicants;
4427 requiring applicants who receive grants to finalize
4428 construction and request a final inspection within a
4429 specified timeframe; specifying that an application is
4430 deemed abandoned, rather than withdrawn, under certain
4431 circumstances; requiring the department to notify
4432 applicants within a specified timeframe before an
4433 application is deemed abandoned; authorizing
4434 applicants to submit a subsequent application under
4435 certain circumstances; authorizing the department to
4436 determine that an application is not abandoned under
4437 certain circumstances; amending s. 215.55871, F.S.;
4438 defining the term "area median income"; deleting the
4439 definition of the term "service area"; revising
4440 eligibility requirements for the My Safe Florida
4441 Condominium Pilot Program; requiring the department to
4442 adopt rules to verify household income; authorizing
4443 the department to require periodic recertification of
4444 income eligibility for a specified purpose;
4445 authorizing condominiums with mixed-income occupancies
4446 to participate in the pilot program if a certain
4447 condition is met; requiring an application for a
4448 mitigation grant to include documentation to verify



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4449 household income; limiting the award of grant funds to
4450 specified mitigation improvements; requiring an
4451 association to complete a certain percentage of
4452 opening protection improvements; providing
4453 applicability; amending s. 215.89, F.S.; deleting
4454 provisions regarding the reporting structure for
4455 charts of accounts relating to the use of public funds
4456 by governmental entities; amending s. 215.93, F.S.;
4457 revising the subsystems of the Florida Financial
4458 Management Information System; requiring that certain
4459 requests for records be made to a specified entity;
4460 prohibiting such requests from being made to the
4461 functional owner of the subsystem; providing an
4462 exception; amending s. 215.94, F.S.; providing that
4463 the department is the functional owner of the
4464 Financial Management Subsystem rather than the Florida
4465 Accounting Information Resource Subsystem; revising
4466 the functions of such subsystem; amending s. 215.96,
4467 F.S.; revising the composition of the coordinating
4468 council; deleting a requirement for the design and
4469 coordination staff; requiring that minutes of meetings
4470 be available to interested persons; revising the
4471 composition of ex officio members of the council;
4472 revising the duties, powers, and responsibilities of
4473 the council to include reviewing and coordinating
4474 annual workplans for a specified purpose; amending ss.
4475 215.985, 216.102, and 216.141, F.S.; conforming
4476 provisions to changes made by the act; amending s.
4477 440.13, F.S.; revising the timeframe in which health



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4478 care providers must petition the department to resolve
4479 utilization and reimbursement disputes; revising
4480 petition service requirements; revising the timeframe
4481 in which carriers must submit certain documentation to
4482 the department; revising the timeframe in which the
4483 panel determining the statewide schedule of maximum
4484 reimbursement allowances must submit certain
4485 recommendations to the Legislature; creating s.
4486 497.1411, F.S.; defining the term "applicant";
4487 specifying that certain applicants are permanently
4488 barred from licensure; specifying that certain
4489 applicants are subject to specified disqualifying
4490 periods; requiring the Board of Funeral, Cemetery, and
4491 Consumer Services to adopt rules; specifying
4492 requirements, authorizations, and prohibitions for
4493 such rules; specifying when a disqualifying period
4494 begins; prohibiting the board from issuing approval
4495 for a license until an applicant provides proof that
4496 certain fines, costs, fees, and restitution have been
4497 paid; specifying that the applicant has certain
4498 burdens to demonstrate that he or she is qualified for
4499 licensure; specifying that certain applicants who have
4500 been granted a pardon or restoration of civil rights
4501 are not barred or disqualified from licensure;
4502 specifying that such pardon or restoration does not
4503 require the board to award a license; authorizing the
4504 board to grant an exemption from disqualification
4505 under certain circumstances; specifying requirements
4506 for the applicant in order for the board to grant an



