

By Senator Truenow

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interested persons; revising the composition of ex officio members of the council; revising the duties, powers, and responsibilities of the council; amending s. 284.08, F.S.; authorizing the department to determine what property insurance coverage is necessary; authorizing the department to purchase certain insurance coverages; authorizing the department to contract with insurance or reinsurance brokers for certain purposes; amending s. 284.33, F.S.; authorizing the department to purchase certain insurance coverages; authorizing the department to contract with insurance or reinsurance brokers for certain purposes; amending s. 440.13, F.S.; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant"; specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; specifying that the applicant has certain burdens to

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59 demonstrate that he or she is qualified for licensure;
60 specifying that certain applicants who have been
61 granted a pardon or restoration of civil rights are
62 not barred or disqualified from licensure; specifying
63 that such pardon or restoration does not require the
64 board to award a license; authorizing the board to
65 grant an exemption from disqualification under certain
66 circumstances; specifying requirements for the
67 applicant in order for the board to grant an
68 exemption; specifying that the board has discretion to
69 grant or deny an exemption; specifying that certain
70 decisions are subject to ch. 120, F.S.; providing
71 applicability and construction; amending s. 497.142,
72 F.S.; prohibiting an application from being deemed
73 complete under certain circumstances; revising the
74 list of crimes to be disclosed on a license
75 application; amending s. 626.171, F.S.; deleting
76 reinsurance intermediaries from certain application
77 requirements; revising the list of persons from whom
78 the department is required to accept uniform
79 applications; making clarifying changes regarding the
80 voluntary submission of cellular telephone numbers;
81 revising the exemption from the application filing fee
82 for members of the United States Armed Forces;
83 amending s. 626.292, F.S.; revising applicant
84 requirements for a license transfer; amending s.
85 626.611, F.S.; requiring the department to require
86 license reexamination of certain persons, and suspend
87 or revoke the eligibility to hold a license or

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88 appointment of such persons under certain
89 circumstances; amending the grounds for suspension or
90 revocation; amending 626.621, F.S.; authorizing the
91 department to require an reexamination of certain
92 persons; amending s. 626.731, F.S.; revising the
93 qualifications for a general lines agent's license;
94 amending s. 626.785, F.S.; revising the qualifications
95 for a life agent's license; amending s. 626.831, F.S.;
96 revising the qualifications for a health agent's
97 license; amending s. 626.854, F.S.; requiring a public
98 adjuster, public adjuster apprentice, or public
99 adjusting firm to respond with specific information
100 within a specified timeframe and document in the file
101 the response or information provided; amending s.
102 648.34, F.S.; revising requirements for bail bond
103 agent applicants; amending s. 648.382, F.S.; requiring
104 officers or officials of the appointing insurer to
105 obtain, rather than submit, certain information;
106 amending s. 717.001, F.S.; revising the short title;
107 amending s. 717.101, F.S.; revising and adding
108 definitions; amending s. 717.102, F.S.; providing that
109 certain intangible property is presumed abandoned;
110 deleting a provision relating to the presumption that
111 certain intangible property is presumed unclaimed;
112 specifying the dormancy period for property presumed
113 abandoned; requiring that property be considered
114 payable or distributable under certain circumstances;
115 deleting a provision relating to when property is
116 payable or distributable; revising a presumption;

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

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146 ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and
147 717.116, F.S.; conforming provisions to changes made
148 by the act; amending s. 717.117, F.S.; specifying that
149 property is presumed abandoned upon the expiration of
150 the applicable dormancy periods; specifying that
151 property is not deemed abandoned for certain purposes
152 until the holder meets certain requirements; requiring
153 holders of property presumed abandoned that has a
154 specified value to use due diligence to locate and
155 notify the apparent owner; requiring, before a
156 specified timeframe, a holder in possession of
157 presumed abandoned property to send a specified
158 written notice to the apparent owner; specifying the
159 method of delivery of such notice; requiring, before a
160 specified timeframe, the holder to send a second
161 written notice under certain circumstances;
162 authorizing the reasonable cost for the notice to be
163 deducted from the property; specifying that a signed
164 return receipt constitutes an affirmative
165 demonstration of continued interest; specifying
166 requirements of the written notice; requiring holders
167 of abandoned property to submit a specified report to
168 the department; prohibiting certain balances,
169 overpayments, deposits, and refunds from being
170 reported as abandoned property; prohibiting certain
171 securities from being included in the report;
172 requiring the holder to report and deliver such
173 securities under certain circumstances; requiring the
174 report to be signed and verified and contain a

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175 specified statement; deleting certain provisions
176 relating to the due diligence and notices to apparent
177 owners; amending s. 717.118, F.S.; revising the
178 state's obligation to notify apparent owners that
179 their abandoned property has been reported and
180 remitted to the department; requiring the department
181 to use a cost-effective means to make an attempt to
182 notify certain apparent owners; specifying
183 requirements for the notice; requiring the department
184 to maintain a specified website; revising
185 applicability; amending s. 717.119, F.S.; conforming
186 provisions to changes made by the act; revising
187 requirements for firearms or ammunition found in an
188 abandoned safe-deposit box or safekeeping repository;
189 revising requirements if a will or trust instrument is
190 included among the contents of an abandoned safe-
191 deposit box or safekeeping repository; amending ss.
192 717.1201 and 717.122, F.S.; conforming provisions to
193 changes made by the act; amending s. 717.123, F.S.;
194 conforming provisions to changes made by the act;
195 revising the name of a certain trust fund; revising
196 the amount the department must retain from certain
197 funds received; revising a required transfer of funds
198 to the State School Fund; amending s. 717.1235, F.S.;
199 conforming provisions to changes made by the act;
200 amending s. 717.124, F.S.; conforming provisions to
201 changes made by the act; deleting provisions related
202 to requirements of claimant's representatives;
203 specifying that the department is authorized to make a

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204 distribution of property or money in accordance with a
205 specified agreement under certain circumstances;
206 requiring shares of securities to be delivered
207 directly to the claimant under certain circumstances;
208 deleting a provision authorizing the department to
209 develop a process by which a buyer of unclaimed
210 property may electronically submit certain images and
211 documents; deleting provisions relating to a buyer of
212 unclaimed property's filing of a claim; amending s.
213 717.12403, F.S.; conforming provisions to changes made
214 by the act; amending s. 717.12404, F.S.; requiring
215 claims on behalf of an active corporation to include a
216 specified driver license; conforming provisions to
217 changes made by the act; amending ss. 717.12405 and
218 717.12406, F.S.; conforming provisions to changes made
219 by the act; amending s. 717.1241, F.S.; defining the
220 term "conflicting claim"; conforming provisions to
221 changes made by the act; revising requirements for
222 remitting property when conflicting claims have been
223 received by the department; amending ss. 717.1242,
224 717.1243, 717.1244, 717.1245, 717.125, 717.126,
225 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
226 717.132, F.S.; conforming provisions to changes made
227 by the act; amending s. 717.1322, F.S.; revising the
228 acts that constitute grounds for administrative
229 enforcement action by the department; conforming
230 provisions to changes made by the act; amending ss.
231 717.133, 717.1333, and 717.1341, F.S.; conforming
232 provisions to changes made by the act; amending s.

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233 717.135, F.S.; conforming provisions to changes made
234 by the act; deleting applicability; creating s.
235 717.1356, F.S.; specifying that agreements for the
236 purchase of abandoned property reported to the
237 department are valid only under certain circumstances;
238 authorizing the seller to cancel a purchase agreement
239 without penalty or obligation within a specified
240 timeframe; specifying that the agreement must contain
241 certain language; requiring a copy of an executed
242 Florida Abandoned Property Purchase Agreement be filed
243 with the purchaser's claim; prohibiting the department
244 from approving the claim under certain circumstances;
245 specifying that certain purchase agreements are
246 enforceable only by the seller; amending s. 717.138,
247 F.S.; conforming provisions to changes made by the
248 act; amending s. 717.1382, F.S.; conforming provisions
249 to changes made by the act; conforming a cross-
250 reference; amending s. 717.139, F.S.; providing
251 legislative findings; revising a statement of public
252 policy; deleting a legislative declaration; providing
253 legislative intent; prohibiting title to abandoned
254 property from transferring to the state except under
255 certain circumstances; amending s. 717.1400, F.S.;
256 requiring an individual to meet certain requirements
257 in order to file claims as a claimant representative;
258 revising application requirements for registering as a
259 claimant representative; requiring claimant
260 representatives to file and obtain payment on a
261 specified number of claims within a specified

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262 timeframe to maintain active registration; requiring
263 the department to notify the claimant representative
264 in writing and provide a certain timeframe to
265 demonstrate compliance or good cause for noncompliance
266 under certain circumstances; requiring the department
267 to revoke a registration under certain circumstances;
268 prohibiting a claimant representative from reapplying
269 under certain circumstances; amending ss. 197.582 and
270 626.9541, F.S.; conforming cross-references;
271 reenacting s. 772.13(6)(a), F.S., relating to
272 postjudgment execution proceedings to enforce a
273 judgment entered against a terrorist party, to
274 incorporate the amendment made to s. 717.101, F.S., in
275 a reference thereto; providing an effective date.
276

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

278
279 Section 1. Subsection (15) of section 215.422, Florida
280 Statutes, is amended to read:

281 215.422 Payments, warrants, and invoices; processing time
282 limits; dispute resolution; agency or judicial branch
283 compliance.—

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

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291 or services will be provided.

292 Section 2. Paragraphs (a) through (e) of subsection (1),
293 subsections (2) and (3), paragraph (a) of subsection (8), and
294 subsection (10) of section 215.5586, Florida Statutes, are
295 amended to read:

296 215.5586 My Safe Florida Home Program.—There is established
297 within the Department of Financial Services the My Safe Florida
298 Home Program. The department shall provide fiscal
299 accountability, contract management, and strategic leadership
300 for the program, consistent with this section. This section does
301 not create an entitlement for property owners or obligate the
302 state in any way to fund the inspection or retrofitting of
303 residential property in this state. Implementation of this
304 program is subject to annual legislative appropriations. It is
305 the intent of the Legislature that, subject to the availability
306 of funds, the My Safe Florida Home Program provide licensed
307 inspectors to perform hurricane mitigation inspections of
308 eligible homes and grants to fund hurricane mitigation projects
309 on those homes. The department shall implement the program in
310 such a manner that the total amount of funding requested by
311 accepted applications, whether for inspections, grants, or other
312 services or assistance, does not exceed the total amount of
313 available funds. If, after applications are processed and
314 approved, funds remain available, the department may accept
315 applications up to the available amount. The program shall
316 develop and implement a comprehensive and coordinated approach
317 for hurricane damage mitigation pursuant to the requirements
318 provided in this section.

319 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

330 2. An applicant is To be eligible for a hurricane
331 mitigation inspection under the program if all of the following
332 conditions are met:

333 a.1. The A home for which the inspection is sought is must
334 be a single-family, unit on an individual parcel of land that
335 is:

336 (I) A detached residential property; or
337 (II) An attached residential property not exceeding three
338 stories. A townhouse as defined in s. 481.203;

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

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

343 (b)1. An application for a hurricane mitigation inspection
344 must contain a signed or electronically verified statement made
345 under penalty of perjury that the applicant has submitted only
346 one inspection application on the home or that the application
347 is allowed under subparagraph 2., and the application must have
348 documents attached which demonstrate that the applicant meets

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349 the requirements of paragraph (a).

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

352 a. The original hurricane mitigation inspection application
353 has been denied or withdrawn because of material errors or
354 omissions in the application;

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

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

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

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

373 (d) Licensed inspectors are to provide initial ~~home~~
374 inspections of eligible homes to determine ~~what mitigation~~
375 ~~measures are needed,~~ what insurance premium discounts may be
376 available, and what improvements to existing residential
377 properties are needed to reduce the property's vulnerability to

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378 hurricane damage. ~~An inspector may inspect a townhouse as~~
379 ~~defined in s. 481.203 to determine if opening protection~~
380 ~~mitigation as listed in subparagraph (2)(e)1. would provide~~
381 ~~improvements to mitigate hurricane damage.~~

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

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

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

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

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

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

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

404 2. The home must be a dwelling with an insured value of
405 \$700,000 or less. Applicants Homeowners who are low-income
406 persons, as defined in s. 420.0004(11), are exempt from this

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407 requirement.

408 3. The home must undergo an initial acceptable hurricane
409 mitigation inspection through the program as provided in
410 subsection (1).411 4. The ~~building permit application for initial construction~~
412 ~~of the home must have been built~~ made before January 1, 2008, as
413 reflected on the county property appraiser's website.414 5. The applicant homeowner must agree to make his or her
415 home available for a final inspection once a mitigation project
416 is completed.417 6. The applicant homeowner must agree to provide to the
418 department information received from the applicant's homeowner's
419 insurer identifying the discounts realized by the applicant
420 homeowner because of the mitigation improvements funded through
421 the program.422 7.a. The applicant homeowner must be a low-income person or
423 moderate-income person as defined in s. 420.0004.424 b. The hurricane mitigation inspection must have occurred
425 within the previous 24 months from the date of application.426 c. Notwithstanding subparagraph 2., applicants homeowners
427 who are low-income persons, as defined in s. 420.0004(11), are
428 not exempt from the requirement that the home must be a dwelling
429 with an insured value of \$700,000 or less.

430 d. This subparagraph expires July 1, 2026.

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

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436 applicant meets the requirements of paragraph (a).

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

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

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

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

450 3. A grant application must include a statement from the
451 applicant ~~homeowner~~ which contains the name and state license
452 number of the contractor that the applicant ~~homeowner~~
453 acknowledges as the intended contractor for the mitigation work.
454 The program must ~~electronically~~ verify that the contractor's
455 state license number is valid accurate and up to date before
456 ~~grant approval~~.

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

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

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

468 1. Opening protection improvements, including:

469 a. Exterior doors.

470 b. Garage doors.

471 c. Windows. and

472 d. Skylights.

473 2. Roof improvements, including:

474 a. Reinforcing roof-to-wall connections.

475 b. Improving the strength of roof-deck attachments.

476 c. Installing secondary water resistance for roof and
477 replacing the roof covering.

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

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

488 (h) Low-income applicants ~~homeowners~~, as defined in s.
489 420.0004(11), who otherwise meet the applicable requirements of
490 this subsection are eligible for a grant of up to \$10,000 and
491 are not required to provide a matching amount to receive the
492 grant.

493 (i)1. The department shall develop a process that ensures

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494 the most efficient means to collect and verify inspection
495 applications and grant applications to determine eligibility.
496 The department may direct hurricane mitigation inspectors to
497 collect and verify grant application information or use the
498 Internet or other electronic means to collect information and
499 determine eligibility.

500 2. The department shall prioritize the review and approval
501 of such inspection applications and grant applications in the
502 following order:

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

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

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

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

511 e. Last, all other applications.

512 3. The department shall start accepting inspection
513 applications and grant applications no earlier than the
514 effective date of a legislative appropriation funding
515 inspections and grants, as follows:

516 a. Initially, from applicants prioritized under sub-
517 subparagraph 2.a.;

518 b. From applicants prioritized under sub subparagraph 2.b.,
519 beginning 15 days after the program initially starts accepting
520 applications;

521 c. From applicants prioritized under sub subparagraph 2.c.,
522 beginning 30 days after the program initially starts accepting

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523 applications;

524 d. From applicants described in sub-subparagraph 2.d.,
525 beginning 45 days after the program initially starts accepting
526 applications; and527 e. From all other applicants, beginning 60 days after the
528 program initially starts accepting applications.529 4. The program may accept a certification directly from a
530 low-income applicant homeowner or moderate-income applicant
531 homeowner who meets the requirements of s. 420.0004(11) or (12),
532 respectively, if the applicant homeowner provides such
533 certification in a signed or electronically verified statement
534 made under penalty of perjury.535 5. The program may accept a certification directly from an
536 applicant attesting to his or her age if the applicant provides
537 such certification in a signed or electronically verified
538 statement made under penalty of perjury.539 (j) An applicant A homeowner who receives a grant shall
540 finalize construction and request a final inspection, ~~or request~~
541 ~~an extension for an additional 6 months,~~ within 18 months 1 year
542 after grant application approval. If an applicant a homeowner
543 fails to comply with this paragraph, his or her application is
544 deemed abandoned and the grant money reverts to the department.545 (3) REQUESTS FOR INFORMATION.—The department may request
546 that an applicant provide additional information. An application
547 is deemed abandoned withdrawn by the applicant if the department
548 does not receive a response to its request for additional
549 information within 60 days after the notification of any
550 apparent error or omission.

551 (8) CONTRACT MANAGEMENT.—

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

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

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

215.96 Coordinating council and design and coordination staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of

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581 Revenue; and the Director of Planning and Budgeting, Executive
582 Office of the Governor, or their designees. The Chief Financial
583 Officer, or his or her designee, shall be chair of the council,
584 and the design and coordination staff shall provide
585 administrative and clerical support to the council and the
586 board. ~~The design and coordination staff shall maintain the~~
587 Minutes of each meeting shall be and make such minutes available
588 to any interested person. The Auditor General, the State Courts
589 Administrator, ~~a an executive officer of the Florida Association~~
590 ~~of state agency administrative services director selected by the~~
591 ~~council Directors, and a an executive officer of the Florida~~
592 ~~Association of state budget officer selected by the council~~
593 ~~Officers, or their designees, shall serve without voting rights~~
594 as ex officio members of the council. The chair may call
595 meetings of the council as often as necessary to transact
596 business; however, the council shall meet at least once a year.
597 Action of the council shall be by motion, duly made, seconded
598 and passed by a majority of the council voting in the
599 affirmative for approval of items that are to be recommended for
600 approval to the Financial Management Information Board.

601 (3) The coordinating council, assisted by the design and
602 coordination staff, shall have the following duties, powers, and
603 responsibilities pertaining to the Florida Financial Management
604 Information System:

605 (a) To review and coordinate annual workplans to ensure
606 that the Florida Financial Management Information System remains
607 aligned across participating entities. The coordination council
608 shall ensure that each participating entity submits an annual
609 workplan by October 1 of each year. The coordinating council

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610 shall review and discuss the workplans, identify potential
611 impacts or conflicts, facilitate resolutions when practicable,
612 and expedite unresolved issues as appropriate.

613 (b) To conduct such studies and to establish committees,
614 workgroups, and teams to develop recommendations for rules,
615 policies, procedures, principles, and standards to the board as
616 necessary to assist the board in its efforts to design,
617 implement, and perpetuate a financial management information
618 system, including, but not limited to, the establishment of
619 common data codes, and the development of integrated financial
620 management policies that address the information and management
621 needs of the functional owner subsystems. The coordinating
622 council shall make available a copy of the approved plan in
623 writing or through electronic means to each of the coordinating
624 council members, the fiscal committees of the Legislature, and
625 any interested person.

626 (c) To recommend to the board solutions, policy
627 alternatives, and legislative budget request issues that will
628 provide ensure a framework for the timely, positive, preplanned,
629 and prescribed data transfer between information subsystems and
630 to recommend to the board solutions, policy alternatives, and
631 legislative budget request issues that ensure the availability
632 of data and information that support state planning, policy
633 development, management, evaluation, and performance monitoring.

634 (e) To report to the board all actions taken by the
635 coordinating council for final action.

636 (d) To review the annual work plans of the functional owner
637 information subsystems by October 1 of each year. The review
638 shall be conducted to assess the status of the Florida Financial

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639 Management Information System and the functional owner
640 subsystems in regard to the provisions of s. 215.91. The
641 coordinating council, as part of the review process, may make
642 recommendations for modifications to the functional owner
643 information subsystems annual work plans.

644 Section 4. Section 284.08, Florida Statutes, is amended to
645 read:

646 284.08 Purchase of insurance, excess insurance,
647 reinsurance, and services Reinsurance on excess coverage and
648 approval by Department of Management Services.—Notwithstanding
649 the requirements of s. 287.022(1), the Department of Financial
650 Services shall determine what property insurance excess coverage
651 is necessary and may purchase insurance, excess insurance, and
652 reinsurance as necessary to provide insurance coverages
653 authorized by this part thereon upon approval by the Department
654 of Management Services. The Department of Financial Services may
655 contract with an insurance or reinsurance broker to market the
656 insurance program and facilitate the purchase of insurance,
657 excess insurance, and reinsurance on behalf of the department.

658 Section 5. Section 284.33, Florida Statutes, is amended to
659 read:

660 284.33 Purchase of insurance, reinsurance, excess
661 insurance, and services.—

662 (1) Notwithstanding the requirements of s. 287.022(1), the
663 Department of Financial Services is authorized to purchase
664 provide insurance, specific excess insurance, and reinsurance
665 aggregate excess insurance through the Department of Management
666 Services, pursuant to the provisions of part I of chapter 287,
667 as necessary to provide insurance coverages authorized by this

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668 part, consistent with market availability. The Department of
669 Financial Services may contract with an insurance or reinsurance
670 broker to market the insurance program and facilitate the
671 purchase of insurance, excess insurance, and reinsurance on
672 behalf of the department. However, The Department of Financial
673 Services may directly purchase annuities by using a structured
674 settlement insurance consulting firm selected by the department
675 to assist in the settlement of claims being handled by the
676 Division of Risk Management. The selection of the structured
677 settlement insurance services consultant shall be made by using
678 competitive sealed proposals. The consulting firm shall act as
679 an agent of record for the department in procuring the best
680 annuity products available to facilitate structured settlement
681 of claims, considering price, insurer financial strength, and
682 the best interests of the state risk management program.
683 Purchase of annuities by the department using a structured
684 settlement method is excepted from competitive sealed bidding or
685 proposal requirements. The Department of Financial Services is
686 further authorized to purchase such risk management services,
687 including, but not limited to, risk and claims control; safety
688 management; and legal, investigative, and adjustment services,
689 as may be required and pay claims. The department may contract
690 with a service organization for such services and advance money
691 to such service organization for deposit in a special checking
692 account for paying claims made against the state under ~~the~~
693 ~~provisions of~~ this part. The special checking account shall be
694 maintained in this state in a bank or savings association
695 organized under the laws of this state or of the United States.
696 The department may replenish such account as often as necessary

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697 upon the presentation by the service organization of
698 documentation for payments of claims equal to the amount of the
699 requested reimbursement.

