

By the Committee on Banking and Insurance; and Senator Truenow

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A bill to be entitled
An act relating to the Department of Financial
Services; amending s. 215.422, F.S.; revising the
Chief Financial Officer's rulemaking authority;
amending s. 215.5586, F.S.; defining terms; revising
eligibility requirements for a hurricane mitigation
inspection under the My Safe Florida Home Program;
revising the circumstances under which applicants may
submit a subsequent hurricane mitigation inspection;
deleting the requirement that licensed inspectors must
determine mitigation measures during initial
inspections of eligible homes; deleting inspectors'
authorization to inspect townhouses; revising the
criteria for eligibility for a hurricane mitigation
grant; revising the grant's applicant requirements;
revising the improvements that grants may be used for;
requiring that improvements be identified in the final
hurricane mitigation inspection to receive grant
funds; deleting a provision related to grants for
townhouses; authorizing the program to accept a
specified certification directly from applicants;
requiring applicants who receive grants to finalize
construction and request a final inspection within a
specified timeframe; specifying that an application is
deemed abandoned, rather than withdrawn, under certain
circumstances; amending s. 215.96, F.S.; revising the
composition of the coordinating council; deleting a
requirement for the design and coordination staff;
requiring minutes of meetings to be available to

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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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demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an exemption; specifying that the board has discretion to grant or deny an exemption; specifying that certain decisions are subject to ch. 120, F.S.; providing applicability and construction; amending s. 497.142, F.S.; prohibiting an application from being deemed complete under certain circumstances; revising the list of crimes to be disclosed on a license application; amending s. 626.0428, F.S.; conforming a provision to changes made by the act; amending s. 626.171, F.S.; deleting reinsurance intermediaries from certain application requirements; revising the list of persons from whom the department is required to accept uniform applications; making clarifying changes regarding the voluntary submission of cellular telephone numbers; revising the exemption from the application filing fee for members of the United States Armed Forces; amending s. 626.292, F.S.; revising applicant requirements for a license transfer; amending s. 626.611, F.S.; requiring the department to require license reexamination of certain

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persons, and suspend or revoke the eligibility to hold a license or appointment of such persons under certain circumstances; amending the grounds for suspension or revocation; amending 626.621, F.S.; authorizing the department to require a reexamination of certain persons; amending s. 626.731, F.S.; revising the qualifications for a general lines agent's license; amending s. 626.785, F.S.; revising the qualifications for a life agent's license; amending s. 626.831, F.S.; revising the qualifications for a health agent's license; amending s. 626.8417, F.S.; revising the persons who are exempt from certain provisions relating to title insurance licensing and appointment requirements; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond with specific information within a specified timeframe and document in the file the response or information provided; repealing s. 627.797, F.S., relating to agents exempt from title insurance licensing; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising the short title; amending s. 717.101, F.S.; revising and adding definitions; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible

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property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption; providing that property shall be presumed abandoned under certain circumstances; providing an exception; amending s. 717.103, F.S.; requiring that intangible property be subject to the custody of the department under certain circumstances; amending criteria for when intangible property is subject to the custody of the department; repealing s. 717.1035, F.S., relating to property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, created, or otherwise located in the state; amending ss. 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, and 717.109, F.S.; conforming provisions to changes made by the act; amending s. 717.1101, F.S.; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned; requiring the holder to attempt to confirm the apparent owner's interest in the equity interest by sending an e-mail communication under certain circumstances; requiring the holder to attempt to contract the apparent owner by first-class United States mail under certain circumstances; specifying that equity interest is presumed abandoned under

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

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overpayments, deposits, and refunds from being reported as abandoned property; prohibiting certain securities from being included in the report; requiring the holder to report and deliver such securities under certain circumstances; requiring the report to be signed and verified and contain a specified statement; deleting certain provisions relating to the due diligence and notices to apparent owners; amending s. 717.118, F.S.; revising the state's obligation to notify apparent owners that their abandoned property has been reported and remitted to the department; requiring the department to use a cost-effective means to make an attempt to notify certain apparent owners; specifying requirements for the notice; requiring the department to maintain a specified website; revising applicability; amending s. 717.119, F.S.; conforming provisions to changes made by the act; revising requirements for firearms or ammunition found in an abandoned safe-deposit box or safekeeping repository; revising requirements if a will or trust instrument is included among the contents of an abandoned safe-deposit box or safekeeping repository; amending ss. 717.1201 and 717.122, F.S.; conforming provisions to changes made by the act; amending s. 717.123, F.S.; conforming provisions to changes made by the act; revising the name of a certain trust fund; revising the amount the department must retain from certain funds received; revising a required transfer of funds

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to the State School Fund; amending s. 717.1235, F.S.;
conforming provisions to changes made by the act;
amending s. 717.124, F.S.; conforming provisions to
changes made by the act; deleting provisions related
to requirements of claimant's representatives;
specifying that the department is authorized to make a
distribution of property or money in accordance with a
specified agreement under certain circumstances;
requiring shares of securities to be delivered
directly to the claimant under certain circumstances;
deleting a provision authorizing the department to
develop a process by which a buyer of unclaimed
property may electronically submit certain images and
documents; deleting provisions relating to a buyer of
unclaimed property's filing of a claim; amending s.
717.12403, F.S.; conforming provisions to changes made
by the act; amending s. 717.12404, F.S.; requiring
claims on behalf of an active corporation to include a
specified driver license; conforming provisions to
changes made by the act; amending ss. 717.12405 and
717.12406, F.S.; conforming provisions to changes made
by the act; amending s. 717.1241, F.S.; defining the
term "conflicting claim"; conforming provisions to
changes made by the act; revising requirements for
remitting property when conflicting claims have been
received by the department; amending ss. 717.1242,
717.1243, 717.1244, 717.1245, 717.125, 717.126,
717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
717.132, F.S.; conforming provisions to changes made

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by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; specifying that the agreement must contain certain language; requiring a copy of an executed Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing legislative findings; revising a statement of public policy; deleting a legislative declaration; providing legislative intent; prohibiting title to abandoned property from transferring to the state except under certain circumstances; amending s. 717.1400, F.S.;

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requiring an individual to meet certain requirements in order to file claims as a claimant representative; revising application requirements for registering as a claimant representative; requiring claimant representatives to file and obtain payment on a specified number of claims within a specified timeframe to maintain active registration; requiring the department to notify the claimant representative in writing and provide a certain timeframe to demonstrate compliance or good cause for noncompliance under certain circumstances; requiring the department to revoke a registration under certain circumstances; prohibiting a claimant representative from reapplying under certain circumstances; amending ss. 197.582 and 626.9541, F.S.; conforming cross-references; reenacting s. 772.13(6)(a), F.S., relating to postjudgment execution proceedings to enforce a judgment entered against a terrorist party, to incorporate the amendment made to s. 717.101, F.S., in a reference thereto; providing an effective date.

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

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

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

(15) The Chief Financial Officer may adopt rules to

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291 authorize advance payments for goods and services, including,
292 but not limited to, maintenance agreements and subscriptions,
293 such as prepaid multiyear software licenses. Such rules shall
294 provide objective criteria for determining when it is in the
295 best interest of the state to make payments in advance and shall
296 also provide for adequate protection to ensure that such goods
297 or services will be provided.

298 Section 2. Paragraphs (a) through (e) of subsection (1),
299 subsections (2) and (3), paragraph (a) of subsection (8), and
300 subsection (10) of section 215.5586, Florida Statutes, are
301 amended to read:

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

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approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

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

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

(I) A detached residential property; or

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

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

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

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

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

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

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

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

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

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

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or applying for such grant.