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4507 exemption; specifying that the board has discretion to
4508 grant or deny an exemption; specifying that certain
4509 decisions are subject to ch. 120, F.S.; providing
4510 applicability and construction; amending s. 497.142,
4511 F.S.; prohibiting an application from being deemed
4512 complete under certain circumstances; revising the
4513 list of crimes to be disclosed on a license
4514 application; amending s. 553.80, F.S.; specifying that
4515 certain dwellings do no not have a change of occupancy
4516 under certain circumstances; amending s. 560.309,
4517 F.S.; revising the provisions that a licensee must
4518 comply with in seeking collection of worthless payment
4519 instruments; amending s. 560.405, F.S.; providing that
4520 redemption in cash or through a debit card transaction
4521 shall be treated the same; prohibiting payment through
4522 a credit card transaction; amending s. 560.406, F.S.;
4523 requiring deferred presentment providers to comply
4524 with the Fair Debt Collections Practices Act only if
4525 such deferred presentment providers meet certain
4526 criteria; amending s. 626.0428, F.S.; conforming a
4527 provision to changes made by the act; amending s.
4528 626.171, F.S.; deleting reinsurance intermediaries
4529 from certain application requirements; revising the
4530 list of persons from whom the department is required
4531 to accept uniform applications; making clarifying
4532 changes regarding the voluntary submission of cellular
4533 telephone numbers; revising the exemption from the
4534 application filing fee for members of the United
4535 States Armed Forces; amending s. 626.292, F.S.;



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4536 revising applicant requirements for a license
4537 transfer; amending s. 626.611, F.S.; requiring the
4538 department to require license reexamination of certain
4539 persons and to suspend or revoke the eligibility of
4540 such persons to hold a license or appointment under
4541 certain circumstances; amending the grounds for
4542 suspension or revocation; amending 626.621, F.S.;
4543 authorizing the department to require a license
4544 reexamination for certain persons; amending s.
4545 626.731, F.S.; revising the qualifications for a
4546 general lines agent's license; amending s. 626.785,
4547 F.S.; revising the qualifications for a life agent's
4548 license; amending s. 626.831, F.S.; revising the
4549 qualifications for a health agent's license; amending
4550 s. 626.8417, F.S.; revising the persons who are exempt
4551 from certain provisions relating to title insurance
4552 licensing and appointment requirements; amending s.
4553 626.854, F.S.; requiring a public adjuster, public
4554 adjuster apprentice, or public adjusting firm to
4555 respond to certain claims status requests with
4556 specific information within a specified timeframe and
4557 document in the file the response or information
4558 provided; repealing s. 627.797, F.S., relating to
4559 agents exempt from title insurance licensing; amending
4560 s. 633.208, F.S.; prohibiting certain dwellings from
4561 being reclassified for certain purposes; amending s.
4562 648.34, F.S.; revising requirements for bail bond
4563 agent applicants; amending s. 648.382, F.S.; requiring
4564 officers or officials of the appointing insurer to



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4565 obtain, rather than submit, certain information;
4566 amending s. 717.001, F.S.; revising a short title;
4567 amending s. 717.101, F.S.; revising definitions and
4568 defining terms; amending s. 717.102, F.S.; providing
4569 that certain intangible property is presumed
4570 abandoned; deleting a provision relating to the
4571 presumption that certain intangible property is
4572 presumed unclaimed; specifying the dormancy period for
4573 property presumed abandoned; requiring that property
4574 be considered payable or distributable under certain
4575 circumstances; deleting a provision relating to when
4576 property is payable or distributable; revising a
4577 presumption; requiring that property be presumed
4578 abandoned under certain circumstances; providing an
4579 exception; amending s. 717.103, F.S.; requiring that
4580 intangible property be subject to the custody of the
4581 department under certain circumstances; revising
4582 criteria for when intangible property is subject to
4583 the custody of the department; repealing s. 717.1035,
4584 F.S., relating to property originated or issued by
4585 this state, any political subdivision of this state,
4586 or any entity incorporated, organized, created, or
4587 otherwise located in the state; amending ss. 717.104,
4588 717.1045, 717.105, and 717.106, F.S.; conforming
4589 provisions to changes made by the act; amending s.
4590 717.1065, F.S.; revising the timeframe for
4591 communication with certain entities by the owner of
4592 virtual currency so that the virtual currency is not
4593 presumed unclaimed; amending ss. 717.107, 717.1071,