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

705 Section 6. Paragraph (a) of subsection (7) and paragraph
706 (j) of subsection (12) of section 440.13, Florida Statutes, are
707 amended to read:

708 440.13 Medical services and supplies; penalty for
709 violations; limitations.—

710 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

711 (a) Any health care provider who elects to contest the
712 disallowance or adjustment of payment by a carrier under
713 subsection (6) must, within 60 ~~45~~ days after receipt of notice
714 of disallowance or adjustment of payment, petition the
715 department to resolve the dispute. The petitioner must serve, by
716 the United States Postal Service certified mail or by common
717 carrier with verifiable tracking methods, a copy of the petition
718 on the carrier and on all affected parties listed on the notice
719 of disallowance or adjustment by certified mail. The petition
720 must be accompanied by all documents and records that support
721 the allegations contained in the petition. Failure of a
722 petitioner to submit such documentation to the department
723 results in dismissal of the petition.

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

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

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

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

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

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

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this

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755 subsection. For prescription medication purchased under the
756 requirements of this subsection, a dispensing practitioner shall
757 not possess such medication unless payment has been made by the
758 practitioner, the practitioner's professional practice, or the
759 practitioner's practice management company or employer to the
760 supplying manufacturer, wholesaler, distributor, or drug
761 repackager within 60 days of the dispensing practitioner taking
762 possession of that medication.

763 Section 7. Section 497.1411, Florida Statutes, is created
764 to read:

765 497.1411 Disqualification of applicants and licenses;
766 penalties against licensees; rulemaking.—

767 (1) For purposes of this section, the term "applicant"
768 means an individual applying for licensure or relicensure under
769 this chapter, or an officer, director, majority owner, partner,
770 manager, or other person who manages or controls an entity
771 applying for licensure or relicensure under this chapter.

772 (2) An applicant who has been found guilty of or has
773 pledged guilty or nolo contendere to any of the following
774 offenses, regardless of adjudication, is permanently barred from
775 licensure under this chapter:

776 (a) A felony of the first degree.

777 (b) A felony involving conduct prohibited under chapter
778 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
779 825, chapter 827, or chapter 847.

780 (c) A felony involving moral turpitude.

781 (3) An applicant who has been found guilty of, or has
782 entered a plea of guilty or nolo contendere to an offense not
783 subject to the permanent bar under subsection (2), regardless of

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784 adjudication, is subject to the following disqualifying periods:

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

787 Notwithstanding subsection (4), an applicant who has completed
788 at least one-half of the disqualifying period may apply for a
789 probationary license for the remainder of the disqualifying
790 period if, during that time, the applicant has not been found
791 guilty of, or has not entered a plea of guilty or nolo
792 contendere to, any offense.

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

795 (4) The board shall adopt rules to administer this section.
796 Such rules must provide additional disqualifying periods for
797 applicants who have committed multiple criminal offenses and may
798 provide additional factors for disqualification reasonably
799 related to the applicant's criminal history. The rules must also
800 establish mitigating and aggravating factors. However,
801 mitigation may not reduce any disqualifying period to less than
802 5 years and may not be applied to reduce the 5-year
803 disqualifying period provided in paragraph (3) (b).

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

810 (6) After the disqualifying period has expired, the burden
811 is on the applicant to demonstrate to the board that he or she
812 has been rehabilitated, does not pose a risk to the public, is

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813 fit and trustworthy to engage in business regulated by this
814 chapter, and is otherwise qualified for licensure.

815 (7) Notwithstanding subsections (2) and (3), an applicant
816 who has been found guilty of, or has pleaded guilty or nolo
817 contendere to, a crime in subsection (2) or subsection (3), and
818 who has subsequently been granted a pardon or the restoration of
819 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
820 State Constitution, or a pardon or the restoration of civil
821 rights under the laws of another jurisdiction with respect to a
822 conviction in that jurisdiction, is not barred or disqualified
823 from licensure under this chapter; however, such a pardon or
824 restoration of civil rights does not require the board to award
825 such license.

826 (8) (a) The board may grant an exemption from
827 disqualification to any person disqualified from licensure under
828 subsection (3) if:

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

833 2. At least 2 years have elapsed since the applicant
834 completed or has been lawfully released from confinement,
835 supervision, or any nonmonetary condition imposed by the court
836 for a disqualifying offense.

837 (b) For the board to grant an exemption under this
838 subsection, the applicant must clearly and convincingly
839 demonstrate that he or she would not pose a risk to persons or
840 property if licensed under this chapter, evidence of which must
841 include, but need not be limited to, facts and circumstances

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842 surrounding the disqualifying offense, the time that has elapsed
843 since the offense, the nature of the offense and harm caused to
844 the victim, the applicant's history before and after the
845 offense, and any other evidence or circumstances indicating that
846 the applicant will not present a danger if licensed or
847 certified.

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

851 (9) The disqualification periods provided in this section
852 do not apply to the renewal of a license or to a new application
853 for licensure if the applicant has an active license as of July
854 1, 2026, and the applicable criminal history was considered by
855 the board on the prior approval of any active license held by
856 the applicant. This section does not affect any criminal history
857 disclosure requirements of this chapter.

858 Section 8. Subsection (9) and paragraph (c) of subsection
859 (10) of section 497.142, Florida Statutes, are amended to read:

860 497.142 Licensing; fingerprinting and criminal background
861 checks.—

862 (9) If any applicant under this chapter has been, ~~within~~
863 ~~the 10 years preceding the application under this chapter,~~
864 convicted or found guilty of, or entered a plea of nolo
865 contendere to, regardless of adjudication, any crime in any
866 jurisdiction, the application may ~~shall~~ not be deemed complete
867 until such time as the applicant provides such certified true
868 copies of the court records evidencing the conviction, finding,
869 or plea, as required in this section or as the licensing
870 authority may by rule require.

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871 (10)

872 (c) Crimes to be disclosed are:

873 1. Any felony ~~or misdemeanor~~, no matter when committed,
874 ~~that was directly or indirectly related to or involving any~~
875 ~~aspect of the practice or business of funeral directing,~~
876 ~~embalming, direct disposition, cremation, funeral or cemetery~~
877 ~~preneed sales, funeral establishment operations, cemetery~~
878 ~~operations, or cemetery monument or marker sales or~~
879 ~~installation.~~

880 2. Any misdemeanor, no matter when committed, that was
881 directly or indirectly related to the practice or activities
882 regulated under this chapter ~~Any other felony not already~~
883 ~~disclosed under subparagraph 1. that was committed within the 20~~
884 ~~years immediately preceding the application under this chapter.~~

885 3. Any other misdemeanor not already disclosed under
886 subparagraph 2. which subparagraph 1. that was committed within
887 the 5 years immediately preceding the application under this
888 chapter.

889 Section 9. Section 626.171, Florida Statutes, is amended to
890 read:

891 626.171 Application for license as an agent, customer
892 representative, adjuster, or service representative, ~~or~~
893 ~~reinsurance intermediary.~~—

894 (1) The department may not issue a license as agent,
895 customer representative, adjuster, or service representative, ~~or~~
896 ~~reinsurance intermediary~~ to any person except upon written
897 application filed with the department, meeting the
898 qualifications for the license applied for as determined by the
899 department, and payment in advance of all applicable fees. The

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900 application must be made under the oath of the applicant and be
901 signed by the applicant. An applicant may permit a third party
902 to complete, submit, and sign an application on the applicant's
903 behalf, but is responsible for ensuring that the information on
904 the application is true and correct and is accountable for any
905 misstatements or misrepresentations. The department shall accept
906 the uniform application for resident and nonresident agent and
907 adjuster licensing. The department may adopt revised versions of
908 the uniform application by rule.

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

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

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

919 (c) Whether the applicant he or she has been refused or has
920 voluntarily surrendered or has had suspended or revoked a
921 license to solicit insurance by the department or by the
922 supervising officials of any state.

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

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

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

930 (g) The applicant's native language.

931 (h) The highest level of education achieved by the
932 applicant.

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

935 (j) Such other or additional information as the department
936 may deem proper to enable it to determine the character,
937 experience, ability, and other qualifications of the applicant
938 to hold himself or herself out to the public as an insurance
939 representative.

940
941 However, the application must contain a statement that an
942 applicant is not required to disclose his or her race or
943 ethnicity, gender, or native language, that he or she will not
944 be penalized for not doing so, and that the department will use
945 this information exclusively for research and statistical
946 purposes and to improve the quality and fairness of the
947 examinations. The department may ~~shall~~ make provisions for
948 applicants to voluntarily submit their cellular telephone
949 numbers as part of the application process solely on a voluntary
950 ~~basis only~~ for the purpose of two-factor authentication of
951 secure login credentials ~~only~~.

952 (3) Each application must be accompanied by payment of any
953 applicable fee.

954 (4) An applicant for a license issued by the department
955 under this chapter must submit a set of the individual
956 applicant's fingerprints, or, if the applicant is not an
957 individual, a set of the fingerprints of the sole proprietor,

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958 majority owner, partners, officers, and directors, to the
959 department and must pay the fingerprint processing fee set forth
960 in s. 624.501. Fingerprints must be processed in accordance with
961 s. 624.34 and used to investigate the applicant's qualifications
962 pursuant to s. 626.201. The fingerprints must be taken by a law
963 enforcement agency or other department-approved entity. The
964 department may not approve an application for licensure as an
965 agent, customer ~~service~~ representative, adjuster, or service
966 representative, ~~or reinsurance intermediary~~ if fingerprints have
967 not been submitted.

968 (5) The application for license filing fee prescribed in s.
969 624.501 is not subject to refund.

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

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

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987 Section 10. Paragraph (c) of subsection (2) of section
988 626.292, Florida Statutes, is amended to read:

989 626.292 Transfer of license from another state.—

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

992 (c) The individual must submit a completed application for
993 this state which is received by the department within 90 days
994 after the date the individual became a resident of this state,
995 along with payment of the applicable fees set forth in s.

996 624.501 and submission of the following documents:

997 1. A certification issued by the appropriate official of
998 the applicant's home state identifying the type of license and
999 lines of authority under the license and stating that, ~~at the~~
1000 ~~time the license from the home state was canceled,~~ the applicant
1001 was in good standing in that state or that the state's Producer
1002 Database records, maintained by the National Association of
1003 Insurance Commissioners, its affiliates, or subsidiaries,
1004 indicate that the agent or all-lines adjuster is or was licensed
1005 in good standing for the line of authority requested. An
1006 applicant may hold a resident license in another state for 30
1007 days after the Florida resident license has been issued to
1008 facilitate the transfer of licensure between states.

1009 2. A set of the applicant's fingerprints in accordance with
1010 s. 626.171(4).

1011 Section 11. Subsection (1) of section 626.611, Florida
1012 Statutes, is amended to read:

1013 626.611 Grounds for compulsory refusal, suspension, or
1014 revocation of agent's, title agency's, adjuster's, customer
1015 representative's, service representative's, or managing general

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1016 agent's license or appointment.—

1017 (1) The department shall require license reexamination,
1018 deny an application for, suspend, revoke, or refuse to renew or
1019 continue the license or appointment of any applicant, agent,
1020 title agency, adjuster, customer representative, service
1021 representative, or managing general agent, and it shall suspend
1022 or revoke the eligibility to hold a license or appointment of
1023 any such person, if it finds that as to the applicant, licensee,
1024 or appointee any one or more of the following applicable grounds
1025 exist:

1026 (a) Lack of one or more of the qualifications for the
1027 license or appointment as specified in this code.

1028 (b) Material misstatement, misrepresentation, or fraud in
1029 obtaining the license or appointment or in attempting to obtain
1030 the license or appointment.

1031 (c) Failure to pass to the satisfaction of the department
1032 any examination required under this code, including cheating on
1033 an examination required for licensure or violating test center
1034 or examination procedures published orally, in writing, or
1035 electronically at the test site by authorized representatives of
1036 the examination program administrator.

1037 (d) If the license or appointment is willfully used, or to
1038 be used, to circumvent any of the requirements or prohibitions
1039 of this code.

1040 (e) Willful misrepresentation of any insurance policy or
1041 annuity contract or willful deception with regard to any such
1042 policy or contract, done either in person or by any form of
1043 dissemination of information or advertising.

1044 (f) If, as an adjuster, or agent licensed and appointed to

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1045 adjust claims under this code, he or she has materially
1046 misrepresented to an insured or other interested party the terms
1047 and coverage of an insurance contract with intent and for the
1048 purpose of effecting settlement of claim for loss or damage or
1049 benefit under such contract on less favorable terms than those
1050 provided in and contemplated by the contract.

1051 (g) Demonstrated lack of fitness or trustworthiness to
1052 engage in the business of insurance.

1053 (h) Demonstrated lack of reasonably adequate knowledge and
1054 technical competence to engage in the transactions authorized by
1055 the license or appointment.

1056 (i) Fraudulent or dishonest practices in the conduct of
1057 business under the license or appointment.

1058 (j) Misappropriation, conversion, or unlawful withholding
1059 of moneys belonging to insurers or insureds or beneficiaries or
1060 to others and received in conduct of business under the license
1061 or appointment.

1062 (k) Unlawfully rebating, attempting to unlawfully rebate,
1063 or unlawfully dividing or offering to divide his or her
1064 commission with another.

1065 (l) Having obtained or attempted to obtain, or having used
1066 or using, a license or appointment as agent or customer
1067 representative for the purpose of soliciting or handling
1068 "controlled business" as defined in s. 626.730 with respect to
1069 general lines agents, s. 626.784 with respect to life agents,
1070 and s. 626.830 with respect to health agents.

1071 (m) Willful failure to comply with, or willful violation
1072 of, any proper order or rule of the department or willful
1073 violation of any provision of this code.

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

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

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

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

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

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

4. Dealing in bad faith with viators.

Section 12. Section 626.621, Florida Statutes, is amended

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1103 to read:

1104 626.621 Grounds for discretionary refusal, suspension, or
1105 revocation of agent's, adjuster's, customer representative's,
1106 service representative's, or managing general agent's license or
1107 appointment.—The department may, in its discretion, require a
1108 license reexamination, deny an application for, suspend, revoke,
1109 or refuse to renew or continue the license or appointment of any
1110 applicant, agent, adjuster, customer representative, service
1111 representative, or managing general agent, and it may suspend or
1112 revoke the eligibility to hold a license or appointment of any
1113 such person, if it finds that as to the applicant, licensee, or
1114 appointee any one or more of the following applicable grounds
1115 exist under circumstances for which such denial, suspension,
1116 revocation, or refusal is not mandatory under s. 626.611:

1117 (1) Any cause for which issuance of the license or
1118 appointment could have been refused had it then existed and been
1119 known to the department.

1120 (2) Violation of any provision of this code or of any other
1121 law applicable to the business of insurance in the course of
1122 dealing under the license or appointment.

1123 (3) Violation of any lawful order or rule of the
1124 department, commission, or office.

1125 (4) Failure or refusal, upon demand, to pay over to any
1126 insurer he or she represents or has represented any money coming
1127 into his or her hands belonging to the insurer.

1128 (5) Violation of the provision against twisting, as defined
1129 in s. 626.9541(1)(1).

1130 (6) In the conduct of business under the license or
1131 appointment, engaging in unfair methods of competition or in

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1132 unfair or deceptive acts or practices, as prohibited under part
1133 IX of this chapter, or having otherwise shown himself or herself
1134 to be a source of injury or loss to the public.

1135 (7) Willful overinsurance of any property or health
1136 insurance risk.

1137 (8) If a life agent, violation of the code of ethics.

1138 (9) Cheating on an examination required for licensure or
1139 violating test center or examination procedures published
1140 orally, in writing, or electronically at the test site by
1141 authorized representatives of the examination program
1142 administrator. Communication of test center and examination
1143 procedures must be clearly established and documented.

1144 (10) Failure to inform the department in writing within 30
1145 days after pleading guilty or nolo contendere to, or being
1146 convicted or found guilty of, any felony or a crime punishable
1147 by imprisonment of 1 year or more under the law of the United
1148 States or of any state thereof, or under the law of any other
1149 country without regard to whether a judgment of conviction has
1150 been entered by the court having jurisdiction of the case.

1151 (11) Knowingly aiding, assisting, procuring, advising, or
1152 abetting any person in the violation of or to violate a
1153 provision of the insurance code or any order or rule of the
1154 department, commission, or office.

1155 (12) Has been the subject of or has had a license, permit,
1156 appointment, registration, or other authority to conduct
1157 business subject to any decision, finding, injunction,
1158 suspension, prohibition, revocation, denial, judgment, final
1159 agency action, or administrative order by any court of competent
1160 jurisdiction, administrative law proceeding, state agency,

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1161 federal agency, national securities, commodities, or option
1162 exchange, or national securities, commodities, or option
1163 association involving a violation of any federal or state
1164 securities or commodities law or any rule or regulation adopted
1165 thereunder, or a violation of any rule or regulation of any
1166 national securities, commodities, or options exchange or
1167 national securities, commodities, or options association.

1168 (13) Failure to comply with any civil, criminal, or
1169 administrative action taken by the child support enforcement
1170 program under Title IV-D of the Social Security Act, 42 U.S.C.
1171 ss. 651 et seq., to determine paternity or to establish, modify,
1172 enforce, or collect support.

1173 (14) Directly or indirectly accepting any compensation,
1174 inducement, or reward from an inspector for the referral of the
1175 owner of the inspected property to the inspector or inspection
1176 company. This prohibition applies to an inspection intended for
1177 submission to an insurer in order to obtain property insurance
1178 coverage or establish the applicable property insurance premium.

1179 (15) Denial, suspension, or revocation of, or any other
1180 adverse administrative action against, a license to practice or
1181 conduct any regulated profession, business, or vocation by this
1182 state, any other state, any nation, any possession or district
1183 of the United States, any court, or any lawful agency thereof.

1184 (16) Taking an action that allows the personal financial or
1185 medical information of a consumer or customer to be made
1186 available or accessible to the general public, regardless of the
1187 format in which the record is stored.

1188 (17) Initiating in-person or telephone solicitation after 9
1189 p.m. or before 8 a.m. local time of the prospective customer

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1190 unless requested by the prospective customer.

1191 (18) Cancellation of the applicant's, licensee's, or
1192 appointee's resident license in a state other than Florida.

1193 Section 13. Subsection (1) of section 626.731, Florida
1194 Statutes, is amended to read:

1195 626.731 Qualifications for general lines agent's license.—

1196 (1) The department may ~~shall~~ not grant or issue a license
1197 as general lines agent to any individual found by it to be
1198 untrustworthy or incompetent or who does not meet each all of
1199 the following qualifications:

1200 (a) The applicant is a natural person at least 18 years of
1201 age.

1202 (b) The applicant is a United States citizen or legal alien
1203 who possesses work authorization from the United States Bureau
1204 of Citizenship and Immigration Services and is a bona fide
1205 resident of this state. ~~An individual who is a bona fide~~
1206 ~~resident of this state shall be deemed to meet the residence~~
1207 ~~requirement of this paragraph, notwithstanding the existence at~~
1208 ~~the time of application for license of a license in his or her~~
1209 ~~name on the records of another state as a resident licensee of~~
1210 ~~such other state, if the applicant furnishes a letter of~~
1211 ~~clearance satisfactory to the department that the resident~~
1212 ~~licenses have been canceled or changed to a nonresident basis~~
1213 ~~and that he or she is in good standing.~~

1214 (c) The applicant's place of business will be located in
1215 this state and he or she will be actively engaged in the
1216 business of insurance and will maintain a place of business, the
1217 location of which is identifiable by and accessible to the
1218 public.

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1219 (d) The license is not being sought for the purpose of
1220 writing or handling controlled business, in violation of s.
1221 626.730.

1222 (e) The applicant is qualified as to knowledge, experience,
1223 or instruction in the business of insurance and meets the
1224 requirements provided in s. 626.732.

1225 (f) The applicant has passed any required examination for
1226 license required under s. 626.221.

1227 Section 14. Subsection (2) of section 626.785, Florida
1228 Statutes, is amended to read:

1229 626.785 Qualifications for license.-

1230 (2) An individual who is a bona fide resident of this state
1231 shall be deemed to meet the residence requirement of paragraph
1232 (1)(b), notwithstanding the existence at the time of application
1233 for license of a license in his or her name on the records of
1234 another state as a resident licensee of such other state, if the
1235 applicant furnishes a letter of clearance satisfactory to the
1236 department that the resident licenses have been canceled or
1237 changed to a nonresident basis and that he or she is in good
1238 standing.