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

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

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

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

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

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

(a) An applicant ~~A homeowner~~ is eligible for a hurricane

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mitigation grant if all of the following criteria are met:

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

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

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

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

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

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

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

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

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

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d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

(c) All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum

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state contribution of \$10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

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

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

1. Opening protection improvements, including:

a. Exterior doors.~~7~~

b. Garage doors.~~7~~

c. Windows.~~7~~ and

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

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

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

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

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

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

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

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

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

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

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

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

e. Last, all other applications.

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

a. Initially, from applicants prioritized under sub-

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subparagraph 2.a.;

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

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

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

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

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

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

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

(3) REQUESTS FOR INFORMATION.—The department may request

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that an applicant provide additional information. An application is deemed abandoned ~~withdrawn~~ by the applicant if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent error or omission.

(8) CONTRACT MANAGEMENT.—

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

(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:

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581 215.96 Coordinating council and design and coordination
582 staff.—

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

607 (3) The coordinating council, assisted by the design and
608 coordination staff, shall have the following duties, powers, and
609 responsibilities pertaining to the Florida Financial Management

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Information System:

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

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

~~(c)-(b)~~ To recommend to the board solutions, policy alternatives, and legislative budget request issues that will provide ~~ensure~~ a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems ~~and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy~~

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development, management, evaluation, and performance monitoring.

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

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

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

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

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

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

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(1) Notwithstanding the requirements of s. 287.022(1), the Department of Financial Services is authorized to purchase ~~provide~~ insurance, ~~specific~~ excess insurance, and reinsurance ~~aggregate excess insurance through the Department of Management Services, pursuant to the provisions of part I of chapter 287,~~ as necessary to provide insurance coverages authorized by this part, consistent with market availability. The Department of Financial Services may contract with an insurance or reinsurance broker to market the insurance program and facilitate the purchase of insurance, excess insurance, and reinsurance on behalf of the department. ~~However,~~ The Department of Financial Services may directly purchase annuities by using a structured settlement insurance consulting firm selected by the department to assist in the settlement of claims being handled by the Division of Risk Management. The selection of the structured settlement insurance services consultant shall be made by using competitive sealed proposals. The consulting firm shall act as an agent of record for the department in procuring the best annuity products available to facilitate structured settlement of claims, considering price, insurer financial strength, and the best interests of the state risk management program. Purchase of annuities by the department using a structured settlement method is excepted from competitive sealed bidding or proposal requirements. The Department of Financial Services is further authorized to purchase such risk management services, including, but not limited to, risk and claims control; safety management; and legal, investigative, and adjustment services, as may be required and pay claims. The department may contract with a service organization for such services and advance money

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697 to such service organization for deposit in a special checking
698 account for paying claims made against the state under ~~the~~
699 ~~provisions of~~ this part. The special checking account shall be
700 maintained in this state in a bank or savings association
701 organized under the laws of this state or of the United States.
702 The department may replenish such account as often as necessary
703 upon the presentation by the service organization of
704 documentation for payments of claims equal to the amount of the
705 requested reimbursement.

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

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

714 440.13 Medical services and supplies; penalty for
715 violations; limitations.—

716 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

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

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

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

(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

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

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

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

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

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

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter

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497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

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

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

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

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

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

(5) For purposes of this section, a disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The board

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813 may not approve issuance of a license to an applicant until the
814 applicant provides proof that all related fines, court costs,
815 fees, and court-ordered restitution have been paid.

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

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

832 (8) (a) The board may grant an exemption from
833 disqualification to any person disqualified from licensure under
834 subsection (3) if:

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

839 2. At least 2 years have elapsed since the applicant
840 completed or has been lawfully released from confinement,
841 supervision, or any nonmonetary condition imposed by the court

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for a disqualifying offense.

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

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

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

Section 8. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read:
497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been, ~~within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo

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871 contendere to, regardless of adjudication, any crime in any
872 jurisdiction, the application may ~~shall~~ not be deemed complete
873 until such time as the applicant provides such certified true
874 copies of the court records evidencing the conviction, finding,
875 or plea, as required in this section or as the licensing
876 authority may by rule require.

877 (10)

878 (c) Crimes to be disclosed are:

879 1. Any felony ~~or misdemeanor~~, no matter when committed,
880 ~~that was directly or indirectly related to or involving any~~
881 ~~aspect of the practice or business of funeral directing,~~
882 ~~embalming, direct disposition, cremation, funeral or cemetery~~
883 ~~preneed sales, funeral establishment operations, cemetery~~
884 ~~operations, or cemetery monument or marker sales or~~
885 ~~installation.~~

886 2. Any misdemeanor, no matter when committed, that was
887 directly or indirectly related to the practice or activities
888 regulated under this chapter ~~Any other felony not already~~
889 ~~disclosed under subparagraph 1. that was committed within the 20~~
890 ~~years immediately preceding the application under this chapter.~~

891 3. Any other misdemeanor not already disclosed under
892 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
893 the 5 years immediately preceding the application under this
894 chapter.

895 Section 9. Subsection (3) of section 626.0428, Florida
896 Statutes, is amended to read:

897 626.0428 Agency personnel powers, duties, and limitations.—

898 (3) An employee or an authorized representative located at
899 a designated branch of an agent or agency may not initiate

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900 contact with any person for the purpose of soliciting insurance
901 unless licensed and appointed as an agent or customer
902 representative. As to title insurance, an employee of an agent
903 or agency may not initiate contact with any individual proposed
904 insured for the purpose of soliciting title insurance unless
905 licensed as a title insurance agent or exempt from such
906 licensure pursuant to s. 626.8417(4) ~~and (5)~~.

907 Section 10. Section 626.171, Florida Statutes, is amended
908 to read:

909 626.171 Application for license as an agent, customer
910 representative, adjuster, or service representative, ~~or~~
911 ~~reinsurance intermediary~~.

912 (1) The department may not issue a license as agent,
913 customer representative, adjuster, or service representative, ~~or~~
914 ~~reinsurance intermediary~~ to any person except upon written
915 application filed with the department, meeting the
916 qualifications for the license applied for as determined by the
917 department, and payment in advance of all applicable fees. The
918 application must be made under the oath of the applicant and be
919 signed by the applicant. An applicant may permit a third party
920 to complete, submit, and sign an application on the applicant's
921 behalf, but is responsible for ensuring that the information on
922 the application is true and correct and is accountable for any
923 misstatements or misrepresentations. The department shall accept
924 the uniform application for resident and nonresident agent and
925 adjuster licensing. The department may adopt revised versions of
926 the uniform application by rule.

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

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

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

937 (c) Whether the applicant ~~he or she~~ has been refused or has
938 voluntarily surrendered or has had suspended or revoked a
939 license to solicit insurance by the department or by the
940 supervising officials of any state.

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

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

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

948 (g) The applicant's native language.

949 (h) The highest level of education achieved by the
950 applicant.

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

953 (j) Such other or additional information as the department
954 may deem proper to enable it to determine the character,
955 experience, ability, and other qualifications of the applicant
956 to hold himself or herself out to the public as an insurance
957 representative.

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958
959 However, the application must contain a statement that an
960 applicant is not required to disclose his or her race or
961 ethnicity, gender, or native language, that he or she will not
962 be penalized for not doing so, and that the department will use
963 this information exclusively for research and statistical
964 purposes and to improve the quality and fairness of the
965 examinations. The department may ~~shall~~ make provisions for
966 applicants to voluntarily submit their cellular telephone
967 numbers as part of the application process solely ~~on a voluntary~~
968 ~~basis only~~ for the purpose of two-factor authentication of
969 secure login credentials ~~only~~.

970 (3) Each application must be accompanied by payment of any
971 applicable fee.