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4594 717.108, and 717.109, F.S.; conforming provisions to
4595 changes made by the act; amending s. 717.1101, F.S.;
4596 revising the timelines and conditions under which
4597 stock, other equity interests, or debt of a business
4598 association is considered abandoned; requiring the
4599 holder to attempt to confirm the apparent owner's
4600 interest in the equity interest by sending an e-mail
4601 communication within a specified timeframe under
4602 certain circumstances; requiring the holder to attempt
4603 to contact the apparent owner by first-class United
4604 States mail under certain circumstances; specifying
4605 that equity interest is presumed abandoned under
4606 certain circumstances; revising the timeframe in which
4607 unmatured, unredeemed, matured, or redeemed debt is
4608 presumed abandoned; specifying that the applicable
4609 dormancy period ceases under certain circumstances;
4610 revising the timeframe in which a sum held for or
4611 owing by a business association is presumed abandoned;
4612 amending ss. 717.111, 717.112, 717.1125, 717.113,
4613 717.115, and 717.116, F.S.; conforming provisions to
4614 changes made by the act; amending s. 717.117, F.S.;
4615 specifying that property is presumed abandoned upon
4616 the expiration of the applicable dormancy period;
4617 specifying that property is not deemed abandoned for
4618 certain purposes until the holder meets certain
4619 requirements; requiring holders of property presumed
4620 abandoned which has a specified value to use due
4621 diligence to locate and notify the apparent owner;
4622 requiring, before a specified timeframe, a holder in



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4623 possession of presumed abandoned property to send a
4624 specified written notice to the apparent owner;
4625 specifying the method of delivery of such notice;
4626 requiring, before a specified timeframe, the holder to
4627 send a second written notice under certain
4628 circumstances; authorizing the reasonable costs for
4629 the notice to be deducted from the property;
4630 specifying that a signed return receipt constitutes an
4631 affirmative demonstration of continued interest;
4632 specifying requirements of the written notice;
4633 requiring holders of abandoned property to submit a
4634 specified report to the department; prohibiting
4635 certain balances, overpayments, deposits, and refunds
4636 from being reported as abandoned property; prohibiting
4637 certain securities from being included in the report;
4638 requiring the holder to report and deliver such
4639 securities under certain circumstances; requiring the
4640 report to be signed and verified and contain a
4641 specified statement; deleting certain provisions
4642 relating to the due diligence and notices to apparent
4643 owners; specifying that certain equity interests are
4644 not presumed abandoned under certain circumstances;
4645 requiring a holder to perform annual data matching of
4646 certain records for a specified purpose; specifying
4647 that the holder is deemed to know the location of the
4648 apparent owner under certain circumstances;
4649 prohibiting certain transactions from constituting
4650 indication of apparent owner interest; specifying that
4651 certain accounts may be presumed abandoned under



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4652 certain circumstances; providing applicability;
4653 amending s. 717.118, F.S.; revising the state's
4654 obligation to notify apparent owners that their
4655 abandoned property has been reported and remitted to
4656 the department; requiring the department to use a
4657 cost-effective means to make an attempt to notify
4658 certain apparent owners; specifying requirements for
4659 the notice; requiring the department to maintain a
4660 specified website; revising applicability; amending s.
4661 717.119, F.S.; conforming provisions to changes made
4662 by the act; revising requirements for firearms or
4663 ammunition found in an abandoned safe-deposit box or
4664 safekeeping repository; revising required actions the
4665 department must take if a will or trust instrument is
4666 included among the contents of an abandoned safe-
4667 deposit box or safekeeping repository; amending ss.
4668 717.1201, 717.122, 717.123, and 717.1235, F.S.;
4669 conforming provisions to changes made by the act;
4670 amending s. 717.124, F.S.; conforming provisions to
4671 changes made by the act; deleting provisions related
4672 to requirements of claimants' representatives;
4673 specifying that a claim is withdrawn under certain
4674 circumstances; specifying that the department is
4675 authorized to make a distribution of property or money
4676 in accordance with a specified agreement under certain
4677 circumstances; requiring that shares of securities be
4678 delivered directly to the claimant under certain
4679 circumstances; revising a provision authorizing the
4680 department to develop a process by which a claimant