1239 Section 15. Section 626.831, Florida Statutes, is amended
1240 to read:

1241 626.831 Qualifications for license.—

1242 (1) The department may shall not grant or issue a license
1243 as health agent as to any individual found by it to be
1244 untrustworthy or incompetent, or who does not meet all of the
1245 following qualifications:

1246 (1)-(a) Is ~~Must~~ be a natural person of at least 18 years of
1247 age.

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1248 (2) (b) Is Must be a United States citizen or legal alien
1249 who possesses work authorization from the United States Bureau
1250 of Citizenship and Immigration Services and is a bona fide
1251 resident of this state.

1252 (3) (e) Is Must not be an employee of the United States
1253 Department of Veterans Affairs or state service office, as
1254 referred to in s. 626.833.

1255 (4) (d) Has taken Must take and passed pass any examination
1256 for license required under s. 626.221.

1257 (5) (e) Is Must be qualified as to knowledge, experience, or
1258 instruction in the business of insurance and meets meet the
1259 requirements relative thereto provided in s. 626.8311.

1260 ~~(2) An individual who is a bona fide resident of this state~~
1261 ~~shall be deemed to meet the residence requirement of paragraph~~
1262 ~~(1) (b), notwithstanding the existence at the time of application~~
1263 ~~for license of a license in his or her name on the records of~~
1264 ~~another state as a resident licensee of such other state, if the~~
1265 ~~applicant furnishes a letter of clearance satisfactory to the~~
1266 ~~department that the resident licenses have been canceled or~~
1267 ~~changed to a nonresident basis and that he or she is in good~~
1268 ~~standing.~~

1269 Section 16. Subsection (24) is added to section 626.854,
1270 Florida Statutes, to read:

1271 626.854 "Public adjuster" defined; prohibitions.—The
1272 Legislature finds that it is necessary for the protection of the
1273 public to regulate public insurance adjusters and to prevent the
1274 unauthorized practice of law.

1275 (24) A public adjuster, public adjuster apprentice, or
1276 public adjusting firm must respond with specific information to

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1277 a written or electronic request for claims status from a
1278 claimant or insured or their designated representative within 14
1279 days after the date of the request and shall document in the
1280 file the response or information provided.

1281 Section 17. Subsection (4) of section 648.34, Florida
1282 Statutes, is amended to read:

1283 648.34 Bail bond agents; qualifications.—

1284 (4) The applicant shall furnish, with his or her
1285 application, a complete set of his or her fingerprints in
1286 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1287 ~~fullface photograph of the applicant.~~ The department may shall
1288 not authorize an applicant to take the required examination
1289 until the department has received a report from the Department
1290 of Law Enforcement and the Federal Bureau of Investigation
1291 relative to the existence or nonexistence of a criminal history
1292 report based on the applicant's fingerprints.

1293 Section 18. Subsection (2) of section 648.382, Florida
1294 Statutes, is amended to read:

1295 648.382 Appointment of bail bond agents and bail bond
1296 agencies; effective date of appointment.—

1297 (2) Before any appointment, an appropriate officer or
1298 official of the appointing insurer must obtain all of the
1299 following information submit:

1300 (a) A certified statement or affidavit to the department
1301 stating what investigation has been made concerning the proposed
1302 appointee and the proposed appointee's background and the
1303 appointing person's opinion to the best of his or her knowledge
1304 and belief as to the moral character and reputation of the
1305 proposed appointee. In lieu of such certified statement or

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1306 affidavit, by authorizing the effectuation of an appointment for
1307 a licensee, the appointing entity certifies to the department
1308 that such investigation has been made and that the results of
1309 the investigation and the appointing person's opinion is that
1310 the proposed appointee is a person of good moral character and
1311 reputation and is fit to engage in the bail bond business.~~+~~

1312 (b) An affidavit under oath on a form prescribed by the
1313 department, signed by the proposed appointee, stating that
1314 premiums are not owed to any insurer and that the appointee will
1315 discharge all outstanding forfeitures and judgments on bonds
1316 previously written. If the appointee does not satisfy or
1317 discharge such forfeitures or judgments, the former insurer
1318 shall file a notice, with supporting documents, with the
1319 appointing insurer, the former agent or agency, and the
1320 department, stating under oath that the licensee has failed to
1321 timely satisfy forfeitures and judgments on bonds written and
1322 that the insurer has satisfied the forfeiture or judgment from
1323 its own funds. Upon receipt of such notification and supporting
1324 documents, the appointing insurer shall immediately cancel the
1325 licensee's appointment. The licensee may be reappointed only
1326 upon certification by the former insurer that all forfeitures
1327 and judgments on bonds written by the licensee have been
1328 discharged. The appointing insurer or former agent or agency
1329 may, within 10 days, file a petition with the department seeking
1330 relief from this paragraph. Filing of the petition stays the
1331 duty of the appointing insurer to cancel the appointment until
1332 the department grants or denies the petition.~~+~~

1333 (c) Any other information that the department reasonably
1334 requires concerning the proposed appointee.~~+~~ and

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1335 (d) Effective January 1, 2025, a certification that the
1336 appointing entity obtained from each appointee the following
1337 sworn statement:

1338

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

1346

1347 An appointed bail bond agency must have the attestation under
1348 this paragraph signed by its owner.

1349 Section 19. Section 717.001, Florida Statutes, is amended
1350 to read:

1351 717.001 Short title.—This chapter may be cited as the
1352 "Florida Disposition of Abandoned Personal Unclaimed Property
1353 Act."

1354 Section 20. Present subsections (1) through (4), (5)
1355 through (8), (10) through (13), (15) through (20), (21), (22)
1356 through (28), and (31), (32), and (33) of section 717.101,
1357 Florida Statutes, are redesignated as subsections (4) through
1358 (7), (9) through (12), (13) through (16), (17) through (22),
1359 (24), (26) through (32), and (33), (34), and (35), respectively,
1360 new subsections (1), (2), (3), (8), (23), and (25) are added to
1361 that section, and present subsections (1), (2), (5), (6), (8),
1362 (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and
1363 (30) of that section are amended, to read:

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1364 717.101 Definitions.—As used in this chapter, unless the
1365 context otherwise requires:

1366 (1) "Abandoned property" means property held by a holder
1367 for which all of the following are true:

1368 (a) The apparent owner has shown no activity or indication
1369 of interest for the duration of the applicable dormancy period
1370 established under this chapter.

1371 (b) The holder has complied with the due diligence
1372 requirements set forth in this chapter, including the issuance
1373 of notice to the apparent owner, and has received no response or
1374 contact sufficient to demonstrate continued interest in the
1375 property.

1376 (2) "Abandoned Property Purchase Agreement" means the form
1377 adopted by the department pursuant to s. 717.135 which must be
1378 used, without modification or amendment, by a claimant
1379 representative to purchase abandoned property from an owner.

1380 (3) "Abandoned Property Recovery Agreement" means the form
1381 adopted by the department pursuant to s. 717.135 which must be
1382 used, without modification or amendment, by a claimant
1383 representative to obtain consent and authority to recover
1384 abandoned property on behalf of a person.

1385 (4)-(1) "Aggregate" means the amounts reported for owners of
1386 abandoned ~~unclaimed~~ property of less than \$10 or where there is
1387 no name for the individual or entity listed on the holder's
1388 records, regardless of the amount to be reported.

1389 (5)-(2) "Apparent owner" means the person whose name appears
1390 on the records of the holder as the owner of the abandoned
1391 property, but whose status as the true owner entitled to receive
1392 the property may be subject to change due to the passage of time

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1393 ~~or changes in circumstances person entitled to property held,~~
1394 ~~issued, or owing by the holder.~~

1395 (8) "Authorized representative" means a person or entity
1396 legally empowered to act on behalf of the apparent owner or his
1397 or estate, including, but not limited to, an agent, a fiduciary,
1398 a personal representative, a trustee, a legal heir, a guardian,
1399 or any other individual or entity authorized by law or
1400 agreement.

1401 (9)(5) "Banking or financial organization" means any and
1402 all banks, trust companies, private bankers, savings banks,
1403 industrial banks, safe-deposit companies, savings and loan
1404 associations, credit unions, savings associations, banking
1405 organizations, international bank agencies, cooperative banks,
1406 building and loan associations, and investment companies in this
1407 state, organized under or subject to the laws of this state or
1408 of the United States, including entities organized under 12
1409 U.S.C. s. 611, but does not include federal reserve banks. The
1410 term also includes any corporation, business association, or
1411 other organization that:

1412 (a) Is a wholly or partially owned subsidiary of any
1413 banking, banking corporation, or bank holding company that
1414 performs any or all of the functions of a banking organization;
1415 or

1416 (b) Performs functions pursuant to the terms of a contract
1417 with any banking organization.

1418 (10)(6) "Business association" means any for-profit or
1419 nonprofit corporation other than a public corporation; joint
1420 stock company; investment company; unincorporated association or
1421 association of two or more individuals for business purposes,

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1422 whether or not for profit; partnership; joint venture; limited
1423 liability company; sole proprietorship; business trust; trust
1424 company; land bank; safe-deposit company; safekeeping
1425 depository; banking or financial organization; insurance
1426 company; federally chartered entity; utility company; transfer
1427 agent; or other business entity, whether or not for profit.

1428 (12) ~~(8)~~ "Claimant ~~claimant's~~ representative" means an
1429 attorney who is a member in good standing with ~~of~~ The Florida
1430 Bar, a certified public accountant licensed in this state, or a
1431 private investigator ~~who is~~ duly licensed ~~to do business in~~ this
1432 ~~the~~ state, who is registered with the department, and authorized
1433 to file claims on behalf of persons with the department ~~by the~~
1434 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1435 The term does not include a person acting in a representative or
1436 fiduciary capacity, such as a personal representative, guardian,
1437 trustee, or attorney, whose representation is not contingent
1438 upon the discovery or location of abandoned unclaimed property,
1439 and it expressly excludes locators, who engage in locating
1440 owners of abandoned property for a fee but are not registered
1441 with the department; provided, however, that any agreement
1442 entered into for the purpose of evading s. 717.135 is invalid
1443 and unenforceable.

1444 (9) "Credit balance" means an account balance in the
1445 ~~customer's favor.~~

1446 (15) ~~(12)~~ "Due diligence" means the use of reasonable and
1447 prudent methods under particular circumstances to locate
1448 apparent owners of presumed abandoned property ~~inactive accounts~~
1449 using the taxpayer identification number or social security
1450 number, if known, which may include, but are not limited to,

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1451 using a nationwide database, cross-indexing with other records
1452 of the holder, mailing to the last known address unless the last
1453 known address is known to be inaccurate, providing written
1454 notice as described in this chapter by electronic mail if an
1455 apparent owner has elected such delivery, or engaging a licensed
1456 agency or company capable of conducting such search and
1457 providing updated addresses.

1458 (14) "Financial organization" means a savings association,
1459 savings and loan association, savings bank, industrial bank,
1460 bank, banking organization, trust company, international bank
1461 agency, cooperative bank, building and loan association, or
1462 credit union.

1463 (18) (16) "Holder" means a person who is in possession of
1464 property belonging to another or who owes a debt or an
1465 obligation to another person, including, but not limited to,
1466 financial institutions, insurance companies, corporations,
1467 partnerships, fiduciaries, and government agencies.

1468 (a) A person who is in possession or control or has custody
1469 of property or the rights to property belonging to another; is
1470 indebted to another on an obligation; or is obligated to hold
1471 for the account of, or to deliver or pay to, the owner, property
1472 subject to this chapter; or

1473 (b) A trustee in case of a trust.

1474 (20) (18) "Intangible property" includes, by way of
1475 illustration and not limitation:

1476 (a) Moneys, checks, virtual currency, drafts, deposits,
1477 interest, dividends, and income.

1478 (b) Credit balances, customer overpayments, security
1479 deposits and other instruments as defined by chapter 679,

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1480 refunds, unpaid wages, unused airline tickets, and unidentified
1481 remittances.

1482 (c) Stocks, and other intangible ownership interests in
1483 business associations except for:

1484 1. A non-freely transferable security; or

1485 2. A security that is subject to a lien, legal hold, or
1486 restriction evidenced on the records of the holder or imposed by
1487 operation of law, if the lien, legal hold, or restriction
1488 restricts the holder's or owner's ability to receive, transfer,
1489 sell, or otherwise negotiate the security.

1490 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1491 original issue discount bonds, coupons, and other securities, or
1492 to make distributions.

1493 (e) Amounts due and payable under the terms of insurance
1494 policies.

1495 (f) Amounts distributable from a trust or custodial fund
1496 established under a plan to provide any health, welfare,
1497 pension, vacation, severance, retirement, death, stock purchase,
1498 profit sharing, employee savings, supplemental unemployment
1499 insurance, or similar benefit.

1500 (21) ~~(19)~~ "Last known address" means a description of the
1501 location of the apparent owner sufficient for the purpose of the
1502 delivery of mail. For the purposes of identifying, reporting,
1503 and remitting property to the department ~~which is presumed to be~~
1504 ~~unclaimed, the term "last known address"~~ includes any partial
1505 description of the location of the apparent owner sufficient to
1506 establish the apparent owner was a resident of this state at the
1507 time of last contact with the apparent owner or at the time the
1508 property became due and payable.

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1509 (22) (20) "Lawful charges" means charges against the
1510 property or the account in which the property is held dormant
1511 accounts that are authorized by statute for the purpose of
1512 offsetting the costs of maintaining the property or the account
1513 in which the property is held dormant account.

1514 (23) "Locator" means a private individual or business that
1515 locates owners of abandoned property in exchange for a fee,
1516 typically a percentage of the recovered property. Locators are
1517 not employees or agents of the state and are not registered with
1518 the department.

1519 (25) "Non-freely transferable security" means a security
1520 that cannot be delivered to the administrator by the Depository
1521 Trust Clearing Corporation or similar custodian of securities
1522 providing post-trade clearing and settlement services to
1523 financial markets or cannot be delivered because there is no
1524 agent to effect transfer. The term includes a worthless
1525 security.

1526 (26) (22) "Owner" means the a person, or the person's legal
1527 representative, entitled to receive or having a legal or
1528 equitable interest in the abandoned property. An owner
1529 establishes his or her entitlement by filing a valid claim with
1530 the department pursuant or claim against property subject to
1531 this chapter; a depositor in the case of a deposit; a
1532 beneficiary in the case of a trust or a deposit in trust; or a
1533 payee in the case of a negotiable instrument or other intangible
1534 property.

1535 (29) (25) "Record" means information that is captured or
1536 maintained in any format, including written, printed,
1537 electronic, audio, visual, or other forms, and that can be made

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1538 perceptible or understandable to a person, either directly or
1539 through technological means, including assistive technologies
1540 inscribed on a tangible medium or that is stored in an
1541 electronic or other medium and is retrievable in perceivable
1542 form.

1543 (29) "Unclaimed Property Purchase Agreement" means the form
1544 adopted by the department pursuant to s. 717.135 which must be
1545 used, without modification or amendment, by a claimant's
1546 representative to purchase unclaimed property from an owner.

1547 (30) "Unclaimed Property Recovery Agreement" means the form
1548 adopted by the department pursuant to s. 717.135 which must be
1549 used, without modification or amendment, by a claimant's
1550 representative to obtain an owner's consent and authority to
1551 recover unclaimed property on the owner's behalf.

1552 Section 21. Section 717.102, Florida Statutes, is amended
1553 to read:

1554 717.102 Property presumed abandoned unclaimed; general
1555 rule.—

1556 (1) Except as otherwise provided by this chapter, all
1557 intangible property, including any income or increment thereon
1558 less any lawful charges, that is held, issued, or owing in the
1559 ordinary course of the holder's business and for which the
1560 apparent owner or authorized representative fails to demonstrate
1561 continued interest for more than the applicable dormancy period
1562 prescribed by this chapter shall be presumed abandoned claim
1563 such property for more than 5 years after the property becomes
1564 payable or distributable is presumed unclaimed, except as
1565 otherwise provided by this chapter. Unless otherwise specified
1566 by law, the dormancy period shall be 5 years from the date the

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1567 property becomes payable or distributable. For the purposes of
1568 this chapter, property shall be considered payable or
1569 distributable once the holder's obligation to pay or deliver the
1570 property arises, regardless of whether the apparent owner or
1571 authorized representative has failed to demand or to present
1572 documents required to receive payment.

1573 (2) Property is payable or distributable for the purpose of
1574 this chapter notwithstanding the owner's failure to make demand
1575 or to present any instrument or document required to receive
1576 payment.

1577 (3) A presumption that property is abandoned may be
1578 unclaimed is rebutted by the affirmative demonstration of
1579 continued interest by the apparent owner or authorized
1580 representative an apparent owner's expression of interest in the
1581 property. Such demonstration An owner's expression of continued
1582 interest in property includes, but is not limited to, any of the
1583 following:

1584 (a) A record communicated by the apparent owner or
1585 authorized representative to the holder or its agent of the
1586 holder concerning the property or the account in which the
1587 property is held.+

1588 (b) An oral communication by the apparent owner or
1589 authorized representative to the holder or its agent of the
1590 holder concerning the property or the account in which the
1591 property is held, if the holder or its agent contemporaneously
1592 records makes and preserves evidence a record of the fact of the
1593 apparent owner's communication.+

1594 (c) Presentment of a check or other instrument for of
1595 payment of a dividends dividend, interest payment, or other

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1596 ~~distributions related to the property. distribution, with~~
1597 ~~respect to an account, underlying security, or interest in a~~
1598 ~~business association;~~

1599 (d) Any account activity initiated ~~directed~~ by an apparent
1600 ~~owner or authorized representative in the account in which the~~
1601 ~~property is held, including accessing the account or directing~~
1602 ~~changes to information concerning the account, or to the amount~~
1603 ~~or type of property held, excluding routine automatic~~
1604 ~~transactions previously authorized, a direction by the apparent~~
1605 ~~owner to increase, decrease, or otherwise change the amount or~~
1606 ~~type of property held in the account.~~

1607 (e) Any ~~A~~ deposit into or withdrawal from the property or
1608 the an account in which the property is held at a financial
1609 organization, excluding an automatic deposits, withdrawals, or
1610 reinvestments deposit or withdrawal previously authorized by the
1611 apparent owner or authorized representative. an automatic
1612 reinvestment of dividends or interest, which does not constitute
1613 an expression of interest; or

1614 (f) Any other action by the apparent owner or authorized
1615 representative which reasonably demonstrates to the holder that
1616 the apparent owner or authorized representative is aware of and
1617 maintains an interest in knows that the property exists.

1618 (3)-(4) If a holder learns or receives confirmation of an
1619 apparent owner's death, the property shall be presumed abandoned
1620 unclaimed 2 years after the date of death, unless an authorized
1621 representative makes an affirmative demonstration a fiduciary
1622 appointed to represent the estate of the apparent owner has made
1623 an expression of interest in the property before the expiration
1624 of the 2-year period. This subsection may not be construed to

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1625 extend the otherwise applicable dormancy period prescribed by
1626 this chapter.

1627 Section 22. Section 717.103, Florida Statutes, is amended
1628 to read:

1629 717.103 General rules for taking custody of intangible
1630 abandoned unclaimed property.—Unless otherwise provided in this
1631 chapter or by other statute of this state, intangible property
1632 is subject to the custody of the department as abandoned
1633 unclaimed property when if the conditions leading to a
1634 presumption that the property is abandoned unclaimed as
1635 described in ss. 717.102 and 717.105-717.116 are satisfied and
1636 the holder has fulfilled all required due diligence obligations
1637 without receiving any response or claim from the apparent owner,
1638 and one or more of the following criteria apply:

1639 (1) The last known address, as shown on the records of the
1640 holder, of the apparent owner is in this state.~~;~~

1641 (2) The records of the holder do not identify the name of
1642 the apparent owner, but do reflect the identity of the person
1643 entitled to the property, and it is established that the last
1644 known address of the apparent owner person entitled to the
1645 property is in this state.~~;~~

1646 (3) The records of the holder do not reflect the last known
1647 address of the apparent owner, but and it is established that
1648 either of the following conditions apply:

1649 (a) The last known address of the apparent owner person
1650 entitled to the property is in this state.~~;~~ or

1651 (b) The holder is domiciled in this state, a domiciliary or
1652 is a government entity or governmental subdivision or agency of
1653 this state, and has not previously paid the property to the

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1654 state of the last known address of the apparent owner. ~~or other~~
1655 ~~person entitled to the property;~~

1656 (4) The last known address, as shown on the records of the
1657 holder, of the apparent owner ~~or other person entitled to the~~
1658 ~~property is in a jurisdiction state that does not have~~
1659 ~~applicable provide by law for the escheat, abandoned, or~~
1660 ~~unclaimed property laws custodial taking of the property, or its~~
1661 ~~escheat or unclaimed property law is not applicable to the~~
1662 ~~property, and the holder is domiciled in this state a~~
1663 ~~domiciliary or is a government entity or governmental~~
1664 ~~subdivision or agency of this state.~~;

1665 (5) The last known address, as shown on the records of the
1666 holder, of the apparent owner is in a foreign nation and the
1667 holder is ~~domiciled in this state a domiciliary or is a~~
1668 ~~government entity or governmental subdivision or agency of this~~
1669 ~~state.~~;

1670 (6) The transaction out of which the property arose
1671 occurred in this state, and both of the following are true:;

1672 (a) 1. The last known address of the apparent owner ~~or other~~
1673 ~~person entitled to the property is unknown;~~ or

1674 2. The last known address of the apparent owner ~~or other~~
1675 ~~person entitled to the property is in a state that does not~~
1676 ~~provide by law for the escheat or custodial taking of the~~
1677 ~~property, or its escheat or unclaimed property law is not~~
1678 ~~applicable to the property;~~ and

1679 (b) The holder is ~~domiciled in a jurisdiction a domiciliary~~
1680 ~~of a state that does not have applicable provide by law for the~~
1681 ~~escheat, abandoned, or custodial taking of the property, or its~~
1682 ~~escheat or unclaimed property laws law is not applicable to the~~

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1683 property.