972 (4) An applicant for a license issued by the department
973 under this chapter must submit a set of the individual
974 applicant's fingerprints, or, if the applicant is not an
975 individual, a set of the fingerprints of the sole proprietor,
976 majority owner, partners, officers, and directors, to the
977 department and must pay the fingerprint processing fee set forth
978 in s. 624.501. Fingerprints must be processed in accordance with
979 s. 624.34 and used to investigate the applicant's qualifications
980 pursuant to s. 626.201. The fingerprints must be taken by a law
981 enforcement agency or other department-approved entity. The
982 department may not approve an application for licensure as an
983 agent, customer ~~service~~ representative, adjuster, or service
984 representative, ~~or reinsurance intermediary~~ if fingerprints have
985 not been submitted.

986 (5) The application for license filing fee prescribed in s.

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624.501 is not subject to refund.

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

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

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

626.292 Transfer of license from another state.—

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

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

624.501 and submission of the following documents:

1. A certification issued by the appropriate official of

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

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

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

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

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

(a) Lack of one or more of the qualifications for the

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license or appointment as specified in this code.

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

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

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

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

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

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

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

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

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

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

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

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

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

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440

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1103 containing false or misleading information as to employee
1104 payroll or classification for the purpose of avoiding or
1105 reducing the amount of premium due for such coverage.

1106 (p) Sale of an unregistered security that was required to
1107 be registered, pursuant to chapter 517.

1108 (q) In transactions related to viatical settlement
1109 contracts as defined in s. 626.9911:

1110 1. Commission of a fraudulent or dishonest act.

1111 2. No longer meeting the requirements for initial
1112 licensure.

1113 3. Having received a fee, commission, or other valuable
1114 consideration for his or her services with respect to viatical
1115 settlements that involved unlicensed viatical settlement
1116 providers or persons who offered or attempted to negotiate on
1117 behalf of another person a viatical settlement contract as
1118 defined in s. 626.9911 and who were not licensed life agents.

1119 4. Dealing in bad faith with viators.

1120 Section 13. Section 626.621, Florida Statutes, is amended
1121 to read:

1122 626.621 Grounds for discretionary refusal, suspension, or
1123 revocation of agent's, adjuster's, customer representative's,
1124 service representative's, or managing general agent's license or
1125 appointment.—The department may, in its discretion, require a
1126 license reexamination, deny an application for, suspend, revoke,
1127 or refuse to renew or continue the license or appointment of any
1128 applicant, agent, adjuster, customer representative, service
1129 representative, or managing general agent, and it may suspend or
1130 revoke the eligibility to hold a license or appointment of any
1131 such person, if it finds that as to the applicant, licensee, or

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1132 appointee any one or more of the following applicable grounds
1133 exist under circumstances for which such denial, suspension,
1134 revocation, or refusal is not mandatory under s. 626.611:

1135 (1) Any cause for which issuance of the license or
1136 appointment could have been refused had it then existed and been
1137 known to the department.

1138 (2) Violation of any provision of this code or of any other
1139 law applicable to the business of insurance in the course of
1140 dealing under the license or appointment.

1141 (3) Violation of any lawful order or rule of the
1142 department, commission, or office.

1143 (4) Failure or refusal, upon demand, to pay over to any
1144 insurer he or she represents or has represented any money coming
1145 into his or her hands belonging to the insurer.

1146 (5) Violation of the provision against twisting, as defined
1147 in s. 626.9541(1)(1).

1148 (6) In the conduct of business under the license or
1149 appointment, engaging in unfair methods of competition or in
1150 unfair or deceptive acts or practices, as prohibited under part
1151 IX of this chapter, or having otherwise shown himself or herself
1152 to be a source of injury or loss to the public.

1153 (7) Willful overinsurance of any property or health
1154 insurance risk.

1155 (8) If a life agent, violation of the code of ethics.

1156 (9) Cheating on an examination required for licensure or
1157 violating test center or examination procedures published
1158 orally, in writing, or electronically at the test site by
1159 authorized representatives of the examination program
1160 administrator. Communication of test center and examination

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procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States 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 the case.

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

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

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

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1190 enforce, or collect support.

1191 (14) Directly or indirectly accepting any compensation,
1192 inducement, or reward from an inspector for the referral of the
1193 owner of the inspected property to the inspector or inspection
1194 company. This prohibition applies to an inspection intended for
1195 submission to an insurer in order to obtain property insurance
1196 coverage or establish the applicable property insurance premium.

1197 (15) Denial, suspension, or revocation of, or any other
1198 adverse administrative action against, a license to practice or
1199 conduct any regulated profession, business, or vocation by this
1200 state, any other state, any nation, any possession or district
1201 of the United States, any court, or any lawful agency thereof.

1202 (16) Taking an action that allows the personal financial or
1203 medical information of a consumer or customer to be made
1204 available or accessible to the general public, regardless of the
1205 format in which the record is stored.

1206 (17) Initiating in-person or telephone solicitation after 9
1207 p.m. or before 8 a.m. local time of the prospective customer
1208 unless requested by the prospective customer.

1209 (18) Cancellation of the applicant's, licensee's, or
1210 appointee's resident license in a state other than Florida.

1211 Section 14. Subsection (1) of section 626.731, Florida
1212 Statutes, is amended to read:

1213 626.731 Qualifications for general lines agent's license.—

1214 (1) The department may ~~shall~~ not grant or issue a license
1215 as general lines agent to any individual found by it to be
1216 untrustworthy or incompetent or who does not meet ~~each~~ all of
1217 the following qualifications:

1218 (a) The applicant is a natural person at least 18 years of

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age.

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

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

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

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

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

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

626.785 Qualifications for license.—

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

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

626.831 Qualifications for license.—

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

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

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

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

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

(5)(e) ~~Is Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the

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requirements relative thereto provided in s. 626.8311.

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

Section 17. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—

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

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 18. Subsection (24) is added to section 626.854, Florida Statutes, to read:

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

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1306 unauthorized practice of law.

1307 (24) A public adjuster, public adjuster apprentice, or
1308 public adjusting firm must respond with specific information to
1309 a written or electronic request for claims status from a
1310 claimant or insured or their designated representative within 14
1311 days after the date of the request and shall document in the
1312 file the response or information provided.

1313 Section 19. Section 627.797, Florida Statutes, is repealed.

1314 Section 20. Subsection (4) of section 648.34, Florida
1315 Statutes, is amended to read:

1316 648.34 Bail bond agents; qualifications.—

1317 (4) The applicant shall furnish, with his or her
1318 application, a complete set of his or her fingerprints in
1319 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1320 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1321 not authorize an applicant to take the required examination
1322 until the department has received a report from the Department
1323 of Law Enforcement and the Federal Bureau of Investigation
1324 relative to the existence or nonexistence of a criminal history
1325 report based on the applicant's fingerprints.