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4681 representative may electronically submit certain
4682 images and documents; deleting provisions relating to
4683 a buyer of unclaimed property's filing of a claim;
4684 amending s. 717.12403, F.S.; conforming provisions to
4685 changes made by the act; amending s. 717.12404, F.S.;
4686 requiring claims on behalf of an active corporation to
4687 include a specified driver license; conforming
4688 provisions to changes made by the act; amending ss.
4689 717.12405 and 717.12406, F.S.; conforming provisions
4690 to changes made by the act; amending s. 717.1241,
4691 F.S.; defining the term "conflicting claim";
4692 conforming provisions to changes made by the act;
4693 revising requirements for remitting property when
4694 conflicting claims have been received by the
4695 department; amending ss. 717.1242, 717.1243, 717.1244,
4696 717.1245, 717.125, 717.126, 717.1261, 717.1262,
4697 717.129, 717.1301, 717.1315, and 717.132, F.S.;
4698 conforming provisions to changes made by the act;
4699 amending s. 717.1322, F.S.; revising the acts that
4700 constitute grounds for administrative enforcement
4701 action by the department; conforming provisions to
4702 changes made by the act; amending ss. 717.133,
4703 717.1333, and 717.1341, F.S.; conforming provisions to
4704 changes made by the act; amending s. 717.135, F.S.;
4705 conforming provisions to changes made by the act;
4706 deleting applicability; creating s. 717.1356, F.S.;
4707 specifying that agreements for the purchase of
4708 abandoned property reported to the department are
4709 valid only under certain circumstances; authorizing



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4710 the seller to cancel a purchase agreement without
4711 penalty or obligation within a specified timeframe;
4712 requiring that such agreement contain certain
4713 language; requiring that a copy of an executed Florida
4714 Abandoned Property Purchase Agreement be filed with
4715 the purchaser's claim; prohibiting the department from
4716 approving the claim under certain circumstances;
4717 specifying that certain purchase agreements are
4718 enforceable only by the seller; defining the terms
4719 "asset purchaser" and "large business association";
4720 requiring that claims filed by asset purchasers
4721 include certain information; authorizing the asset
4722 purchaser to provide a copy of a specified form in
4723 lieu of certain requirements if the seller is a
4724 publicly traded entity; providing applicability and
4725 construction; authorizing the department to adopt
4726 rules; amending s. 717.138, F.S.; conforming
4727 provisions to changes made by the act; amending s.
4728 717.1382, F.S.; conforming provisions to changes made
4729 by the act; conforming a cross-reference; amending s.
4730 717.139, F.S.; providing legislative findings;
4731 revising a statement of public policy; deleting a
4732 legislative declaration; providing legislative intent;
4733 prohibiting title to abandoned property from
4734 transferring to the state except under certain
4735 circumstances; amending s. 717.1400, F.S.; requiring
4736 an individual to meet certain requirements in order to
4737 file claims as a claimant representative; revising
4738 application requirements for registering as a claimant



4739 representative; requiring claimant representatives to
4740 file and obtain payment on a specified number of
4741 claims within a specified timeframe to maintain active
4742 registration; requiring the department to notify the
4743 claimant representative in writing and provide a
4744 certain timeframe to demonstrate compliance or good
4745 cause for noncompliance under certain circumstances;
4746 requiring the department to revoke a registration
4747 under certain circumstances; prohibiting a claimant
4748 representative from reapplying under certain
4749 circumstances; amending ss. 1001.281 and 1001.282,
4750 F.S.; conforming provisions to changes made by the
4751 act; amending ss. 197.582 and 626.9541, F.S.;
4752 conforming cross-references; reenacting s.
4753 772.13(6) (a), F.S., relating to postjudgment execution
4754 proceedings to enforce a judgment entered against a
4755 terrorist party, to incorporate the amendment made to
4756 s. 717.101, F.S., in a reference thereto; providing a
4757 directive to the Division of Law Revision; providing
4758 an effective date.