1684 Section 23. Section 717.1035, Florida Statutes, is
1685 repealed.1686 Section 24. Section 717.104, Florida Statutes, is amended
1687 to read:

1688 717.104 Traveler's checks and money orders.—

1689 (1) Subject to subsection (4), any sum payable on a
1690 traveler's check that has been outstanding for more than 15
1691 years after its issuance is presumed abandoned unclaimed unless
1692 the apparent owner or authorized representative, within 15
1693 years, has demonstrated a continued interest in the property in
1694 accordance with s. 717.102 communicated in writing with the
1695 issuer concerning it or otherwise indicated an interest as
1696 evidenced by a memorandum or other record on file with the
1697 issuer.1698 (2) Subject to subsection (4), any sum payable on a money
1699 order or similar written instrument, other than a third party
1700 bank check, that has been outstanding for more than 7 years
1701 after its issuance is presumed abandoned unclaimed unless the
1702 apparent owner or authorized representative, within 7 years, has
1703 demonstrated a continued interest in the property in accordance
1704 with s. 717.102 communicated in writing with the issuer
1705 concerning it or otherwise indicated an interest as evidenced by
1706 a memorandum or other record on file with the issuer.1707 (3) A holder may not deduct from the amount of any
1708 traveler's check or money order any charges imposed by reason of
1709 the failure to present those instruments for payment unless
1710 there is a valid and enforceable written contract between the
1711 holder issuer and the apparent owner of the property pursuant to

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1712 which the holder ~~issuer~~ may impose those charges and the holder
1713 ~~issuer~~ regularly imposes those charges and does not regularly
1714 reverse or otherwise cancel those charges with respect to the
1715 property.

1716 (4) No sum payable on a traveler's check, money order, or
1717 similar written instrument, other than a third party bank check,
1718 described in subsections (1) and (2) may be subjected to the
1719 custody of this state as abandoned ~~unclaimed~~ property unless any
1720 of the following conditions are met:

1721 (a) The records of the holder ~~issuer~~ show that the
1722 traveler's check, money order, or similar written instrument was
1723 purchased in this state.~~;~~

1724 (b) The holder ~~issuer~~ has its principal place of business
1725 in this state and its ~~the~~ records ~~of the~~ ~~issuer~~ do not show the
1726 state in which the traveler's check, money order, or similar
1727 written instrument was purchased.~~;~~ or

1728 (c) The holder ~~issuer~~ has its principal place of business
1729 in this state; the holder's ~~records of the~~ ~~issuer~~ show the state
1730 in which the traveler's check, money order, or similar written
1731 instrument was purchased; and the ~~laws of the~~ state of purchase
1732 does not provide applicable ~~do not provide for the~~ escheat,
1733 abandoned, or unclaimed property laws ~~or custodial taking of the~~
1734 property, or its escheat or unclaimed property law is not
1735 applicable to the property.

1736 (5) Notwithstanding any other provision of this chapter,
1737 subsection (4) applies to sums payable on traveler's checks,
1738 money orders, and similar written instruments presumed abandoned
1739 ~~unclaimed~~ on or after February 1, 1965, except to the extent
1740 that those sums have been paid over to a state prior to January

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1741 1, 1974.

1742 Section 25. Section 717.1045, Florida Statutes, is amended
1743 to read:1744 717.1045 Gift certificates and similar credit items.—
1745 Notwithstanding s. 717.117, an unredeemed gift certificate or
1746 credit memo as defined in s. 501.95 is not required to be
1747 reported as abandoned unclaimed property.1748 (1) The consideration paid for an unredeemed gift
1749 certificate or credit memo is the property of the issuer of the
1750 unredeemed gift certificate or credit memo.1751 (2) An unredeemed gift certificate or credit memo is
1752 subject only to any rights of a purchaser or owner thereof and
1753 is not subject to a claim made by any state acting on behalf of
1754 a purchaser or owner.1755 (3) It is the intent of the Legislature that this section
1756 apply to the custodial holding of unredeemed gift certificates
1757 and credit memos.1758 (4) However, a gift certificate or credit memo described in
1759 s. 501.95(2)(b) shall be reported as abandoned unclaimed
1760 property. The consideration paid for such a gift certificate or
1761 credit memo is the property of the owner of the gift certificate
1762 or credit memo.1763 Section 26. Section 717.105, Florida Statutes, is amended
1764 to read:1765 717.105 Checks, drafts, and similar instruments issued or
1766 certified by banking and financial organizations.—1767 (1) Any sum payable on a check, draft, or similar
1768 instrument, except those subject to ss. 717.104 and 717.115, on
1769 which a banking or financial organization is directly liable,

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1770 including, but not limited to, a cashier's check or a certified
1771 check, which has been outstanding for more than 5 years after it
1772 was payable or after its issuance if payable on demand, is
1773 presumed abandoned unclaimed unless the apparent owner or
1774 authorized representative, within 5 years, has communicated in
1775 writing with the banking or financial organization concerning it
1776 or otherwise demonstrated a continued interest in the property
1777 in accordance with s. 717.102 indicated an interest as evidenced
1778 ~~by a memorandum or other record on file with the banking or~~
1779 ~~financial organization.~~

1780 (2) A ~~No~~ holder may not deduct from the amount of any
1781 instrument subject to this section any charges imposed by reason
1782 of the failure to present the instrument for encashment unless
1783 there is a valid and enforceable written contract between the
1784 holder and the apparent owner of the instrument pursuant to
1785 which the holder may impose those charges and does not regularly
1786 reverse or otherwise cancel those charges with respect to the
1787 instrument.

1788 Section 27. Subsection (1), paragraphs (a) and (b) of
1789 subsection (3), and subsections (4) and (5) of section 717.106,
1790 Florida Statutes, are amended to read:

1791 717.106 Bank deposits and funds in financial
1792 organizations.—

1793 (1) Any demand, savings, or matured time deposit with a
1794 banking or financial organization, including deposits that are
1795 automatically renewable, and any funds paid toward the purchase
1796 of shares, a mutual investment certificate, or any other
1797 interest in a banking or financial organization is presumed
1798 abandoned unclaimed unless the apparent owner or authorized

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1799 representative has, within 5 years, engaged in any of the
1800 following activities:

1801 (a) Increased or decreased the amount of the deposit or
1802 presented the passbook or other similar evidence of the deposit
1803 for the crediting of interest.~~;~~

1804 (b) Communicated in writing or by documented telephone
1805 contact with the banking or financial organization concerning
1806 the property.~~;~~

1807 (c) Otherwise demonstrated a continued indicated an
1808 interest in the property as evidenced by a memorandum or other
1809 record on file with the banking or financial organization.~~;~~

1810 (d) Owned other property to which paragraph (a), paragraph
1811 (b), or paragraph (c) is applicable and if the banking or
1812 financial organization communicates in writing with the owner
1813 with regard to the property that would otherwise be presumed
1814 abandoned unclaimed under this subsection at the address to
1815 which communications regarding the other property regularly are
1816 sent.~~;~~ or

1817 (e) Had another relationship with the banking or financial
1818 organization concerning which the apparent owner has:

1819 1. Communicated in writing with the banking or financial
1820 organization; or

1821 2. Otherwise demonstrated a continued indicated an interest
1822 as evidenced by a memorandum or other record on file with the
1823 banking or financial organization and if the banking or
1824 financial organization communicates in writing with the apparent
1825 owner or authorized representative with regard to the property
1826 that would otherwise be presumed abandoned unclaimed under this
1827 subsection at the address to which communications regarding the

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1828 other relationship regularly are sent.

1829 (3) A ~~No~~ holder may not impose with respect to property
1830 described in subsection (1) any charges due to dormancy or
1831 inactivity or cease payment of interest unless:

1832 (a) There is an enforceable written contract between the
1833 holder and the apparent owner of the property pursuant to which
1834 the holder may impose those charges or cease payment of
1835 interest.

1836 (b) For property in excess of \$2, the holder, no more than
1837 3 months prior to the initial imposition of those charges or
1838 cessation of interest, has given written notice to the apparent
1839 owner of the amount of those charges at the last known address
1840 of the apparent owner stating that those charges shall be
1841 imposed or that interest shall cease, but the notice provided in
1842 this section need not be given with respect to charges imposed
1843 or interest ceased before July 1, 1987.

1844 (4) Any property described in subsection (1) that is
1845 automatically renewable is matured for purposes of subsection
1846 (1) upon the expiration of its initial time period except that,
1847 in the case of any renewal to which the apparent owner consents
1848 at or about the time of renewal by communicating in writing with
1849 the banking or financial organization or otherwise indicating
1850 consent as evidenced by a memorandum or other record on file
1851 prepared by an employee of the organization, the property is
1852 matured upon the expiration of the last time period for which
1853 consent was given. If, at the time provided for delivery in s.
1854 717.119, a penalty or forfeiture in the payment of interest
1855 would result from the delivery of the property, the time for
1856 delivery is extended until the time when no penalty or

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1857 forfeiture would result.

1858 (5) If the documents establishing a deposit described in
1859 subsection (1) state the address of a beneficiary of the
1860 deposit, and the account has a value of at least \$50, notice
1861 shall be given to the beneficiary as provided for notice to the
1862 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
1863 shall apply to accounts opened on or after October 1, 1990.1864 Section 28. Subsection (1) of section 717.107, Florida
1865 Statutes, is amended to read:1866 717.107 Funds owing under life insurance policies, annuity
1867 contracts, and retained asset accounts; fines, penalties, and
1868 interest; United States Social Security Administration Death
1869 Master File.—1870 (1) Funds held or owing under any life or endowment
1871 insurance policy or annuity contract which has matured or
1872 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
1873 more than 5 years after the date of death of the insured, the
1874 annuitant, or the retained asset account holder, but property
1875 described in paragraph (3) (d) is presumed abandoned ~~unclaimed~~ if
1876 such property is not claimed for more than 2 years. The amount
1877 presumed abandoned ~~unclaimed~~ shall include any amount due and
1878 payable under s. 627.4615.1879 Section 29. Section 717.1071, Florida Statutes, is amended
1880 to read:1881 717.1071 Lost owners of abandoned ~~unclaimed~~
1882 demutualization, rehabilitation, or related reorganization
1883 proceeds.—1884 (1) Property distributable in the course of a
1885 demutualization, rehabilitation, or related reorganization of an

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1886 insurance company is deemed abandoned 2 years after the date the
1887 property is first distributable if, at the time of the first
1888 distribution, the last known address of the apparent owner on
1889 the books and records of the holder is known to be incorrect or
1890 the distribution or statements are returned by the post office
1891 as undeliverable; and the apparent owner or authorized
1892 representative owner has not communicated in writing with the
1893 holder or its agent regarding the interest or otherwise
1894 communicated with the holder regarding the interest as evidenced
1895 by a memorandum or other record on file with the holder or its
1896 agent.

1897 (2) Property distributable in the course of
1898 demutualization, rehabilitation, or related reorganization of a
1899 mutual insurance company that is not subject to subsection (1)
1900 shall be reportable as otherwise provided by this chapter.

1901 (3) Property subject to this section shall be reported and
1902 delivered no later than May 1 as of the preceding December 31;
1903 however, the initial report under this section shall be filed no
1904 later than November 1, 2003, as of December 31, 2002.

1905 Section 30. Section 717.108, Florida Statutes, is amended
1906 to read:

1907 717.108 Deposits held by utilities.—Any deposit, including
1908 any interest thereon, made by a subscriber with a utility to
1909 secure payment or any sum paid in advance for utility services
1910 to be furnished, less any lawful charges, that remains unclaimed
1911 by the apparent owner for more than 1 year after termination of
1912 the services for which the deposit or advance payment was made
1913 is presumed abandoned unclaimed.

1914 Section 31. Section 717.109, Florida Statutes, is amended

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1915 to read:

1916 717.109 Refunds held by business associations.—Except as
1917 otherwise provided by law, any sum that a business association
1918 has been ordered to refund by a court or administrative agency
1919 which has been unclaimed by the apparent owner for more than 1
1920 year after it became payable in accordance with the final
1921 determination or order providing for the refund, regardless of
1922 whether the final determination or order requires any person
1923 entitled to a refund to make a claim for it, is presumed
1924 abandoned unclaimed.

1925 Section 32. Section 717.1101, Florida Statutes, is amended
1926 to read:

1927 717.1101 Abandoned Unclaimed equity and debt of business
1928 associations.—

1929 (1) (a) Stock, or other equity interests, or debt of
1930 interest in a business association is presumed abandoned
1931 unclaimed on the date of the earliest of any of the following:

1932 1. Three years after the date a communication, other than
1933 communications required by s. 717.117, sent by the holder by
1934 first-class United States mail to the apparent owner is returned
1935 to the holder undelivered by the United States Postal Service.
1936 If such returned communication is resent within 1 month to the
1937 apparent owner, the 3-year dormancy period does not begin until
1938 the day the resent item is returned as undelivered.

1939 2. Five ~~Three~~ years after the most recent of any account
1940 ~~owner-generated~~ activity or communication initiated by the
1941 apparent owner or authorized representative which demonstrates
1942 continued interest in the related to the account, as recorded
1943 and maintained by in the holder. Routine automatic reinvestments

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1944 or other routine transactions previously authorized by the
1945 apparent owner or authorized representative do not prevent,
1946 interrupt, or reset the dormancy period and do not constitute an
1947 affirmative demonstration of continued interest. ~~holder's~~
1948 ~~database and records systems sufficient enough to demonstrate~~
1949 the owner's continued awareness or interest in the property;

1950 3.2. ~~Two~~ Three years after the date of the death of the
1951 apparent owner, as evidenced by:

1952 a. Notice to the holder of the apparent owner's death by an
1953 ~~authorized representative administrator, beneficiary, relative,~~
1954 ~~or trustee, or by a personal representative or other legal~~
1955 ~~representative of the owner's estate;~~

1956 b. Receipt by the holder of a copy of the death certificate
1957 of the apparent owner;

1958 c. Confirmation by the holder of the apparent owner's death
1959 ~~through~~ ~~though~~ other means; or

1960 d. Other evidence from which the holder may reasonably
1961 conclude that the apparent owner is deceased. ; or

1962 3. ~~One year after the date on which the holder receives~~
1963 ~~notice under subparagraph 2. if the notice is received 2 years~~
1964 ~~or less after the owner's death and the holder lacked knowledge~~
1965 ~~of the owner's death during that period of 2 years or less.~~

1966 (b) If the holder does not send communication to the
1967 apparent owner of a security by first-class United States mail
1968 on an annual basis, the holder shall attempt to confirm the
1969 apparent owner's interest in the equity interest by sending the
1970 apparent owner an e-mail communication not later than 3 years
1971 after the apparent owner's or authorized representative's last
1972 demonstration of continued interest in the equity interest.

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1973 However, the holder shall promptly attempt to contact the
1974 apparent owner by first-class United States mail if:
1975 1. The holder does not have information needed to send the
1976 apparent owner an e-mail communication or the holder believes
1977 that the apparent owner's e-mail address in the holder's records
1978 is not valid;
1979 2. The holder received notification that the e-mail
1980 communication was not received; or
1981 3. The apparent owner does not respond to the e-mail
1982 communication within 30 days after the communication was sent.
1983 (c) If first-class United States mail sent under paragraph
1984 (b) is returned to the holder undelivered by the United States
1985 Postal Service, the equity interest is presumed abandoned in
1986 accordance with paragraph (1) (a).
1987 (d) Unmatured or unredeemed debt, other than a bearer bond
1988 or an original issue discount bond, is presumed abandoned 5
1989 unclaimed 3 years after the date of the most recent interest
1990 payment unclaimed by the owner.
1991 (e) Matured or redeemed debt is presumed abandoned 5
1992 unclaimed 3 years after the date of maturity or redemption.
1993 (f) At the time property is presumed abandoned unclaimed
1994 under paragraph (a) or paragraph (b), any other property right
1995 accrued or accruing to the owner as a result of the property
1996 interest and not previously presumed abandoned unclaimed is also
1997 presumed abandoned unclaimed.
1998 (2) The running of the applicable dormancy period under
1999 this section such 3-year period ceases if the apparent owner or
2000 authorized representative demonstrates continued interest under
2001 s. 717.102, including by any of the following actions person:

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2002 (a)1. Communicating ~~Communicates~~ in writing or by other
2003 means with the association or its agent regarding the interest, or
2004 ~~a~~ dividend, distribution, or other sum payable as a result of
2005 the interest, as recorded by the association or its agent; or
2006 2. ~~Otherwise communicates with the association regarding~~
2007 the interest ~~or a dividend, distribution, or other sum payable~~
2008 ~~as a result of the interest, as evidenced by a memorandum or~~
2009 ~~other record on file with the association or its agent.~~

2010 (b) Presenting ~~Presents~~ an instrument issued to pay
2011 interest, or a dividend, or other ~~cash~~ distribution. If any
2012 future dividend, distribution, or other sum payable ~~to the owner~~
2013 as a result of the interest is subsequently unclaimed ~~not~~
2014 ~~claimed by the owner~~, a new period in which the property is
2015 presumed abandoned ~~unclaimed~~ commences and relates back only to
2016 the time a subsequent dividend, distribution, or other sum
2017 became due and payable.

2018 (3) At the same time any interest is presumed abandoned
2019 ~~unclaimed~~ under this section, any dividend, distribution, or
2020 other sum then held for or owing to the owner as a result of the
2021 interest, is presumed abandoned ~~unclaimed~~.

2022 (4) Any dividend, profit, distribution, interest
2023 redemption, payment on principal, or other sum held or owing by
2024 a business association for or to a shareholder,
2025 certificateholder, member, bondholder, or other security holder,
2026 who has not claimed such amount or corresponded in writing with
2027 the business association concerning such amount, within 5 ~~3~~
2028 years after the date prescribed for payment or delivery, is
2029 presumed abandoned ~~unclaimed~~.

2030 Section 33. Section 717.111, Florida Statutes, is amended

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2031 to read:

2032 717.111 Property of business associations held in course of
2033 dissolution.—All intangible property distributable in the course
2034 of a voluntary or involuntary dissolution of a business
2035 association which is not claimed by the apparent owner for more
2036 than 6 months after the date specified for final distribution is
2037 presumed abandoned unclaimed.

2038 Section 34. Subsections (1) and (5) of section 717.112,
2039 Florida Statutes, are amended to read:

2040 717.112 Property held by agents and fiduciaries.—

2041 (1) All intangible property and any income or increment
2042 thereon held in a fiduciary capacity for the benefit of another
2043 person, including property held by an attorney in fact or an
2044 agent, except as provided in ss. 717.1125 and 733.816, is
2045 presumed abandoned unclaimed unless the apparent owner has
2046 within 5 years after it has become payable or distributable
2047 increased or decreased the principal, accepted payment of
2048 principal or income, communicated in writing concerning the
2049 property, or otherwise indicated an interest as evidenced by a
2050 memorandum or other record on file with the fiduciary.

2051 (5) All intangible property, and any income or increment
2052 thereon, issued by a government or governmental subdivision or
2053 agency, public corporation, or public authority and held in an
2054 agency capacity for the governmental subdivision, agency, public
2055 corporation, or public authority for the benefit of the owner of
2056 record, is presumed abandoned unclaimed unless the apparent
2057 owner has, within 1 year after such property has become payable
2058 or distributable, increased or decreased the principal, accepted
2059 payment of the principal or income, communicated concerning the

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2060 property, or otherwise indicated an interest in the property as
2061 evidenced by a memorandum or other record on file with the
2062 fiduciary.

2063 Section 35. Section 717.1125, Florida Statutes, is amended
2064 to read:

2065 717.1125 Property held by fiduciaries under trust
2066 instruments.—All intangible property and any income or increment
2067 thereon held in a fiduciary capacity for the benefit of another
2068 person under a trust instrument is presumed abandoned unclaimed
2069 unless the apparent owner has, within 2 years after it has
2070 become payable or distributable, increased or decreased the
2071 principal, accepted payment of principal or income, communicated
2072 concerning the property, or otherwise indicated an interest as
2073 evidenced by a memorandum or other record on file with the
2074 fiduciary. This section does not relieve a fiduciary of his or
2075 her duties under the Florida Trust Code.

2076 Section 36. Section 717.113, Florida Statutes, is amended
2077 to read:

2078 717.113 Property held by courts and public agencies.—All
2079 intangible property held for the apparent owner by any court,
2080 government or governmental subdivision or agency, public
2081 corporation, or public authority that has not been claimed by
2082 the apparent owner for more than 1 year after it became payable
2083 or distributable is presumed abandoned unclaimed. Except as
2084 provided in s. 45.032(3)(c), money held in the court registry
2085 and for which no court order has been issued to determine an
2086 owner does not become payable or distributable and is not
2087 subject to reporting under this chapter. Notwithstanding the
2088 provisions of this section, funds deposited in the Minerals

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2089 Trust Fund pursuant to s. 377.247 are presumed abandoned
2090 ~~unclaimed~~ only if the funds have not been claimed by the
2091 apparent owner for more than 5 years after the date of first
2092 production from the well.