1326 Section 21. Subsection (2) of section 648.382, Florida
1327 Statutes, is amended to read:

1328 648.382 Appointment of bail bond agents and bail bond
1329 agencies; effective date of appointment.—

1330 (2) Before any appointment, an appropriate officer or
1331 official of the appointing insurer must obtain all of the
1332 following information ~~submit:~~

1333 (a) A certified statement or affidavit to the department
1334 stating what investigation has been made concerning the proposed

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1335 appointee and the proposed appointee's background and the
1336 appointing person's opinion to the best of his or her knowledge
1337 and belief as to the moral character and reputation of the
1338 proposed appointee. In lieu of such certified statement or
1339 affidavit, by authorizing the effectuation of an appointment for
1340 a licensee, the appointing entity certifies to the department
1341 that such investigation has been made and that the results of
1342 the investigation and the appointing person's opinion is that
1343 the proposed appointee is a person of good moral character and
1344 reputation and is fit to engage in the bail bond business.+

1345 (b) An affidavit under oath on a form prescribed by the
1346 department, signed by the proposed appointee, stating that
1347 premiums are not owed to any insurer and that the appointee will
1348 discharge all outstanding forfeitures and judgments on bonds
1349 previously written. If the appointee does not satisfy or
1350 discharge such forfeitures or judgments, the former insurer
1351 shall file a notice, with supporting documents, with the
1352 appointing insurer, the former agent or agency, and the
1353 department, stating under oath that the licensee has failed to
1354 timely satisfy forfeitures and judgments on bonds written and
1355 that the insurer has satisfied the forfeiture or judgment from
1356 its own funds. Upon receipt of such notification and supporting
1357 documents, the appointing insurer shall immediately cancel the
1358 licensee's appointment. The licensee may be reappointed only
1359 upon certification by the former insurer that all forfeitures
1360 and judgments on bonds written by the licensee have been
1361 discharged. The appointing insurer or former agent or agency
1362 may, within 10 days, file a petition with the department seeking
1363 relief from this paragraph. Filing of the petition stays the

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duty of the appointing insurer to cancel the appointment until the department grants or denies the petition.~~;~~

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

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

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

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

Section 22. Section 717.001, Florida Statutes, is amended to read:

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

Section 23. Present subsections (1) through (4), (5) through (8), (10) through (13), (15) through (20), (21), (22) through (28), and (31), (32), and (33) of section 717.101, Florida Statutes, are redesignated as subsections (4) through (7), (9) through (12), (13) through (16), (17) through (22), (24), (26) through (32), and (33), (34), and (35), respectively,

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new subsections (1), (2), (3), (8), (23), and (25) are added to that section, and present subsections (1), (2), (5), (6), (8), (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30) of that section are amended, to read:

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

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

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

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

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

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

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

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1422 (5)~~(2)~~ "Apparent owner" means the person whose name appears
1423 on the records of the holder as the owner of the abandoned
1424 property, but whose status as the true owner entitled to receive
1425 the property may be subject to change due to the passage of time
1426 or changes in circumstances ~~person entitled to property held,~~
1427 ~~issued, or owing by the holder.~~

1428 (8) "Authorized representative" means a person or entity
1429 legally empowered to act on behalf of the apparent owner or his
1430 or estate, including, but not limited to, an agent, a fiduciary,
1431 a personal representative, a trustee, a legal heir, a guardian,
1432 or any other individual or entity authorized by law or
1433 agreement.

1434 (9)~~(5)~~ "Banking or financial organization" means any and
1435 all banks, trust companies, private bankers, savings banks,
1436 industrial banks, safe-deposit companies, savings and loan
1437 associations, credit unions, savings associations, banking
1438 organizations, international bank agencies, cooperative banks,
1439 building and loan associations, and investment companies in this
1440 state, organized under or subject to the laws of this state or
1441 of the United States, including entities organized under 12
1442 U.S.C. s. 611, but does not include federal reserve banks. The
1443 term also includes any corporation, business association, or
1444 other organization that:

1445 (a) Is a wholly or partially owned subsidiary of any
1446 banking, banking corporation, or bank holding company that
1447 performs any or all of the functions of a banking organization;
1448 or

1449 (b) Performs functions pursuant to the terms of a contract
1450 with any banking organization.

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1451 ~~(10)(6)~~ "Business association" means any for-profit or
1452 nonprofit corporation other than a public corporation; joint
1453 stock company; investment company; unincorporated association or
1454 association of two or more individuals for business purposes,
1455 whether or not for profit; partnership; joint venture; limited
1456 liability company; sole proprietorship; business trust; trust
1457 company; land bank; safe-deposit company; safekeeping
1458 depository; banking or financial organization; insurance
1459 company; federally chartered entity; utility company; transfer
1460 agent; or other business entity, whether or not for profit.

1461 ~~(12)(8)~~ "Claimant ~~Claimant's~~ representative" means an
1462 attorney who is a member in good standing with ~~of~~ The Florida
1463 Bar, a certified public accountant licensed in this state, or a
1464 private investigator ~~who is duly licensed to do business in this~~
1465 ~~the~~ state, who is registered with the department, and authorized
1466 to file claims on behalf of persons with the department ~~by the~~
1467 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1468 The term does not include a person acting in a representative or
1469 fiduciary capacity, such as a personal representative, guardian,
1470 trustee, or attorney, whose representation is not contingent
1471 upon the discovery or location of abandoned ~~unclaimed~~ property,
1472 and it expressly excludes locators, who engage in locating
1473 owners of abandoned property for a fee but are not registered
1474 with the department; ~~provided, however, that any agreement~~
1475 ~~entered into for the purpose of evading s. 717.135 is invalid~~
1476 ~~and unenforceable.~~

1477 ~~(9)~~ "~~Credit balance~~" means an account balance in the
1478 ~~customer's favor.~~

1479 ~~(15)(12)~~ "Due diligence" means the use of reasonable and

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

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

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

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

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

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

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

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

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

1. A non-freely transferable security; or

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

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

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

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

~~(21)(19)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term "last known address" includes any partial

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description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

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

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

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

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

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property.

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

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

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

Section 24. Section 717.102, Florida Statutes, is amended to read:

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

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned ~~claim~~

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such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

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

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

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

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously

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1625 ~~records makes~~ and preserves evidence ~~a record of the fact of the~~
1626 ~~apparent owner's~~ communication.~~†~~

1627 (c) Presentment of a check or other instrument for ~~of~~
1628 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
1629 distributions related to the property. ~~distribution, with~~
1630 ~~respect to an account, underlying security, or interest in a~~
1631 ~~business association;~~

1632 (d) Any account activity initiated ~~directed~~ by an apparent
1633 owner or authorized representative ~~in the account in which the~~
1634 ~~property is held~~, including accessing the account or directing
1635 changes to information concerning the account, or to the amount
1636 or type of property held, excluding routine automatic
1637 transactions previously authorized, ~~a direction by the apparent~~
1638 ~~owner~~ to increase, decrease, or otherwise change the amount or
1639 type of property held in the account.~~†~~

1640 (e) Any ~~A~~ deposit into or withdrawal from the property or
1641 the an account in which the property is held ~~at a financial~~
1642 ~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or
1643 reinvestments ~~deposit or withdrawal~~ previously authorized by the
1644 apparent owner or authorized representative. ~~an automatic~~
1645 ~~reinvestment of dividends or interest, which does not constitute~~
1646 ~~an expression of interest; or~~

1647 (f) Any other action by the apparent owner or authorized
1648 representative which reasonably demonstrates to the holder that
1649 the apparent owner or authorized representative is aware of and
1650 maintains an interest in ~~knows that~~ the property ~~exists.~~

1651 ~~(3)(4)~~ If a holder learns or receives confirmation of an
1652 apparent owner's death, the property shall be presumed abandoned
1653 ~~unclaimed~~ 2 years after the date of death, unless an authorized

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representative makes an affirmative demonstration ~~a fiduciary~~
~~appointed to represent the estate of the apparent owner has made~~
~~an expression~~ of interest in the property before the expiration
of the 2-year period. This subsection may not be construed to
extend the otherwise applicable dormancy period prescribed by
this chapter.

Section 25. Section 717.103, Florida Statutes, is amended
to read:

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

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

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

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

(a) The last known address of the apparent owner ~~person~~

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entitled to the property is in this state.~~†~~ or

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

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

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

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

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

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

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

Section 26. Section 717.1035, Florida Statutes, is repealed.

Section 27. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler's checks and money orders.—

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

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

(3) A ~~No~~ holder may not deduct from the amount of any

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traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the holder ~~issuer~~ and the apparent owner of the property pursuant to which the holder ~~issuer~~ may impose those charges and the holder ~~issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

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

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

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

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

(5) Notwithstanding any other provision of this chapter,

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

Section 28. Section 717.1045, Florida Statutes, is amended to read:

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

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

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

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

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

Section 29. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or

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certified by banking and financial organizations.—

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

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

Section 30. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

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

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1828 automatically renewable, and any funds paid toward the purchase
1829 of shares, a mutual investment certificate, or any other
1830 interest in a banking or financial organization is presumed
1831 abandoned ~~unclaimed~~ unless the apparent owner or authorized
1832 representative has, within 5 years, engaged in any of the
1833 following activities:

1834 (a) Increased or decreased the amount of the deposit or
1835 presented the passbook or other similar evidence of the deposit
1836 for the crediting of interest.~~+~~

1837 (b) Communicated in writing or by documented telephone
1838 contact with the banking or financial organization concerning
1839 the property.~~+~~

1840 (c) Otherwise demonstrated a continued ~~indicated an~~
1841 interest in the property as evidenced by a memorandum or other
1842 record on file with the banking or financial organization.~~+~~

1843 (d) Owned other property to which paragraph (a), paragraph
1844 (b), or paragraph (c) is applicable and if the banking or
1845 financial organization communicates in writing with the owner
1846 with regard to the property that would otherwise be presumed
1847 abandoned ~~unclaimed~~ under this subsection at the address to
1848 which communications regarding the other property regularly are
1849 sent.~~+~~ ~~or~~

1850 (e) Had another relationship with the banking or financial
1851 organization concerning which the apparent owner has:

1852 1. Communicated in writing with the banking or financial
1853 organization; or

1854 2. Otherwise demonstrated a continued ~~indicated an~~ interest
1855 as evidenced by a memorandum or other record on file with the
1856 banking or financial organization and if the banking or

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financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

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

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

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

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection (1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which

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consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

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

Section 31. Subsection (1) of section 717.107, Florida Statutes, is amended to read:

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

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

Section 32. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned ~~unclaimed~~

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demutualization, rehabilitation, or related reorganization proceeds.—

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

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

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

Section 33. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed

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by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

Section 34. Section 717.109, Florida Statutes, is amended to read:

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

Section 35. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

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

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

2. Five ~~Three~~ years after the most recent of any account

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~~owner-generated~~ activity or communication initiated by the
apparent owner or authorized representative which demonstrates
continued interest in the ~~related to the~~ account, as recorded
and maintained by ~~in~~ the holder. Routine automatic reinvestments
or other routine transactions previously authorized by the
apparent owner or authorized representative do not prevent,
interrupt, or reset the dormancy period and do not constitute an
affirmative demonstration of continued interest. ~~holder's~~
~~database and records systems sufficient enough to demonstrate~~
~~the owner's continued awareness or interest in the property;~~

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

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

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

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

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

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

(b) If the holder does not send communication to the
apparent owner of a security by first-class United States mail
on an annual basis, the holder shall attempt to confirm the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with

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the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.

Section 36. Section 717.111, Florida Statutes, is amended to read:

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

Section 37. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:

717.112 Property held by agents and fiduciaries.—

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

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of

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record~~r~~ is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 38. Section 717.1125, Florida Statutes, is amended to read:

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

Section 39. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry

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and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 40. Section 717.115, Florida Statutes, is amended to read:

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

Section 41. Section 717.116, Florida Statutes, is amended to read:

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

Section 42. Section 717.117, Florida Statutes, is amended to read:

717.117 Holder due diligence and report of abandoned

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2147 ~~unclaimed~~ property.—

2148 (1) Property is presumed abandoned upon expiration of the
2149 applicable dormancy period under this chapter. However, such
2150 property is not deemed abandoned for purposes of reporting or
2151 remittance to the department until the holder has conducted
2152 reasonable due diligence as required by this section, resulting
2153 in no indication of interest from the apparent owner or
2154 authorized representative.

2155 (2) Holders of property presumed abandoned that has a value
2156 of \$50 or more shall use due diligence to locate and notify the
2157 apparent owner that the holder is in possession of property
2158 subject to this chapter. At least 90 days, but not more than 180
2159 days, before filing the report required by this section, a
2160 holder in possession of presumed abandoned property shall send
2161 written notice by first-class United States mail to the apparent
2162 owner's last known address as shown in the holder's records or
2163 from other available sources, or by e-mail if the apparent owner
2164 has elected for e-mail delivery, informing the apparent owner
2165 that the holder is in possession of property subject to this
2166 chapter, provided that the holder's records contain a mailing or
2167 e-mail address for the apparent owner which is not known by the
2168 holder to be inaccurate. The holder may provide notice by mail,
2169 by e-mail, or by both methods. If the holder's records indicate
2170 that the mailing address is inaccurate, notice may be provided
2171 by e-mail if the apparent owner has elected e-mail delivery.

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

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

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

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

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

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

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

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

(f) A statement that the property is currently in the custody of the holder and that the apparent owner may prevent

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transfer of the property by contacting the holder before the
deadline stated in the notice.

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

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

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

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

(d) The nature or type of property, any accounting or
identifying number associated with the property, a description

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of the property, and the amount appearing from the records to be due. Items of value of less than \$10 each may be reported in the aggregate.

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

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

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

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

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

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

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prudent efforts to determine the names of all prior holders.

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

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

~~(6) Holders of inactive accounts having a value of \$50 or more shall use due diligence to locate and notify apparent owners that the entity is holding unclaimed property available~~

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

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

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

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

~~(c) State that the property will be turned over to the custody of the department as unclaimed property if no response~~

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2321 ~~to this letter is received.~~

2322 ~~(d) State that any property that is not legal tender of the~~
2323 ~~United States may be sold or liquidated by the department.~~

2324 ~~(e) State that after the property is turned over to the~~
2325 ~~department, an apparent owner seeking return of the property may~~
2326 ~~file a claim with the department.~~

2327 ~~(f) State that the property is currently with a holder and~~
2328 ~~provide instructions that the apparent owner must follow to~~
2329 ~~prevent the holder from reporting and paying for the property or~~
2330 ~~from delivering the property to the department.~~

2331 ~~(12)(8)~~ Any holder of intangible property may file with the
2332 department a petition for determination that the property is
2333 abandoned and unclaimed requesting the department to accept
2334 custody of the property. The petition shall state any special
2335 circumstances that exist, contain the information required by
2336 subsection (9) ~~subsection (4)~~, and show that a diligent search
2337 has been made to locate the apparent owner. If the department
2338 finds that the proof of diligent search is satisfactory, it
2339 shall give notice as provided in s. 717.118 and accept custody
2340 of the property.

2341 ~~(13)(9)~~ Upon written request by any entity or person
2342 required to file a report, stating such entity's or person's
2343 justification for such action, the department may place that
2344 entity or person in an inactive status as an abandoned unclaimed
2345 property "holder."

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

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

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

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

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

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

Section 43. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned ~~unclaimed~~ property.—

(1) It is specifically recognized that the state has an

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obligation to make an effort to notify apparent owners in a
cost-effective manner that their abandoned property has been
reported and remitted to the department ~~of unclaimed property in~~
~~a cost-effective manner~~. In order to provide all the citizens of
this state an effective and efficient program for the recovery
of abandoned personal ~~unclaimed~~ property, the department shall
use cost-effective means to make at least one active attempt to
notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
valued at \$50 or more, abandoned tangible property, and
abandoned shares of stock for which more than \$250 with a
reported address or taxpayer identification number is available.
Such active attempt to notify apparent owners shall include any
attempt by the department to directly contact the apparent
owner. Other means of notification, such as publication of the
names of apparent owners in the newspaper, on television, on the
Internet, or through other promotional efforts and items in
which the department does not directly attempt to contact the
apparent owner are expressly declared to be passive attempts.
~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
agencies or entities of state government from notifying owners
of the existence of abandoned ~~unclaimed~~ property or attempting
to notify apparent owners of abandoned ~~unclaimed~~ property.