2093 Section 37. Section 717.115, Florida Statutes, is amended
2094 to read:

2095 717.115 Wages.—Unpaid wages, including wages represented by
2096 unpresented payroll checks, owing in the ordinary course of the
2097 holder's business that have not been claimed by the apparent
2098 owner for more than 1 year after becoming payable are presumed
2099 abandoned ~~unclaimed~~.

2100 Section 38. Section 717.116, Florida Statutes, is amended
2101 to read:

2102 717.116 Contents of safe-deposit box or other safekeeping
2103 repository.—All tangible and intangible property held by a
2104 banking or financial organization in a safe-deposit box or any
2105 other safekeeping repository in this state in the ordinary
2106 course of the holder's business, and proceeds resulting from the
2107 sale of the property permitted by law, that has not been claimed
2108 by the apparent owner or authorized representative for more than
2109 3 years after the lease or rental period on the box or other
2110 repository has expired are presumed abandoned ~~unclaimed~~.

2111 Section 39. Section 717.117, Florida Statutes, is amended
2112 to read:

2113 717.117 Holder due diligence and report of abandoned
2114 ~~unclaimed~~ property.—

2115 (1) Property is presumed abandoned upon expiration of the
2116 applicable dormancy period under this chapter. However, such
2117 property is not deemed abandoned for purposes of reporting or

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2118 remittance to the department until the holder has conducted
2119 reasonable due diligence as required by this section, resulting
2120 in no indication of interest from the apparent owner or
2121 authorized representative.

2122 (2) Holders of property presumed abandoned that has a value
2123 of \$50 or more shall use due diligence to locate and notify the
2124 apparent owner that the holder is in possession of property
2125 subject to this chapter. At least 90 days, but not more than 180
2126 days, before filing the report required by this section, a
2127 holder in possession of presumed abandoned property shall send
2128 written notice by first-class United States mail to the apparent
2129 owner's last known address as shown in the holder's records or
2130 from other available sources, or by e-mail if the apparent owner
2131 has elected for e-mail delivery, informing the apparent owner
2132 that the holder is in possession of property subject to this
2133 chapter, provided that the holder's records contain a mailing or
2134 e-mail address for the apparent owner which is not known by the
2135 holder to be inaccurate. The holder may provide notice by mail,
2136 by e-mail, or by both methods. If the holder's records indicate
2137 that the mailing address is inaccurate, notice may be provided
2138 by e-mail if the apparent owner has elected e-mail delivery.

2139 (3) If the value of the property is greater than \$1,000,
2140 the holder shall send a second written notice by certified
2141 United States mail, return receipt requested, to the apparent
2142 owner's last known address at least 60 days before filing the
2143 report required by this section, if the holder's records contain
2144 a mailing address for the apparent owner which is not known by
2145 the holder to be inaccurate. Reasonable costs paid to the United
2146 States Postal Service for certified mail, return receipt

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2147 requested, may be deducted from the property as a service
2148 charge. A signed return receipt received in response to the
2149 certified mail notice constitutes an affirmative demonstration
2150 of continued interest as described in s. 717.102.

2151 (4) The written notice required under this section must
2152 include:

2153 (a) A heading that reads substantially as follows: "Notice:
2154 The State of Florida requires us to notify you that your
2155 property may be transferred to the custody of the Florida
2156 Department of Financial Services if you do not contact us before
2157 ... (insert date that is at least 30 days after the date of
2158 notice)"

2159 (b) A description of the type, nature, and, unless the
2160 property does not have a fixed value, value of the property that
2161 is the subject of the notice.

2162 (c) A statement that the property will be turned over to
2163 the custody of the department as abandoned property if no
2164 response is received.

2165 (d) A statement that noncash property will be sold or
2166 liquidated by the department.

2167 (e) A statement that, after the property is remitted to the
2168 department, a claim must be filed with the department to recover
2169 the property.

2170 (f) A statement that the property is currently in the
2171 custody of the holder and that the apparent owner may prevent
2172 transfer of the property by contacting the holder before the
2173 deadline stated in the notice.

2174 (5) Every holder of abandoned person holding funds or other
2175 property, tangible or intangible, presumed unclaimed and subject

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2176 to custody ~~as unclaimed property~~ under this chapter shall submit
2177 a report to the department via electronic medium as the
2178 department may prescribe by rule. The report must include:

2179 (a) Except for traveler's checks and money orders, the
2180 name, social security number or taxpayer identification number,
2181 date of birth, if known, and last known address, if any, of each
2182 ~~apparent person appearing from the records of the holder to be~~
2183 ~~the owner of any property which is abandoned presumed unclaimed~~
2184 and which has a value of \$10 or more.

2185 (b) For abandoned unclaimed funds that have a value of \$10
2186 or more held or owing under any life or endowment insurance
2187 policy or annuity contract, the identifying information provided
2188 in paragraph (a) for both the insured or annuitant and the
2189 beneficiary according to records of the insurance company
2190 holding or owing the funds.

2191 (c) For all tangible property held in a safe-deposit box or
2192 other safekeeping repository, a description of the property and
2193 the place where the property is held and may be inspected by the
2194 department, and any amounts owing to the holder. Contents of a
2195 safe-deposit box or other safekeeping repository which consist
2196 of documents or writings ~~of a private nature~~ and which have
2197 little or no commercial value ~~apparent value~~ shall not be
2198 reported as abandoned property presumed unclaimed.

2199 (d) The nature or type of property, any accounting or
2200 identifying number associated with the property, a description
2201 of the property, and the amount appearing from the records to be
2202 due. Items of value of less than \$10 each may be reported in the
2203 aggregate.

2204 (e) The date the property became payable, demandable, or

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2205 returnable, and the date of the last transaction with the
2206 apparent owner with respect to the property.

2207 (f) Any other information the department may prescribe by
2208 rule as necessary for the administration of this chapter.

2209 (6) ~~(2)~~ If the total value of all abandoned presumed
2210 unclaimed property, whether tangible or intangible, held by a
2211 person is less than \$10, a zero balance report may be filed for
2212 that reporting period.

2213 (7) ~~(3)~~ Credit balances, customer overpayments, security
2214 deposits, and refunds having a value of less than \$10 may not be
2215 reported as abandoned property shall not be presumed unclaimed.

2216 (8) A security identified by the holder as non-freely
2217 transferable or worthless may not to be included in a report
2218 filed under this section. If the holder determines that a
2219 security is no longer non-freely transferable or worthless, the
2220 holder shall report and deliver the security on the next regular
2221 report date prescribed for delivery of securities by the holder
2222 under this chapter.

2223 (9) ~~(4)~~ If the holder of abandoned property presumed
2224 unclaimed and subject to custody under this chapter as unclaimed
2225 property is a successor holder or if the holder has changed the
2226 holder's name while in possession of the property, the holder
2227 shall file with the holder's report all known names and
2228 addresses of each prior holder of the property. Compliance with
2229 this subsection means the holder exercises reasonable and
2230 prudent efforts to determine the names of all prior holders.

2231 (10) The report must be signed by or on behalf of the
2232 holder and verified as to its completeness and accuracy, and the
2233 holder must state that it has complied with the due diligence

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2234 requirements of this section.

2235 (11) (5) The report must be filed before May 1 of each year.
2236 The report applies to the preceding calendar year. Upon written
2237 request by any person required to file a report, and upon a
2238 showing of good cause, the department may extend the reporting
2239 date. The department may impose and collect a penalty of \$10 per
2240 day up to a maximum of \$500 for the failure to timely report, if
2241 an extension was not provided or if the holder of the property
2242 failed to include in a report information required by this
2243 chapter which was in the holder's possession at the time of
2244 reporting. The penalty shall be remitted to the department
2245 within 30 days after the date of the notification to the holder
2246 that the penalty is due and owing. As necessary for proper
2247 administration of this chapter, the department may waive any
2248 penalty due with appropriate justification. The department must
2249 provide information contained in a report filed with the
2250 department to any person requesting a copy of the report or
2251 information contained in a report, to the extent the information
2252 requested is not confidential, within 45 days after the
2253 department determines that the report is accurate and acceptable
2254 and that the reported property is the same as the remitted
2255 property.

2256 (6) Holders of inactive accounts having a value of \$50 or
2257 more shall use due diligence to locate and notify apparent
2258 owners that the entity is holding unclaimed property available
2259 for them to recover. Not more than 120 days and not less than 60
2260 days prior to filing the report required by this section, the
2261 holder in possession of property presumed unclaimed and subject
2262 to custody as unclaimed property under this chapter shall send

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2263 written notice by first class United States mail to the apparent
2264 owner at the apparent owner's last known address from the
2265 holder's records or from other available sources, or via
2266 electronic mail if the apparent owner has elected this method of
2267 delivery, informing the apparent owner that the holder is in
2268 possession of property subject to this chapter, if the holder
2269 has in its records a mailing or electronic address for the
2270 apparent owner which the holder's records do not disclose to be
2271 inaccurate. These two means of contact are not mutually
2272 exclusive; if the mailing address is determined to be
2273 inaccurate, electronic mail may be used if so elected by the
2274 apparent owner.

2275 (7) The written notice to the apparent owner required under
2276 this section must:

2277 (a) Contain a heading that reads substantially as follows:
2278 "Notice. The State of Florida requires us to notify you that
2279 your property may be transferred to the custody of the Florida
2280 Department of Financial Services if you do not contact us before
2281 ... (insert date that is at least 30 days after the date of
2282 notice)...."

2283 (b) Identify the type, nature, and, except for property
2284 that does not have a fixed value, value of the property that is
2285 the subject of the notice.

2286 (c) State that the property will be turned over to the
2287 custody of the department as unclaimed property if no response
2288 to this letter is received.

2289 (d) State that any property that is not legal tender of the
2290 United States may be sold or liquidated by the department.

2291 (e) State that after the property is turned over to the

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2292 ~~department, an apparent owner seeking return of the property may~~
2293 ~~file a claim with the department.~~

2294 ~~(f) State that the property is currently with a holder and~~
2295 ~~provide instructions that the apparent owner must follow to~~
2296 ~~prevent the holder from reporting and paying for the property or~~
2297 ~~from delivering the property to the department.~~

2298 (12)(8) Any holder of intangible property may file with the
2299 department a petition for determination that the property is
2300 abandoned and unclaimed requesting the department to accept
2301 custody of the property. The petition shall state any special
2302 circumstances that exist, contain the information required by
2303 subsection (9) subsection (4), and show that a diligent search
2304 has been made to locate the apparent owner. If the department
2305 finds that the proof of diligent search is satisfactory, it
2306 shall give notice as provided in s. 717.118 and accept custody
2307 of the property.

2308 (13)(9) Upon written request by any entity or person
2309 required to file a report, stating such entity's or person's
2310 justification for such action, the department may place that
2311 entity or person in an inactive status as an abandoned unclaimed
2312 property "holder."

2313 (14)(10)(a) This section does not apply to the abandoned
2314 unclaimed patronage refunds as provided for by contract or
2315 through bylaw provisions of entities organized under chapter 425
2316 or that are exempt from ad valorem taxation pursuant to s.
2317 196.2002.

2318 (b) This section does not apply to intangible property
2319 held, issued, or owing by a business association subject to the
2320 jurisdiction of the United States Surface Transportation Board

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2321 or its successor federal agency if the apparent owner of such
2322 intangible property is a business association. The holder of
2323 such property does not have any obligation to report, to pay, or
2324 to deliver such property to the department.

2325 (c) This section does not apply to credit balances,
2326 overpayments, refunds, or outstanding checks owed by a health
2327 care provider to a managed care payor with whom the health care
2328 provider has a managed care contract, provided that the credit
2329 balances, overpayments, refunds, or outstanding checks become
2330 due and owing pursuant to the managed care contract.

2331 (15) ~~(11)~~(a) As used in this subsection, the term "property
2332 identifier" means the descriptor used by the holder to identify
2333 the abandoned unclaimed property.

2334 (b) Social security numbers and property identifiers
2335 contained in reports required under this section, held by the
2336 department, are confidential and exempt from s. 119.07(1) and s.
2337 24(a), Art. I of the State Constitution.

2338 (c) This exemption applies to social security numbers and
2339 property identifiers held by the department before, on, or after
2340 the effective date of this exemption.

2341 Section 40. Section 717.118, Florida Statutes, is amended
2342 to read:

2343 717.118 Notification of apparent owners of abandoned
2344 unclaimed property.—

2345 (1) It is specifically recognized that the state has an
2346 obligation to make an effort to notify apparent owners in a
2347 cost-effective manner that their abandoned property has been
2348 reported and remitted to the department of unclaimed property in
2349 a cost-effective manner. In order to provide all the citizens of

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2350 this state an effective and efficient program for the recovery
2351 of abandoned personal unclaimed property, the department shall
2352 use cost-effective means to make at least one active attempt to
2353 notify apparent owners of abandoned unclaimed property accounts
2354 valued at \$50 or more, abandoned tangible property, and
2355 abandoned shares of stock for which more than \$250 with a
2356 reported address or taxpayer identification number is available.
2357 Such active attempt to notify apparent owners shall include any
2358 attempt by the department to directly contact the apparent
2359 owner. Other means of notification, such as publication of the
2360 names of apparent owners in the newspaper, on television, on the
2361 Internet, or through other promotional efforts and items in
2362 which the department does not directly attempt to contact the
2363 apparent owner are expressly declared to be passive attempts.
2364 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2365 agencies or entities of state government from notifying owners
2366 of the existence of abandoned unclaimed property or attempting
2367 to notify apparent owners of abandoned unclaimed property.

2368 (2) Notification provided directly to individual apparent
2369 owners shall contain ~~consist of~~ a description of the abandoned
2370 property and information regarding recovery of the unclaimed
2371 property from the department. The form and content of the
2372 department's notice shall be tailored to the type of property
2373 reported and shall include any information necessary to
2374 reasonably inform the apparent owner of the consequences of
2375 failure to claim the property, including potential sale or
2376 disposition under s. 717.122.

2377 (3) The department shall maintain a publicly accessible,
2378 electronically searchable website that includes the names of

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2379 apparent owners of abandoned property reported to the department
2380 and instructions for filing a claim. The website must list
2381 property valued at \$10 or more and provide instructions for
2382 filings a claim. Abandoned property valued at less than \$10
2383 remains recoverable from the department in accordance with this
2384 chapter.

2385 (4) This section is not applicable to abandoned sums
2386 payable on traveler's checks, money orders, and other written
2387 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2388 abandoned property reported without the necessary identifying
2389 information to establish ownership.

2390 Section 41. Section 717.119, Florida Statutes, is amended
2391 to read:

2392 717.119 Payment or delivery of abandoned unclaimed
2393 property.—

2394 (1) Every person who is required to file a report under s.
2395 717.117 shall simultaneously pay or deliver to the department
2396 all abandoned unclaimed property required to be reported. Such
2397 payment or delivery shall accompany the report as required in
2398 this chapter for the preceding calendar year.

2399 (2) Payment of abandoned unclaimed funds may be made to the
2400 department by electronic funds transfer.

2401 (3) If the apparent owner establishes the right to receive
2402 the abandoned unclaimed property to the satisfaction of the
2403 holder before the property has been delivered to the department
2404 or it appears that for some other reason ~~the presumption~~ that
2405 the property was erroneously classified as abandoned is
2406 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2407 property to the department. In lieu of delivery, the holder

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2408 shall file a verified written explanation of the proof of claim
2409 or of the error in classification of the presumption that the
2410 property as abandoned was unclaimed.

2411 (4) All virtual currency reported under this chapter on the
2412 annual report filing required in s. 717.117 shall be remitted to
2413 the department with the report. The holder shall liquidate the
2414 virtual currency and remit the proceeds to the department. The
2415 liquidation must occur within 30 days before the filing of the
2416 report. Upon delivery of the virtual currency proceeds to the
2417 department, the holder is relieved of all liability of every
2418 kind in accordance with the provisions of s. 717.1201 to every
2419 person for any losses or damages resulting to the person by the
2420 delivery to the department of the virtual currency proceeds.

2421 (5) All stock or other intangible ownership interest
2422 reported under this chapter on the annual report filing required
2423 in s. 717.117 shall be remitted to the department with the
2424 report. Upon delivery of the stock or other intangible ownership
2425 interest to the department, the holder and any transfer agent,
2426 registrar, or other person acting for or on behalf of a holder
2427 is relieved of all liability of every kind in accordance with
2428 the provisions of s. 717.1201 to every person for any losses or
2429 damages resulting to the person by the delivery to the
2430 department of the stock or other intangible ownership interest.

2431 (6) All intangible and tangible property held in a safe-
2432 deposit box or any other safekeeping repository reported under
2433 s. 717.117 shall not be delivered to the department until 120
2434 days after the report due date. The delivery of the property,
2435 through the United States mail or any other carrier, shall be
2436 insured by the holder at an amount equal to the estimated value

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2437 of the property. Each package shall be clearly marked on the
2438 outside "Deliver Unopened." A holder's safe-deposit box contents
2439 shall be delivered to the department in a single shipment. In
2440 lieu of a single shipment, holders may provide the department
2441 with a single detailed shipping schedule that includes package
2442 tracking information for all packages being sent pursuant to
2443 this section.

2444 (a) Holders may remit the value of cash and coins found in
2445 abandoned unclaimed safe-deposit boxes to the department by
2446 cashier's check or by electronic funds transfer, unless the cash
2447 or coins have a value above face value. The department shall
2448 identify by rule those cash and coin items having a numismatic
2449 value. Cash and coin items identified as having a numismatic
2450 value shall be remitted to the department in their original
2451 form.

2452 (b) Any firearm or ammunition found in an abandoned
2453 unclaimed safe-deposit box or any other safekeeping repository
2454 shall be delivered by the holder to a law enforcement agency for
2455 property handling or disposal pursuant to s. 705.103(2)(b). If
2456 the firearm is sold by the law enforcement agency, with the
2457 balance of the proceeds shall be deposited into the State School
2458 Fund if the firearm is sold. However, The department is
2459 authorized to make a reasonable attempt to ascertain the
2460 historical value to collectors of any firearm that has been
2461 delivered to the department. Any firearm appearing to have
2462 historical value to collectors may be sold by the department
2463 pursuant to s. 717.122 to a person having a federal firearms
2464 license. Any firearm which is not sold pursuant to s. 717.122
2465 shall be delivered by the department to a law enforcement agency

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2466 in this state for proper handling or disposal. In accordance
2467 with pursuant to s. 705.103(2)(b), if the firearm is sold by the
2468 law enforcement agency, with the balance of the proceeds shall
2469 be deposited into the State School Fund ~~if the firearm is sold~~.
2470 The department shall not be administratively, civilly, or
2471 criminally liable for any firearm delivered by the department to
2472 a law enforcement agency in this state for disposal.

2473 (c) If such property is not paid or delivered to the
2474 department on or before the applicable payment or delivery date,
2475 the holder shall pay to the department a penalty for each safe-
2476 deposit box shipment received late. The penalty shall be \$100
2477 for a safe-deposit box shipment container that is late 30 days
2478 or less. Thereafter, the penalty shall be \$500 for a safe-
2479 deposit box shipment container that is late for each additional
2480 successive 30-day period. The penalty assessed against a holder
2481 for a late safe-deposit box shipment container shall not exceed
2482 \$4,000 annually. The penalty shall be remitted to the department
2483 within 30 days after the date of the notification to the holder
2484 that the penalty is due and owing.

2485 (d) The department may waive any penalty due with
2486 appropriate justification, as provided by rule.

2487 (e) If a will or trust instrument is included among the
2488 contents of an abandoned a safe-deposit box or other safekeeping
2489 repository delivered to the department, the department must
2490 provide a copy of the will, trust, and any codicils or
2491 amendments to such will or trust instrument, upon request, to
2492 anyone who provides the department with a certified copy of the
2493 death certificate evidence of the death of the testator or
2494 settlor.

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

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

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

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

Section 42. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

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

(1) Upon the good faith payment or delivery of abandoned unclaimed property to the department, the state assumes custody

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2524 and responsibility for the safekeeping of the property. Any
2525 person who pays or delivers abandoned unclaimed property to the
2526 department in good faith is relieved of all liability to the
2527 extent of the value of the property paid or delivered for any
2528 claim then existing or which thereafter may arise or be made
2529 with in respect to the property.

2530 (a) A holder's substantial compliance with the due
2531 diligence provisions in s. 717.117 s. 717.117(6) and good faith
2532 payment or delivery of abandoned unclaimed property to the
2533 department releases the holder from liability that may arise
2534 from such payment or delivery, and such delivery and payment may
2535 be pleaded as a defense in any suit or action brought by reason
2536 of such delivery or payment. This section does not relieve a
2537 fiduciary of his or her duties under the Florida Trust Code or
2538 Florida Probate Code.

2539 (b) If the holder pays or delivers property to the
2540 department in good faith and thereafter any other person claims
2541 the property from the holder paying or delivering, or another
2542 state claims the money or property under that state's laws
2543 relating to escheat or abandoned or unclaimed property, the
2544 department, upon written notice of the claim, shall defend the
2545 holder against the claim and indemnify the holder against any
2546 liability on the claim, except that a holder may not be
2547 indemnified against penalties imposed by another state.

2548 (2) For the purposes of this section, a payment or delivery
2549 of abandoned unclaimed property is made in good faith if:

2550 (a) The payment or delivery was made in conjunction with an
2551 accurate and acceptable report.

2552 (b) The payment or delivery was made in a reasonable

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2553 attempt to comply with this chapter and other applicable general
2554 law.

2555 (c) The holder had a reasonable basis for believing, based
2556 on the facts then known, that the property was abandoned
2557 ~~unclaimed~~ and subject to this chapter.

2558 (d) There is no showing that the records pursuant to which
2559 the delivery was made did not meet reasonable commercial
2560 standards of practice in the industry.

2561 (4) Any holder who has delivered property, including a
2562 certificate of any interest in a business association, other
2563 than money to the department pursuant to this chapter may
2564 reclaim the property if still in the possession of the
2565 department, without payment of any fee or other charges, upon
2566 filing proof that the person entitled to the property owner has
2567 claimed it the property from the holder.

2568 Section 43. Section 717.122, Florida Statutes, is amended
2569 to read:

2570 717.122 Public sale of abandoned unclaimed property.—

2571 (1) Except as provided in paragraph (2)(a), the department
2572 after the receipt of abandoned unclaimed property shall sell it
2573 to the highest bidder at public sale on the Internet or at a
2574 specified physical location wherever in the judgment of the
2575 department the most favorable market for the property involved
2576 exists. The department may decline the highest bid and reoffer
2577 the property for sale if in the judgment of the department the
2578 bid is insufficient. The department shall have the discretion to
2579 withhold from sale any abandoned unclaimed property that the
2580 department deems to be of benefit to the people of the state. If
2581 in the judgment of the department the probable cost of sale

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2582 exceeds the value of the property, it need not be offered for
2583 sale and may be disposed of as the department determines
2584 appropriate. Any sale at a specified physical location held
2585 under this section must be preceded by a single publication of
2586 notice, at least 3 weeks in advance of sale, in a newspaper of
2587 general circulation in the county in which the property is to be
2588 sold. The department shall proportionately deduct auction fees,
2589 preparation costs, and expenses from the amount posted to an the
2590 owner's account for an abandoned when safe-deposit box when the
2591 contents are sold. No action or proceeding may be maintained
2592 against the department for or on account of any decision to
2593 decline the highest bid or withhold any abandoned unclaimed
2594 property from sale.

2595 (2) (a) Securities listed on an established stock exchange
2596 must be sold at prices prevailing at the time of sale on the
2597 exchange. Other securities may be sold over the counter at
2598 prices prevailing at the time of sale or by any other method the
2599 department deems advisable. The department may authorize the
2600 agent or broker acting on behalf of the department to deduct
2601 fees from the proceeds of these sales at a rate agreed upon in
2602 advance by the agent or broker and the department. The
2603 department shall reimburse owners' accounts for these brokerage
2604 fees from the State School Fund unless the securities are sold
2605 at the owner's request.

2606 (b) Unless the department deems it to be in the public
2607 interest to do otherwise, all abandoned securities presumed
2608 unclaimed and delivered to the department may be sold upon
2609 receipt. Any person making a claim pursuant to this chapter is
2610 entitled to receive either the securities delivered to the

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2611 department by the holder, if they still remain in the hands of
2612 the department, or the proceeds received from sale, but no
2613 person has any claim under this chapter against the state, the
2614 holder, any transfer agent, any registrar, or any other person
2615 acting for or on behalf of a holder for any appreciation in the
2616 value of the property occurring after delivery by the holder to
2617 the state.

2618 (c) Certificates for abandoned unclaimed stock or other
2619 equity interest of business associations that cannot be canceled
2620 and registered in the department's name or that cannot be
2621 readily liquidated and converted into the currency of the United
2622 States may be sold for the value of the certificate, if any, in
2623 accordance with subsection (1) or may be destroyed in accordance
2624 with s. 717.128.

2625 (3) The purchaser of property at any sale conducted by the
2626 department pursuant to this chapter is entitled to ownership of
2627 the property purchased free from all claims of the owner or
2628 previous holder thereof and of all persons claiming through or
2629 under them. The department shall execute all documents necessary
2630 to complete the transfer of ownership.

2631 (4) The sale of abandoned unclaimed tangible personal
2632 property is not subject to tax under chapter 212 when such
2633 property is sold by or on behalf of the department pursuant to
2634 this section.

2635 Section 44. Section 717.123, Florida Statutes, is amended
2636 to read:

2637 717.123 Deposit of funds.—

2638 (1) All funds received under this chapter, including the
2639 proceeds from the sale of abandoned unclaimed property under s.

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2640 717.122, shall immediately forthwith be deposited by the
2641 department in the Abandoned Unclaimed Property Trust Fund. The
2642 department shall retain, at minimum, from funds received under
2643 this chapter, the an amount estimated by the Revenue Estimating
2644 Conference for not exceeding \$15 million from which the
2645 department to shall make prompt payment of claims allowed by the
2646 department and shall pay the administrative costs incurred by
2647 the department in administering and enforcing this chapter.
2648 Before the close of each fiscal year, the department shall
2649 transfer to the State School Fund no more than the transfer
2650 amount estimated by the Revenue Estimating Conference All
2651 remaining funds received by the department under this chapter
2652 shall be deposited by the department into the State School Fund.

2653 (2) The department shall record the name and last known
2654 address of each person appearing from the holder's reports to be
2655 entitled to the abandoned unclaimed property in the total
2656 amounts of \$5 or greater; the name and the last known address of
2657 each insured person or annuitant; and with respect to each
2658 policy or contract listed in the report of an insurance
2659 corporation, its number, the name of the corporation, and the
2660 amount due.

2661 Section 45. Section 717.1235, Florida Statutes, is amended
2662 to read:

2663 717.1235 Dormant campaign accounts; report of unclaimed
2664 property.—Abandoned Unclaimed funds reported in the name of a
2665 campaign for public office, for any campaign that must dispose
2666 of surplus funds in its campaign account pursuant to s. 106.141,
2667 after being reported to the department, shall be deposited with
2668 the Chief Financial Officer to the credit of the State School

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2669 Fund.

2670 Section 46. Section 717.124, Florida Statutes, is amended
2671 to read:2672 717.124 Abandoned Unclaimed property claims.—

2673 (1) Any person, excluding another state, claiming an
2674 interest in any property paid or delivered to the department
2675 under this chapter may file with the department a claim on a
2676 form prescribed by the department and verified by the claimant
2677 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
2678 ~~representative must be an attorney licensed to practice law in~~
2679 ~~this state, a licensed Florida certified public accountant, or a~~
2680 ~~private investigator licensed under chapter 493. The claimant~~
2681 ~~claimant's~~ representative must be registered with the department
2682 under this chapter. The claimant, or the claimant ~~claimant's~~
2683 representative, shall provide the department with a legible copy
2684 of a valid driver license of the claimant at the time the
2685 original claim form is filed. If the claimant has not been
2686 issued a valid driver license at the time the original claim
2687 form is filed, the department shall be provided with a legible
2688 copy of a photographic identification of the claimant issued by
2689 the United States, a state or territory of the United States, a
2690 foreign nation, or a political subdivision or agency thereof or
2691 other evidence deemed acceptable by the department by rule. In
2692 lieu of photographic identification, a notarized sworn statement
2693 by the claimant may be provided which affirms the claimant's
2694 identity and states the claimant's full name and address. The
2695 claimant must produce to the notary photographic identification
2696 of the claimant issued by the United States, a state or
2697 territory of the United States, a foreign nation, or a political

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2698 subdivision or agency thereof or other evidence deemed
2699 acceptable by the department by rule. The notary shall indicate
2700 the notary's full address on the notarized sworn statement. Any
2701 claim filed without the required identification or the sworn
2702 statement with the original claim form and the original
2703 Abandoned Unclaimed Property Recovery Agreement or Abandoned
2704 Unclaimed Property Purchase Agreement, if applicable, is void.

2705 (a) Within 90 days after receipt of a claim, the department
2706 may return any claim that provides for the receipt of fees and
2707 costs greater than that permitted under this chapter or that
2708 contains any apparent errors or omissions. The department may
2709 also request that the claimant or the claimant ~~claimant's~~
2710 representative provide additional information. The department
2711 shall retain a copy or electronic image of the claim.

2712 (b) A claim is considered to have been withdrawn by a
2713 claimant or the claimant ~~claimant's~~ representative if the
2714 department does not receive a response to its request for
2715 additional information within 60 days after the notification of
2716 any apparent errors or omissions.

2717 (c) Within 90 days after receipt of the claim, or the
2718 response of the claimant or the claimant ~~claimant's~~
2719 representative to the department's request for additional
2720 information, whichever is later, the department shall determine
2721 each claim. Such determination shall contain a notice of rights
2722 provided by ss. 120.569 and 120.57. The 90-day period shall be
2723 extended by 60 days if the department has good cause to need
2724 additional time or if the abandoned unclaimed property:

2725 1. Is owned by a person who has been a debtor in
2726 bankruptcy;

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2727 2. Was reported with an address outside of the United
2728 States;

2729 3. Is being claimed by a person outside of the United
2730 States; or

2731 4. Contains documents filed in support of the claim that
2732 are not in the English language and have not been accompanied by
2733 an English language translation.

2734 (2) A claim for a cashier's check or a stock certificate
2735 without the original instrument may require an indemnity bond
2736 equal to the value of the claim to be provided prior to issue of
2737 the stock or payment of the claim by the department.

2738 (3) The department may require an affidavit swearing to the
2739 authenticity of the claim, lack of documentation, and an
2740 agreement to allow the department to provide the name and
2741 address of the claimant to subsequent claimants coming forward
2742 with substantiated proof to claim the account. This shall apply
2743 to claims equal to or less than \$250. The exclusive remedy of a
2744 subsequent claimant to the property shall be against the person
2745 who received the property from the department.

2746 (4) (a) Except as otherwise provided in this chapter, if a
2747 claim is determined in favor of the claimant, the department
2748 shall deliver or pay over to the claimant the property or the
2749 amount the department actually received or the proceeds if it
2750 has been sold by the department, together with any additional
2751 amount required by s. 717.121.

2752 (b) If a claimant ~~an owner~~ authorizes a claimant
2753 ~~representative~~ ~~an attorney licensed to practice law in this~~
2754 ~~state, a Florida certified public accountant, or a private~~
2755 ~~investigator licensed under chapter 493, and registered with the~~

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2756 department under this chapter, to claim the abandoned unclaimed
2757 property on the claimant's owner's behalf, the department is
2758 authorized to make distribution of the property or money in
2759 accordance with the Abandoned Unclaimed Property Recovery
2760 Agreement or Abandoned Unclaimed Property Purchase Agreement
2761 under s. 717.135. The original Abandoned Unclaimed Property
2762 Recovery Agreement or Abandoned Unclaimed Property Purchase
2763 Agreement must be executed by the claimant or seller and must be
2764 filed with the department.

2765 (c)1. Payments of approved claims for unclaimed cash
2766 accounts must be made to the owner after deducting any fees and
2767 costs authorized by the claimant under an Abandoned Unclaimed
2768 Property Recovery Agreement. The contents of a safe-deposit box
2769 or shares of securities must be delivered directly to the
2770 claimant.

2771 2. Payments of fees and costs authorized under an Abandoned
2772 Unclaimed Property Recovery Agreement for approved claims must
2773 be made or issued to the law firm of the designated attorney
2774 licensed to practice law in this state, the public accountancy
2775 firm of the licensed Florida-certified public accountant, or the
2776 designated employing private investigative agency licensed by
2777 this state. Such payments shall be made by electronic funds
2778 transfer and may be made on such periodic schedule as the
2779 department may define by rule, provided the payment intervals do
2780 not exceed 31 days. Payment made to an attorney licensed in this
2781 state, a Florida-certified public accountant, or a private
2782 investigator licensed under chapter 493, operating individually
2783 or as a sole practitioner, must be to the attorney, certified
2784 public accountant, or private investigator.

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

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

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

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

(9) (a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received

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2814 by the department and added to the abandoned unclaimed property
2815 database, for which the apparent owner entity is:

2816 1. A state agency in this state or a subdivision or
2817 successor agency thereof;

2818 2. A county government in this state or a subdivision
2819 thereof;

2820 3. A public school district in this state or a subdivision
2821 thereof;

2822 4. A municipality in this state or a subdivision thereof;
2823 or

2824 5. A special taxing district or authority in this state,

2825
2826 may be disbursed to the apparent owner entity or successor
2827 entity. The department shall include with the payment a
2828 notification and explanation of the dollar amount, the source,
2829 and the property type of each account included in the
2830 disbursement.

2831 (b) The department may adopt rules to implement this
2832 subsection.

2833 (10) Notwithstanding any other provision of this chapter,
2834 the department may develop a process by which a claimant
2835 ~~claimant's representative or a buyer of unclaimed property~~ may
2836 electronically submit to the department an electronic image of a
2837 completed claim and claims-related documents under this chapter,
2838 including an Abandoned Unclaimed Property Recovery Agreement or
2839 Abandoned Unclaimed Property Purchase Agreement that has been
2840 signed and dated by a claimant or seller under s. 717.135, after
2841 the claimant ~~claimant's representative or the buyer of unclaimed~~
2842 ~~property~~ receives the original documents provided by the

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2843 claimant or the seller for any claim. Each claim filed by a
2844 ~~claimant~~ ~~claimant's~~ representative or a buyer of unclaimed
2845 ~~property~~ must include a statement by the ~~claimant~~ ~~claimant's~~
2846 representative or the buyer of unclaimed ~~property~~ attesting that
2847 all documents are true copies of the original documents and that
2848 all original documents are physically in the possession of the
2849 ~~claimant~~ ~~claimant's~~ representative or the buyer of unclaimed
2850 ~~property~~. All original documents must be kept in the original
2851 form, by claim number, under the secure control of the ~~claimant~~
2852 ~~claimant's~~ representative or the buyer of unclaimed ~~property~~ and
2853 must be available for inspection by the department in accordance
2854 with s. 717.1315. The department may adopt rules to implement
2855 this subsection.

2856 (11) This section applies to all ~~abandoned unclaimed~~
2857 property reported and remitted to the Chief Financial Officer,
2858 including, but not limited to, property reported pursuant to ss.
2859 45.032, 732.107, 733.816, and 744.534.

2860 Section 47. Section 717.12403, Florida Statutes, is amended
2861 to read:

2862 717.12403 ~~Abandoned Unclaimed~~ demand, savings, or checking
2863 account in a financial institution held in the name of more than
2864 one person.—

2865 (1) (a) If an ~~abandoned unclaimed~~ demand, savings, or
2866 checking account in a financial institution is reported as an
2867 "and" account in the name of two or more persons who are not
2868 beneficiaries, it is presumed that each person must claim the
2869 account in order for the claim to be approved by the department.
2870 This presumption may be rebutted by showing that entitlement to
2871 the account has been transferred to another person or by clear

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2872 and convincing evidence demonstrating that the account should
2873 have been reported by the financial institution as an "or"
2874 account.

2875 (b) If an abandoned unclaimed demand, savings, or checking
2876 account in a financial institution is reported as an "and"
2877 account and one of the persons on the account is deceased, it is
2878 presumed that the account is a survivorship account. This
2879 presumption may be rebutted by showing that entitlement to the
2880 account has been transferred to another person or by clear and
2881 convincing evidence demonstrating that the account is not a
2882 survivorship account.

2883 (2) If an abandoned unclaimed demand, savings, or checking
2884 account in a financial institution is reported as an "or"
2885 account in the name of two or more persons who are not
2886 beneficiaries, it is presumed that either person listed on the
2887 account may claim the entire amount held in the account. This
2888 presumption may be rebutted by showing that entitlement to the
2889 account has been transferred to another person or by clear and
2890 convincing evidence demonstrating that the account should have
2891 been reported by the financial institution as an "and" account.

2892 (3) If an abandoned unclaimed demand, savings, or checking
2893 account in a financial institution is reported in the name of
2894 two or more persons who are not beneficiaries without
2895 identifying whether the account is an "and" account or an "or"
2896 account, it is presumed that the account is an "or" account.
2897 This presumption may be rebutted by showing that entitlement to
2898 the account has been transferred to another person or by clear
2899 and convincing evidence demonstrating that the account should
2900 have been reported by the financial institution as an "and"

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2901 account.

2902 (4) The department shall be deemed to have made a
2903 distribution in good faith if the department remits funds
2904 consistent with this section.2905 Section 48. Subsection (2) of section 717.12404, Florida
2906 Statutes, is amended to read:2907 717.12404 Claims on behalf of a business entity or trust.—
2908 (2) Claims on behalf of an active or a dissolved
2909 corporation, a business entity ~~other than an active corporation~~,
2910 or a trust must include a legible copy of a valid driver license
2911 of the person acting on behalf of the ~~dissolved~~ corporation,
2912 business entity ~~other than an active corporation~~, or trust. If
2913 the person has not been issued a valid driver license, the
2914 department shall be provided with a legible copy of a
2915 photographic identification of the person issued by the United
2916 States, a foreign nation, or a political subdivision or agency
2917 thereof. In lieu of photographic identification, a notarized
2918 sworn statement by the person may be provided which affirms the
2919 person's identity and states the person's full name and address.
2920 The person must produce his or her photographic identification
2921 issued by the United States, a state or territory of the United
2922 States, a foreign nation, or a political subdivision or agency
2923 thereof or other evidence deemed acceptable by the department by
2924 rule. The notary shall indicate the notary's full address on the
2925 notarized sworn statement. Any claim filed without the required
2926 identification or the sworn statement with the original claim
2927 form and the original Abandoned Unclaimed Property Recovery
2928 Agreement or Abandoned Unclaimed Property Purchase Agreement, if
2929 applicable, is void.

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2930 Section 49. Section 717.12405, Florida Statutes, is amended
2931 to read:

2932 717.12405 Claims by estates.—An estate or any person
2933 representing an estate or acting on behalf of an estate may
2934 claim abandoned unclaimed property only after the heir or
2935 legatee of the decedent entitled to the property has been
2936 located. Any estate, or any person representing an estate or
2937 acting on behalf of an estate, that receives abandoned unclaimed
2938 property before the heir or legatee of the decedent entitled to
2939 the property has been located, is personally liable for the
2940 abandoned unclaimed property and must immediately return the
2941 full amount of the abandoned unclaimed property or the value
2942 thereof to the department in accordance with s. 717.1341.

2943 Section 50. Section 717.12406, Florida Statutes, is amended
2944 to read:

2945 717.12406 Joint ownership of abandoned unclaimed securities
2946 or dividends.—For the purpose of determining joint ownership of
2947 abandoned unclaimed securities or dividends, the term:

2948 (1) "TEN COM" means tenants in common.

2949 (2) "TEN ENT" means tenants by the entireties.

2950 (3) "JT TEN" or "JT" means joint tenants with the right of
2951 survivorship and not as tenants in common.

2952 (4) "And" means tenants in common with each person entitled
2953 to an equal pro rata share.

2954 (5) "Or" means that each person listed on the account is
2955 entitled to all of the funds.

2956 Section 51. Section 717.1241, Florida Statutes, is amended
2957 to read:

2958 717.1241 Conflicting claims.—

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2959 (1) For purposes of this section, the term "conflicting
2960 claim" means two or more claims received by the department for
2961 the same abandoned property account or accounts in which two or
2962 more claimants appear to be equally entitled to the property.
2963 The term also includes circumstances in which the same claimant
2964 has more than one claim pending for the same property, including
2965 when the claimant is represented by more than one claimant
2966 representative or submits both a personal claim and a claim
2967 through a representative.

2968 (2) When conflicting claims have been received by the
2969 department for the same abandoned unclaimed property account or
2970 accounts, the property shall be remitted in accordance with the
2971 claim filed by the person as follows, notwithstanding the
2972 withdrawal of a claim:

2973 (a) To the person submitting the first claim received by
2974 the Division of Unclaimed Property of the department that is
2975 complete or made complete.

2976 (b) If a claimant's claim and a claimant's claim
2977 representative's claim for the recovery of property are received
2978 by the Division of Unclaimed Property of the department on the
2979 same day and both claims are complete, to the claimant.

2980 (c) If a buyer's claim or a purchasing claimant
2981 representative's claim and a claimant's claim or a claimant
2982 claimant's representative's claim for the recovery of property
2983 are received by the Division of Unclaimed Property of the
2984 department on the same day and the claims are complete, to the
2985 buyer.

2986 (d) As between two or more claimant representatives'
2987 claimant's representative's claims received by the Division of

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2988 ~~Unclaimed Property of~~ the department that are complete or made
2989 complete on the same day, to the claimant ~~claimant's~~
2990 representative who has agreed to receive the lowest fee. If the
2991 two or more claimant ~~claimant's~~ representatives whose claims
2992 received by ~~the Division of Unclaimed Property of~~ the department
2993 were complete or made complete on the same day are charging the
2994 same ~~lowest~~ fee, the fee shall be divided equally between the
2995 claimant ~~claimant's~~ representatives.

2996 (e) If more than one buyer's claim received by the ~~Division~~
2997 ~~of Unclaimed Property of the~~ department is complete or made
2998 complete on the same day, the department shall remit the
2999 abandoned ~~unclaimed~~ property to the buyer who paid the highest
3000 amount to the seller. If the buyers paid the same amount to the
3001 seller, the department shall remit the abandoned ~~unclaimed~~
3002 property to the buyers divided in equal amounts.