(2) Notification provided directly to individual apparent
owners shall contain ~~consist of~~ a description of the abandoned
property and information regarding recovery of the ~~unclaimed~~
property from the department. The form and content of the
department's notice shall be tailored to the type of property
reported and shall include any information necessary to
reasonably inform the apparent owner of the consequences of

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2408 failure to claim the property, including potential sale or
2409 disposition under s. 717.122.

2410 (3) The department shall maintain a publicly accessible,
2411 electronically searchable website that includes the names of
2412 apparent owners of abandoned property reported to the department
2413 and instructions for filing a claim. The website must list
2414 property valued at \$10 or more and provide instructions for
2415 filing a claim. Abandoned property valued at less than \$10
2416 remains recoverable from the department in accordance with this
2417 chapter.

2418 (4) This section is not applicable to abandoned sums
2419 payable on traveler's checks, money orders, and other written
2420 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2421 abandoned property reported without the necessary identifying
2422 information to establish ownership.

2423 Section 44. Section 717.119, Florida Statutes, is amended
2424 to read:

2425 717.119 Payment or delivery of abandoned ~~unclaimed~~
2426 property.—

2427 (1) Every person who is required to file a report under s.
2428 717.117 shall simultaneously pay or deliver to the department
2429 all abandoned ~~unclaimed~~ property required to be reported. Such
2430 payment or delivery shall accompany the report as required in
2431 this chapter for the preceding calendar year.

2432 (2) Payment of abandoned ~~unclaimed~~ funds may be made to the
2433 department by electronic funds transfer.

2434 (3) If the apparent owner establishes the right to receive
2435 the abandoned ~~unclaimed~~ property to the satisfaction of the
2436 holder before the property has been delivered to the department

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2437 or it appears that for some other reason ~~the presumption that~~
2438 the property was erroneously classified as abandoned ~~is~~
2439 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2440 property to the department. In lieu of delivery, the holder
2441 shall file a verified written explanation of the proof of claim
2442 or of the error in classification of ~~the presumption that~~ the
2443 property as abandoned ~~was unclaimed~~.

2444 (4) All virtual currency reported under this chapter on the
2445 annual report filing required in s. 717.117 shall be remitted to
2446 the department with the report. The holder shall liquidate the
2447 virtual currency and remit the proceeds to the department. The
2448 liquidation must occur within 30 days before the filing of the
2449 report. Upon delivery of the virtual currency proceeds to the
2450 department, the holder is relieved of all liability of every
2451 kind in accordance with the provisions of s. 717.1201 to every
2452 person for any losses or damages resulting to the person by the
2453 delivery to the department of the virtual currency proceeds.

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

2464 (6) All intangible and tangible property held in a safe-
2465 deposit box or any other safekeeping repository reported under

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s. 717.117 shall not be delivered to the department until 120 days after the report due date. The delivery of the property, through the United States mail or any other carrier, shall be insured by the holder at an amount equal to the estimated value of the property. Each package shall be clearly marked on the outside "Deliver Unopened." A holder's safe-deposit box contents shall be delivered to the department in a single shipment. In lieu of a single shipment, holders may provide the department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section.

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

(b) Any firearm or ammunition found in an abandoned ~~unclaimed~~ safe-deposit box or any other safekeeping repository shall be delivered by the holder to a law enforcement agency for property handling or disposal pursuant to s. 705.103(2)(b). If the firearm is sold by the law enforcement agency, ~~with the~~ balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold. However,~~ The department is authorized to make a reasonable attempt to ascertain the historical value to collectors of any firearm that has been delivered to the department. Any firearm appearing to have

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historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

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

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

(e) If a will or trust instrument is included among the contents of an abandoned ~~a~~ safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or

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amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate ~~evidence of the death~~ of the testator or settlor.

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

717.1201 Custody by state; holder liability; reimbursement

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

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

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

(2) For the purposes of this section, a payment or delivery

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of abandoned ~~unclaimed~~ property is made in good faith if:

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

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

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

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

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

Section 46. Section 717.122, Florida Statutes, is amended to read:

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

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the

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bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an ~~the~~ ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

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

(b) Unless the department deems it to be in the public

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interest to do otherwise, all abandoned securities ~~presumed~~
~~unclaimed~~ and delivered to the department may be sold upon
receipt. Any person making a claim pursuant to this chapter is
entitled to receive either the securities delivered to the
department by the holder, if they still remain in the hands of
the department, or the proceeds received from sale, but no
person has any claim under this chapter against the state, the
holder, any transfer agent, any registrar, or any other person
acting for or on behalf of a holder for any appreciation in the
value of the property occurring after delivery by the holder to
the state.

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

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

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

Section 47. Section 717.123, Florida Statutes, is amended

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to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The department shall retain, at minimum, from funds received under this chapter, the an amount estimated by the Revenue Estimating Conference for not exceeding \$15 million from which the department to ~~shall~~ make prompt payment of claims allowed by the department and ~~shall pay~~ the administrative costs incurred ~~by the department~~ in administering and enforcing this chapter. Before the close of each fiscal year, the department shall transfer to the State School Fund no more than the transfer amount estimated by the Revenue Estimating Conference All ~~remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.~~

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

Section 48. Section 717.1235, Florida Statutes, is amended to read:

717.1235 Dormant campaign accounts; ~~report of unclaimed property.~~ Abandoned ~~Unclaimed~~ funds reported in the name of a

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campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 49. Section 717.124, Florida Statutes, is amended to read:

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's

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identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned Unclaimed Property Recovery Agreement or Abandoned Unclaimed Property Purchase Agreement, if applicable, is void.

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

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

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be

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extended by 60 days if the department has good cause to need additional time or if the abandoned ~~unclaimed~~ property:

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

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

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

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

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

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

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

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

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

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

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state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

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

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

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

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

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2843 this subsection.

2844 (9)(a) Notwithstanding any other provision of this chapter,
2845 the department may develop and implement a verification and
2846 disbursement process by which an account, after being received
2847 by the department and added to the abandoned ~~unclaimed~~ property
2848 database, for which the apparent owner entity is:

2849 1. A state agency in this state or a subdivision or
2850 successor agency thereof;

2851 2. A county government in this state or a subdivision
2852 thereof;

2853 3. A public school district in this state or a subdivision
2854 thereof;

2855 4. A municipality in this state or a subdivision thereof;
2856 or

2857 5. A special taxing district or authority in this state,
2858
2859 may be disbursed to the apparent owner entity or successor
2860 entity. The department shall include with the payment a
2861 notification and explanation of the dollar amount, the source,
2862 and the property type of each account included in the
2863 disbursement.

2864 (b) The department may adopt rules to implement this
2865 subsection.

2866 (10) Notwithstanding any other provision of this chapter,
2867 the department may develop a process by which a claimant
2868 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
2869 electronically submit to the department an electronic image of a
2870 completed claim and claims-related documents under this chapter,
2871 including an Abandoned ~~Unclaimed~~ Property Recovery Agreement or

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2872 Abandoned ~~Unclaimed~~ Property Purchase Agreement that has been
2873 signed and dated by a claimant or seller under s. 717.135, after
2874 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
2875 ~~property~~ receives the original documents provided by the
2876 claimant or the seller for any claim. Each claim filed by a
2877 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
2878 ~~property~~ must include a statement by the claimant ~~claimant's~~
2879 representative ~~or the buyer of unclaimed property~~ attesting that
2880 all documents are true copies of the original documents and that
2881 all original documents are physically in the possession of the
2882 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
2883 ~~property~~. All original documents must be kept in the original
2884 form, by claim number, under the secure control of the claimant
2885 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
2886 must be available for inspection by the department in accordance
2887 with s. 717.1315. The department may adopt rules to implement
2888 this subsection.