3003 (3) (2) The purpose of this section is solely to provide
3004 guidance to the department regarding to whom it should remit the
3005 abandoned ~~unclaimed~~ property and is not intended to extinguish
3006 or affect any private cause of action that any person may have
3007 against another person for breach of contract or other statutory
3008 or common-law remedy. A buyer's sole remedy, if any, shall be
3009 against the claimant ~~claimant's~~ representative or the seller, or
3010 both. A claimant ~~claimant's~~ representative's sole remedy, if
3011 any, shall be against the buyer or the seller, or both. A
3012 claimant's or seller's sole remedy, if any, shall be against the
3013 buyer or the claimant ~~claimant's~~ representative, or both.
3014 Nothing in this section forecloses the right of a person to
3015 challenge the department's determination of completeness in a
3016 proceeding under ss. 120.569 and 120.57.

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3017 (4)-(3) A claim is complete when entitlement to the
3018 abandoned unclaimed property has been established.

3019 Section 52. Subsection (1) of section 717.1242, Florida
3020 Statutes, is amended to read:

3021 717.1242 Restatement of jurisdiction of the circuit court
3022 sitting in probate and the department.—

3023 (1) It is and has been the intent of the Legislature that,
3024 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3025 proceedings relating to the settlement of the estates of
3026 decedents and other jurisdiction usually pertaining to courts of
3027 probate. It is and has been the intent of the Legislature that,
3028 pursuant to this chapter, the department determines the merits
3029 of claims and entitlement to abandoned unclaimed property paid
3030 or delivered to the department under this chapter. Consistent
3031 with this legislative intent, any beneficiary, devisee, heir,
3032 personal representative, or other interested person, as those
3033 terms are defined in the Florida Probate Code and the Florida
3034 Trust Code, of an estate seeking to obtain property paid or
3035 delivered to the department under this chapter must file a claim
3036 with the department as provided in s. 717.124.

3037 Section 53. Subsections (1) and (4) of section 717.1243,
3038 Florida Statutes, are amended to read:

3039 717.1243 Small estate accounts.—

3040 (1) A claim for abandoned unclaimed property made by a
3041 beneficiary, as defined in s. 731.201, of a deceased owner need
3042 not be accompanied by an order of a probate court if the
3043 claimant files with the department an affidavit, signed by all
3044 beneficiaries, stating that all the beneficiaries have amicably
3045 agreed among themselves upon a division of the estate and that

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3046 all funeral expenses, expenses of the last illness, and any
3047 other lawful claims have been paid, and any additional
3048 information reasonably necessary to make a determination of
3049 entitlement. If the owner died testate, the claim shall be
3050 accompanied by a copy of the will.

3051 (4) This section applies only if all of the abandoned
3052 unclaimed property held by the department on behalf of the owner
3053 has an aggregate value of \$20,000 or less and no probate
3054 proceeding is pending.

3055 Section 54. Section 717.1244, Florida Statutes, is amended
3056 to read:

3057 717.1244 Determinations of abandoned unclaimed property
3058 claims.—In rendering a determination regarding the merits of an
3059 abandoned unclaimed property claim, the department shall rely on
3060 the applicable statutory, regulatory, common, and case law.
3061 Agency statements applying the statutory, regulatory, common,
3062 and case law to abandoned unclaimed property claims are not
3063 agency statements subject to s. 120.56(4).

3064 Section 55. Section 717.1245, Florida Statutes, is amended
3065 to read:

3066 717.1245 Garnishment of abandoned unclaimed property.—If
3067 any person files a petition for writ of garnishment seeking to
3068 obtain property paid or delivered to the department under this
3069 chapter, the petitioner shall be ordered to pay the department
3070 reasonable costs and attorney attorney's fees in any proceeding
3071 brought by the department to oppose, appeal, or collaterally
3072 attack the petition or writ if the department is the prevailing
3073 party in any such proceeding.

3074 Section 56. Subsection (1) of section 717.125, Florida

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3075 Statutes, is amended to read:

3076 717.125 Claim of another state to recover property;
3077 procedure.—

3078 (1) At any time after property has been paid or delivered
3079 to the department under this chapter, another state may recover
3080 the property if:

3081 (a) The property was subjected to custody by this state
3082 because the records of the holder did not reflect the last known
3083 address of the apparent owner when the property was presumed
3084 abandoned unclaimed under this chapter, and the other state
3085 establishes that the last known address of the apparent owner or
3086 other person entitled to the property was in that state and
3087 under the laws of that state the property escheated to or was
3088 subject to a claim of abandonment or being unclaimed by that
3089 state;

3090 (b) The last known address of the apparent owner or other
3091 person entitled to the property, as reflected by the records of
3092 the holder, is in the other state and under the laws of that
3093 state the property has escheated to or become subject to a claim
3094 of abandonment by that state;

3095 (c) The records of the holder were erroneous in that they
3096 did not accurately reflect the actual owner of the property and
3097 the last known address of the actual owner is in the other state
3098 and under laws of that state the property escheated to or was
3099 subject to a claim of abandonment by that state;

3100 (d) The property was subject to custody by this state under
3101 s. 717.103(6) and under the laws of the state of domicile of the
3102 holder the property has escheated to or become subject to a
3103 claim of abandonment by that state; or

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

Section 57. Subsection (1) of section 717.126, Florida Statutes, is amended to read:

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

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

Section 58. Section 717.1261, Florida Statutes, is amended to read:

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

Section 59. Section 717.1262, Florida Statutes, is amended to read:

717.1262 Court documents.—Any person who claims entitlement

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3133 to abandoned unclaimed property by reason of a court document
3134 shall file a certified copy of the court document with the
3135 department. A certified copy of each pleading filed with the
3136 court to obtain a court document establishing entitlement, filed
3137 within 180 days before the date the claim form was signed by the
3138 claimant or claimant claimant's representative, must also be
3139 filed with the department.

3140 Section 60. Section 717.129, Florida Statutes, is amended
3141 to read:

3142 717.129 Periods of limitation.—

3143 (1) The expiration before or after July 1, 1987, of any
3144 period of time specified by contract, statute, or court order,
3145 during which a claim for money or property may be made or during
3146 which an action or proceeding may be commenced or enforced to
3147 obtain payment of a claim for money or to recover property, does
3148 not prevent the money or property from being presumed abandoned
3149 unclaimed or affect any duty to file a report or to pay or
3150 deliver abandoned unclaimed property to the department as
3151 required by this chapter.

3152 (2) The department may not commence an action or proceeding
3153 to enforce this chapter with respect to the reporting, payment,
3154 or delivery of property or any other duty of a holder under this
3155 chapter more than 10 years after the duty arose. The period of
3156 limitation established under this subsection is tolled by the
3157 earlier of the department's or audit agent's delivery of a
3158 notice that a holder is subject to an audit or examination under
3159 s. 717.1301 or the holder's written election to enter into an
3160 abandoned unclaimed property voluntary disclosure agreement.

3161 Section 61. Subsections (3) and (4) of section 717.1301,

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3162 Florida Statutes, are amended to read:

3163 717.1301 Investigations; examinations; subpoenas.—

3164 (3) The department may authorize a compliance review of a
3165 report for a specified reporting year. The review must be
3166 limited to the contents of the report filed, as required by s.
3167 717.117 and subsection (2), and all supporting documents related
3168 to the reports. If the review results in a finding of a
3169 deficiency in abandoned unclaimed property due and payable to
3170 the department, the department shall notify the holder in
3171 writing of the amount of deficiency within 1 year after the
3172 authorization of the compliance review. If the holder fails to
3173 pay the deficiency within 90 days, the department may seek to
3174 enforce the assessment under subsection (1). The department is
3175 not required to conduct a review under this section before
3176 initiating an audit.

3177 (4) Notwithstanding any other provision of law, in a
3178 contract providing for the location or collection of abandoned
3179 unclaimed property, the department may authorize the contractor
3180 to deduct its fees and expenses for services provided under the
3181 contract from the abandoned unclaimed property that the
3182 contractor has recovered or collected under the contract. The
3183 department shall annually report to the Chief Financial Officer
3184 the total amount collected or recovered by each contractor
3185 during the previous fiscal year and the total fees and expenses
3186 deducted by each contractor.

3187 Section 62. Section 717.1315, Florida Statutes, is amended
3188 to read:

3189 717.1315 Retention of records by claimant ~~claimant's~~
3190 representatives and buyers of abandoned unclaimed property.—

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3191 (1) Every claimant ~~claimant's~~ representative and buyer of
3192 abandoned ~~unclaimed~~ property shall keep and use in his or her
3193 business such books, accounts, and records of the business
3194 conducted under this chapter to enable the department to
3195 determine whether such person is complying with this chapter and
3196 the rules adopted by the department under this chapter. Every
3197 claimant ~~claimant's~~ representative and buyer of abandoned
3198 ~~unclaimed~~ property shall preserve such books, accounts, and
3199 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3200 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3201 between the owner and such claimant ~~claimant's~~ representative or
3202 buyer, for at least 3 years after the date of the initial
3203 agreement.

3204 (2) A claimant ~~claimant's~~ representative or buyer of
3205 abandoned ~~unclaimed~~ property, operating at two or more places of
3206 business in this state, may maintain the books, accounts, and
3207 records of all such offices at any one of such offices, or at
3208 any other office maintained by such claimant ~~claimant's~~
3209 representative or buyer of abandoned ~~unclaimed~~ property, upon
3210 the filing of a written notice with the department designating
3211 in the written notice the office at which such records are
3212 maintained.

3213 (3) A claimant ~~claimant's~~ representative or buyer of
3214 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3215 records available at a convenient location in this state upon
3216 request of the department.

3217 Section 63. Subsections (2) and (3) of section 717.132,
3218 Florida Statutes, are amended to read:

3219 717.132 Enforcement; cease and desist orders; fines.—

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

(3) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department or a court of competent jurisdiction may impose fines against any person found to have violated any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department in an amount not to exceed \$2,000 for each violation. All fines collected under this subsection shall be deposited as received in the Abandoned ~~Unclaimed~~ Property Trust Fund.

Section 64. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and

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3249 constitute grounds for an administrative enforcement action by
3250 the department in accordance with the requirements of chapter
3251 120 and for civil enforcement by the department in a court of
3252 competent jurisdiction:

3253 (c) ~~Fraudulent Misrepresentation, circumvention, or~~
3254 concealment of any matter required to be stated or furnished to
3255 the department or to an owner or apparent owner under this
3256 chapter, regardless of reliance by or damage to the owner or
3257 apparent owner.

3258 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3259 any abandoned unclaimed property transaction.

3260 (j) Requesting or receiving compensation for notifying a
3261 person of his or her abandoned unclaimed property or assisting
3262 another person in filing a claim for abandoned unclaimed
3263 property, ~~unless the person is an attorney licensed to practice~~
3264 ~~law in this state, a Florida certified public accountant, or a~~
3265 ~~private investigator licensed under chapter 493, or entering~~
3266 ~~into, or making a solicitation to enter into, an agreement to~~
3267 ~~file a claim for abandoned unclaimed property owned by another,~~
3268 ~~unless such person is a registered claimant representative~~
3269 ~~registered with the department under this chapter and an~~
3270 ~~attorney licensed to practice law in this state in the regular~~
3271 ~~practice of her or his profession, a Florida certified public~~
3272 ~~accountant who is acting within the scope of the practice of~~
3273 ~~public accounting as defined in chapter 473, or a private~~
3274 ~~investigator licensed under chapter 493.~~ This paragraph does not
3275 apply to a person who has been granted a durable power of
3276 attorney to convey and receive all of the real and personal
3277 property of the owner, is the court-appointed guardian of the

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3278 owner, has been employed as an attorney or qualified
3279 representative to contest the department's denial of a claim, or
3280 has been employed as an attorney to probate the estate of the
3281 owner or an heir or legatee of the owner.

3282 (2) Upon a finding by the department that any person has
3283 committed any of the acts set forth in subsection (1), the
3284 department may enter an order doing any of the following:

3285 (a) Revoking for a minimum of 5 years or suspending for a
3286 maximum of 5 years a registration previously granted under this
3287 chapter during which time the registrant may not reapply for a
3288 registration under this chapter.[†]

3289 (b) Placing a claimant representative registrant or an
3290 applicant for a registration on probation for a period of time
3291 and subject to such conditions as the department may specify.[†]

3292 (c) Placing permanent restrictions or conditions upon
3293 issuance or maintenance of a registration under this chapter.[†]

3294 (d) Issuing a reprimand.[†]

3295 (e) Imposing an administrative fine not to exceed \$2,000
3296 for each such act.[†] or

3297 (f) Prohibiting any person from being a director, officer,
3298 agent, employee, or ultimate equitable owner of a 10 percent 10-
3299 percent or greater interest in an employer of a claimant
3300 representative registrant.

3301 (3) A claimant ~~claimant's~~ representative is subject to
3302 civil enforcement and the disciplinary actions specified in
3303 subsection (2) for violations of subsection (1) by an agent or
3304 employee of the claimant representative's ~~registrant's~~ employer
3305 if the claimant ~~claimant's~~ representative knew or should have
3306 known that such agent or employee was violating any provision of

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3307 this chapter.

3308 (4)

3309 (b) The disciplinary guidelines shall specify a meaningful
3310 range of designated penalties based upon the severity or
3311 repetition of specific offenses, or both. It is the legislative
3312 intent that minor violations be distinguished from more serious
3313 violations; that such guidelines consider the amount of the
3314 claim involved, the complexity of locating the owner, the steps
3315 taken to ensure the accuracy of the claim by the person filing
3316 the claim, the acts of commission and omission of the claimant
3317 ~~ultimate owners~~ in establishing themselves as rightful owners of
3318 the funds, the acts of commission or omission of the agent or
3319 employee of a claimant representative or its ~~an~~ employer in the
3320 filing of the claim, the actual knowledge of the agent,
3321 employee, employer, or owner in the filing of the claim, the
3322 departure, if any, by the agent or employee from the internal
3323 controls and procedures established by the claimant
3324 representative or its employer with regard to the filing of a
3325 claim, the number of defective claims previously filed by the
3326 agent, employee, employer, or owner; that such guidelines
3327 provide reasonable and meaningful notice of likely penalties
3328 that may be imposed for proscribed conduct; and that such
3329 penalties be consistently applied by the department.

3330 (5) The department may seek any appropriate civil legal
3331 remedy available to it by filing a civil action in a court of
3332 competent jurisdiction against any person who has, directly or
3333 through a claimant ~~claimant's~~ representative, wrongfully
3334 submitted a claim as the ~~ultimate~~ owner of property and
3335 improperly received funds from the department in violation of

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3336 this chapter.

3337 Section 65. Subsections (1) and (3) of section 717.133,
3338 Florida Statutes, are amended to read:3339 717.133 Interstate agreements and cooperation; joint and
3340 reciprocal actions with other states.—3341 (1) The department may enter into agreements with other
3342 states to exchange information needed to enable this or another
3343 state to audit or otherwise determine abandoned unclaimed
3344 property that it or another state may be entitled to subject to
3345 a claim of custody. The department may require the reporting of
3346 information needed to enable compliance with agreements made
3347 pursuant to this section and prescribe the form.3348 (3) At the request of another state, the department may
3349 bring an action in the name of the other state in any court of
3350 competent jurisdiction to enforce the abandoned unclaimed
3351 property laws of the other state against a holder in this state
3352 of property subject to escheat or a claim of abandonment by the
3353 other state, if the other state has agreed to pay expenses
3354 incurred in bringing the action.3355 Section 66. Subsection (2) of section 717.1333, Florida
3356 Statutes, is amended to read:3357 717.1333 Evidence; estimations; audit reports and
3358 worksheets, investigator reports and worksheets, other related
3359 documents.—3360 (2) If the records of the holder that are available for the
3361 periods subject to this chapter are insufficient to permit the
3362 preparation of a report of the abandoned unclaimed property due
3363 and owing by a holder, or if the holder fails to provide records
3364 after being requested to do so, the amount due to the department

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3365 may be reasonably estimated.

3366 Section 67. Paragraph (a) of subsection (1) and subsections
3367 (2) and (4) of section 717.1341, Florida Statutes, are amended
3368 to read:

3369 717.1341 Invalid claims, recovery of property, interest and
3370 penalties.—

3371 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
3372 ~~unclaimed~~ property that the person is not entitled to receive.
3373 Any person who receives, or assists another person to receive,
3374 abandoned ~~unclaimed~~ property that the person is not entitled to
3375 receive is strictly, jointly, personally, and severally liable
3376 for the abandoned ~~unclaimed~~ property and shall immediately
3377 return the property, or the reasonable value of the property if
3378 the property has been damaged or disposed of, to the department
3379 plus interest at the rate set in accordance with s. 55.03(1).
3380 Assisting another person to receive abandoned ~~unclaimed~~ property
3381 includes executing a claim form on the person's behalf.

3382 (2) The department may maintain a civil or administrative
3383 action:

3384 (a) To recover abandoned ~~unclaimed~~ property that was paid
3385 or remitted to a person who was not entitled to the abandoned
3386 ~~unclaimed~~ property or to offset amounts owed to the department
3387 against amounts owed to an owner representative;

3388 (b) Against a person who assists another person in
3389 receiving, or attempting to receive, abandoned ~~unclaimed~~
3390 property that the person is not entitled to receive; or

3391 (c) Against a person who attempts to receive abandoned
3392 ~~unclaimed~~ property that the person is not entitled to receive.

3393 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly

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3394 conspire to file, or knowingly assist in filing, a claim for
3395 abandoned unclaimed property the person is not entitled to
3396 receive. Any person who violates this subsection regarding
3397 abandoned unclaimed property of an aggregate value:

3398 (a) Greater than \$50,000, commits is guilty of a felony of
3399 the first degree, punishable as provided in s. 775.082, s.
3400 775.083, or s. 775.084;

3401 (b) Greater than \$10,000 up to \$50,000, commits is guilty
3402 of a felony of the second degree, punishable as provided in s.
3403 775.082, s. 775.083, or s. 775.084;

3404 (c) Greater than \$250 up to \$10,000, commits is guilty of a
3405 felony of the third degree, punishable as provided in s.
3406 775.082, s. 775.083, or s. 775.084;

3407 (d) Greater than \$50 up to \$250, commits is guilty of a
3408 misdemeanor of the first degree, punishable as provided in s.
3409 775.082 or s. 775.083; or

3410 (e) Up to \$50, commits is guilty of a misdemeanor of the
3411 second degree, punishable as provided in s. 775.082 or s.
3412 775.083.

3413 Section 68. Section 717.135, Florida Statutes, is amended
3414 to read:

3415 717.135 Recovery agreements and purchase agreements for
3416 claims filed by a claimant ~~claimant's~~ representative; fees and
3417 costs or total net gain.—

3418 (1) In order to protect the interests of owners of
3419 abandoned unclaimed property, the department shall adopt by rule
3420 a form entitled "Abandoned Unclaimed Property Recovery
3421 Agreement" and a form entitled "Abandoned Unclaimed Property
3422 Purchase Agreement."

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

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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of this chapter to the contrary, the department may allow ~~an apparent owner, who is also the claimant or seller,~~ to sign the agreement

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3452 electronically. All electronic signatures on the Abandoned
3453 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3454 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3455 agreement by the claimant or seller using the specific,
3456 exclusive eSignature product and protocol authorized by the
3457 department.

3458 (i) The social security number or taxpayer identification
3459 number of the claimant or seller, if a number has been issued to
3460 the claimant or seller.

3461 (j) The total fees and costs, or the total discount in the
3462 case of a purchase agreement, which may not exceed 30 percent of
3463 the claimed amount. In the case of a recovery agreement, if the
3464 total fees and costs exceed 30 percent, the fees and costs shall
3465 be reduced to 30 percent and the net balance shall be remitted
3466 directly by the department to the claimant. In the case of a
3467 purchase agreement, if the total net gain of the claimant
3468 ~~claimant's~~ representative exceeds 30 percent, the claim will be
3469 denied.

3470 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
3471 form, proof that the purchaser has made payment must be filed
3472 with the department along with the claim. If proof of payment is
3473 not provided, the claim is void.

3474 (4) A claimant ~~claimant's~~ representative must use the
3475 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
3476 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
3477 entering into an agreement or a contract with a claimant or
3478 seller to file a claim with the department.

3479 (5) Fees and costs may be owed or paid to, or received by,
3480 a claimant ~~claimant's~~ representative only after a filed claim

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3481 has been approved and if the claimant's representative used an
3482 agreement authorized by this section.

3483 (6) A claimant ~~claimant's~~ representative may not use or
3484 distribute any other agreement of any type, conveyed by any
3485 method, with respect to the claimant or seller which relates,
3486 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
3487 held by the department or the Chief Financial Officer other than
3488 the agreements authorized by this section. Any engagement,
3489 authorization, recovery, or fee agreement that is not authorized
3490 by this section is void. A claimant ~~claimant's~~ representative is
3491 subject to administrative and civil enforcement under s.
3492 717.1322 if he or she uses an agreement that is not authorized
3493 by this section and if the agreement is used to apply, directly
3494 or indirectly, to abandoned ~~unclaimed~~ property held by this
3495 state. This subsection does not prohibit lawful nonagreement,
3496 noncontractual, or advertising communications between or among
3497 the parties.

3498 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may
3499 not contain language that makes the agreement irrevocable or
3500 that creates an assignment of any portion of abandoned ~~unclaimed~~
3501 property held by the department.

3502 (8) When a claim is approved, the department may pay any
3503 additional account that is owned by the claimant but has not
3504 been claimed at the time of approval, provided that a subsequent
3505 claim has not been filed or is not pending for the claimant at
3506 the time of approval.

3507 (9) This section does not supersede s. 717.1241.