2889 (11) This section applies to all abandoned ~~unclaimed~~
2890 property reported and remitted to the Chief Financial Officer,
2891 including, but not limited to, property reported pursuant to ss.
2892 45.032, 732.107, 733.816, and 744.534.

2893 Section 50. Section 717.12403, Florida Statutes, is amended
2894 to read:

2895 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
2896 account in a financial institution held in the name of more than
2897 one person.—

2898 (1)(a) If an abandoned ~~unclaimed~~ demand, savings, or
2899 checking account in a financial institution is reported as an
2900 “and” account in the name of two or more persons who are not

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beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

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

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

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account.

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2930 This presumption may be rebutted by showing that entitlement to
2931 the account has been transferred to another person or by clear
2932 and convincing evidence demonstrating that the account should
2933 have been reported by the financial institution as an "and"
2934 account.

2935 (4) The department shall be deemed to have made a
2936 distribution in good faith if the department remits funds
2937 consistent with this section.

2938 Section 51. Subsection (2) of section 717.12404, Florida
2939 Statutes, is amended to read:

2940 717.12404 Claims on behalf of a business entity or trust.—

2941 (2) Claims on behalf of an active or a dissolved
2942 corporation, a business entity ~~other than an active corporation~~,
2943 or a trust must include a legible copy of a valid driver license
2944 of the person acting on behalf of the ~~dissolved~~ corporation,
2945 business entity ~~other than an active corporation~~, or trust. If
2946 the person has not been issued a valid driver license, the
2947 department shall be provided with a legible copy of a
2948 photographic identification of the person issued by the United
2949 States, a foreign nation, or a political subdivision or agency
2950 thereof. In lieu of photographic identification, a notarized
2951 sworn statement by the person may be provided which affirms the
2952 person's identity and states the person's full name and address.
2953 The person must produce his or her photographic identification
2954 issued by the United States, a state or territory of the United
2955 States, a foreign nation, or a political subdivision or agency
2956 thereof or other evidence deemed acceptable by the department by
2957 rule. The notary shall indicate the notary's full address on the
2958 notarized sworn statement. Any claim filed without the required

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identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

Section 52. Section 717.12405, Florida Statutes, is amended to read:

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

Section 53. Section 717.12406, Florida Statutes, is amended to read:

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

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

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

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

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

(5) "Or" means that each person listed on the account is

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entitled to all of the funds.

Section 54. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

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

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

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

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

(c) If a buyer's claim or a purchasing claimant representative's claim and a claimant's claim or a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~

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department on the same day and the claims are complete, to the buyer.

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

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

~~(3)(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the

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3046 buyer or the claimant ~~claimant's~~ representative, or both.

3047 Nothing in this section forecloses the right of a person to
3048 challenge the department's determination of completeness in a
3049 proceeding under ss. 120.569 and 120.57.

3050 ~~(4)-(3)~~ A claim is complete when entitlement to the
3051 abandoned ~~unclaimed~~ property has been established.

3052 Section 55. Subsection (1) of section 717.1242, Florida
3053 Statutes, is amended to read:

3054 717.1242 Restatement of jurisdiction of the circuit court
3055 sitting in probate and the department.—

3056 (1) It is and has been the intent of the Legislature that,
3057 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3058 proceedings relating to the settlement of the estates of
3059 decedents and other jurisdiction usually pertaining to courts of
3060 probate. It is and has been the intent of the Legislature that,
3061 pursuant to this chapter, the department determines the merits
3062 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3063 or delivered to the department under this chapter. Consistent
3064 with this legislative intent, any beneficiary, devisee, heir,
3065 personal representative, or other interested person, as those
3066 terms are defined in the Florida Probate Code and the Florida
3067 Trust Code, of an estate seeking to obtain property paid or
3068 delivered to the department under this chapter must file a claim
3069 with the department as provided in s. 717.124.

3070 Section 56. Subsections (1) and (4) of section 717.1243,
3071 Florida Statutes, are amended to read:

3072 717.1243 Small estate accounts.—

3073 (1) A claim for abandoned ~~unclaimed~~ property made by a
3074 beneficiary, as defined in s. 731.201, of a deceased owner need

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not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

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

Section 57. Section 717.1244, Florida Statutes, is amended to read:

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

Section 58. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding

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brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 59. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 60. 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 61. 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

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as being authentic by the issuing governmental agency.

Section 62. Section 717.1262, Florida Statutes, is amended to read:

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

Section 63. Section 717.129, Florida Statutes, is amended to read:

717.129 Periods of limitation.—

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

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a

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notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 64. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

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

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

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Section 65. Section 717.1315, Florida Statutes, is amended to read:

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

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

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

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

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request of the department.

Section 66. Subsections (2) and (3) of section 717.132, Florida Statutes, are amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(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 67. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and

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subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

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

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

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

(j) Requesting or receiving compensation for notifying a person of his or her abandoned unclaimed property or assisting another person in filing a claim for abandoned unclaimed property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned unclaimed property owned by another, unless such person is a registered claimant representative registered with the department under this chapter and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private~~

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~~investigator licensed under chapter 493.~~ This paragraph does not apply to a person who has been granted a durable power of attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

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

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

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

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

(d) Issuing a reprimand.†

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

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

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in

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subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

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

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of

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competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 68. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

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

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

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

Section 69. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

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

(2) If the records of the holder that are available for the

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periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 70. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

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

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

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

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

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~

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property that the person is not entitled to receive; or

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

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

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

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

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

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

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

Section 71. Section 717.135, Florida Statutes, is amended
to read:

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

(1) In order to protect the interests of owners of

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3452 ~~abandoned unclaimed~~ property, the department shall adopt by rule
3453 a form entitled "Abandoned Unclaimed Property Recovery
3454 Agreement" and a form entitled "Abandoned Unclaimed Property
3455 Purchase Agreement."

3456 (2) The Abandoned Unclaimed Property Recovery Agreement and
3457 the Abandoned Unclaimed Property Purchase Agreement must include
3458 and disclose all of the following:

3459 (a) The total dollar amount of abandoned unclaimed property
3460 accounts claimed or sold.

3461 (b) The total percentage of all authorized fees and costs
3462 to be paid to the claimant ~~claimant's~~ representative or the
3463 percentage of the value of the property to be paid as net gain
3464 to the purchasing claimant ~~claimant's~~ representative.

3465 (c) The total dollar amount to be deducted and received
3466 from the claimant as fees and costs by the claimant ~~claimant's~~
3467 representative or the total net dollar amount to be received by
3468 the purchasing claimant ~~claimant's~~ representative.

3469 (d) The net dollar amount to be received by the claimant or
3470 the seller.

3471 (e) For each account claimed, the abandoned unclaimed
3472 property account number.

3473 (f) For the Abandoned Unclaimed Property Purchase
3474 Agreement, a statement that the amount of the purchase price
3475 will be remitted to the seller by the purchaser within 30 days
3476 after the execution of the agreement by the seller.

3477 (g) The name, address, e-mail address, phone number, and
3478 license number of the claimant ~~claimant's~~ representative.

3479 (h)1. The manual signature of the claimant or seller and
3480 the date signed, affixed on the agreement by the claimant or

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seller.

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

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

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

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

(4) A claimant ~~claimant's~~ representative must use the Abandoned Unclaimed Property Recovery Agreement or the Abandoned Unclaimed Property Purchase Agreement as the exclusive means of

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entering into an agreement or a contract with a claimant or seller to file a claim with the department.

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

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

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

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

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

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the time of approval.

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

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

Section 72. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

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

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

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

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

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

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3568 sold.

3569 2. The total percentage of the value of the abandoned
3570 property to be paid as net gain to the purchaser.

3571 3. The total net dollar amount to be received by the
3572 purchaser.

3573 4. The net dollar amount to be received by the seller.

3574 (d) The agreement states the abandoned property account
3575 number for each abandoned property account sold.

3576 (e) The purchase price does not discount the total value of
3577 all abandoned property subject to the sale by more than 30
3578 percent.

3579 (f) The agreement states that the amount of the purchase
3580 price will be remitted to the seller by the purchaser within 30
3581 days after the execution of the agreement by the seller.

3582 (g) The agreement includes the name, address, e-mail
3583 address, and phone number of the purchaser.

3584 (h) The agreement states that the abandoned property is
3585 currently in the department's custody and that the seller can
3586 claim the property directly from the department on its
3587 electronically searchable website without being charged a fee.
3588 The agreement must provide the department's website address.

3589 (2) A seller may cancel a purchase agreement without
3590 penalty or obligation within 15 business days after the date on
3591 which the agreement was executed. The agreement must contain the
3592 following language in minimum 12-point type: "You may cancel
3593 this agreement for any reason without penalty or obligation to
3594 you within 15 days after the date of this agreement by providing
3595 notice to . . . (name of purchaser) . . . , submitted in writing
3596 and sent by certified mail, return receipt requested, or other

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

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

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

Section 73. Section 717.138, Florida Statutes, is amended to read:

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

Section 74. Section 717.1382, Florida Statutes, is amended to read:

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

(1) Notwithstanding any other provision of law, a United

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

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

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

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

(d) The notice of action shall be published once a week for

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4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

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

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

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

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

Section 75. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that

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abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

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

Section 76. Section 717.1400, Florida Statutes, is amended to read:

717.1400 Registration.—

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

(a) Be one of the following:

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3713 1. A Florida-licensed private investigator holding a Class
3714 "C" individual license under chapter 493;

3715 2. A Florida-certified public account; or

3716 3. A Florida-licensed attorney.

3717 (b) Have obtained a certificate of registration from ~~Must~~
3718 ~~register with~~ the department.

3719 (2) An application for registration as a claimant
3720 representative must be submitted in writing on a form prescribed
3721 by the department and must be accompanied by all of the
3722 following:

3723 (a) A legible color copy of the applicant's current driver
3724 license showing the full name and current address of such
3725 person. If a current driver license is not available, another
3726 form of photo identification must be provided which shows the
3727 full name and current address of such person.

3728 (b) If the applicant is a private investigator:

3729 1. on such form as the department prescribes by rule and
3730 ~~must be verified by the applicant. To register with the~~
3731 ~~department, a private investigator must provide:~~

3732 ~~(a)~~ A legible copy of the applicant's Class "A" business
3733 license under chapter 493 or that of the applicant's firm or
3734 employer which holds a Class "A" business license under chapter
3735 493; and-

3736 ~~2.(b)~~ A legible copy of the applicant's Class "C"
3737 individual license issued under chapter 493.

3738 (c) If the applicant is a certified public account, the
3739 applicant's Florida Board of Accountancy number.

3740 (d) If the applicant is a licensed attorney, the
3741 applicant's Florida Bar number.

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3742 (e)~~(e)~~ The business address, and telephone number, tax
3743 identification number, and state of domicile or incorporation of
3744 the applicant's ~~private investigative~~ firm or employer.

3745 (f)~~(d)~~ The names of agents, ~~or~~ employees, or independent
3746 contractors, if any, who are designated or authorized to act on
3747 behalf of the applicant ~~private investigator~~, together with a
3748 legible color copy of their photo identification issued by an
3749 agency of the United States, or a state, or a political
3750 subdivision thereof.

3751 (g) A statement that the applicant has not, during the 5-
3752 year period immediately preceding the submission of the
3753 application, violated any part of the Florida Disposition of
3754 Abandoned Personal Property Act.

3755 (h) A statement that the applicant has not been convicted
3756 of, or plead guilty to, a felony or any offense involving moral
3757 turpitude; dishonesty; deceit; or breach of fiduciary duty,
3758 including theft, attempted theft, falsification, tampering with
3759 records, securing writings by deception, fraud, forgery, or
3760 perjury.

3761 (i)~~(e)~~ Sufficient information to enable the department to
3762 disburse funds by electronic funds transfer.

3763 (j) The applicant's notarized signature immediately
3764 following an acknowledgment that any false or perjured statement
3765 subjects the applicant to criminal liability under the laws of
3766 this state

3767 ~~(f) The tax identification number of the private~~
3768 ~~investigator's firm or employer which holds a Class "A" business~~
3769 ~~license under chapter 493.~~

3770 ~~(2) In order to file claims as a claimant's representative,~~

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3771 ~~receive a distribution of fees and costs from the department,~~
3772 ~~and obtain unclaimed property dollar amounts and numbers of~~
3773 ~~reported shares of stock held by the department, a Florida-~~
3774 ~~certified public accountant must register with the department on~~
3775 ~~such form as the department prescribes by rule and must be~~
3776 ~~verified by the applicant. To register with the department, a~~
3777 ~~Florida-certified public accountant must provide:~~

3778 ~~(a) The applicant's Florida Board of Accountancy number.~~

3779 ~~(b) A legible copy of the applicant's current driver~~
3780 ~~license showing the full name and current address of such~~
3781 ~~person. If a current driver license is not available, another~~
3782 ~~form of identification showing the full name and current address~~
3783 ~~of such person or persons shall be filed with the department.~~

3784 ~~(c) The business address and telephone number of the~~
3785 ~~applicant's public accounting firm or employer.~~

3786 ~~(d) The names of agents or employees, if any, who are~~
3787 ~~designated to act on behalf of the Florida-certified public~~
3788 ~~accountant, together with a legible copy of their photo~~
3789 ~~identification issued by an agency of the United States, or a~~
3790 ~~state, or a political subdivision thereof.~~

3791 ~~(e) Sufficient information to enable the department to~~
3792 ~~disburse funds by electronic funds transfer.~~

3793 ~~(f) The tax identification number of the accountant's~~
3794 ~~public accounting firm employer.~~

3795 ~~(3) In order to file claims as a claimant's representative,~~
3796 ~~receive a distribution of fees and costs from the department,~~
3797 ~~and obtain unclaimed property dollar amounts and numbers of~~
3798 ~~reported shares of stock held by the department, an attorney~~
3799 ~~licensed to practice in this state must register with the~~

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department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, such attorney must provide:

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

~~(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,~~÷~~ a designated agent or employee ceasing to act on behalf of the designating person, a surrender,

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

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

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

~~(5)-(6)~~ An applicant's claimant representative's A ~~registrant's~~ firm or employer may not have a name that might lead another person to conclude that the claimant representative's ~~registrant's~~ firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. The department shall deny an application for registration or revoke a registration if the applicant's or claimant representative's ~~registrant's~~ firm or employer has a name that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. Names

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that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state, include, but are not limited to, the words United States, Florida, state, bureau, division, department, or government.

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

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

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

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

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

Section 77. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must

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be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. 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:

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Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a surplus of \$...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

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

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

Dated:

Clerk of Court

Section 78. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

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and unfair or deceptive acts or practices:

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

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

2. No life insurer shall:

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

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

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

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

Section 79. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

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

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(6) (a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

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

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

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the

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possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

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

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

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Section 80. This act shall take effect upon becoming a law.