3508 (10) ~~This section does not apply to the sale and purchase
3509 of Florida-held unclaimed property accounts through a bankruptcy~~

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3510 ~~estate representative or other person or entity authorized~~
3511 ~~pursuant to Title XI of the United States Code or an order of a~~
3512 ~~bankruptcy court to act on behalf or for the benefit of the~~
3513 ~~debtor, its creditors, and its bankruptcy estate.~~

3514 Section 69. Section 717.1356, Florida Statutes, is created
3515 to read:

3516 717.1356 Purchase of abandoned property.—

3517 (1) Agreements for the purchase of abandoned property
3518 reported to the department shall be valid only if all of the
3519 following conditions are met:

3520 (a) The agreement is entitled "Florida Abandoned Property
3521 Purchase Agreement" and is in writing, in minimum 12-point type.

3522 (b) The agreement includes the social security number or
3523 taxpayer identification number of the seller, if a number has
3524 been issued to the seller; a valid e-mail address, mailing
3525 address, and telephone number for the seller; and is manually
3526 signed and dated by the seller with the signature notarized.

3527 (c) The agreement discloses with specificity the nature and
3528 value of the abandoned property, including the name of the
3529 apparent owner as shown by the records of the department, the
3530 name of the holder who remitted the property, the date of last
3531 contact, and the property category. With respect to the value of
3532 the abandoned property, the agreement must contain the
3533 following:

3534 1. The total dollar amount of all abandoned property to be
3535 sold.

3536 2. The total percentage of the value of the abandoned
3537 property to be paid as net gain to the purchaser.

3538 3. The total net dollar amount to be received by the

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3539 purchaser.3540 4. The net dollar amount to be received by the seller.3541 (d) The agreement states the abandoned property account
3542 number for each abandoned property account sold.3543 (e) The purchase price does not discount the total value of
3544 all abandoned property subject to the sale by more than 30
3545 percent.3546 (f) The agreement states that the amount of the purchase
3547 price will be remitted to the seller by the purchaser within 30
3548 days after the execution of the agreement by the seller.3549 (g) The agreement includes the name, address, e-mail
3550 address, and phone number of the purchaser.3551 (h) The agreement states that the abandoned property is
3552 currently in the department's custody and that the seller can
3553 claim the property directly from the department on its
3554 electronically searchable website without being charged a fee.
3555 The agreement must provide the department's website address.3556 (2) A seller may cancel a purchase agreement without
3557 penalty or obligation within 15 business days after the date on
3558 which the agreement was executed. The agreement must contain the
3559 following language in minimum 12-point type: "You may cancel
3560 this agreement for any reason without penalty or obligation to
3561 you within 15 days after the date of this agreement by providing
3562 notice to . . . (name of purchaser) . . . , submitted in writing
3563 and sent by certified mail, return receipt requested, or other
3564 form of mailing that provides proof thereof, at the address or
3565 e-mail address specified in the agreement."3566 (3) A copy of an executed Florida Abandoned Property
3567 Purchase Agreement must be filed with the purchaser's claim,

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3568 along with proof that the purchaser has made payment in full,
3569 and all other required documentation. If proof of payment is not
3570 provided, the department may not approve the claim.

3571 (4) A purchase agreement under this section that discounts
3572 the value of abandoned property by more than the amount
3573 authorized in paragraph (1)(e) is enforceable only by the
3574 seller.

3575 Section 70. Section 717.138, Florida Statutes, is amended
3576 to read:

3577 717.138 Rulemaking authority.—The department shall
3578 administer and provide for the enforcement of this chapter. The
3579 department has authority to adopt rules pursuant to ss.
3580 120.536(1) and 120.54 to implement the provisions of this
3581 chapter. The department may adopt rules to allow for electronic
3582 filing of fees, forms, and reports required by this chapter. The
3583 authority to adopt rules pursuant to this chapter applies to all
3584 abandoned unclaimed property reported and remitted to the Chief
3585 Financial Officer, including, but not limited to, property
3586 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
3587 and 744.534.

3588 Section 71. Section 717.1382, Florida Statutes, is amended
3589 to read:

3590 717.1382 United States savings bond; abandoned unclaimed
3591 property; escheatment; procedure.—

3592 (1) Notwithstanding any other provision of law, a United
3593 States savings bond in possession of the department or
3594 registered to a person with a last known address in the state,
3595 including a bond that is lost, stolen, or destroyed, is presumed
3596 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity

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3597 and no longer earns interest and shall be reported and remitted
3598 to the department by the financial institution or other holder
3599 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
3600 ~~(5)~~ and 717.119, if the department is not in possession of the
3601 bond.

3602 (2) (a) After a United States savings bond is abandoned ~~and~~
3603 ~~unclaimed~~ in accordance with subsection (1), the department may
3604 commence a civil action in a court of competent jurisdiction in
3605 Leon County for a determination that the bond shall escheat to
3606 the state. Upon determination of escheatment, all property
3607 rights to the bond or proceeds from the bond, including all
3608 rights, powers, and privileges of survivorship of an owner, co-
3609 owner, or beneficiary, shall vest solely in the state.

3610 (b) Service of process by publication may be made on a
3611 party in a civil action pursuant to this section. A notice of
3612 action shall state the name of any known owner of the bond, the
3613 nature of the action or proceeding in short and simple terms,
3614 the name of the court in which the action or proceeding is
3615 instituted, and an abbreviated title of the case.

3616 (c) The notice of action shall require a person claiming an
3617 interest in the bond to file a written defense with the clerk of
3618 the court and serve a copy of the defense by the date fixed in
3619 the notice. The date must not be less than 28 or more than 60
3620 days after the first publication of the notice.

3621 (d) The notice of action shall be published once a week for
3622 4 consecutive weeks in a newspaper of general circulation
3623 published in Leon County. Proof of publication shall be placed
3624 in the court file.

3625 (e) 1. If no person files a claim with the court for the

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3626 bond and if the department has substantially complied with the
3627 provisions of this section, the court shall enter a default
3628 judgment that the bond, or proceeds from such bond, has
3629 escheated to the state.

3630 2. If a person files a claim for one or more bonds and,
3631 after notice and hearing, the court determines that the claimant
3632 is not entitled to the bonds claimed by such claimant, the court
3633 shall enter a judgment that such bonds, or proceeds from such
3634 bonds, have escheated to the state.

3635 3. If a person files a claim for one or more bonds and,
3636 after notice and hearing, the court determines that the claimant
3637 is entitled to the bonds claimed by such claimant, the court
3638 shall enter a judgment in favor of the claimant.

3639 (3) The department may redeem a United States savings bond
3640 escheated to the state pursuant to this section or, in the event
3641 that the department is not in possession of the bond, seek to
3642 obtain the proceeds from such bond. Proceeds received by the
3643 department shall be deposited in accordance with s. 717.123.

3644 Section 72. Section 717.139, Florida Statutes, is amended
3645 to read:

3646 717.139 Uniformity of application and construction.—
3647 (1) The Legislature finds that laws governing abandoned
3648 property serve a vital public purpose by protecting the property
3649 rights of owners, facilitating the return abandoned property to
3650 its owners, preventing private escheatment, and ensuring that
3651 abandoned assets are preserved and safeguarded from waste or
3652 misuse. It is the public policy of the state to protect the
3653 interests of owners of abandoned unclaimed property. ~~It is~~
3654 ~~declared to be in the best interests of owners of unclaimed~~

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3655 property that such owners receive the full amount of any
3656 ~~unclaimed property without any fee.~~

3657 (2) This chapter shall be applied and construed as to
3658 effectuate its general purpose of protecting the interest of
3659 missing owners of abandoned property, while providing that the
3660 benefit of all ~~unclaimed~~ and abandoned property shall go to all
3661 the people of the state, and to make uniform the law with
3662 respect to the subject of this chapter among states enacting it.
3663 It is the intent of the Legislature that property reported under
3664 this chapter remains the property of the owner and that the
3665 State of Florida acts solely as a custodian, not as the owner,
3666 of such property. Title to abandoned property may not transfer
3667 to the state except as expressly provided by law and only after
3668 all reasonable efforts to identify and return the property to
3669 its rightful owner have been exhausted.

3670 Section 73. Section 717.1400, Florida Statutes, is amended
3671 to read:

3672 717.1400 Registration.—

3673 (1) In order to file claims as a claimant ~~claimant's~~
3674 representative, receive a distribution of fees and costs for
3675 approved claims from the department, and obtain information
3676 regarding abandoned ~~unclaimed~~ property dollar amounts and
3677 numbers of reported shares of stock held by the department, an
3678 individual must meet all of the following requirements:

3679 (a) Be one of the following:

3680 1. A Florida-licensed private investigator holding a Class
3681 "C" individual license under chapter 493;
3682 2. A Florida-certified public account; or
3683 3. A Florida-licensed attorney.

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3684 (b) Have obtained a certificate of registration from ~~Must~~
3685 ~~register with the department.~~

3686 (2) An application for registration as a claimant
3687 representative must be submitted in writing on a form prescribed
3688 by the department and must be accompanied by all of the
3689 following:

3690 (a) A legible color copy of the applicant's current driver
3691 license showing the full name and current address of such
3692 person. If a current driver license is not available, another
3693 form of photo identification must be provided which shows the
3694 full name and current address of such person.

3695 (b) If the applicant is a private investigator:

3696 1. on such form as the department prescribes by rule and
3697 ~~must be verified by the applicant. To register with the~~
3698 ~~department, a private investigator must provide:~~

3699 (a) A legible copy of the applicant's Class "A" business
3700 license under chapter 493 or that of the applicant's firm or
3701 employer which holds a Class "A" business license under chapter
3702 493; and.

3703 2. (b) A legible copy of the applicant's Class "C"
3704 individual license issued under chapter 493.

3705 (c) If the applicant is a certified public account, the
3706 applicant's Florida Board of Accountancy number.

3707 (d) If the applicant is a licensed attorney, the
3708 applicant's Florida Bar number.

3709 (e) (e) The business address, and telephone number, tax
3710 identification number, and state of domicile or incorporation of
3711 the applicant's private investigative firm or employer.

3712 (f) (d) The names of agents, or employees, or independent

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3713 contractors, if any, who are designated or authorized to act on
3714 behalf of the applicant private investigator, together with a
3715 legible color copy of their photo identification issued by an
3716 agency of the United States, or a state, or a political
3717 subdivision thereof.

3718 (g) A statement that the applicant has not, during the 5-
3719 year period immediately preceding the submission of the
3720 application, violated any part of the Florida Disposition of
3721 Abandoned Personal Property Act.

3722 (h) A statement that the applicant has not been convicted
3723 of, or plead guilty to, a felony or any offense involving moral
3724 turpitude; dishonesty; deceit; or breach of fiduciary duty,
3725 including theft, attempted theft, falsification, tampering with
3726 records, securing writings by deception, fraud, forgery, or
3727 perjury.

3728 (i) (e) Sufficient information to enable the department to
3729 disburse funds by electronic funds transfer.

3730 (j) The applicant's notarized signature immediately
3731 following an acknowledgment that any false or perjured statement
3732 subjects the applicant to criminal liability under the laws of
3733 this state

3734 (f) The tax identification number of the private
3735 investigator's firm or employer which holds a Class "A" business
3736 license under chapter 493.

3737 (2) In order to file claims as a claimant's representative,
3738 receive a distribution of fees and costs from the department,
3739 and obtain unclaimed property dollar amounts and numbers of
3740 reported shares of stock held by the department, a Florida-
3741 certified public accountant must register with the department on

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3742 such form as the department prescribes by rule and must be
3743 verified by the applicant. To register with the department, a
3744 Florida certified public accountant must provide:

3745 (a) The applicant's Florida Board of Accountancy number.

3746 (b) A legible copy of the applicant's current driver
3747 license showing the full name and current address of such
3748 person. If a current driver license is not available, another
3749 form of identification showing the full name and current address
3750 of such person or persons shall be filed with the department.

3751 (c) The business address and telephone number of the
3752 applicant's public accounting firm or employer.

3753 (d) The names of agents or employees, if any, who are
3754 designated to act on behalf of the Florida certified public
3755 accountant, together with a legible copy of their photo
3756 identification issued by an agency of the United States, or a
3757 state, or a political subdivision thereof.

3758 (e) Sufficient information to enable the department to
3759 disburse funds by electronic funds transfer.

3760 (f) The tax identification number of the accountant's
3761 public accounting firm employer.

3762 (3) In order to file claims as a claimant's representative,
3763 receive a distribution of fees and costs from the department,
3764 and obtain unclaimed property dollar amounts and numbers of
3765 reported shares of stock held by the department, an attorney
3766 licensed to practice in this state must register with the
3767 department on such form as the department prescribes by rule and
3768 must be verified by the applicant. To register with the
3769 department, such attorney must provide:

3770 (a) The applicant's Florida Bar number.

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

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

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

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

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

(4) Information and documents already on file with the department before the effective date of this provision need not be resubmitted in order to complete the registration.

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

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within

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3800 30 days, inform the department the Division of Unclaimed
3801 ~~Property~~ in writing of the termination of agency or employment.

3802 (b) If a registrant surrenders the registrant's license or
3803 the license is suspended or revoked, the registrant must, within
3804 30 days, inform the division in writing of the surrender,
3805 suspension, or revocation.

3806 (c) If a private investigator's Class "C" individual
3807 license under chapter 493 or a private investigator's employer's
3808 Class "A" business license under chapter 493 is renewed, the
3809 private investigator must provide a copy of the renewed license
3810 to the department within 30 days after the receipt of the
3811 renewed license by the private investigator or the private
3812 investigator's employer.

3813 (5)-(6) An applicant's claimant representative's A
3814 ~~registrant's~~ firm or employer may not have a name that might
3815 lead another person to conclude that the claimant
3816 representative's ~~registrant's~~ firm or employer is affiliated or
3817 associated with the United States, or an agency thereof, or a
3818 state or an agency or political subdivision of a state. The
3819 department shall deny an application for registration or revoke
3820 a registration if the applicant's or claimant representative's
3821 ~~registrant's~~ firm or employer has a name that might lead another
3822 person to conclude that the firm or employer is affiliated or
3823 associated with the United States, or an agency thereof, or a
3824 state or an agency or political subdivision of a state. Names
3825 that might lead another person to conclude that the firm or
3826 employer is affiliated or associated with the United States, or
3827 an agency thereof, or a state or an agency or political
3828 subdivision of a state, include, but are not limited to, the

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3829 words United States, Florida, state, bureau, division,
3830 department, or government.

3831 (6)(7) The licensing and other requirements of this section
3832 must be maintained as a condition of registration with the
3833 department.

3834 (7) To maintain active registration under this section, a
3835 claimant representative must file and obtain payment on at least
3836 10 claims per calendar year following the date of initial
3837 registration.

3838 (a) If a claimant representative fails to meet this
3839 requirement, the department must notify the claimant
3840 representative in writing and provide 30 days to demonstrate
3841 compliance or good cause for noncompliance.

3842 (b) If the claimant representative does not cure the
3843 deficiency or demonstrate good cause within the time provided,
3844 the department must revoke the registration.

3845 (c) A claimant representative whose registration is revoked
3846 under this subsection may not reapply for registration under
3847 this section for a period of 1 year following the effective date
3848 of the revocation.

3849 Section 74. Paragraph (a) of subsection (2) of section
3850 197.582, Florida Statutes, is amended to read:

3851 197.582 Disbursement of proceeds of sale.—

3852 (2) (a) If the property is purchased for an amount in excess
3853 of the statutory bid of the certificateholder, the surplus must
3854 be paid over and disbursed by the clerk as set forth in
3855 subsections (3), (5), and (6). If the opening bid included the
3856 homestead assessment pursuant to s. 197.502(6)(c), that amount
3857 must be treated as surplus and distributed in the same manner.

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The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS

FROM TAX DEED SALE

CLERK OF COURT

... COUNTY, FLORIDA

Tax Deed #.....

Certificate #.....

Property Description:

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

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3887 benefit the persons having an interest in this property as
3888 described in section 197.502(4), Florida Statutes, as their
3889 interests may appear (except for those persons described in
3890 section 197.502(4)(h), Florida Statutes).

3891 To the extent possible, these funds will be used to satisfy
3892 in full each claimant with a senior mortgage or lien in the
3893 property before distribution of any funds to any junior mortgage
3894 or lien claimant or to the former property owner. To be
3895 considered for funds when they are distributed, you must file a
3896 notarized statement of claim with this office within 120 days of
3897 this notice. If you are a lienholder, your claim must include
3898 the particulars of your lien and the amounts currently due. Any
3899 lienholder claim that is not filed within the 120-day deadline
3900 is barred.

3901 A copy of this notice must be attached to your statement of
3902 claim. After the office examines the filed claim statements, it
3903 will notify you if you are entitled to any payment.

3904 Dated:

3905 Clerk of Court

3906 Section 75. Paragraph (t) of subsection (1) of section
3907 626.9541, Florida Statutes, is amended to read:

3908 626.9541 Unfair methods of competition and unfair or
3909 deceptive acts or practices defined.—

3910 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
3911 ACTS.—The following are defined as unfair methods of competition
3912 and unfair or deceptive acts or practices:

3913 (t) *Certain life insurance relations with funeral directors*
3914 *prohibited.*—

3915 1. No life insurer shall permit any funeral director or

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3916 direct disposer to act as its representative, adjuster, claim
3917 agent, special claim agent, or agent for such insurer in
3918 soliciting, negotiating, or effecting contracts of life
3919 insurance on any plan or of any nature issued by such insurer or
3920 in collecting premiums for holders of any such contracts except
3921 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

3922 2. No life insurer shall:

3923 a. Affix, or permit to be affixed, advertising matter of
3924 any kind or character of any licensed funeral director or direct
3925 disposer to such policies of insurance.

3926 b. Circulate, or permit to be circulated, any such
3927 advertising matter with such insurance policies.

3928 c. Attempt in any manner or form to influence policyholders
3929 of the insurer to employ the services of any particular licensed
3930 funeral director or direct disposer.

3931 3. No such insurer shall maintain, or permit its agent to
3932 maintain, an office or place of business in the office,
3933 establishment, or place of business of any funeral director or
3934 direct disposer in this state.

3935 Section 76. For the purpose of incorporating the amendment
3936 made by this act to section 717.101, Florida Statutes, in a
3937 reference thereto, paragraph (a) of subsection (6) of section
3938 772.13, Florida Statutes, is reenacted to read:

3939 772.13 Civil remedy for terrorism or facilitating or
3940 furthering terrorism.—

3941 (6) (a) In any postjudgment execution proceedings to enforce
3942 a judgment entered against a terrorist party under this section
3943 or under 18 U.S.C. s. 2333 or a substantially similar law of the
3944 United States or of any state or territory of the United States,

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3945 including postjudgment execution proceedings against any agency
3946 or instrumentality of the terrorist party not named in the
3947 judgment pursuant to s. 201(a) of the Terrorism Risk Insurance
3948 Act, 28 U.S.C. s. 1610:

3949 1. There is no right to a jury trial under s. 56.18 or s.
3950 77.08;

3951 2. A defendant or a person may not use the resources of the
3952 courts of this state in furtherance of a defense or an objection
3953 to postjudgment collection proceedings if the defendant or
3954 person purposely leaves the jurisdiction of this state or the
3955 United States, declines to enter or reenter this state or the
3956 United States to submit to its jurisdiction, or otherwise evades
3957 the jurisdiction of the court in which a criminal case is
3958 pending against the defendant or person. This subparagraph
3959 applies to any entity that is owned or controlled by a person to
3960 whom this paragraph applies;

3961 3. Creditor process issued under chapter 56 or chapter 77
3962 may be served upon any person or entity over whom the court has
3963 personal jurisdiction. Writs of garnishment issued under s.
3964 77.01 and proceedings supplementary under s. 56.29 apply to
3965 intangible assets wherever located, without territorial
3966 limitation, including bank accounts as defined in s.
3967 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
3968 other intangible property as defined in s. 717.101. The situs of
3969 any intangible assets held or maintained by or in the
3970 possession, custody, or control of a person or entity so served
3971 shall be deemed to be in this state for the purposes of a
3972 proceeding under chapter 56 or chapter 77. Service of a writ or
3973 notice to appear under this section shall provide the court with

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3974 in rem jurisdiction over any intangible assets regardless of the
3975 location of the assets;

3976 4. Notwithstanding s. 678.1121, the interest of a debtor in
3977 a financial asset or security entitlement may be reached by a
3978 creditor by legal process upon the securities intermediary with
3979 whom the debtor's securities account is maintained, or, if that
3980 is a foreign entity, legal process under chapter 56 or chapter
3981 77 may be served upon the United States securities custodian or
3982 intermediary that has reported holding, maintaining, possessing,
3983 or controlling the blocked financial assets or security
3984 entitlements to the Office of Foreign Assets Control of the
3985 United States Department of the Treasury, and such financial
3986 assets or security entitlements shall be subject to execution,
3987 garnishment, and turnover by the United States securities
3988 custodian or intermediary; and

3989 5. Notwithstanding s. 670.502(4), when an electronic funds
3990 transfer is not completed within 5 banking days and is canceled
3991 pursuant to s. 670.211(4) because a United States intermediary
3992 financial institution has blocked the transaction in compliance
3993 with a United States sanctions program, and a terrorist party or
3994 any agency or instrumentality thereof was either the originator
3995 or the intended beneficiary, then the blocked funds shall be
3996 deemed owned by the terrorist party or its agency or
3997 instrumentality and shall be subject to execution and
3998 garnishment.

3999 Section 77. This act shall take effect upon becoming a law.